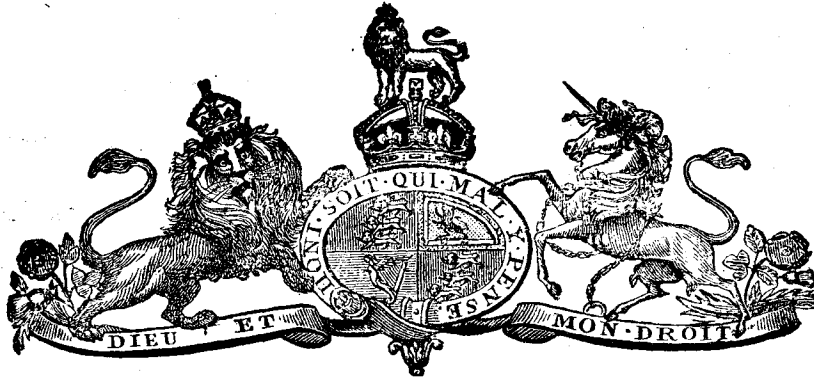


TASMANIA



1917.

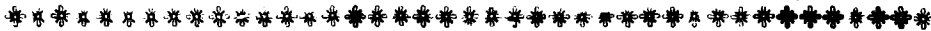
ANNO SEPTIMO

GEORGI V. REGIS.

No. 65.

ANALYSIS.

1. Short title and incorporation with 7 Ed. VII. No. 6.
2. Amendment of Section 60 of Principal Act.
3. Amendment of Section 87 of Principal Act.
4. Amendment of Section 88 of Principal Act.
5. Amendment of Sections 108 and 114 of Principal Act.
6. Where ballot-papers issued at remote polling-place could not affect result of election, scrutiny may proceed without same if Chief Electoral Officer so directs.
7. By-elections.
8. Nominations may be disclosed.



AN ACT to further amend "The Electoral Act, 1907," and for other purposes. A.D. 1917.

[Rescued, 23rd February, 1917; Royal Assent proclaimed, 23rd August, 1917.]

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

1--(1) This Act may be cited as "The Electoral Amendment Act, 1917," and shall be incorporated with and construed as one with "The Electoral Act, 1907" (in this Act referred to as the Principal Act), and every amendment thereof, Short title and incorporation with 7 Ed. VII. No. 6.

Electoral Amendment.

A.D. 1917.

Amendment of
Section 60 of
Principal Act.

2 Section Sixty of the Principal Act is amended by inserting the following words at the end thereof :—

“ If the member so resigning his seat and notifying the Governor as aforesaid—

I. Fails to secure election in Tasmania for the Parliament of the Commonwealth : and

II. Is nominated as a candidate for the vacancy occurring through his own resignation as aforesaid—

the Returning Officer to whom the writ is directed shall forthwith, without holding a poll, publicly declare him to be duly elected to fill the said vacancy, and the writ shall be so returned notwithstanding anything to the contrary contained in this Act.”

Amendment of
Section 87 of
Principal Act.

3 Paragraph VIII. of Section Eighty-seven of the Principal Act is amended by omitting therefrom the words “ duly stamp and hand it to the authorised witness for posting,” and substituting therefor the words “ hand it to the authorised witness for posting or delivery by the authorised witness to the returning officer: Provided that, if the envelope is to be posted the elector shall duly stamp it at the time of handing it to the authorised witness if required by him to do so.”

Amendment of
Section 88 of
Principal Act.

4 Section Eighty-eight of the Principal Act is amended by inserting at the end of Paragraph IV. thereof the words “ or hand it to the returning officer.”

Amendment of
Sections 108 and
114 of Principal
Act.

5—(1) The words “ Form L in Schedule (3) ” are hereby omitted from Paragraph II. of Subsection (1) of Section One hundred and eight of the Principal Act, and the words “ Form L in the schedule,” are hereby omitted from Paragraph III. of Subsection (1) of Section One hundred and fourteen of the Principal Act, and the words “ prescribed form ” are hereby substituted for the words so omitted from the said paragraphs.

(2) Form L in Schedule (3) to the Principal Act is hereby repealed.

When ballot-papers issued at remote polling-place could not affect result of election, scrutiny may proceed without same if Chief Electoral Officer so directs.
Cf. No. 17, 1911, s. 31 (Com. Act).

6 After Section One hundred and thirty of the Principal Act the following section is inserted :—

“ **130a** Where a returning officer reports in writing to the Chief Electoral Officer—

I. That the ascertainment of the result of the polling at an election by means of the scrutiny is delayed by reason of certain ballot-papers, issued at some remote polling-place in connection with the election, not having reached him : and

II. That he is satisfied that the votes recorded on those ballot-papers could not possibly affect the result of the election—
the Returning Officer may, if the Chief Electoral Officer authorises him to do so, ascertain the result of the polling by the scrutiny, declare the result of the election, and return the writ without waiting for the receipt of the said ballot-papers or counting the votes thereon.”

*4. no. 3119 (with)
52*

Electoral Amendment.

7. After Section One hundred and Thirty-two of the Principal Act, the following sections are inserted :—

A.D. 1917.

By-elections.

“ PART XI.

“ BY-ELECTIONS.

“**132a**—(1) In case of any vacancy arising in the Assembly, the Governor shall by writing under his hand notify the same to the Chief Electoral Officer, and no writ for the election of a member to fill the vacancy shall be issued by the Governor unless the Chief Electoral Officer reports to the Governor that it is impracticable to fill the vacancy under the provisions of this section: Provided that the provisions of this section shall not apply to—

- i. Any vacancy in the same seat arising in the same Assembly subsequently to a vacancy in the same seat which has been filled under the provisions of this section :
- ii. Such a vacancy by resignation as is referred to in Section Sixty of this Act, in the event of the vacating member again becoming a candidate for the vacancy,

(2) Upon the receipt of such notification the Chief Electoral Officer shall insert a notice in the prescribed form of such vacancy in at least Two newspapers circulating in the district in respect to which the vacancy has arisen.

(3) If prior to or within the period fixed by Subsection (4) of this section for the receipt of consents, the Chief Electoral Officer shall receive from the vacating member a notice in writing in the prescribed form signed by the vacating member, and witnessed by an elector stating that the vacating member intends to again become a candidate for the vacancy, the Chief Electoral Officer shall not proceed to fill the vacancy under the provisions of this section, but shall at once report to the Governor by writing under his hand that it is impracticable to so fill the vacancy, and the Governor shall thereupon proceed to issue a writ as directed by Subsection (2) of Section **132c** of this Act.

(4) Any person who—

- i. At the general election held immediately prior to the said vacancy was a candidate nominated for election as a member of the Assembly for the district in respect of which the vacancy has arisen and did not withdraw from the election, and was not elected : and
 - ii. Is still qualified under “ The Constitution Act ” or any amendment thereof, to be elected as a member of the Assembly—
- may nominate himself as a candidate for the said vacancy—
- i. By delivering or posting to the Chief Electoral Officer his written consent to act, if elected : or
 - ii. By signifying his consent to act, if elected, to the Chief Electoral Officer by an ordinary message sent to him by telegraph.

Provided the Chief Electoral Officer receives any such communication on or before Twelve o'clock noon on the Tenth day after the day on which he received the said notification of the vacancy.

Electoral Amendment.

A.D. 1917.

Where the nomination is made otherwise than by a message by telegraph, it shall be made by writing in the prescribed form, signed by the candidate nominating, and his signature shall be witnessed by an elector.

Where the nomination is made by a message by telegraph it shall be verified in the prescribed manner.

Any such person who so nominates himself as aforesaid is in this section referred to as a consenting candidate.

(5) If there is only One consenting candidate, the Chief Electoral Officer shall forthwith—

- i. Declare him to be duly elected a member of the Assembly to fill the said vacancy : and
- ii. By writing under his hand notify the election to the Governor.

(6) If there are Two or more consenting candidates the Chief Electoral Officer shall, within Seven days after the date fixed for the receipt of consents to act, proceed to ascertain in the manner hereinafter directed, by an examination of all the voting-papers counted for the vacating member at the said general election, and the voting-papers directed to be counted for the vacating member as hereinafter provided, which consenting candidate shall be elected to fill the said vacancy, and the following provisions shall apply :—

i. The expression 'All the voting-papers counted for the vacating member' shall—

(a) In the case of a vacating member, who at the said general election had, upon the First choices being counted, a number of First choices recorded for him equal to or greater than the quota, mean and include all the voting-papers counted at the said general election whereon First choices were so recorded for the vacating member :

(b) In any other case, mean and include all the voting-papers counted for the vacating member at the time of his election, inclusive of voting-papers representing votes transferred to him :

ii. In any case where—

(a) The vacating member was, by the operation of Rule Ten of Schedule (4) to this Act, declared elected at the said general election upon the exclusion of a candidate thereat who was lowest on the poll : and

(b) The votes obtained by such excluded candidate were not required to be transferred to the candidates next in the order of the voters' respective preferences—

so many of such votes as would have been transferred to such vacating member, if the votes of such excluded member had been so transferred to the candidates next in the order of the voters' respective preferences, shall, for the purposes of this section, be deemed to have been so trans-

Electoral Amendment.

ferred to and to be obtained by such vacating member, and the voting-papers representing the same shall be counted for such vacating member. A.D. 1917.

- iii — (a) The voting-papers counted, or by this section directed to be counted, for the vacating member shall be examined, and all the votes obtained, or deemed to have been obtained, by him shall be transferred to and counted for the consenting candidates First or next in the order of the voters' respective preferences :
- (b) The votes obtained by the vacating member as First choices shall first be transferred, the transfer value of each vote in this case being 1 :
- (c) The other votes (if any) of the vacating member shall then be dealt with in the order of the transfers in which, and at the transfer value at which he obtained them :
- (d) Each of the transfers which takes place under the Two previous clauses of this paragraph, shall be deemed for all purposes to be a separate transfer :
- (e) In determining what candidate is First or next in the order of the voters' preferences—
- (i) The name of and First choices recorded for an excluded candidate at the general election, who is a consenting candidate at the by-election shall, for the purposes of the by-election, not be omitted from any voting-papers transferred to the vacating member, but shall be counted for such consenting candidate :
- (ii) Any candidates who have been declared elected at the said general election, or are not consenting candidates, shall not be considered, and the order of the voters' preference shall be determined as if the names of such candidates had not been on the voting-papers.

Where it is found that on any voting-paper there is no candidate opposite whose name a number is placed other than those who have been already declared elected, or who are not consenting candidates, or whose names by Paragraphs II. or III. of Subsection (3) of Section One hundred and twenty-seven of this Act, must be omitted from the voting-paper when determining the order of the voter's preferences, the voting paper shall be set aside as exhausted :

- iv. After the number of votes in favour of each consenting candidate has been so ascertained as aforesaid, the method of counting votes where One member only has to be returned for a district set out in Schedule (4) to this Act

Electoral Amendment.

A.D. 1917.

shall, *mutatis mutandis*, apply and be followed, and the consenting candidate obtaining an absolute majority of votes as defined in the said schedule, shall be declared by the Chief Electoral Officer to be duly elected to fill the said vacancy, and the Chief Electoral Officer shall by writing under his hand notify the election to the Governor."

"**132b** Subject to the provisions of the last preceding section the Chief Electoral Officer shall make such arrangements for the scrutiny under that section as may be prescribed by regulation. Each consenting candidate may appoint One scrutineer to represent him at the scrutiny."

"**132c**—(1) If for any reason whatsoever the Chief Electoral Officer finds it impracticable to fill the said vacancy under the provisions of the immediately preceding section, he shall as soon as practicable, and in no case later than the Twenty-first day after the day on which he received the said notification of the vacancy, so report in writing under his hand to the Governor.

(2) The Governor shall as soon as practicable after the receipt of such report, issue a writ, directed to the Returning Officer of the district in respect of which the vacancy occurred, for the election of a member to serve in the Parliament of Tasmania for that district."

Nominations may
be disclosed.

8 After Section One hundred and forty-five of the Principal Act, the following section is inserted :—

"**145a** The disclosure at any time by any officer of the nominations from time to time received or any particulars contained in any nomination-paper shall not be deemed a breach of official duty."