

COMMONWEALTH ELECTORAL (NO. 2).

No. 47 of 1949.

An Act to amend the *Commonwealth Electoral Act* 1918-1948, as amended by the *Commonwealth Electoral Act* 1949, and for other purposes.

[Assented to 27th October, 1949.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title
and citation.

1.—(1.) This Act may be cited as the *Commonwealth Electoral Act* (No. 2) 1949.

(2.) The *Commonwealth Electoral Act 1918-1948**, as amended by the *Commonwealth Electoral Act 1949†*, is in this Act referred to as the Principal Act.

(3.) Section one of the *Commonwealth Electoral Act 1949* is amended by omitting sub-section (3.).

(4.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Electoral Act 1918-1949*.

2.—(1.) This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

(2.) Each section inserted in the Principal Act by this Act shall commence on the date of commencement of this Act.

3. Section one hundred and sixty-four B of the Principal Act is amended—

(a) by inserting after sub-section (2.) the following sub-section :—

“(2A.) It is hereby declared that the application of the last two preceding sub-sections extends in relation to an election or referendum although the writ for that election or referendum has not been issued.”;

(b) by omitting sub-section (3.) and inserting in its stead the following sub-section :—

“(3.) Nothing in this section shall prohibit—

(a) 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 name of the party, concerned ; or

(b) the projection, by means of a cinematograph or other similar apparatus, of electoral matter on to a screen in a public theatre, hall or premises used for public entertainment.”; and

(c) by omitting from the definition “electoral matter” in sub-section (4.) the words “held or to be held”.

4.—(1.) After section one hundred and sixty-four B of the Principal Act the following sections are inserted :—

“164BA.—(1.) For the purpose of ensuring compliance with the last preceding section, an authorized person may, and shall if so

* Act No. 27, 1918, as amended by No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 10, 1924; No. 20, 1925; No. 17, 1928; No. 2, 1929; No. 9, 1934; No. 19, 1940; No. 42, 1946; and No. 17, 1948.

† Act No. 10, 1949.

Display of certain electoral posters prohibited.

Removal of prohibited electoral posters.

directed by the Chief Electoral Officer for the Commonwealth, by the Commonwealth Electoral Officer for a State or by a Divisional Returning Officer—

- (a) remove an electoral poster which appears to have been posted up or to be exhibited in contravention of the last preceding section ; or
- (b) obliterate electoral matter which appears to have been written, drawn or depicted in contravention of the last preceding section.

“(2.) A person shall not obstruct or hinder an authorized person in the exercise or attempted exercise of any power, or in the discharge or attempted discharge of any duty, conferred or imposed upon him under this section.

Penalty : One hundred pounds.

“(3.) In this section, ‘ authorized person ’ means a member of the Police Force of the Commonwealth or of a State or Territory of the Commonwealth and a peace officer appointed under the *Peace Officers Act 1925*.

Injunctions.

“ 164BB.—(1.) For the purpose of ensuring compliance with section one hundred and sixty-four B of this Act, a prescribed court may, upon the application of an officer, grant an injunction—

- (a) restraining any apprehended contravention of that section ;
or
- (b) directing the removal of an electoral poster posted up or exhibited in contravention of that section, or the obliteration of electoral matter written, drawn or depicted in contravention of that section,

and may make an order incidental or supplementary to an order under this section, including an order as to costs.

“(2.) In this section, ‘ prescribed court ’ means any Federal court or the Supreme Court of a State or Territory of the Commonwealth.

“(3.) Each prescribed court (being a court of a State) is hereby invested with federal jurisdiction, and jurisdiction is hereby conferred on each prescribed court (not being a court of a State), in matters arising under this section.”.

(2.) The provisions enacted by this section for the purpose of ensuring compliance with section one hundred and sixty-four B of the *Commonwealth Electoral Act 1918–1949* extend to electoral posters posted up or exhibited, and to electoral matter written, drawn or depicted, before the commencement of this section.