



ANNO QUARTO

ELIZABETHAE II REGINAE

A.D. 1955

No. 52 of 1955

An Act to amend the Electoral Act, 1929-1950.

[Assented to 8th December, 1955.]

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, 1955". Short titles.

(2) The Electoral Act, 1929-1950, as amended by this Act, may be cited as the "Electoral Act, 1929-1955".

(3) The Electoral Act, 1929-1950, is hereinafter called "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation with principal Act.

3. Section 8 of the principal Act is amended by striking out subsections (1) and (2) and inserting in lieu thereof the following subsections :— Amendment of s. 8 of principal Act—

8. (1) The Minister may, on the recommendation of the Returning Officer for the State, appoint assistant returning officers— Assistant returning officers and temporary assistants.

(a) for any portion of a district ; or

(b) at a place outside the State.

(2) A person appointed to be an assistant returning officer for a portion of a district may, subject to the control of the returning officer, perform the functions and exercise

the powers of the returning officer (except those relating to postal voting) in, or in relation to, that portion of the district.

(2a) A person appointed to be an assistant returning officer at a place outside the State may, subject to the control of the Returning Officer for the State, perform such functions and exercise such powers as are conferred on him by this Act.

Amendment of
s. 73 of
principal Act—
Application for
postal vote
certificate and
postal ballot
paper.

4. Section 73 of the principal Act is amended—

(a) by striking out paragraph (d) of subsection (2) and inserting in lieu thereof the following paragraph :—

(d) must be made and sent after the tenth day preceding the issue of the writ for the election and before the polling day for the election to the returning officer for the Assembly district or deputy returning officer for the Council division, as the case may be, for which the applicant is enrolled: Provided that if the applicant is temporarily outside the State the application may be made within the times abovementioned to an assistant returning officer at a place outside the State ;

(b) by inserting after the words “ returning officer ” in the third line of the proviso to subsection (2) the words “ or assistant returning officer ”.

Amendment of
s. 75 of
principal Act—
Issue of
certificate and
ballot papers.

5. Section 75 of the principal Act is amended as follows :—

(a) The following subsection is inserted after subsection (1) :—

(1a) An assistant returning officer at a place outside the State who receives an application appearing to be properly signed and witnessed shall deliver or post to the applicant a postal vote certificate printed on an envelope addressed to the returning officer for the district for which the applicant declares that he is enrolled, and a postal ballot paper for the election at which the applicant desires to vote: Provided that where the application is received after six o'clock in the afternoon of the day preceding polling day the assistant returning officer shall not deliver or post to the elector a postal vote certificate or postal ballot paper ;

(b) Subsection (3) is amended by inserting after the words "deputy returning officer" in the first line the words "or assistant returning officer".

6. Section 76 of the principal Act is amended by inserting therein after subsection (1) the following subsection :—

Amendment of s. 76 of principal Act—
Inspection of applications.

(1a) Every application for a postal vote certificate and a postal ballot-paper received by an assistant returning officer at a place outside the State, shall, after being endorsed by him with the date of the issue of the postal vote certificate and postal ballot-paper, forthwith be sent by him to the returning officer for the district to which the ballot-paper relates.

7. Section 80 of the principal Act is amended by adding after the words "returning officer" in the fourth line of paragraph (a) the words "and all assistant returning officers".

Amendment of s. 80 of principal Act—
Authorized witness.

8. Section 81 of the principal Act is amended by striking out the word "three" in the sixth line of subsection (2) thereof and inserting in lieu thereof the word "seven".

Amendment of s. 81 of principal Act—
Postal voting.

9. Section 86 of the principal Act is amended by striking out the word "three" in the passage inserted in the fourth line thereof by paragraph (a) of section 4 of the Electoral Act Amendment Act, 1941, and inserting in lieu thereof the word "seven".

Amendment of s. 86 of principal Act—
Preliminary scrutiny of postal ballot papers.

10. Section 123 of the principal Act is amended—

Amendment of s. 123 of principal Act—
Informal ballot papers.

(a) by adding at the end of paragraph (b) of subsection (1) the following proviso :—

Provided that where there are not more than the prescribed number of candidates, and the voter has indicated his preference for all the candidates except one, and the square opposite the name of that one candidate has been left blank, it shall be deemed that the voter's preference for that candidate is his last and that accordingly he has indicated his preferences for the prescribed number of candidates ;

(b) by striking out paragraph (c) of subsection (1) thereof and inserting in lieu thereof the following paragraph :—

(c) in an election for a district for 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: Provided that where the voter has indicated preferences for all the candidates except one and the square opposite the name of that one candidate has been left blank, it shall be deemed that the voter's preference for that candidate is his last and that accordingly he has indicated his preferences for all the candidates.

Amendment of
s. 136 of
principal Act—
Electoral
expenditure.

11. Section 136 of the principal Act is amended—

- (a) by striking out the word "fifty" in the second line and inserting in lieu thereof "one hundred"; and
- (b) by striking out the word "five" in the third line and inserting in lieu thereof the word "ten".

Amendment of
s. 137 of the
principal Act—
Expenses
allowed.

12. Section 137 of the principal Act is amended—

- (a) by striking out subsection II thereof and inserting in lieu thereof the following subsections:—
- II. advertising and broadcasting ;
- IIA. publishing, issuing, distributing, and displaying addresses, notices, posters, pamphlets, handbills, and cards ;
- (b) by adding after the word "postages" in paragraph III the word "telephones".

Repeal of
s. 138 of
principal Act—
Payment of
money for
election
expenses
to candidate.

13. Section 138 of the principal Act is repealed.

Enactment of
s. 155a of
principal Act—

14. The following sections are enacted and inserted in the principal Act after section 155 thereof:—

Publication
of matter.

155a. (1) If any association, or any member of the controlling or executive body of an association, or any officer of an association, or any person acting on behalf of an association, publishes or announces without the written authority of the candidate any matter in which it is claimed or suggested that a candidate in an election is associated with, or supports the policy or activities of that association,

that association, member, officer, or person, shall be guilty of an offence.

Penalty : One hundred pounds.

(2) Nothing in the foregoing provisions of this section shall apply to or in relation to any announcement or publication made or authorized by any political party or by any branch thereof respecting a candidate who, by public announcement, has declared or indicated that he is a member of or a candidate on behalf of or in the interests of that party.

(3) In this section "association" includes any association, league, organization or other body of persons corporate or unincorporate by whatever name called, and includes any branch of an association.

155b. (1) A person shall not post up or exhibit, or permit to be posted up or exhibited, on any building, vehicle, vessel, hoarding or structure of any kind an electoral poster the area of which is more than one hundred and twenty square inches.

Prohibition of certain electoral posters.

Penalty : One hundred pounds.

For the purposes of this section, every electoral poster any part of which is within three feet of another electoral poster shall be regarded as forming part of that other poster and the combined area of all such electoral posters shall be deemed to be the area of one electoral poster.

(2) A person shall not write, draw, or depict any electoral matter directly on any roadway, footpath, building, vehicle, vessel, fence, hoarding or structure of any kind.

Penalty : One hundred pounds.

(3) Nothing in this section shall prohibit the posting up, exhibiting, writing, drawing or depicting of a sign on or at the office or committee room of a candidate or political party indicating only that the office or room is the office or committee room of the candidate or party, and specifying the name of the candidate, or the names of the candidates, or the names of the party, concerned.

(4) In this section—

“electoral matter” means any matter intended or calculated to affect the result of an election or referendum under any law of the State :

“electoral poster” means any material whatsoever on which any electoral matter is written, drawn, or depicted.

Removal of
prohibited
electoral
posters.

155c. For the purpose of ensuring compliance with the last preceding section, any member of the police force may, and, if so directed by the Returning Officer for the State, shall—

(a) remove an electoral poster which appears to have been posted up or to be exhibited in contravention of subsection (1) of the last preceding section ; or

(b) obliterate electoral matter which appears to have been written, drawn, or depicted in contravention of subsection (2) of the last preceding section.

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

R. A. GEORGE, Governor.