



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 35 of 1981

An Act to amend the Electoral Act, 1929-1980.

[Assented to 19 March 1981]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Electoral Act Amendment Act, 1981". Short titles.
- (2) The Electoral Act, 1929-1980, is in this Act referred to as "the principal Act".
- (3) The principal Act, as amended by this Act, may be cited as the "Electoral Act, 1929-1981".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 3 of the principal Act is amended by striking out subsections (3), (4) and (5). Amendment of s. 3—
Transitional provisions.

4. Section 5 of the principal Act is amended by striking out from the definition of "prescribed postal elector" the passage "place of living" wherever it occurs in paragraphs (a) and (b) of that definition and substituting, in each case, the passage "place of residence". Amendment of s. 5—
Interpretation.

5. Section 6 of the principal Act is amended— Amendment of s. 6—
Electoral Commissioner and Deputy Electoral Commissioner.
 - (a) by striking out subsection (2) and substituting the following subsection:
 - (2) The Electoral Commissioner—
 - (a) shall have such powers and functions as are conferred upon or assigned to him by this Act or any other Act;
 - (b) shall have such powers and functions as are delegated to him by the Minister under this Act;
 - and

(c) may perform any other functions that he is authorized by the Minister to perform.;

and

(b) by inserting after subsection (4) the following subsection:

(5) Neither the Electoral Commissioner nor the Deputy Electoral Commissioner shall, without the consent of the Minister, engage in remunerative employment outside the functions and duties of their respective offices.

Repeal of s. 6a and substitution of new section.
Delegation of powers.

6. Section 6a of the principal Act is repealed and the following section is substituted:

6a. (1) The Minister may, by instrument in writing, delegate any of his powers or functions under this Act to the Electoral Commissioner or any other officer.

(2) A delegation under this section—

(a) is revocable at will;

and

(b) does not derogate from the power of the Minister to act personally in any matter.

Amendment of s. 6c—
Delegation.

7. Section 6c of the principal Act is amended by inserting in subsection (1) after the passage “under this Act” the passage “or any other Act”.

Repeal of ss. 6f and 6g and substitution of new section.

Certain obsolete references to be read as references to the Electoral Commissioner.

8. Sections 6f and 6g of the principal Act are repealed and the following section is substituted:

6f. Where in any other Act or in any document, rule or regulation a reference is made to—

(a) the returning officer for the State;

(b) the assistant returning officer for the State;

or

(c) the principal returning officer,

the reference shall be read as a reference to the Electoral Commissioner.

Amendment of s. 7—
Returning officers.

9. Section 7 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) No person of or above the age of seventy years shall be appointed as a returning officer, and a returning officer, upon attaining the age of seventy years, shall cease to hold office as such unless he attains that age during the course of an election, in which case he shall continue in office until the completion of the election.

Amendment of s. 8—
Assistant returning officers.

10. Section 8 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (1) the passage “portion of a district” and substituting the passage “district or division”;

and

(b) by striking out subsection (2) and substituting the following subsection:

(2) A person appointed to be an assistant returning officer for a district or division may, subject to the control of the returning officer or deputy returning officer, perform the functions and exercise the powers of the returning officer or deputy returning officer in or in relation to that district or division.

11. The following section is inserted after section 8 of the principal Act:

Insertion of new s. 8a.

8a. The Minister may, by instrument in writing—

Fees and allowances.

(a) fix a scale of fees and allowances payable to officers, or specified classes of officers, employed upon a temporary basis in the administration of this Act;

or

(b) vary or revoke a scale of fees and allowances previously fixed under this section.

12. Section 14 of the principal Act is repealed and the following section is substituted:

Repeal of s. 14 and substitution of new section.

14. (1) The Minister may, by notice in the *Gazette*—

Polling places.

(a) appoint a chief polling place for each district;

(b) appoint other polling places for each district;

(c) abolish any polling place.

(2) No polling place shall be abolished between the time of the issue of a writ and the time appointed for its return unless the Electoral Commissioner certifies that it would be impracticable to take the poll at that polling place.

13. Section 15 of the principal Act is repealed.

Repeal of s. 15.

14. Section 17 of the principal Act is amended by striking out the passage “place of living” and substituting the passage “place of residence”.

Amendment of s. 17—
Form of rolls.

15. Section 19 of the principal Act is repealed and the following section is substituted:

Repeal of s. 19 and substitution of new section.

19. Whenever a new subdivision or district is constituted, or the boundaries of a subdivision or district are altered, a new roll shall be prepared for that subdivision or district.

Preparation of new rolls on constitution of new subdivision or district, etc.

16. Section 22 of the principal Act is amended by striking out the passage “the day on which new rolls come into operation” and substituting the passage “the preparation of new rolls”.

Amendment of s. 22—
Effect of new rolls on objections and notices.

17. Section 28 of the principal Act is amended by striking out subsections (2) and (3) and substituting the following subsections:

Amendment of s. 28—
Enrolment.

(2) A person who is qualified for enrolment as an elector and whose principal place of residence is in a subdivision shall, if his principal

place of residence has been within the subdivision for at least one month, be entitled to have his name placed on the Assembly roll for that subdivision.

(3) An elector whose name is on a roll for a subdivision and whose principal place of residence is in another subdivision—

(a) shall, one month after that place became his principal place of residence, be entitled to have his name transferred to the roll for the subdivision in which his principal place of residence is situated;

and

(b) shall, if he fails to make a claim for transfer of enrolment within three months after he became entitled to have his name transferred to the roll for the subdivision in which his principal place of residence is situated, be guilty of an offence and liable to a penalty not exceeding one hundred dollars.;

and

(b) by inserting after subsection (4) the following subsection:

(5) Where—

(a) an elector whose name is on the roll for a subdivision changes his principal place of residence; but

(b) his principal place of residence remains nevertheless within the same subdivision,

the elector shall, within three months after changing his principal place of residence, notify the Electoral Commissioner, in writing, of the address of his present principal place of residence.

Penalty: One hundred dollars.

Repeal of s. 29
and substitution
of new section.

18. Section 29 of the principal Act is repealed and the following section is substituted:

Claim for
enrolment or
transfer of
enrolment.

29. A claim for enrolment on an Assembly roll, or transfer of enrolment from the Assembly roll for one subdivision to the Assembly roll for another subdivision—

(a) must be in the prescribed form;

(b) must contain the prescribed particulars;

and

(c) must be delivered or sent to the registrar of the subdivision in which the claimant is entitled to be enrolled or to which the claimant is entitled to have his enrolment transferred.

Amendment of
s. 38—
Alteration
of rolls.

19. Section 38 of the principal Act is amended—

(a) by striking out paragraph (b) and substituting the following paragraph:

(b) altering, on the written application or notification of an elector, the name, address or occupation of the elector as shown on the roll for the subdivision in which he is enrolled;;

(b) by striking out from subsection (2) the passage "he was living" wherever it occurs and substituting, in each case, the passage "his principal place of residence was situated";

and

(c) by striking out from subsection (2) the passage "he lives" and substituting the passage "his principal place of residence is situated".

20. Section 44 of the principal Act is amended by striking out from subsection (3) the passage "the King" and substituting the passage "the Crown".

Amendment of
s. 44—
Objections
by other
persons.

21. Section 46 of the principal Act is amended—

(a) by striking out from subsection (2) the word "abode" wherever it occurs, and the word "living" and substituting, in each case, the word "residence";

and

(b) by striking out subsection (3) and substituting the following subsection:

(3) An objection may be made on the ground that the principal place of residence of a person is not, and has not during the period of three months immediately preceding the date of the objection been, in the subdivision for which he is enrolled.

Amendment of
s. 46—
Notice of
objection.

22. Section 50 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

Amendment of
s. 50—
Issue of writ.

(2) If—

(a) a casual vacancy in the membership of the House of Assembly occurs;

or

(b) the election of a member to a seat in the House of Assembly is declared void by the Court of Disputed Returns,

and the Speaker of the House of Assembly is within the State, he shall issue the writ after giving two clear days' notice to the Governor of his intention to do so.

23. Section 53 of the principal Act is amended by striking out from paragraph (b) the word "seven" and substituting the word "ten".

Amendment of
s. 53—
Polling day.

24. Section 61 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsections:

Amendment of
s. 61—
Requirements
for nomination
and rejection of
nominations.

(2) The returning officer may, with the concurrence of the Electoral Commissioner, reject a nomination if in the opinion of the returning officer the name of a person nominated—

(a) is obscene;

(b) is frivolous;

or

(c) has been assumed for an ulterior purpose.

Repeal of
s. 69 and
substitution
of new section.

Death of
nominated
candidate
on or before
polling day.

25. Section 69 of the principal Act is repealed and the following section is substituted:

69. (1) If a nominated candidate for election in an Assembly district dies before or on polling day, the election shall be deemed to have failed.

(2) If a nominated candidate for election to the Legislative Council dies before or on polling day—

(a) this Act shall apply in relation to the election as if the name of that candidate did not appear on the ballot paper;

and

(b) any preference indicated on a ballot-paper for that candidate shall be ignored and any subsequent preferences indicated on the ballot-paper shall be re-numbered accordingly.

(3) No ballot-paper used for an election for the Legislative Council shall be rendered informal by virtue of the operation of subsection (2).

Amendment of
s. 71—
Forfeiture of
deposit.

26. Section 71 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) The deposit made by or on behalf of a candidate shall be retained pending the election and if—

(a) the candidate is elected or obtains more than the prescribed number of votes;

or

(b) the election is declared void by the Court of Disputed Returns,

the deposit shall be returned to the candidate or a person authorized in writing by him to receive it, but otherwise it shall be forfeited to the Crown.

and

(b) by striking out paragraph (a) of subsection (2) and substituting the following paragraph:

(a) where he is a candidate for a district for which two or more members are required to be elected, if the total number of votes polled as first preference votes in favour of the members of the group in which he is included is not less than one-half of the quota referred to in section 125 (9) (a) of this Act;

Amendment of
s. 73—
Application
for postal
voting papers.

27. Section 73 of the principal Act is amended—

(a) by striking out paragraph (d) of subsection (1) and substituting the following paragraph:

(d) is seriously ill, infirm or disabled, and by reason of the illness, infirmity or disability will be unable to vote at a polling booth, or, in the case of a woman, will by reason of advanced pregnancy be unable to vote at a polling booth;:

(b) by striking out paragraph (b) of subsection (2) and substituting the following paragraph:

(b) must state the full name of the applicant and the address in respect of which he is enrolled;;

and

(c) by striking out from paragraph (c) of subsection (2) the passage "in the presence of an authorized witness".

28. Section 73a of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage "in the presence of an authorized witness".

Amendment of s. 73a—
Application for registration as general postal voter.

29. Section 74 of the principal Act is repealed.

Repeal of s. 74.

30. Section 75 of the principal Act is amended by striking out subsections (1) and (1a) and substituting the following subsections:

(1) Where the Electoral Commissioner, returning officer, deputy returning officer or assistant returning officer to whom an application for a postal vote certificate and postal ballot-paper is made is satisfied that—

Amendment of s. 75—
Issue of postal voting papers.

(a) the applicant is entitled under the provisions of this Act to apply for a postal vote certificate and postal ballot-paper;

(b) the application is properly signed or authenticated;

and

(c) the applicant is enrolled as an elector for the district in which he seeks to vote,

he shall deliver or post to the applicant a postal vote certificate printed on an envelope addressed to the returning officer for the appropriate district, and a postal ballot-paper for the election at which the applicant is entitled to vote.

(1a) An officer may, if satisfied that an error exists in an application for a postal vote certificate and postal ballot-paper, correct that error.

(1b) No postal vote certificate or postal ballot-paper shall be delivered or posted to an applicant under subsection (1) unless the application is received by the officer to whom it is made before five o'clock in the afternoon of the day preceding polling day.

31. Section 76a of the principal Act is amended—

(a) by inserting the word "and" between paragraphs (a) and (b) of subsection (1);

Amendment of s. 76a—
Registration of general postal voters and issue of certificate and ballot-papers.

and

(b) by striking out paragraph (c) of subsection (1) and the word "and" immediately preceding that paragraph.

32. Section 80 of the principal Act is amended by striking out the proviso to subsection (2).

Amendment of s. 80—
Authorized witnesses.

Amendment of
s. 81—
Directions for
postal voting.

33. Section 81 of the principal Act is amended by striking out from subsection (3) the passage “and shall insert in the place provided his occupation and the address of his usual place of residence” and substituting the passage “and shall write in legible script in the place provided on the envelope his full name and the address of his usual place of residence”.

Amendment of
s. 88—
Duty of
Electoral
Commissioner
and returning
officer.

34. Section 88 of the principal Act is amended by striking out from paragraph (c) of subsection (1) the passage “all necessary certified lists of voters” and substituting the passage “all relevant rolls”.

Repeal of
s. 94.

35. Section 94 of the principal Act is repealed.

Amendment of
s. 96—
Printing of
Ballot-papers.

36. Section 96 of the principal Act is amended by striking out from paragraph (i) of subsection (1) the passage “each group” and substituting the passage “the name of each candidate”.

Amendment of
s. 101—
The polling.

37. Section 101 of the principal Act is amended—

(a) by striking out from paragraph (b) the passage “eight o'clock in the evening” and substituting the passage “six o'clock in the evening”;

and

(b) by striking out from paragraph (c) the passage “eight o'clock in the evening” and substituting the passage “six o'clock in the evening”.

Amendment of
s. 105—
Questions to
be put to
voter.

38. Section 105 of the principal Act is amended—

(a) by striking out subsection (2) and substituting the following subsection:

(2) The presiding officer may, and at the request of a scrutineer shall, put all or any of the following questions to a person claiming to vote:

(a) Are you of or above the age of eighteen years?

(b) Are you the person whose name appears as (*here state the name under which the claimant claims to vote*) on the roll for the district of ?

(c) What is the address of your principal place of residence?

(d) Is your principal place of residence within this district?

and if it appears from the answer to a question under paragraph (c) or (d) that the claimant's principal place of residence is outside the district—

(e) When did you last have your principal place of residence within this district?

and

(b) by striking out subsection (4) and substituting the following subsections:

(4) Where it appears from the answer to a question put under subsection (2) that a person claiming to vote has not,

within the period of three months immediately preceding the issue of the writ, had his principal place of residence in the district for which he is enrolled, he is not entitled to vote at an election in that district.

(5) The answer of a person claiming to vote to a question put to him under this section shall be conclusive and the matter shall not be further inquired into during the polling.

39. Section 106 of the principal Act is amended by striking out the passage "or in the certified list of voters".

Amendment of s. 106—
Errors not to result in forfeiture of vote.

40. Section 107 of the principal Act is amended by striking out from paragraphs (a) and (b) the passage "the certified list of voters for the polling place" wherever it occurs and substituting, in each case, the passage "the roll".

Amendment of s. 107—
Right of elector to receive ballot-paper.

41. Section 108 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "on the certified list of voters if his name is on that list" and substituting the passage "on the roll if his name is on the roll";

Amendment of s. 108—
Duty to mark roll.

and

(b) by striking out from subsection (2) the passage "certified list" and substituting the word "roll".

42. Section 109 of the principal Act is amended by striking out from paragraph (b) of subsection (1) the passage "and to show clearly the initials of the presiding officer and exhibit it so folded to the presiding officer,".

Amendment of s. 109—
Marking of votes.

43. Section 110 of the principal Act is repealed and the following section is substituted:

Repeal of s. 110 and substitution of new section.

110. (1) Subject to subsection (2), if a voter satisfies the presiding officer that he is unable to vote without assistance, the voter may be accompanied by an assistant of his choice while in the polling booth.

Voter may be accompanied by an assistant in certain cases.

(2) The presiding officer may express his disapproval of a person chosen to assist a voter under this section and, in that event, some other person, acceptable to the presiding officer, must be chosen by the voter.

(3) The assistant may assist the voter in any of the following ways:

(a) he may act as an interpreter between the voter and the presiding officer or any other officer;

(b) he may explain the ballot-paper, and the voter's obligations under this Act in relation to the marking of the ballot-paper to the voter;

(c) he may assist the voter to mark the ballot-paper, or may himself mark the ballot-paper at the voter's direction;

(d) he may fold and deposit the ballot-paper in the ballot-box.

(4) A person who assists a voter under this section shall not disclose any knowledge of the vote of that voter.

Penalty: One thousand dollars or imprisonment for three months.

Amendment of
s. 110a—
Voting in
pursuance of
claim.

44. Section 110a of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) Where a person who is entitled to be enrolled on the roll for a district claims at a polling place for the district to be entitled to vote at an election and his name does not appear on the roll for the district, he may, subject to this Act, be permitted to vote if—

(a) he delivered or sent to the registrar of the subdivision in which he lives a duly completed claim for enrolment or transfer of enrolment and the claim was received by the registrar before the issue of the writ for the election;

(b) he has, since making the claim, continuously retained his right to enrolment for that subdivision;

and

(c) he makes a declaration in the prescribed form before the presiding officer.;

(b) by striking out from subsection (3) the passage “and of such scrutineers as are present”;

and

(c) by striking out from subsection (5) the passage “to whom paragraph (a), (b) or (c) of subsection (1) of this section applies” and substituting the passage “who has satisfied the conditions set out in paragraphs (a) and (b) of subsection (1)”.

Amendment of
s. 111—
Claim of
person whose
name has been
marked off on
the roll.

45. Section 111 of the principal Act is amended by striking out the passage “certified list of voters” and substituting the word “roll”.

Amendment of
s. 113—
Mode of
Voting.

46. Section 113 of the principal Act is amended by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) where his ballot-paper is a ballot-paper in accordance with Form D in the fourth schedule to this Act he shall place consecutive numbers beginning with the number 1 in the squares opposite the names of the candidates for whom he votes in the order of his preference for them until he has indicated his vote for a number of candidates not less than the number of candidates required to be elected for the district.:

47. Sections 114 and 115 of the principal Act are repealed and the following section is substituted:

Repeal of ss. 114 and 115 and substitution of new section.

114. (1) If circumstances arise by virtue of which it is not practicable to proceed with polling at any polling place or polling places on polling day, the returning officer may (whether or not polling has commenced) adjourn the polling—

Adjournment of polling.

(a) at polling places generally;

or

(b) at any specified polling place or polling places,

for a period not exceeding twenty-one days.

(2) If circumstances arise by virtue of which—

(a) it is not practicable to proceed with polling at a polling place on polling day;

and

(b) it is not practicable for the presiding officer to communicate with the returning officer with a view to his adjourning the polling under subsection (1),

the presiding officer may (whether or not polling has commenced) adjourn the polling at that polling place for a period not exceeding twenty one days.

(3) Public notice of an adjournment under this section shall be given as soon as practicable after the adjournment takes effect.

48. Section 118a of the principal Act is amended—

Amendment of s. 118a—
Compulsory voting for House of Assembly.

(a) by striking out from subsection (3) the passage “shall in all proceedings be *prima facie* evidence” and substituting the passage “shall, in the absence of proof to the contrary, be proof”;

and

(b) by striking out from subsection (10) the passage “shall in all proceedings be *prima facie* evidence” and substituting the passage “shall, in the absence of proof to the contrary, be proof”.

49. Section 123 of the principal Act is amended—

Amendment of s. 123—
Informal ballot-papers.

(a) by striking out from subsection (1) the passage “(except as otherwise provided by the regulations relating to absent voting on polling day or to voting by post or to voting with an electoral visitor)”;

(b) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) it is not authenticated as required by this Act;;

(c) by striking out paragraphs (b) and (c) of subsection (1) and substituting the following paragraphs:

(b) in an election for a district for which two or more candidates are required to be elected, it does not indicate the voter's first preference for one candidate and consecutive

preferences for other candidates so that the number of candidates for whom preferences have been indicated is not less than the number of candidates required to be elected for the district (but where the ballot-paper does indicate the voter's first preference for one candidate, it shall not be informal by reason only of the fact that—

(i) the same preference (other than the first preference) has been recorded on it for more than one candidate, but in that case it shall be treated as if those preferences and any subsequent preferences had not been recorded on it;

or

(ii) there is a break in the order of his preferences, but in that case it shall be treated as if any subsequent preference had not been recorded on it);.

(c) in an election for a district in which one candidate only is required to be elected, it has no vote indicated on it, or does not indicate the voter's first preference for one candidate and consecutive preferences for all the remaining candidates;;

(d) by inserting after paragraph (d) the following paragraph:

(e) in the case of a ballot-paper required by this Act to be deposited in a ballot-box—the ballot-paper is not so deposited.;

and

(e) by inserting after subsection (1) the following subsection:

(1a) Where a voter has indicated preferences for all candidates except one, it shall be presumed that that candidate is the one least preferred by the voter and that the voter has accordingly indicated his preferences for all candidates.

Amendment of
s. 125—
Counting of
votes.

50. Section 125 of the principal Act is amended—

- (a) by striking out from subparagraph (b) of paragraph (1) the passage "or, as the case may be, the descriptions of the respective groups";
- (b) by striking out from subparagraph (b) of paragraph (1) the passage "or group";
- (c) by striking out from subparagraph (c) of paragraph (1) the passage "or group";
- (d) by striking out from subparagraph (d) of paragraph (1) the passage "or group";
- (e) by striking out from provision (i) of subparagraph (f) of paragraph (1) the passage "or group";
- (f) by striking out from subparagraph (b) of paragraph (4) the passage "or, as the case may be, the descriptions of the respective groups";
- (g) by striking out from subparagraph (b) of paragraph (4) the passage "or group";
- (h) by striking out from subparagraph (c) of paragraph (4) the passage "or group";

(i) by striking out paragraphs (9), (10) and (11) and substituting the following paragraph:

(9) In an election for a district where two or more vacancies are to be filled those vacancies shall be filled in the following manner:

(a) The returning officer for the district shall determine a quota by dividing the total number of first preference votes cast at the election for the district by one more than the number of candidates required to be elected for the district and by increasing the quotient so obtained (disregarding any remainder) by one:

(b) Any candidate who has received a number of first preference votes equal to or greater than the quota so determined shall be elected:

(c) Where the number of first preference votes received by a candidate is equal to the quota, the whole of the ballot-papers containing those votes shall be set aside as finally dealt with:

(d) Unless all vacancies have been filled, the surplus votes of each elected candidate shall be transferred to the continuing candidates, in proportion to the voters' preferences, as follows:

(i) The returning officer shall divide the number of the elected candidate's surplus votes by the number of first preference votes (excluding any first preference votes indicated on ballot-papers which do not bear a next available preference for a continuing candidate) received by him and the resulting fraction shall, for the purposes of this clause, be the transfer value of that candidate's surplus votes:

(ii) The returning officer shall take all of the ballot-papers of the elected candidate on which a next available preference is indicated for a continuing candidate and arrange them in separate parcels for the continuing candidates according to the next available preference indicated on them:

(iii) The returning officer shall ascertain, from the parcel referred to in provision (ii) of this subparagraph in respect of each continuing candidate, the total number of ballot-papers of the elected candidate which bear the next available preference for that continuing candidate and shall, by multiplying that total by the transfer value of the elected candidate's surplus

votes, determine the number of votes to be transferred from the elected candidate to each continuing candidate:

- (iv) If, as a result of the multiplication, any fraction results, so many of those fractions, taken in the order of their magnitude, beginning with the largest, as are necessary to ensure that the number of votes transferred equals the number of the elected candidate's surplus votes shall be reckoned as of the value of unity and the remaining fractions shall be ignored:
 - (v) The returning officer shall then determine the number of ballot-papers to be transferred from the elected candidate to each continuing candidate:
 - (vi) The returning officer shall then, in respect of each continuing candidate, forthwith take at random, from the parcel referred to in provision (ii) of this subparagraph containing the ballot-papers of the elected candidate which bear the next available preference for that continuing candidate, the number of ballot-papers determined under provision (v) of this subparagraph and transfer those ballot-papers to the continuing candidate:
 - (vii) The ballot-papers containing the first preference votes of the elected candidate which have not been transferred (that is, the ballot-papers containing the number of votes equal to the quota) shall be set aside as finally dealt with:
- (e) When the surplus votes of all elected candidates have been transferred to the continuing candidates as provided by subparagraph (d) of this paragraph, any continuing candidate who has received a number of votes equal to or greater than the quota shall be elected:
- (f) Unless all the vacancies have been filled the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph (d) of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from a candidate previously elected shall be taken into consideration:
- (g) If, as a result of the transfer of the surplus votes of a candidate elected in pursuance of subparagraph

- (e) of this paragraph or elected at a later stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, he shall be elected:
- (h) Unless all the vacancies have been filled the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph (d) of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from the candidate or candidates elected at the last preceding count shall be taken into consideration:
- (i) The ballot-papers containing the first preference votes of a candidate who has been elected in pursuance of the provisions of subparagraph (e) or (g) of this paragraph, together with the ballot-papers transferred to him from a candidate previously elected or excluded which have not been further transferred shall be set aside as finally dealt with:
- (j) If, after the transfer of the surplus votes of the elected candidates, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the fewest votes shall be excluded and the whole of his ballot-papers shall be transferred to the continuing candidates next in order of the voters' available preferences:
- (k) If thereupon, or as the result of the exclusion of a candidate at any subsequent stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, he shall be elected:
- (l) Unless all the vacancies have then been filled, the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of subparagraph (d) of this paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from the candidate last excluded shall be taken into consideration:
- (m) The ballot-papers containing the first preference votes of the elected candidate, together with the ballot-papers transferred to him from a candidate previously elected or excluded which have not been further transferred, shall be set aside as finally dealt with:
- (n) If no continuing candidate has then received a number of votes equal to the quota, the process of excluding the candidate with the fewest votes and

the transferring of ballot-papers containing those votes to the continuing candidates shall be repeated until a continuing candidate has received a number of votes equal to the quota or, in respect of the last vacancy, a majority of the votes remaining in the count, but the process of excluding candidates shall not be repeated after the number of continuing candidates is equal to the number of unfilled vacancies:

- (o) A ballot-paper that is, pursuant to the exclusion of a candidate, required to be transferred to a continuing candidate shall be set aside as finally dealt with if it does not indicate a next available preference for a continuing candidate:
- (p) After all the candidates who have received a number of votes equal to the quota are elected—
 - (i) where there is one remaining unfilled vacancy—the candidate who has received a majority of the votes remaining in the count;
 - or
 - (ii) where the number of continuing candidates is equal to the number of remaining unfilled vacancies—those candidates, shall be elected;
- (q) Where, on the count of the first preference votes, or at the same time at any subsequent stage of the scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quota, any transfer of the surplus votes of those candidates shall be carried out in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on:
- (r) Notwithstanding anything contained in this paragraph, a transfer of the surplus votes of an elected candidate shall be deferred (but without affecting the order of that transfer) so long as the total number of those surplus votes and any other surplus votes not transferred is less than the difference between the total votes of the two continuing candidates with the fewest votes, and in such case unless all vacancies have been filled, the candidate with the fewest votes shall be first excluded and the ballot-papers containing his votes shall be transferred to the continuing candidates as provided in subparagraph (j) of this paragraph:
- (s) If, on any count, two or more candidates have an equal number of votes, and one of them has to be excluded, the returning officer shall, by lot, determine which of those candidates is to be excluded:

(t) If, at the time of their election, two or more candidates have an equal number of votes that is more than the quota, the returning officer shall, for the purposes of subparagraph (g) of this paragraph, by lot, determine which of those candidates is to be deemed to have had the larger or largest surplus:

(u) If, on the final count for filling the last vacancy, two candidates have an equal number of votes, the returning officer shall, by lot, determine which of those candidates is to be elected.;

(j) by striking out from subparagraph (a) of paragraph (12) the passage "or, as the case may be, the number of first preference votes counted to each group";

(k) by striking out from paragraph (13) the definitions of "continuing group", "description" and "group";

and

(l) by inserting after paragraph (13) the following paragraph:

(13a) In this section a reference in relation to any stage of the scrutiny to the surplus votes of an elected candidate is a reference to the number at that stage by which the elected candidate's votes exceed the quota, reduced by the excess, if any, of the number at that stage of the elected candidate's votes on which a next available preference for a continuing candidate is not indicated over the quota.

51. Section 127 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

Amendment of
s. 127—
Re-count.

(2) In the event of the validity of an election being disputed, the Court of Disputed Returns may, if satisfied that a re-count is justified, order a re-count of the ballot-papers contained in any parcel.

52. Section 129 of the principal Act is repealed and the following section is substituted:

Repeal of
s. 129 and
substitution
of new section.

129. (1) The officer conducting a re-count may, and at the request of a scrutineer shall, reserve any ballot-paper for decision under this section.

Reservation
of doubtful
or disputed
ballot-papers.

(2) Subject to subsection (3), where a ballot-paper has been reserved for decision under this section the Electoral Commissioner shall decide whether the ballot-paper is to be allowed and admitted, or disallowed and rejected.

(3) Where the re-count was ordered by the Court of Disputed Returns, the Court shall decide whether a ballot-paper reserved for decision under this section is to be allowed and admitted, or disallowed and rejected.

53. Section 162 of the principal Act is repealed.

Repeal of
s. 162.

Amendment of
s. 170—
Requirements
in relation to
petition.

54. Section 170 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsections:

(1a) If the Supreme Court is satisfied, upon application made before or after the expiration of the period prescribed by subsection (1) (e) for lodging a petition, that the period should be extended in order to prevent undue hardship to a petitioner, it may extend the period by not more than twenty-eight days.

(1b) Except as provided in subsection (1a), the time for lodging a petition shall not be extended.;

and

(b) by striking out subsection (3) and substituting the following subsection:

(3) The petitioner shall cause a notice of the lodging of the petition, and a copy of the petition, to be served on every other person who was a candidate in the disputed election.

Repeal of
s. 181 and
substitution
of new section.
Inquiries
by the
Court.

55. Section 181 of the principal Act is repealed and the following section is substituted:

181. (1) Subject to subsection (2), the Court shall not inquire into—

(a) the qualification of a nominator or the sufficiency of a nomination;

(b) the correctness of any electoral roll;

(c) the qualifications of persons whose votes have been either accepted or rejected,

but the Court may inquire into the identity of voters and whether their votes were improperly accepted or rejected assuming the rolls to be correct.

(2) The Court may inquire into the qualification of a person permitted to vote under section 110a.

Amendment of
s. 184—
Court not
bound by
rules of
evidence, etc.

56. Section 184 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsection:

(2) Notwithstanding the provisions of subsection (1), an onus shall, in every case, lie upon the petitioner to satisfy the Court on the balance of probabilities that proper grounds exist for granting the relief sought by the petitioner.

Repeal of
s. 185
and substitution
of new section.

57. Section 185 of the principal Act is repealed and the following section is substituted:

185. No election shall be declared void on account of—

(a) delay in the declaration of nominations, the polling or the return of the writ;

(b) an act or omission of an officer that was, in the circumstances, reasonable and in substantial conformity with this Act;

or

Certain
errors not
to constitute
basis for
avoiding
election.

(c) an act or omission of an officer that is not proved to have affected the result of the election.

58. Section 190 of the principal Act is amended by inserting after its present contents (now to be designated as subsection (1)) the following subsections: Amendment of s. 190—
Effect of decision.

(2) Subject to subsection (3), where an election is declared void by the Court of Disputed Returns, then, subject to subsection (3) but notwithstanding any other provision of this Act, those electors, and only those electors who were entitled to vote at that election shall be entitled to vote at the new election held in pursuance of subsection (1) (c).

(3) Subsection (2) does not operate where more than six months intervenes between the dates on which writs for the elections referred to in that subsection were issued.

59. Section 198 of the principal Act is amended by inserting before paragraph (a) the following paragraph: Amendment of s. 198—
Regulations.

(aa) prescribing the method by which ballot-papers are to be taken at random by the returning officer in the counting of votes in any election for a district where two or more vacancies are to be filled;

60. The provisions of the principal Act mentioned in the first column of the schedule are amended as shown in the second column. Amendment of principal Act.

THE SCHEDULE

First Column Provision Affected	Second Column How Amended
Section 61 (c)	By striking out "one hundred dollars" and substituting "two hundred dollars".
Section 82	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 83	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 84 (1)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 84 (2)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 85	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 87e (3)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 87e (4)	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 87h	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 87i	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 99 (1)	By striking out "Twenty dollars" and substituting "Forty dollars".
Section 118a (11)	By striking out "not less than two dollars and not more than eight dollars" and substituting "not less than four dollars and not more than twenty dollars".
Section 124	By striking out "Forty dollars" and substituting "One hundred dollars".
Section 145	By striking out "eight hundred dollars" and substituting "two thousand dollars".
Section 152 (a)	By striking out "eight hundred dollars" and substituting "two thousand dollars".
Section 152 (b)	By striking out "four hundred dollars" and inserting "one thousand dollars".

THE SCHEDULE—Continued

First Column Provision Affected	Second Column How Amended
Section 154	By striking out "Two Hundred Dollars" wherever it occurs and substituting in each case "Five hundred dollars". By striking out "Forty Dollars" and inserting "One hundred dollars". By striking out "Eight Dollars" and inserting "Fifty dollars". By striking out "Eighty Dollars" wherever it occurs and substituting in each case "Two hundred dollars".
Section 155a	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 155b (1)	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 155b (2)	By striking out "Four hundred dollars" and substituting "One thousand dollars".
Section 156	By striking out "Two hundred dollars" and substituting "Five hundred dollars".
Section 198 (a)	By striking out "one hundred dollars" and substituting "two hundred dollars".

61. The fourth schedule to the principal Act is amended—

(a) by striking out Form D and substituting the following form:

FORM D
BALLOT-PAPER WHERE TWO OR MORE MEMBERS ARE REQUIRED TO BE ELECTED
STATE OF SOUTH AUSTRALIA

Election of [here insert number of candidates required to be elected] members of the Legislative Council.

Directions—The voter *must* vote for at least [here insert number of candidates required to be elected] candidates by placing consecutive numbers beginning with the number 1 in the squares opposite the names of [here insert number of candidates required to be elected] candidates in the order of his preference for them.

The voter *may*, if he wishes, vote for additional candidates by placing consecutive numbers beginning with the number [here insert one more than the number of candidates required to be elected] in the squares opposite the names of those additional candidates in the order of his preference for them

Group A	Group B	Group C	Group D	Group E
<input type="checkbox"/> Brown, William Clark	<input type="checkbox"/> Smith, James	<input type="checkbox"/> McPhee, Ian	<input type="checkbox"/> Cole, David	<input type="checkbox"/> West, Reginald
<input type="checkbox"/> Johnson, Anthony Francis	<input type="checkbox"/> Schmidt, Karl Otto	<input type="checkbox"/> Cowan, Mary		
<input type="checkbox"/> Lumsdaine, Alice		<input type="checkbox"/> Pagano, Vittore		
<input type="checkbox"/> Wong, Joseph		<input type="checkbox"/> Wood, Henry		
<input type="checkbox"/> Black, Robert Clive		<input type="checkbox"/> Taylor, George Ernest		
<input type="checkbox"/> Sykes, Michael		<input type="checkbox"/> Brown, Mark		
<input type="checkbox"/> Moss, Harold James		<input type="checkbox"/> Ilic, Petar		

and

(b) by striking out from Form E in that schedule the passage "*Council or*".

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

K. D. SEAMAN, Governor