

11 GEO. V. No. 11, 1920. *Local Authorities Acts Amendment Act.*

- (f) Issuing stock certificates and, as often as occasion requires, reinscribing stock and re-issuing such certificates ;
- (g) Conducting generally all business connected with such stock.

All such regulations, on being published in the *Gazette*, shall be valid in law.

8. The Treasurer shall, within thirty days after the first meeting of Parliament in any year, lay before both Houses of Parliament a report showing, with respect to the financial year then last past, full particulars of every creation and inscription of Government Inscribed Stock and the terms and conditions thereof, together with copies of all agreements with any bank and all regulations made under the authority of this Act.

Matters to be reported to Parliament.

9. Nothing in this Act, and nothing done under this Act shall—

Saving clause.

- (a) Authorise an increase in the authorised amount of any loan ; or
- (b) Except by agreement abridge or in any way affect the rights or remedies which any person would have had against the Consolidated Revenue Fund or otherwise if this Act had not been passed.

LOCAL AUTHORITIES.

An Act to Amend "The Local Authorities Acts, 1902-1917," in certain particulars.

11 Geo. V. No. 11.

THE LOCAL AUTHORITIES ACTS AMENDMENT ACT OF 1920.

[ASSENTED TO 4TH JANUARY, 1921.]

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

Short title and construction of Act.

1. This Act may be cited as "*The Local Authorities Acts Amendment Act of 1920*," and shall be read as one with *"*The Local Authorities Acts, 1902-1917*," herein collectively referred to as the Principal Act.

* 2 Edw. VII. No. 19 and amending Acts, *supra*, pages 1860 *et seq.*, 5653, 5918, 8304.

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Amendment
of s. 11A.

2. In paragraph (d) of subsection one of section 11A of the Principal Act the words "one-fifth" are repealed and the words "ten per centum" are inserted in lieu thereof.

Amendment
of s. 12.

3. The following amendments are made in section twelve of the Principal Act :—

(1.) In the first paragraph of subsection one, after the words "composed of" the words "a Mayor and" are inserted.

The following provisions are added to the said subsection :—

"The Chairman in the case of a Town or City shall be called "The Mayor."

"The Mayor shall not be assigned to any ward. He shall be a member and an alderman by virtue of his office."

(2.) In the first paragraph of subsection two, after the words "composed of" the words "a Chairman and" are inserted.

The following provision is added to the said subsection :—

"The Chairman shall not be assigned to any division. He shall be a member and a councillor by virtue of his office."

Amendment
of s. 14.

4. The following amendments are made in section fourteen of the Principal Act :—

In the first paragraph, the words "male person of the age of twenty-one years who is a natural-born or naturalised subject of His Majesty, and who is a rate-payer of an Area, and" are repealed and the words "elector of any Area within Queensland who" are inserted in lieu thereof; also, the words "a member of the Local Authority of such Area" are repealed and the words "Chairman or a member of the Local Authority of any Area within Queensland" are inserted in lieu thereof.

The second, third, and fourth paragraphs are repealed and the following provision is inserted in lieu thereof :—

"At any election a person shall not be qualified to be a candidate for the office of Chairman and also for the office of ordinary member, and a person shall not be qualified to be a candidate for the office of Chairman at

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any election to fill an extraordinary vacancy in that office if and so long as he is a member of the same Local Authority, nor unless, having been such member on the occurrence of such vacancy, he has resigned the office of member within three clear days after the day on which such vacancy occurred."

5. Section 15A of the Principal Act is repealed and the following section is inserted in lieu thereof:—

Repeal of
s. 15A.

[15A.] (1.) Subject to this Act, the Chairman and every other member shall hold office for three years.

Tenure of
office of
Chairman or
members.

(2.) The office of Chairman or a member shall—

- (a) Commence on the day of his election or appointment thereto ;
- (b) Become vacant at the conclusion of the next triennial election under this Act unless sooner vacated as hereinafter provided.

(3.) Whenever at the triennial election a poll has become unnecessary in respect of any candidate, and the Returning Officer has duly declared him to be elected, he shall not be entitled to act as Chairman or member, as the case may be, until the conclusion of that election.

(4.) In case of a vacancy arising from any cause except triennial retirement as hereinbefore provided, the Chairman or member elected or appointed to fill such vacancy shall be deemed to have been elected or appointed at the same time as the last occupant of the office who was elected or appointed otherwise than to fill an extraordinary vacancy.

Extra-
ordinary
vacancies.

6. After paragraph (iii.) of subsection one of section sixteen of the Principal Act, the following paragraphs are inserted:—

Amendment
of s. 16.

- (iv.) In the case of a member, if he is appointed to be Chairman as hereinafter provided on the occasion of an extraordinary vacancy in the office of Chairman ; or
- (v.) If he ceases for any reason to hold office before the day on which the office would ordinarily become vacant.

7. Sections seventeen, eighteen, nineteen, and twenty of the Principal Act are repealed and the following sections are inserted in lieu thereof:—

Amendment
of ss. 17 to 20.

[17.] The Chairman shall be elected by the electors of the Area.

Voters.

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If the Area is not divided, the other members shall be elected by the electors of the Area. If the Area is divided, the other members shall be elected for each division by the electors of such division.

One vote only.

[18.] (1.) At any election or poll under or for the purposes of this Act, each elector shall have one vote only.

(2.) The voting shall be by ballot.

(3.) The election or poll shall be held on a Saturday.

Voters' Roll.

[19.] (1.) In every Area on or before the twenty-fourth day of January in every third year, the Returning Officer shall cause to be prepared from the Electoral Roll or Rolls of the District or Districts within which the Area or division, as the case may be, is situated, a correct alphabetical roll, hereinafter called the Voters' Roll, showing the names, numbered in regular arithmetical order, of all electors enrolled upon the said Electoral Roll or Rolls up to the immediately preceding thirty-first day of December who are entitled to vote at elections in the Area or division, as the case may be. Such Voters' Roll, without any amendment, shall be the Voters' Roll to be used at such triennial election:

Provided that the Voters' Roll to be used at the election in July, one thousand nine hundred and twenty-one, shall show the names of all electors enrolled upon the said Electoral Roll or Rolls up to the immediately preceding thirty-first day of March who are entitled to vote at elections in the Area or division as the case may be.

Electoral Registrars throughout the State shall, upon the application of a Returning Officer under this Act, place their rolls, and all papers, documents, and information in their possession at the disposal of such Returning Officer, and shall advise and furnish such assistance to such Returning Officer as may be reasonably required to facilitate the preparation of Voters' Rolls.

(2.) The said Voters' Roll shall be in the form prescribed for the said Electoral Rolls.

(3.) The Returning Officer shall deliver the Voters' Roll to the clerk, who shall forthwith cause the same to be printed or written in a roll or book, and, in the event of it becoming necessary to take a poll on any question or election of a Chairman or a member or members,

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shall furnish copies to any person requiring them on the payment of a sum not exceeding one shilling for every copy thereof.

(4.) The Voters' Roll used at the triennial election shall, after the conclusion of that election, remain in force and be used at all elections and polls until a new Voters' Roll is prepared in like manner. But for the purposes of any extraordinary election or poll held on any day other than the day of the triennial election the said Voters' Roll shall be amended so as to comprise the names of all persons who are electors and whose names have been enrolled as such, in the case of an extraordinary election, not later than sixty clear days before the day of nomination for such election, or, in the case of a poll, not later than sixty clear days before the day on which the poll is to be taken.

[20.] (1.) The first Chairman and other members shall be elected.

The election shall be held on such Saturday in the month of July, one thousand nine hundred and twenty-one, or, in the case of a newly constituted Area, on a Saturday within three months after the date of the Order in Council constituting the Area as the Governor in Council by Order in Council appoints.

The Chairman and members in office on the first day of January, one thousand nine hundred and twenty-one, shall retain office until the conclusion of such first election.

(2.) An election of the Chairman and members shall be held on such Saturday within the first twenty-four days of March in every third year after the first election as the Returning Officer appoints.

(3.) At such first election and every subsequent triennial election the Chairman and the whole number of members shall be elected.

(4.) The rules, forms, and directions contained in the Third Schedule to this Act shall, as to all matters to which they extend, regulate the proceedings in relation to elections held in pursuance of this Act.

[20A.] The Chairman or any other member may resign his office by writing under his hand, addressed to the clerk; and such resignation shall be complete and shall take effect from the time when it is received by the clerk.

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Extra-ordinary vacancy.

[20B.] (1.) Save as hereinafter provided, when any extraordinary vacancy arises in the office of member (other than the Chairman) a separate election shall be held to fill such vacancy :

Provided that, if such extraordinary vacancy occurs within four months before the next triennial election, such extraordinary vacancy shall not be filled up.

Such election may be held on the same day as an election to fill any other extraordinary vacancy in the Local Authority or in the representation of the same division.

Such election shall be held on such Saturday, being not less than twenty and not more than fifty clear days after the occurrence of such vacancy, as the Returning Officer appoints, and in default of such appointment on the thirty-first day after the occurrence of such vacancy.

Election or appointment of Chairman.

(2.) When an extraordinary vacancy arises in the office of Chairman within two years after his election thereto, a separate election shall be held to fill the vacancy.

In other cases when an extraordinary vacancy arises in the office of Chairman, the Local Authority shall appoint a qualified person to be Chairman in his stead, who, subject to this Act, shall hold office for the remainder of the period for which his predecessor was elected.

The vacancy shall be filled at a special meeting of the Local Authority to be called by the clerk forthwith.

The clerk shall be chairman at such special meeting.

(3.) If a sitting member is appointed to be Chairman as hereinbefore provided to fill an extraordinary vacancy, he shall forthwith be deemed to have vacated his office as member, whereupon an extraordinary vacancy in that office shall arise.

Repeal of ss. 32 to 34A.

8. Sections thirty-two, thirty-three and thirty-four, and section 34A of the Principal Act are repealed and the following sections are inserted in lieu thereof :—

Chairman may authorise certain works, &c.

[32.] (1.) The Chairman may, unless otherwise directed by By-law or by resolution of the Local Authority, authorise any work which in his opinion is urgent, at a cost not exceeding twenty pounds or such higher limit as the Local Authority may determine.

(2.) The Chairman shall give effect to any By-law, resolution, minute, or report which has been passed or adopted by the Local Authority.

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[33.] (1.) The Chairman shall preside at every meeting ^{Meetings.} of the Local Authority at which he is present, and if he is absent another member shall be elected at the meeting to be chairman during the absence of the Chairman from the meeting.

(2.) If an extraordinary vacancy has arisen in the office of Chairman, the members present at any meeting, other than a special meeting called for the election of Chairman, shall elect from amongst themselves a member to be and act as deputy chairman pending the filling of such vacancy.

9. The following provisions are added to section ^{Amendment} forty-seven of the Principal Act :— _{of s. 47.}

“The Governor in Council may by the regulations provide for—

- (i.) The grant of certificates of competency to persons desirous of obtaining appointment as clerk of a Local Authority ;
- (ii.) The qualifications necessary for the grant of such certificates and the authority by whom the same shall be granted.”

10. In section fifty-five of the Principal Act, the ^{Amendment} words “one-fourth of the total number of the ratepayers” _{of s. 55.} are repealed and the words “ten per centum of the electors” are inserted in lieu thereof.

11 After section one hundred and seventy of the Principal Act the following section is inserted :—

[170A.] When it appears to the Local Authority ^{Houses unfit} that any house or other structure or any part of any _{for} house or other structure, by reason of its filthy or _{occupation.} dilapidated condition or improper construction, or by reason of its being infected or suspected to be infected with disease, or otherwise, is unfit to be used or occupied, the Local Authority may give notice in writing to the owner or occupier of such house or structure to purify or repair or alter the same so as to render it fit for use and occupation, or to cause the house or structure to be pulled down or destroyed.

If the person to whom the notice is given fails to comply therewith within the time therein specified, he shall be liable to a daily penalty not exceeding ten shillings for each day during which such failure continues.

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Moreover, upon such failure as aforesaid to comply with such notice, whether such notice was to purify or repair or alter or pull down or destroy, the Local Authority may cause the house or structure to be pulled down or destroyed, and may recover from the person in default the expenses incurred by it in so doing.

Amendment
of s. 193.

12. In paragraph (vi.) of section one hundred and ninety-three of the Principal Act the word "orphanage" is repealed and the words "institution approved and licensed under **The State Children Act of 1911*" are inserted in lieu thereof.

Amendment
of s. 195.

13. In subsection one of section one hundred and ninety-five of the Principal Act, after the words "rateable land" the words "(including land held from the Crown under perpetual lease tenure, and land held from the Crown under special lease under section one hundred and seventy-nine of †*The Land Act of 1910*," and land held from the Crown under any tenure by the terms of which the occupier is bound to eradicate and destroy noxious weeds or plants on the land and the rent payable for the year in which the valuation is made is accordingly a quit rent or nominal rent and an estate in fee-simple in the land cannot be acquired)" are inserted.

In subsection three of the said section the words "next hereinafter" are repealed and the words "herein otherwise" are inserted in lieu thereof.

Amendment
of s. 209.

14. In subsection four of section two hundred and nine of the Principal Act the words "six pence" are repealed and the words "one shilling" are inserted in lieu thereof.

Amendment
of s. 210.

15. The following provision is added to subsection one of section two hundred and ten of the Principal Act:—

"Provided that in Cities and Towns the Local Authority may make and levy a General Rate less in amount, in respect of farm land which is not in demand for building sites or residential areas, and of which at least one-half the available area is annually cultivated or otherwise used for purposes of food production, than the General Rate made and levied on other lands, but no such General Rate in respect of such farm land shall be less than one halfpenny in the pound."

2 Geo. V. No. 11, *supra*, page 5076.

† 1 Geo. V. No. 15, *supra*, page 4775.

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16. The following subsection is added to section two hundred and twenty-six of the Principal Act:— Amendment
of s. 226.

(6.) Notwithstanding anything contained in this Act, a Local Authority is hereby empowered, in any case where it thinks proper to do so, to remit and wholly discharge any Rates made and levied under this Act in respect of any land for the payment of which any person is or may be or become liable who is an incapacitated returned soldier or sailor or is a sufferer from an industrial disease as defined by **“ The Workers’ Compensation Acts, 1916 to 1918,”* or any Act amending or in substitution for the same, or is in receipt of an invalid or old-age pension under any law of the Commonwealth relating to such pensions.

17. The following provision is added to section two hundred and seventy-seven of the Principal Act:— Amendment
of s. 277.

“ Provided further that in the event of any money borrowed, pursuant to the provisions of this Subdivision, proving to be inadequate to complete the works or undertaking in respect of which the same was borrowed, the Minister, if satisfied that such inadequacy arose owing to circumstances beyond the control of the Local Authority, may certify accordingly; whereupon the Local Authority shall, upon a resolution for borrowing money, be at liberty to borrow such further sum as may be necessary without complying with the procedure prescribed by this Subdivision as preliminary to such borrowing or any poll of electors in that behalf.”

18. Sections two hundred and seventy-eight and two hundred and seventy-nine of the Principal Act are repealed, and the following sections are inserted in lieu thereof:—

[278.] At any time within one month after the last publication of the notice of a proposition to borrow money, any electors in the Area or in the part to be specially benefited, as the case may be, being not less than ten per centum of the electors of the Area or such part may, by writing under their hands delivered to the Returning Officer, require that the question whether the money shall be borrowed shall be submitted to the vote of the electors in the Area or of such part. Request for
poll to be
taken.

[279.] When such demand has been made, a poll shall be taken of the electors of the area or part to be Taking of
Poll.

* 6 Geo. V. No. 35 and amending Acts, *supra*, page 8745.

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specially benefited, as the case may be, on a day to be fixed by the Returning Officer, not being less than twenty-eight nor more than forty-two clear days after the delivery of such demand, notice of which shall be published at least twice in some newspaper.

The question to be stated on the ballot-papers to be used at the taking of such poll shall be in the form following, that is to say,—

- | | |
|--------------------------|-------------------|
| <input type="checkbox"/> | FOR THE LOAN. |
| <input type="checkbox"/> | AGAINST THE LOAN. |

Amendment
of ss. 286
and 289.

19. (1.) In the first paragraph of section two hundred and eighty-six of the Principal Act the words “the ratepayers rated as owners of rateable land and having not less than one-third of all the votes of the ratepayers so rated within” are repealed and the words “any number of electors not being less than ten per centum of all the electors of ” are inserted in lieu thereof.

In the second paragraph of the said section the words “the ratepayers rated as owners of rateable land and having not less than one-third of all the votes of the ratepayers so rated within” are repealed and the words “any number of electors not being less than ten per centum of all the electors of ” are inserted in lieu thereof.

(2.) In section two hundred and eighty-nine of the Principal Act the words “ratepayers rated as owners of rateable land having in the aggregate twenty votes in” are repealed and the words “number of electors not being less than ten per centum of the electors of ” are inserted in lieu thereof; also, the words “ratepayers rated as aforesaid in” are repealed and the words “electors of ” are inserted in lieu thereof.

20. After section two hundred and ninety-six of the Principal Act the following section is inserted :—

Application
for Tramway
Area without
petition.

[296A.] Notwithstanding any of the provisions of this Part of this Act, it shall not be compulsory for a Local Authority or Joint Local Authority to await the presentation of a petition in that behalf before proceeding to make application to the Governor in Council for the constitution of a Tramway Area under this Act.

A Local Authority or Joint Local Authority may without such petition make application to the Governor in Council for the constitution of a Tramway Area under

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this Act. Every such application shall be accompanied by the particulars and documents required by section two hundred and eighty-eight of this Act to accompany a petition; and the Governor in Council may deal with any such application and exercise the powers conferred upon him with respect thereto by this Subdivision of this Part of this Act as if such application had been made consequent upon a petition in that behalf.

21. Sections two hundred and ninety-eight and three hundred and forty-one of the Principal Act are repealed. Repeal of ss. 298 and 341.

22. The following consequential amendments are made in the Principal Act:— Consequential amendments.

(i.) In section three the words "*Subdivision II.—Qualification of Members*" are repealed and the words "*Subdivision II.—Qualification and Election of Chairman and Members*" are inserted in lieu thereof; also, the words "*Subdivision III.—Retirements and Vacancies*" and the words "*Subdivision V.—Qualification of Voters*" and the words "PART IV.—ELECTION OF MEMBERS" are repealed. Amendment of s. 3.

(ii.) Subsections three and four of section five are repealed. Amendment of s. 5.

(iii.) The following amendments are made in section seven:— Amendment of s. 7.

(a) After the definition of "Division" the following definitions are inserted:—

" "Elections Act"—* "*The Elections Act of 1915*" Elections Act.
and any Act amending or in substitution for that Act;

"Elector"—A person resident in the Area or Elector.
division or part of the Area in question, and whose name is enrolled on an electoral roll compiled pursuant to the Elections Act in respect of such residence qualification;

"Electoral registrar"—The person appointed to Electoral registrar.
perform in an Electoral district, or division of such district, the duties imposed on electoral registrars by the Elections Act."

(b) The definition of "Naturalised Subject" is repealed.

* 6 Geo. V. No. 13, *supra*, page 6779.

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(c) In the definition of "Open to inspection" the word "ratepayer" where it first occurs is repealed and the word "elector" is inserted in lieu thereof; also the words "a ratepayer" are repealed and the words "an elector" are inserted in lieu thereof.

Amendment
of s. 11A.

(iv.) In section 11A the word "ratepayers" wherever it occurs is repealed and the word "electors" is inserted in lieu thereof.

Subsection three of the said section is repealed.

Amendment
of cross-
heading
above s. 14.

(v.) The cross-heading "*Subdivision II.—Qualification of Members*" preceding section fourteen is repealed and the cross-heading "*Subdivision II.—Qualification and Election of Chairman and Members*" is inserted in lieu thereof.

Amendment
of cross-
heading
above s. 17.

(vi.) The cross-heading "*Subdivision III.—Retirements and Vacancies*" preceding section seventeen is repealed.

Amendment
of s. 22A.

(vii.) In section 22A the word "ratepayers" is repealed and the word "electors" is inserted in lieu thereof.

In paragraph (a) of the said section, the words "All the" are repealed and the words "The Chairman and all other" are inserted in lieu thereof.

In paragraph (b) of the said section, before the word "members" the words "Chairman and all other" are inserted.

Amendment
of s. 23.

(viii.) In subsection one of section twenty-three before the word "member" the words "Chairman or" are inserted; also, the word "ratepayers" is repealed and the word "electors" is inserted in lieu thereof.

Repeal of
ss. 24, 25,
and 27.

(ix.) The cross-heading "*Subdivision V.—Qualification of Voters*" preceding section twenty-four is repealed. Sections twenty-four, twenty-five, and twenty-seven are repealed.

Repeal of
ss. 28 to 31.

(x.) Part IV. ("Election of Members") comprised in sections twenty-eight, twenty-nine, thirty, and thirty-one, is repealed.

Amendment
of s. 142.

(xi.) In section one hundred and forty-two the word "ratepayer" is repealed and the word "electors" is inserted in lieu thereof.

Amendment
of s. 142A.

(xii.) In section 142A the word "ratepayers" is repealed and the word "electors" is inserted in lieu thereof.

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(xiii.) In section one hundred and eighty-eight the words "resident ratepayer" are repealed and the word "elector" is inserted in lieu thereof. Amendment of s. 188.

(xiv.) In section 214A the word "ratepayers" where it twice occurs is repealed and the word "electors" is respectively inserted in lieu thereof; also, the words "the petitioners" are repealed and the words "such of the petitioners as are ratepayers" are inserted in lieu thereof. Amendment of s. 214A.

(xv.) In subsection four of section two hundred and fifty-five the words "a ratepayer" are repealed and the words "an elector" are inserted in lieu thereof. Amendment of s. 255.

(xvi.) In subsection one of section two hundred and fifty-six the word "ratepayers" is repealed and the word "electors" is inserted in lieu thereof. Amendment of s. 256.

(xvii.) In subsection five of section two hundred and fifty-seven the word "ratepayer" is repealed and the word "elector" is inserted in lieu thereof. Amendment of s. 257.

(xviii.) In subsection (ix.) of section two hundred and sixty-five the word "ratepayers" where it twice occurs is repealed and the word "electors" is respectively inserted in lieu thereof. Amendment of s. 265.

(xix.) In section two hundred and sixty-eight the words "ratepayers rated as owners of rateable land" are repealed and the words "electors of the Area" are inserted in lieu thereof. Amendment of s. 268.

(xx.) In section two hundred and ninety the words "ratepayers rated as aforesaid in" are repealed and the words "electors of" are inserted in lieu thereof. Amendment of s. 290.

(xxi.) Section two hundred and ninety-one of the Principal Act is repealed. Repeal of s. 291.

(xxii.) In section two hundred and ninety-six the words "ratepayers rated as aforesaid" are repealed and the word "electors" is inserted in lieu thereof. Amendment of s. 296.

(xxiii.) In subsection four of section three hundred and forty-three the words "value of the rateable land within" are repealed and the words "number of electors of" are inserted in lieu thereof. Amendment of s. 343.

In subsection six of the said section the words "ratepayer or ratepayers" are repealed and the words "elector or electors" are inserted in lieu thereof.

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Amendment
of s. 344.

(xxiv.) In the last paragraph of section three hundred and forty-four the words "ratepayer or rate-payers" are repealed and the words "elector or electors" are inserted in lieu thereof.

Amendment
of Schedule
III.

(xxv.) Schedule III. is repealed, and the following Schedule is inserted in lieu thereof:—

[Section 28.]

Third Schedule.

RULES FOR THE CONDUCT OF ELECTIONS.

Presiding
officer.

1. In these Rules "Presiding Officer" means the Returning Officer or other person duly appointed to preside and take the poll at any polling-place at an election under this Act, or the substitute duly appointed of either.

Returning
officer.

2. At every election the clerk shall by virtue of his office be the Returning Officer.

Returning
officers, &c.,
to make
declaration.

3. The clerk and every person appointed a deputy returning officer, presiding officer, or poll clerk shall, before he enters on the duties of his office, in connection with an election, make and subscribe a solemn declaration before some justice in the prescribed form.

And such justice shall transmit the declaration so made by the first convenient opportunity to the Local Authority.

Polling-
places.

4. (1.) For the purposes of every election, the Returning Officer shall from time to time appoint and cancel polling-places, but so that if the Area is divided there shall be always one polling-place at the least in every division for which the election is held:

Provided that no such appointment shall be valid unless it is made three clear days, and no such cancellation shall be valid unless it is made six clear days, before the day of nomination for the election.

(2.) No polling-place shall be appointed in a house or place licensed or registered for the sale of fermented or spirituous liquors.

(3.) A polling-place may be appointed outside of the Area or division for which the election is held.

Roll when to
be conclusive
roll.

5. The Voters' Roll, with all corrections and erasures thereof or therefrom made pursuant to this Act, shall be the roll of electors entitled to vote in the Area or division at all elections and shall, except as by this section is provided, be conclusive evidence of the title of every person therein named to vote:

Provided as follows:—

- (a) No female elector shall be disqualified from voting under the name appearing on such roll merely because she has changed her surname upon marriage;
- (b) Any person whose name appears on such roll at the time of an election and who is then subject to any of the disqualifications mentioned in section eleven of the Elections Act shall be disqualified from voting;
- (c) Any elector who claims to vote, if still resident in an Area or division, as the case may be, shall be entitled to vote notwithstanding that he has changed his place of residence to another in the same Area or division.

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But no such certificate shall be construed to qualify any person to be a candidate or to sign the nomination paper who is not qualified to be a candidate or to sign the same, or to validate any signature thereto which is false or forged.

Returning officer to post names of candidates.

8. The returning officer shall at all times, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon upon each day between the giving of the public notice of an election and the day of nomination named therein, keep posted, outside the place of nomination, the names of all persons who have already become candidates at such election.

Nomination of incapacitated persons.

9. Every person who—

- (i.) Procures himself to be nominated as a candidate for the office of Chairman or member knowing himself to be under the provisions of this Act incapable of being or continuing Chairman or a member; or
- (ii.) Knowingly signs a nomination paper nominating or purporting to nominate as a candidate for such office a person incapable of being or continuing Chairman or a member; or
- (iii.) Knowing that he is not an elector, signs a nomination paper nominating or purporting to nominate any person as a candidate at such election;

shall for every such offence be liable to a penalty not exceeding fifty pounds.

Result if only number to be elected nominated.

10. If the number of persons who are duly nominated as candidates at any election does not exceed the number to be elected, the returning officer shall, on the day of nomination or as soon thereafter as is practicable, publicly notify, by advertisement in some newspaper, the name or names of the candidate or candidates who has or have been duly elected.

Result if more nominated than to be elected.

11. (1.) If the number of persons who are duly nominated as candidates exceeds the number to be elected, then for deciding between such candidates a poll shall be taken in manner hereinafter provided.

(2.) The returning officer shall—

- (a) Forthwith post in some conspicuous position at the place of nomination the names of the persons who have been duly nominated as candidates, and that a poll will be so taken; and
- (b) Publish an announcement to the like effect in some newspaper.

Time may be extended in Shires.

12. The time by this Act prescribed for the length of the notice to be given of the day of nomination or of the day for taking the poll may be extended by the Governor in Council with respect to any shire, or any election for any shire or division. Every such extension shall be notified by the Minister in the *Gazette*.

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13. If at the time prescribed or appointed for holding an election—

(a) No election is held, or

(b) No candidates are nominated, or

(c) The number of candidates nominated is less than the number of candidates to be elected,

Governor in Council may appoint chairman or members when none elected.

the Governor in Council may appoint an elector or a sufficient number of such electors to be Chairman or a member or members, as the case may require, to fill the vacancies which ought to be filled at such election, and the elector or electors so appointed shall be deemed to have been duly elected at such election.

14. If after a poll has been appointed to be taken a candidate desires to retire from his candidature, he may, not less than seventy-two hours after the hour of noon on the day of nomination, sign and deliver to the returning officer a notice in the following form or to the like effect:—

Candidate may retire.

I [A.B.] do hereby retire from being a candidate for election at the ensuing election of Chairman [or members] for the Town [or City or Shire] [or Ward of the Town (or City) or Division of the Shire] of

Dated this day of , 19 (Signed) A.B.

Witness—
C.D.

The returning officer, on receipt of such notice, shall omit the name of the person so retiring from the ballot-papers to be used at the election; or if any of such papers have been printed, shall erase his name therefrom, and shall make known as publicly as possible, by advertisement or otherwise, the fact of his retirement.

The person so retiring shall not be capable of being elected at the election, and if the number of candidates is by his retirement reduced to the number to be elected at the election, then the returning officer shall, as soon as conveniently may be, declare the remaining candidate or candidates to be duly elected.

15. At an election the returning officer shall—

(i.) Cause booths to be erected or rooms to be provided and used as such booths at the several polling-places;

(ii.) Cause to be furnished for use at each booth or polling-place a copy of the Voters' Roll, certified under his hand to be a true copy.

Polling-booths, &c.

16. (1.) The returning officer may preside at one polling-place, and shall by writing under his hand appoint presiding officers to take the poll at the polling-places, or at the polling-places other than the polling-place at which he himself presides, and shall supply a copy of the Voters' Roll, certified by him under his hand, to each presiding officer.

Presiding officers.

(2.) When a larger number of voters is likely to vote at a polling-place than can conveniently vote in the same polling-booth, the returning officer may appoint two or more polling-booths at that polling-place, and shall in such case appoint presiding officers to take the poll at the polling-booths, or the polling-booths other than the polling-booth at which he himself presides.

Several polling-booths at same polling-place.

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All provisions relating to presiding officers shall apply to presiding officers presiding at such polling-booths.

Poll clerks.

(3.) The returning officer, and each presiding officer with the approval of the returning officer, may in like manner appoint one or more persons to be a poll clerk or poll clerks to assist him in taking the poll.

Substitutes for presiding officers.

(4.) If the returning officer or a presiding officer is prevented from attending to any of his duties by illness or other sufficient cause, he may, by writing under his hand, appoint a substitute to act for him. And the substitute shall thereupon for the time being have all the power and authority of and be deemed to be the returning officer or such presiding officer.

Absence of presiding officer not to invalidate election.

(5.) If by reason of the absence of the presiding officer the poll is not taken at any polling-place, the election shall not be therefore void, but it shall be lawful for the returning officer to appoint another day not later than thirty-six days from the day appointed for taking the poll at such polling-place, of which appointment due notice shall be publicly given, and the poll shall be taken accordingly and be deemed to have been taken on the day first appointed.

Adjournment when no election on day appointed.

(6.) If after a poll stands appointed for any election it happens that from any cause other than the absence of the presiding officer, no such election takes place on the day appointed for the same, either at all the polling-places or any polling-place, the election shall stand adjourned until the same day of the following week, and the returning officer shall give not less than three days' previous notice thereof by advertisement in some newspaper, or by placards affixed in public places in the Area or division. In any such case the members, if any, who would on the day appointed for the election have retired from office by rotation shall continue in office until the day to which such election or the polling at any booth for the same stands adjourned.

(7.) No person shall be appointed to act as presiding officer, or as substitute for the returning officer or a presiding officer, or as poll clerk, who is under the age of twenty-one years.

Proceedings in case of riot or violence.

17. (1.) If the proceedings at any election are interrupted or obstructed by any riot or open violence, the presiding officer shall not for such cause finally close the poll, but shall—

(a) Adjourn the poll at the particular polling-place at which the interruption or obstruction happens, to the following day; and

(b) If necessary further adjourn such poll from day to day until the interruption or obstruction has ceased;

when the presiding officer shall again proceed with the business of taking the poll at the place at which it was so interrupted or obstructed.

(2.) Any day whereto the poll is so finally adjourned shall, as to such place, be reckoned the day of polling at such election within the meaning of this Act.

(3.) When any poll has been so adjourned by any presiding officer other than the returning officer he shall forthwith give notice of such adjournment to the returning officer, who shall not finally

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declare the state of the poll or the name of the member elected until the poll has been finally closed and the ballot-papers have been examined and counted by him as hereinafter provided.

18. (1.) Forthwith after a poll stands appointed for an election, the returning officer shall cause to be printed or written ballot-papers containing the candidates' names in alphabetical order according to the following form—

- DOE, JOHN
- ROE, RICHARD
- SMITH, JAMES
- THOMPSON, HENRY

Ballot-papers to be printed and furnished.

and shall supply to the presiding officer of each polling-place so many of such ballot-papers as are fully equal to the number of electors likely to vote at such polling-place, and shall keep for himself a like sufficient number for the polling-place at which he is to preside.

(2.) If two candidates have the same surname and christian name, the residence and description of each candidate shall be added to his name on the ballot-paper.

(3.) Each ballot-paper—

- (a) Shall bear in the right-hand upper corner of the face thereof a number which shall be machine-printed or otherwise legibly marked thereon; and
- (b) Shall be so numbered in regular arithmetical sequence beginning with 1, so that no two or more of them shall bear the same number.

Such number is hereinafter referred to as the ballot-number.

19. At every poll the voting shall commence at eight o'clock in the forenoon and shall finally close at six o'clock in the afternoon of the same day, unless adjourned by reason of riot or other interruption.

Duration of poll.

20. Each candidate may, by writing under his hand, appoint one person to be his scrutineer at each booth or polling-place; and every person so appointed a scrutineer shall, upon his appointment, make and subscribe a solemn declaration, in the presence of the presiding officer in the following form:—

Scrutineers.

I, A.B., a scrutineer appointed by _____, a candidate for election in and for the Town [or City or Shire] [or Ward _____ of the Town (or City) or Division _____ of the Shire], of _____, do hereby solemnly declare that I will faithfully assist at such election, and that I will not attempt to improperly discover, or by any word or action directly or indirectly aid in discovering, the person for whom any vote is given; and that I will keep secret all knowledge of the person for whom any vote is given, which I may obtain in the exercise of my office, unless in answer to any question which I am legally bound to answer.

Declared before me this _____ day of _____, 19 _____ } A.B.
 Returning Officer or Presiding Officer.

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Presiding
officer to
provide
ballot-box
and papers.

21. The presiding officer shall provide a locked box, of which he shall keep the key, with a cleft or opening in such box capable of receiving the folded ballot-papers.

This box shall be opened to be inspected by the poll clerks, candidates, and scrutineers previously to its being locked for receiving the ballot-papers, and shall stand upon the table at which the presiding officer presides.

Returning
officer to
provide a
ballot-room.

22. (1.) At every booth there shall be a compartment or compartments provided with all necessary materials to enable the electors to mark the ballot-papers.

No person shall be entitled to be present in such booth other than the presiding officer, the poll clerk, the candidates, and the scrutineers of the several candidates, and the electors who for the time are voting.

(2.) The presiding officer or poll clerk may summon to his assistance in such booth any member of the police force for the purpose of preserving the public peace or preventing any breach thereof, and for removing out of such booth any person who in his opinion is obstructing the polling or wilfully violating this Act.

Questions to
be put to
voter.

23. (1.) At every election the presiding officer may, if he thinks fit, and shall, if called upon so to do by any candidate or scrutineer, put to any person offering to vote the three questions following:—

1. Are you the person whose name appears as A.B. in the Voters' Roll for this Town [*or City or Shire or Ward or division*]?
2. Have you already voted at this election [*for this Ward or division*]?
3. Are you disqualified from voting?

(2.) No person required to answer such questions, or any of them, shall be permitted to vote until he has answered the same in writing signed by him to the satisfaction of the presiding officer, and in such a manner as to show that he is entitled to vote.

Consequence
of answers.

(3.) If any person having been required to answer all or any of the questions hereinbefore prescribed makes a false answer in any material particular and thereafter votes, his vote may be disallowed upon a scrutiny.

Declaration
against
bribery.

24. The presiding officer may if he thinks fit, and shall, if called upon so to do by any candidate or scrutineer, require any person claiming to vote to make a solemn declaration against bribery in the form following, that is to say—

I [A.B.] do solemnly declare that I have not received or had, by myself or any person whatsoever in trust for me or for my use and benefit or for the use and benefit of any member of my family or kindred or any friend or dependent, directly or indirectly, any sum or sums of money, office, place of emolument, gift, or reward, or any promise of or security for any money, office, place of emolument, gift, or reward, by way of consideration, either expressed, implied, or understood for giving my vote at this election.

No person who refuses to make such declaration shall be entitled to vote.

No other
question or
declaration
necessary.

25. No elector shall at any election be required to answer any questions or to take any oath, affirmation, or declaration, except as herein provided.

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No person claiming to vote at any election shall be excluded from voting except by reason of its appearing to the presiding officer, upon putting the prescribed questions or any of them, that he is not the person whose name appears on the Voters' Roll, or that he has previously voted at the same election, or that he is otherwise not entitled to vote, or except by reason of such person refusing to answer any of such questions or to make any prescribed declaration.

26. (1.) When an elector has satisfied the presiding officer that he is entitled to vote at the election the presiding officer shall deliver to him a ballot-paper. Ballot-papers to be given to electors.

(2.) The presiding officer shall, before delivery of the ballot-paper to the elector— And number to be concealed.

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

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

(3.) Any returning officer or presiding officer who fails to comply with this section shall be deemed to have been guilty of wilful neglect of duty.

27. (1.) Upon delivery of the ballot-paper to the elector, the presiding officer or poll clerk shall, upon the copy of the Voters' Roll in use by him, or, in the case of a presiding officer other than the returning officer, upon the certified copy of the Voters' Roll supplied to him by the returning officer, write the ballot-number of such ballot-paper against the name of the elector. Elector's name to be marked on roll.

(2.) The presiding officer or poll clerk shall use ink or pencil of uniform colour in writing the ballot-number on the roll.

(3.) The ballot-number so written on the roll shall be *prima facie* evidence of the identity of the person to whom the ballot-paper is delivered with the elector against whose name on the roll it is so written, and of the fact that such elector voted at the election.

(4.) The ballot-number written against the name of an elector on the roll shall, upon a scrutiny, be conclusive evidence that the ballot-paper bearing the same ballot-number was delivered to and used by the person who claimed to vote as the person against whose name such number is written in the roll.

28. (1.) The elector having received a ballot-paper shall, in one of the compartments provided for the purpose, mark his ballot-paper by making a cross in the square opposite the name of each candidate for whom he votes and shall make no other mark or writing thereon, and shall forthwith fold up the paper in such manner as will conceal the names of the candidates, and deposit it in the ballot-box in the presence of the presiding officer. Mode of voting.

(2.) While an elector is in a compartment preparing his ballot-paper no other person shall be allowed in such compartment:

Provided that if any elector is unable to read, or is blind, he shall signify the fact to the presiding officer (who shall thereupon, in the booth, and in the presence and sight of the poll clerks,

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candidates, and scrutineers, mark the ballot-paper by making a cross in the square opposite the name of each candidate for whom the elector says that he desires to vote; and the presiding officer shall, if requested by the elector, state the names of the candidates.

(3.) No elector shall take out of the booth any ballot-paper either before or after the same has been so marked:

Provided that, before the elector has deposited the original ballot-paper issued to him in the ballot-box, the presiding officer may, if he thinks fit, issue a second or duplicate ballot-paper to such elector in substitution for the original ballot-paper if the original ballot-paper has been accidentally defaced.

But the elector shall first make a declaration before the presiding officer that the original ballot-paper has been so accidentally defaced and that he has not already voted at the election, and shall deliver to the presiding officer the original ballot-paper.

The presiding officer shall, before the issue of the second or duplicate ballot-paper, securely fasten the original ballot-paper by means of gum or otherwise to the declaration, and shall set the same aside for separate custody.

Duty of returning officer when a second vote is tendered for one name.

29. (1.) If at any booth a ballot-paper has been delivered to any person who has claimed to vote as an elector, and afterwards another person claims to vote at such booth as being the person in whose name such first-mentioned person received the ballot-paper, the presiding officer shall put to the person so secondly claiming to vote the prescribed questions, and such person and such ballot-paper shall be dealt with in all respects in the same manner as any other person claiming to vote, but his ballot-paper shall not be deposited in the ballot-box or allowed by the presiding officer, but shall be set aside for separate custody.

(2.) Every such ballot-paper shall be dealt with as hereinafter provided, and may be allowed and counted by order of the Supreme Court or a Judge thereof on a scrutiny, but not otherwise.

Compulsory voting.

30. (1.) It shall be the duty of every elector to record his vote at every election held for the Area or division, as the case may be, on the Voters' Roll of which he is enrolled.

(2.) It shall be the duty of the returning officer at the close of every election to compile a list of the names and descriptions, as appear by the Voters' Roll, of the electors who have not voted at the election for which he is the returning officer, and to certify such list by statutory declaration under his hand.

Such list so certified shall in all proceedings be *primâ facie* evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the said election.

(3.) Within seven days after the close of the said election the returning officer shall send by post to each elector whose name appears on such list, at the address therein mentioned, a notice in the prescribed form.

The returning officer, before sending such notice, shall insert therein the name of the elector, and his number on the Voters' Roll, and a date on which such notice is to be in the hands of the returning officer.

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(4.) Every elector to whom such notice has been sent shall on the prescribed form at the foot of the said notice state the true reason why he failed so to vote, and sign the same, and post the same so as to reach the said returning officer not later than the date in the said notice mentioned.

The returning officer shall, after making all reasonable inquiries, decide whether such reason is a valid and sufficient excuse for such failure to vote, and shall write his decision on the said notice.

(5.) The returning officer, within two months after the date in the said notice mentioned, shall send to the Local Authority the certified list mentioned in subsection two hereof and all the forms of notice received by him from electors as mentioned in the last preceding subsection, together with a list of electors, certified by statutory declaration under his hand, to whom the said form was posted and by whom it has not been duly returned properly filled up and signed.

The last-mentioned list so certified shall in all legal proceedings be *prima facie* evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the said election, and having received the said notice did not comply with the requisitions thereof.

(6.) Every elector who—

- (a) Failed to vote at the election without a valid and sufficient excuse for such failure; or
- (b) On receipt of such notice, fails to fill up and sign and post the same to the returning officer so as to reach him within the time prescribed; or
- (c) States in such form a false reason for not voting;

shall for each such offence be liable, on the complaint of the Local Authority, to a penalty not exceeding two pounds.

31. (1.) Every ballot-paper which—

- (a) Does not bear a ballot-number; or
- (b) Has such number torn off; or
- (c) Has no cross in a square opposite the name of a candidate, or has fewer crosses or more crosses in such squares than the number of candidates to be elected; or
- (d) Has upon it any mark or writing not by this Act authorised to be put thereon which in the opinion of the returning officer will or may enable any person to identify the ballot-paper or the elector;

For what causes ballot-paper to be rejected.

shall be rejected at the close of the poll.

(2.) Provided that no ballot-paper shall be rejected merely because of some informality, or alleged informality, in the manner in which it has been dealt with by the elector or presiding officer if it is regular in other respects, and if, in the opinion of the returning officer, the intention of the elector in voting is clearly apparent.

Ballot-paper when not to be rejected.

(3.) Nothing in this section contained shall be deemed to affect the jurisdiction of the Supreme Court or a Judge thereof with respect to elections.

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Presiding officer to seal and forward ballot-papers to returning officer.

32. The presiding officer other than the returning officer shall at the close of the poll, in the presence of the poll clerk, if any, and of such of the candidates and scrutineers as may attend—

- (i.) Examine and count the number of votes received for each candidate at the polling-place at which he presided; and
- (ii.) Make out a written statement, signed by himself and countersigned by his poll clerk, if any, and any scrutineers who are present and consent to sign the same, containing the numbers in words as well as figures of the votes received for each candidate so counted as aforesaid; and,
- (iii.) After making out and signing such statement, make up in separate and distinct parcels—
 - (a) All the ballot-papers together with the Voters' Roll supplied to him by the returning officer (which shall be signed by him and the poll clerk, if any), and all books and papers used by him during the polling; and
 - (b) All ballot-papers set aside for separate custody as aforesaid; and
- (iv.) Seal up such parcels and permit the same to be sealed by the scrutineers present if they so desire; and
- (v.) With the least possible delay deliver such parcels and statement or cause them to be delivered to the returning officer; and,
- (vi.) By the next practicable opportunity thereafter, also transmit a duplicate of such statement signed and countersigned as aforesaid.

Returning officer to examine and count votes at his polling-place and then seal up the same.

33. Every returning officer shall at the close of the poll, in the presence of his poll clerk, if any, and of such of the candidates and scrutineers as may attend—

- (i.) Examine and count the number of votes received for each candidate at his own polling-place, if any; and
- (ii.) Make out a written statement, signed by himself and countersigned by his poll clerk, if any, and by any scrutineers who are present and consent to sign the same, containing the number in words and figures of the votes received for each candidate; and,
- (iii.) After making out and signing such statement, make up in separate and distinct parcels—
 - (a) All the ballot-papers, rolls, books, and papers kept and used by him during the polling; and
 - (b) All ballot-papers set aside for separate custody as aforesaid; and
- (iv.) Seal up such parcels and permit the same to be sealed by the scrutineers present if they so desire; and
- (v.) Endorse the same when so sealed with a description of the contents thereof, and with the name of the Area or division and polling-place, and the date of polling, and sign such endorsement with his name.

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34. As soon as possible after the returning officer has received from the several presiding officers the sealed parcels so transmitted to him, containing the ballot-papers taken at the polling-places at which such presiding officers respectively presided, and the several statements of the numbers of votes so transmitted by them, he shall—

Returning officer to open sealed parcels transmitted by presiding officers and count the votes, after which each parcel to be re-sealed.

- (i.) From his own statement, if any, and such other statements ascertain the gross number of votes for each candidate; and
- (ii.) In the presence of his poll clerk, if any, and of such candidates and scrutineers as may attend, open such sealed parcels and examine and count the number of votes for each candidate at each polling-place; and
- (iii.) After having counted the same, make up in separate parcels the ballot-papers, declarations, Voters' Rolls, books, and papers received from each presiding officer in like manner as hereinbefore prescribed concerning the ballot-papers, Voters' Rolls, books, and papers kept and used by him at the polling-place, if any, at which he presided, and securely fasten and seal up, and also permit to be sealed up by the scrutineers, and endorse in like manner as aforesaid, the said several parcels, and deal with the same as hereinafter provided; and
- (iv.) Make out in respect of each polling-place a like written statement, signed and countersigned as hereinbefore required, concerning the polling-place, if any, at which he presided; and
- (v.) Examine the Voters' Rolls which have been used by himself and the presiding officers at the several polling-places, and ascertain whether any voters appear to have voted at more than one polling-place; and
- (vi.) Make out a list showing the names and numbers of all voters who appear to have voted at more than one polling-place, or to have voted twice at any one polling-place, and forward a copy thereof to each of the candidates, and enclose the original list in the sealed packet with the Voters' Rolls.

No returning officer shall open or examine any sealed packet in the joint absence of any candidate and his scrutineer unless he has given twenty-four hours' previous notice in writing to such candidate, or to his scrutineer, of his intention to open and examine the same.

35. (1.) The returning officer, as soon as possible after he has examined and counted all the ballot-papers and ascertained the gross number of votes received for each candidate, shall forthwith or as soon as practicable publicly notify, by advertisement in some newspaper, the general state of the poll so ascertained and the name of each candidate who has been elected.

Declaration of poll.

(2.) In the event of the number of votes for any two or more candidates being found to be equal, the returning officer shall decide by his casting vote which shall be elected.

(3.) No returning officer shall vote at any election except in the case of an equality of votes.

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Ballot-papers
to be
transmitted
to the Local
Authority.

36. The returning officer shall forthwith, after the declaration of the poll at any election—

- (i.) Enclose in one packet the several sealed parcels so made up and sealed by him;
- (ii.) Securely fasten and seal up such packet;
- (iii.) Endorse upon such packet a description of the several contents thereof, and the name of the Area and division, if any, and the date of polling, and sign such endorsement with his name;
- (iv.) Cause such sealed packet to be delivered at the office of the Local Authority.

The clerk shall safely keep the same for twelve months after the receipt thereof. At the expiration of such twelve months the Chairman shall cause the ballot-papers to be destroyed in the presence of at least three members of the Local Authority.

If any question at any time arises touching the votes alleged to have been given at any election, the ballot-papers contained in any such sealed packet shall be received in evidence as proof of such votes in any Court of Justice, upon production thereof, and upon proof that the same was transmitted to the Local Authority in due course by the returning officer.

Election not
to be
questioned.

37. No election shall be liable to be questioned by reason of—

- (i.) Any defect in the title, or any want of title, of any person by or before whom such election is held, if such person really acted at the election; or
- (ii.) Any formal error or defect in any declaration or other instrument, or in any publication made under this Act or intended to be so made; or
- (iii.) Any such publication being out of time; or
- (iv.) Any delay in holding the election at the time appointed, or in taking the poll; or
- (v.) In consequence of any impediment of a merely formal nature.

And the Governor in Council may adopt such measures as may be necessary for removing any obstacle of a merely formal nature by which the due course of any election might be impeded:

Proviso.

Provided that the validity of the election and the measures so taken shall be forthwith declared by the Governor in Council.

Corrupt
practices.

38. Any act which would avoid the election of a member of the Legislative Assembly shall avoid the election of a member under this Act.

The acts of an authorised agent of a candidate shall be held to be acts of his principal if proved to have been committed with the consent of the candidate.

Prohibition
of
canvassing,
&c., near
polling-booth.

39. The following acts are, on polling-day and on all days to which the polling is adjourned, prohibited, within fifty feet from the main entrance of the building within which a polling-booth is situated or within a polling-booth, namely:—

- (a) Canvassing for votes; or
- (b) Soliciting the vote of any elector; or

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- (c) Inducing any elector not to vote for any particular candidate; or
- (d) Inducing any elector not to vote at the election; or
- (e) Loitering in the vicinity of or obstructing the free passage of voters to or from the polling-booth.

Any person who contravenes this section shall be liable to a penalty not exceeding twenty pounds.

40. The wearing or displaying in any polling-booth of any party emblem or badge by any returning officer, presiding officer, poll clerk, or scrutineer is prohibited.

Party emblems not to be worn in polling-booth.

Any person who contravenes this section shall be liable to a penalty not exceeding twenty pounds.

41. Every returning officer shall have power and authority to maintain and enforce order, and to keep the peace at any election held before him.

Returning officer to maintain order.

All police officers shall aid and assist the returning officer in the performance of his duty.

42. All reasonable expenses of, or incident to, any election incurred by the returning officer shall be repaid to him by the Local Authority out of the Local Fund.

Expenses of returning officer.

43. In a divided Area the provisions of these rules shall be read as applying to elections of members to be held for each division, instead of for the Area at large; and the polling for every such election shall be held at one or more polling-places within or for each division appointed as hereinbefore provided.

Election of members in division.

44. The provisions of these rules shall also be applicable to any poll taken under this Act other than a poll for an election of a Chairman or member, with, however, such modifications of such provisions as the Governor in Council deems necessary in any particular case or as he may generally prescribe.

Cases of polls other than for election.

23. In all copies of **The Local Authorities Acts, 1902-1917,*” as amended by this Act, hereafter printed by the Government Printer, the Parts, subdivisions, sections, and subsections thereof shall be renumbered so as to be in consecutive numerical or alphabetical order as the case may require throughout, and all specific references to any Part, subdivision, section, or subsection, or other provision by its number or alphabetical letter in any enactment contained in this Act or in any other Act shall be amended by the substitution of the proper number or letter of the reprinted Act.

Reprinting Act.

* 2 Edw. VII. No. 19 and amending Acts, *supra*, pages 1860 *et seq.*, 5653, 5918, and 8304.