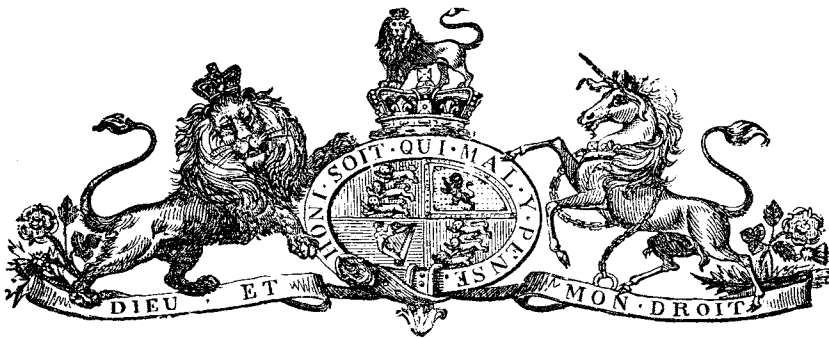


T A S M A N I A .



1 8 9 9 .

ANNO SEXAGESIMO-TERTIO

VICTORIÆ REGINÆ,

No. 7.

Amended Sec 12

Repeal

AN ACT to continue and amend "The Electoral Act, 1896." [29 September, 1899.] A.D. 1899.

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as "The Electoral Act Continuation and Amendment Act, 1899." Short title.

2 "The Electoral Act, 1896," shall remain and continue in full force and operation until the Thirtieth day of *September*, One thousand nine hundred. Operation of 60 Vict. No. 49 continued.

3 In this Act, the expression "the said Act" shall mean "The Electoral Act, 1896." Interpretation.

4 Part II. of the said Act, containing Sections Seventeen to Seventy-nine both inclusive, and Schedules (7.) to (15.) both inclusive, are hereby repealed. Repeal.

Provided that the Electoral Roll and Polling List in force for any District at the passing of this Act shall be continued, and shall be the Electoral Roll and Polling List for such District, until the preparation and revision of the Electoral Roll has been made under the provisions of this Act for such District.

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What shall be deemed publication of documents.

5 Where by this Act or the said Act any document is required or directed to be published in any Electoral District, a copy of such document shall be affixed on or near to the door of every Post Office and Police Office or Police Station within such District; and in case there is no Post Office, Police Office, or Police Station within such District, then such document shall be affixed in such conspicuous places within such District as the Returning Officer thinks proper; and such document shall be kept affixed as aforesaid during the time appointed in each case for that purpose.

Provision in case published documents are destroyed, &c.

6 In case any document required by this Act or the said Act to be published in any District is destroyed, mutilated, effaced, or removed before the expiration of the period for which the same is required to be published, the person required to publish such document shall, as soon as conveniently may be, publish in like manner in its place another document to the like purport and effect with the document so destroyed, mutilated, effaced, or removed.

Penalty for hindering publication.

7 Any person who wilfully destroys, mutilates, effaces, or removes any document required by this Act or the said Act to be published in any District, during the period for which the same is required to be published, shall for every such offence forfeit a penalty not exceeding Ten Pounds.

Documents not invalidated by imperfect publication.

8 No list or other document shall be invalidated by reason that it has not been affixed in every place and for the full time required by this Act or the said Act for the publication thereof; but the person charged with the duty of publishing such list or other document who makes default in such publication shall forfeit a penalty not exceeding Ten Pounds.

Electoral Rolls.

Rolls to be kept.

9 Electoral Rolls shall be kept by the Returning Officer of each District, wherein the names of all Electors shall be entered.

Returning Officer to make Rolls.

10 The Returning Officer shall receive claims to vote, and shall enter the names of Electors in the Electoral Roll pursuant thereto, and make alterations in such Rolls as herein provided.

How Rolls to be compiled.

11 The Electoral Roll kept by each Returning Officer shall be compiled in a convenient book, and shall be arranged in alphabetical order, and blank spaces shall be left after each letter for additions to such Roll.

Rolls to be arranged in Polling-places.

12 There shall be a separate Electoral Roll for each Electoral District, and each Roll shall be divided in alphabetical order according to the Polling-places in such District.

Rolls to be conclusive.

13 The Electoral Roll shall be conclusive as to right of the Elector named therein to vote, and shall not be questioned, except in any Court of Revision, or when the Elector is challenged at the Poll by the Returning Officer, and then only as hereinafter expressly provided.

Where Electors may vote.

14 Each Elector shall vote at the Polling-place allotted to him on the Electoral Roll; provided that any Elector may vote at any Polling-

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place in the same District other than the one allotted to him upon making the oath or declaration prescribed in Schedule (22.) of the said Act. A.D. 1899. —

15 Any person claiming to vote in respect of any District may, at any time, forward to the Returning Officer notice in writing, signed by him, of his claim to vote in the form in the Schedule (1.), or to the like effect. When claims may be sent. Schedule (1.).

16 Any person claiming to vote for other than a property qualification shall, in his Notice of Claim, state the name of the Electoral District (if any) for which he was last entitled to vote, and the nature of his qualification and address in such District. Claimants to state previous Districts.

17 As soon as convenient after the day on which this Act comes into operation, and thereafter at such times as the Governor in Council may prescribe after or during the last Session of Parliament, previous to its dissolution or expiry, the Returning Officer of each District shall prepare a new Electoral Roll for such District in the form in the Schedule (2.). When Rolls to be made. Schedule (2.).

18 In preparing a new Electoral Roll for any District the Returning Officer shall place thereon the names of all persons then on the Electoral Roll in force, and of whose qualification to be placed on such new Roll the Returning Officer is satisfied. How Roll to be made.

19 The Electoral Roll for any District shall be printed whenever directed by the Chief Secretary. Roll to be printed when directed.

20 Rolls may be altered by the Returning Officer as follows:— Returning Officer may alter Rolls.

- i. By correcting any mistake in spelling or in the description of the qualification :
- ii. By changing on the written application of the Elector—
 - (a) The residence to another within the same District :
 - (b) The Polling-place to another within the same District :
 - (c) The original name to an altered name :
- iii. By striking out the names of dead persons :
- iv. By changing the name to another Polling-place in the event of a new Polling-place being appointed.

21 A Supplemental Roll, setting out additions and alterations to the existing Electoral Roll in each District, shall be made out by the Returning Officer and signed by him, and shall be in the form in Schedule (2.), or to the like effect. Supplemental Rolls may be prepared. Schedule (2.).

22 The Returning Officer, upon being satisfied that any person claiming to vote is entitled to vote, shall insert the name of such person upon the Electoral Roll. Names to be inserted in Roll.

23 —(1.) If the Returning Officer of any District shall add to the Electoral Roll of his District the name of any person whose name he has reason to believe is upon the Electoral Roll of any other District Notice of additions to Roll.

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in respect of the same qualification, he shall immediately notify the Returning Officer of such other District of such addition.

(2.) The last-mentioned Returning Officer shall, upon being satisfied as to identity, strike out the name of such person on the Electoral Roll of such other District.

List of deaths to be furnished.

24 Every Registrar of Births and Deaths shall, quarterly, forward a List to the Returning Officer of the Electoral District which includes any portion of the District for which such Registrar is appointed, of the names, addresses, and occupations of all male persons of the age of Twenty-one years and upwards whose deaths have been registered in such last-mentioned District during the preceding Three months.

How alterations to be made.

25 All alterations in any Electoral Roll shall be made in such a manner that the original entry shall not be defaced, and the reason for the alteration and the date thereof shall be set against the alteration, together with the initials of the officer making the alteration.

When alterations may be made.

26 No alteration of any Electoral Roll shall be made except by a Court of Revision during the Twenty-one days prior to the day for taking the Poll for any Election and the Roll shall be deemed closed at Twelve o'clock at night on the Twenty-second day preceding such Election day.

Supplemental Rolls to be printed.

27 The Returning Officer shall cause the Supplemental Rolls to be printed immediately previous to any Election.

Where copies of Roll obtainable.

28 Copies of the last printed Electoral Roll for each District shall be open for public inspection at the Post Office in each Polling-place in such District, and shall be obtainable thereat and from the Government Printing Office for One Shilling each.

Courts of Revision.

Courts of Revision.

29 A Court of Revision, consisting of Two or more Justices of the Peace resident within each District, assembled in Special Sessions, shall be held in each District in the months of *January, April, July, and October* in every year, and at such other times as the Governor in Council may from time to time appoint, for the purpose of revising the Electoral Rolls.

Additions to Roll submitted to Court of Revision.

30 A Court of Revision shall sit within Three days after the Roll is closed, under Section Twenty-six; and the Returning Officer shall attend and submit the names placed on the Roll by him since the last Court of Revision.

If the Court is not satisfied as to the qualification of any person whose name has been so placed on the Roll, the name of such person may be struck off without any notice being given to such person: Provided that the claim of such person to vote shall be dealt with at the next quarterly sitting of the Court as if the claim had not been dealt with.

Where Courts to be held.

31 Courts of Revision shall be held at such places in such Districts as the Governor in Council may from time to time appoint.

The time of holding such Revision Courts in the Cities of Hobart and Launceston shall be at the hour of half-past Seven o'clock in the evening.

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- 32** The Justices of the Peace who are present at the time and place appointed for the sitting, or adjourned sitting, of any Court of Revision shall, by a majority of votes, nominate one of their number to be Chairman of such Court of Revision during such sitting, or adjourned sitting, as the case may be; and if there is an equality of votes in the election of Chairman, it shall be decided by lot which of the Justices, having an equal number of votes, shall be Chairman. A.D. 1899.
Chairman of Court.
- 33** The Clerk of Petty Sessions shall be the Clerk of the Court of Revision. Clerk of Court.
- 34** The Clerk of the Court of Revision shall, by notice published in the District, and in a newspaper generally circulated in the District, notify the time and place at which such Court shall be held. Notice of meeting of Court.
- 35** Any name on the Electoral Roll of any District may be objected to by notice of objection in the form in Schedule (3.) lodged with the Clerk of the Court of Revision. Objections to name. Schedule (3.).
- 36** The notice of objection shall be signed by an Elector whose name is on the same Roll, or by the Returning Officer of the District. Notice of objection.
- 37** It shall be the duty of the Returning Officer to give notice of objection in respect of any name which he has reason to believe ought not to be retained on the Roll. Duty to object.
- 38** On receipt of the notice of objection the Clerk of the Court of Revision shall summon, in the form in the Schedule (4.), the person objected to, to appear to answer the objection at the Court of Revision to be held next after Fourteen days from the service of the summons. Summons to persons objected to. Schedule (4.).
Such summons may be served by posting the same to the last known place of abode of the person objected to, or if that be not known, then to the address appearing on the Electoral Roll.
- 39** Proof of the due posting of any summons shall be sufficient proof of service, but no proof of service shall be required where the person objected to appears. Proof of service.
- 40** The Clerk of each Court of Revision shall, at least Fourteen days before the sitting of the Court, publish in the District a list of all objections to be dealt with by the Court at its next sitting. List of objections to be published.
- 41** At the sitting of each Court of Revision the Electoral Roll and all claims and objections received since the last sitting of the Court shall be produced by the officer who has the custody of such documents. Rolls, &c., to be produced to Court.
- 42** Each Court of Revision shall, in open Court, finally revise the Electoral Roll for the District by hearing and determining all objections, and dealing with any claims to vote which the Returning Officer has not inserted in the Electoral Roll. Mode of Revision.
- 43** The names of all persons not objected to shall be retained on the Electoral Roll. Names to be retained on Roll.

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If objection not sustained. **44** The Court of Revision shall retain on the Electoral Roll the name of any person objected to where the objector shall not have appeared either personally or by some person duly authorised in writing on his behalf, or shall not have established his objection.
- Resistance of objection. **45** Any person authorised in writing may appear to resist any objection on behalf of the person objected to.
- Substitution of qualification. **46** If an objection is established the Court of Revision, if satisfied that the person objected to has another sufficient qualification, shall retain the name on the Electoral Roll, correcting only the entry by inserting the other qualification ; but if no other sufficient qualification is proved the name shall be struck out.
- Duplicate entries on Roll. **47** If the Court finds that the name of any person is entered more than once as an Elector, and that the entries relate to the same person, the Court shall retain the entry which correctly states the residence of the Elector, and strike out the other entry.
- Court may alter Roll. **48** The Court of Revision may exercise all powers of alteration in correcting mistakes and supplying omissions in the Roll which are exercisable by the Returning Officer.
- Court may insert claimants. **49** If any Court of Revision is satisfied that there has been a failure to insert the name of any person in the Electoral Roll upon a proper claim to vote duly made, and that when the claim was made there was a qualification sufficient, the Court shall insert the name of the claimant in the Roll.
- Roll as revised to be Roll. **50** The Electoral Roll of any District as revised from time to time by the Court of Revision shall be the Electoral and Supplemental Rolls for the purposes of any Election under the said Act.
- Powers of Court. **51** Every Court of Revision shall have power to require the attendance of all such witnesses, and the production of all such documents, as appear to the Court to be material or necessary touching the matters in question before the Court, and shall have all the same powers, authorities, and jurisdiction in summoning and compelling the attendance of witnesses, the production of documents, the administering of oaths, and the examination of witnesses as are now possessed by any Court of General Sessions of the Peace; and, for the purposes of this Act, the Clerk of the Court shall have the powers and authority of a Clerk of the Peace with respect to the process of such Court of Revision.
- Court may inflict fine. **52** It shall be lawful for any Court of Revision, by order in writing under the hand of the Chairman of the Court, to require any person who disobeys any lawful summons, order, or direction of such Court, or who misconducts himself, or is guilty of any improper behaviour in such Court, to pay a fine not exceeding Ten Pounds, but any such person so fined may appeal against the order in the mode prescribed by *The Appeals Regulation Act*.
- Appeal.
19 Vict. No. 10. **53** If any objection is not established the Court may award the person objected to a reasonable sum to be paid by the objector for costs and expenses in resisting the objection ; but no costs shall be awarded
- Court may award costs.

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against a Returning Officer if the Court is satisfied that he had in A.D. 1899.
objecting acted in good faith and on reasonable grounds.

54 In case any sum of money by the order of any Court of Revision How fine or costs
as aforesaid, directed to be paid by any person by way of fine or for recovered.
costs, is not paid according to the terms of such order, such sum shall 19 Vict. No. 8.
be recoverable in a summary way before any One or more Justice or
Justices of the Peace in the mode prescribed by *The Magistrates Sum-
mary Procedure Act.*

55 This Act and the said Act and every Act altering or amending Acts to be read
the same shall be read and construed together as one and the same together.
Act.

SCHEDULE.

(1.)

LEGISLATIVE COUNCIL ELECTORAL CLAIM.

Sects. 15 and 16.

Electoral District of [Derwent].

I claim to have my name entered on the Electoral Roll for the above District
and to vote at [New Norfolk]—

1. I am a natural born (*or naturalised*) subject of Her Majesty.
2. I am Twenty-one years of age.
3. I possess the following qualification, viz. :—
4. My name is [*Christian and Surname in full*], and I reside at
Dated this day of 189 .

[Usual Signature.]

*If Elector's name is entered upon the Electoral Roll for any other Legislative
Council District, he must state the following particulars for other than a property
qualification :—*

My name is on the Electoral Roll for the District of [Gordon], in respect of the
following qualification, viz.

HOUSE OF ASSEMBLY ELECTORAL CLAIM.

ELECTORAL DISTRICT OF [RINGAROOMA].

I CLAIM to have my name entered on the Electoral Roll for the above District, and
to vote at [Gladstone]—

1. I am a natural born (*or naturalised*) subject of Her Majesty.
2. I am Twenty-one years of age.
3. I possess the following qualification, viz. :—
4. I have been resident in Tasmania for a period of Twelve months.
5. My name is [*Christian and Surname in full*]; and I reside at
Dated this day of 189 .

[Usual Signature.]

*If Elector's name is entered upon the Electoral Roll for any other House of
Assembly District, he must state the following particulars for other than a property
qualification—*

My name is on the Electoral Roll for the District of [Cressy], in respect of the
following qualification, viz. :—

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Sects. 17 and 21.

(2.)

FORM OF ELECTORAL ROLL.

THE Electoral Roll for the Legislative Council District of [Buckingham].

List of Electors who vote at [New Town].

Surname and Christian Name of Elector in full.	Place of Residence.	Nature of Qualification.	Particulars of Qualification.	Column for Remarks and Initials to Alterations.

THE Electoral Roll for the House of Assembly District of [Sorell].

List of Electors who vote at [Bellerive].

Surname and Christian Name of Elector in full.	Place of Residence.	Nature of Qualification.	Particulars of Qualification.	Column for Remarks and Initials to Alterations.

(3.)

NOTICE OF OBJECTION.

Sect. 35.

I [John Jones, of Macquarie-street, Hobart, Carpenter,] object to the name of [give particulars as on the Roll] being retained on the Electoral Roll for the District of [Hobart] on the grounds that [here state grounds of objection].

Dated this day of 189

[Usual Signature.]

(4.)

SUMMONS.

Sect. 38.

To [James Henry Smith, of Murray-street, Hobart.]

You are required to appear at the Court of Revision, to be held at [the Mayor's Court Room, Hobart,] on the day of 189 at the hour of o'clock in the noon, to show cause why your name should not be struck off the Roll for the District of [Hobart] on the ground that [here state grounds from Notice of Objection].

A.B.,
Clerk of the Court.

N.B.— In case you do not attend, you will be liable to have your name struck off without further notice.