

STATUTORY RULES.

1961. No. 133.

REGULATIONS UNDER THE AUSTRALIAN CAPITAL TERRITORY REPRESENTATION ACT 1948-1959.*

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Australian Capital Territory Representation Act 1948-1959*.

Dated this

26th

day of

October

, 1961.

DE LOR

Governor-General.

By His Excellency's Command,

Sgt. Gordon FORTY

Minister of State for the Interior.

AMENDMENTS OF THE AUSTRALIAN CAPITAL TERRITORY ELECTORAL REGULATIONS.†

1. Regulation 3 of the Australian Capital Territory Electoral Regulations Interpretation. is amended—

(a) by inserting in sub-regulation (1.) after the definition of "election" the following definitions:—

"'elector' means a person whose name appears on the Roll;

'officer' includes a person who is an officer for the purposes of the Commonwealth Electoral Act and an officer, registrar, clerk or doorkeeper appointed under that Act in its application in the Territory;"; and

(b) by omitting from the definition of Returning Officer in sub-regulation (1.) the words "and includes an Assistant Returning Officer".

2. Regulation 5 of the Australian Capital Territory Electoral Regulations is amended by inserting after sub-regulation (2.) the following sub-regulation:—

"(2A.) A reference in these Regulations or in the Commonwealth Electoral Act in its application in the Territory to the performance of a function or the exercise of a power by the Returning Officer shall be read as including a reference to the performance of the function or the exercise of the power by an Assistant Returning Officer by virtue of the last preceding sub-regulation."

* Notified in the *Commonwealth Gazette* on 27th October, 1961.
† Statutory Rules 1949, No. 73, as amended by Statutory Rules 1955, No. 47; and 1958, No. 28.

3. Regulation 14 of the Australian Capital Territory Electoral Regulations is repealed and the following regulation inserted in its stead:—

“ 14. A person who is—

- (a) the holder of a temporary entry permit for the purposes of the *Migration Act 1958*; or
- (b) a prohibited immigrant under that Act,

Other disqualified persons.

is not entitled to enrolment on the Roll.”

4. Regulation 16 of the Australian Capital Territory Electoral Regulations is amended by omitting sub-regulation (4.) and inserting in its stead the following sub-regulation:—

Compulsory enrolment and change.

“ (4.) A person who is guilty of an offence against this regulation is punishable upon conviction—

- (a) in the case of a first offence—by a fine of Ten shillings; or
- (b) in any other case—by a fine of not less than Ten shillings and not more than Two pounds.”

5. Regulation 37 of the Australian Capital Territory Electoral Regulations is repealed and the following regulation inserted in its stead:—

“ 37.—(1.) An application for a postal vote certificate and postal ballot-paper—

Application for postal vote certificate and postal ballot-paper.

- (a) may be in accordance with Form 15; and
- (b) shall be made to the Returning Officer or—
 - (i) if the applicant has reason to believe he may not receive a postal vote certificate and postal ballot-paper from that officer in time to vote at the election—to the Divisional Returning Officer for an Electoral Division of a State or to the Registrar for a Subdivision declared to be a remote Subdivision in pursuance of sub-section (2.) of section 26 of the *Commonwealth Electoral Act 1918-1961*; or
 - (ii) if the applicant is within the Northern Territory of Australia—to the Returning Officer for that Territory; or
 - (iii) if the applicant is temporarily outside Australia—to an Assistant Returning Officer at a place outside Australia.

“ (2.) An application shall be deemed not to have been duly made if it reaches the officer to whom it is made—

- (a) where the officer is at a place in Australia—after eight o'clock in the evening of polling day reckoned according to standard or legal time at that place; or
- (b) in any other case—after the close of the poll for the election.”

6. Regulation 38 of the Australian Capital Territory Electoral Regulations is amended by inserting in sub-regulation (3.), after the words “ Divisional Returning Officer”, the word “, Registrar”.

Postal vote certificate and postal ballot-paper.

7. Regulation 57 of the Australian Capital Territory Electoral Regulations is repealed.

Scrutineers at scrutiny.

8. Regulation 70 of the Australian Capital Territory Electoral Regulations is amended—

Application
of the
Commonwealth
Electoral Act.

(a) by omitting sub-regulation (1.) and inserting in its stead the following sub-regulation:—

“(1.) The following provisions of the Commonwealth Electoral Act do not apply in the Territory:—

Sections 3, 7 to 10 and 12, Parts III. and IV., sections 29, 30 and 32 to 35, sub-sections (1.), (2.) and (4.) of section 41, sub-section (2.) of section 47, sections 60, 66, 71, 72A and 72B, sub-section (1.) of section 77, sub-section (1.) of section 79, sub-section (1.) of section 83, sections 104, 105 and 105A, sub-section (1.) of section 112, sections 123, 128, 135, 137 and 141, sub-section (2.) of section 183 and section 218A.”; and

(b) by omitting paragraph (b) of sub-regulation (3.) and inserting in its stead the following paragraphs:—

“(b) any reference to a Divisional Returning Officer shall be read as a reference to the Returning Officer;

(ba) any reference to an elector shall be read as a reference to a person who is an elector for the purposes of these Regulations;

(bb) any reference to an officer shall be read as a reference to a person who is an officer for the purposes of these Regulations;

(bc) any reference to a Registrar shall be read as a reference to the Registrar;

(bd) any reference to a Returning Officer shall be read as reference to the Returning Officer;

(be) any reference to a Roll shall be read as a reference to the Roll; and”.

9. Form 2 in the First Schedule to the Australian Capital Territory Electoral Regulations is amended—

First
Schedule—
Form 2.

(a) by omitting the words—

“(d) Former surname is to be filled in ONLY in the case of a married woman who has changed her name by marriage since her last enrolment.”,

and inserting in their stead the words—

“(d) Former surname is to be filled in only by a person who has changed his or her name since last enrolment, including a woman who has changed her name by marriage since last enrolment.”; and

(b) by omitting the words—

“N.B.—Electoral Forms for public use may be obtained from any Post Office in the Territory.”,

and inserting in their stead the words—

“NOTE.—Electoral claim forms and envelopes in which the forms may be sent post free to the Electoral Registrar may be obtained at the Chief Electoral Office or at any post office in the Australian Capital Territory.”.

Australian Capital Territory Electoral Regulations.

10. Form 5 in the First Schedule to the Australian Capital Territory Electoral Regulations is amended— First Schedule—
Form 5.

- (a) by omitting the words “not exceeding” (first occurring) and inserting in their stead the word “of”; and
- (b) by omitting the words “not exceeding” (second occurring) and inserting in their stead the words “not less than Ten shillings and not more than”.

11. Form 15 in the First Schedule to the Australian Capital Territory Electoral Regulations is repealed and the following form inserted in its stead:— First Schedule—
Form 15.

“FORM 15.

Regulation 37 (1.).

COMMONWEALTH OF AUSTRALIA.

Australian Capital Territory Electoral Regulations.

APPLICATION FOR POSTAL VOTE CERTIFICATE AND POSTAL BALLOT-PAPER BY AN ELECTOR ENROLLED FOR THE AUSTRALIAN CAPITAL TERRITORY.

To the Returning Officer for the Australian Capital Territory.*

Surname.	Christian Names. (in full).	Place of Living Shown on Roll.	Occupation Shown on Roll.
I,			

hereby apply for a Postal Vote Certificate and Postal Ballot-paper to enable me to vote by post at the next forthcoming election.

I declare—

- (1) That I am an elector enrolled on the Roll of Electors for the Australian Capital Territory.
- (2) That my real place of living is, or at some time within three months immediately preceding the polling day for the election to which this application relates was, in the Australian Capital Territory.
- (3) That the ground on which I apply to vote by post is—
 - (a) That I will not throughout the hours of polling on polling day be within the Australian Capital Territory or, if I will be within that Territory, I will not be within five miles by the nearest practicable route of any polling booth open in that Territory.
 - (b) That I am seriously ill or infirm and, by reason of such illness or infirmity, will be precluded from attending at any polling booth to vote.
 - (c) That I will, by approaching maternity, be precluded from attending at any polling booth to vote.
 - (d) That I am, by reason of my membership of a religious order or my religious beliefs, precluded—
 - (i) from attending at a polling booth; or
 - (ii) from voting throughout the hours of polling on polling day or throughout the greater part of those hours.

Note. Strike out any of these grounds which do not apply to the elector.

Australian Capital Territory Electoral Regulations.

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- (4) That my place of living at the time when the Postal Vote Certificate and Postal Ballot-paper would be delivered in the ordinary course of post will be as follows:—

(Signature of elector in his own handwriting.)

Signed by the elector in his own handwriting in my presence.

(Signature of witness in his own handwriting.)

An elector whose name appears on the Roll for the Australian Capital Territory, for a State, or for the Northern Territory (or where the applicant is outside Australia, an Officer of the Naval, Military or Air Forces of the Commonwealth or of some other part of the Queen's dominions, a person employed in the Public Service of the Commonwealth, a Territory of the Commonwealth or a part of the Queen's dominions or a Justice of the Peace for, or a minister of religion or medical practitioner resident in, a Territory of the Commonwealth or a part of the Queen's dominions.)

(Address of Witness.)

Dated at the day of 19 .

* If the application is being made to an officer other than the Returning Officer for the Australian Capital Territory, this line should be altered accordingly.”.

12. Form 16 in the First Schedule to the Australian Capital Territory Electoral Regulations is amended by omitting the words—

First
Schedule—
Form 16.

“Assistant Returning Officer at .”,

and inserting in their stead the words—

“Registrar for the Subdivision of , or
Assistant Returning Officer at .”.

13. Form 21 in the First Schedule to the Australian Capital Territory Electoral Regulations is amended by omitting all the words after the words “as modified by the Australian Capital Territory Electoral Regulations.” and inserting in their stead the following words:—

First
Schedule—
Form 21.

“And I make this solemn declaration by virtue of the *Statutory Declarations Act* 1959, and subject to the penalties provided by that Act for the making of false statements in statutory declarations, conscientiously believing the statements contained in this declaration to be true in every particular.

Returning Officer for the Australian Capital Territory.

Declared at , 19 . , the day of

Before me,

(a)

(b)

(a) Signature of person before whom the declaration is made.

(b) Here insert title of person before whom the declaration is made.”.

14. The Second Schedule to the Australian Capital Territory Electoral Regulations is amended—

Second
Schedule.

(a) by omitting from the table the words—

“Section
of Act.”,

and inserting in their stead the words—

“ Provision
of Act.”;

(b) by omitting from the table the words—

“ 5 | Omit from definition of ‘Candidate’ the words ‘of the
Senate or’;”;

and inserting in their stead the words—

“ Sections.
5 | Omit from definition of ‘Candidate’ the words ‘of the
Senate or’;”;

(c) by inserting in the table after the item relating to section 88 the following item:—

“ 94 | Omit the words ‘a Divisional Returning Officer, a Registrar,
a Returning Officer or an Assistant Returning Officer’;
insert the words ‘the officer to whom it is addressed’.”;

(d) by omitting from the second column of the table all the words specified opposite to the figures “185” in the first column and inserting in their stead the following words:—

“Omit from paragraph (c) all the words from and including the words ‘or, in the case of the choice’ to and including the word ‘appointment’ (second occurring);

“Omit from paragraph (e) all the words from and including the words ‘; or, in the case of the choice’ to and including the word ‘appointment’ (second occurring);”; and

(e) by adding at the end of the table the following word and item:—

<p>“ Forms. G.</p>	<p>Omit the words ‘State of’ (first occurring), insert the words ‘AUSTRALIAN CAPITAL TERRITORY.’. Omit the words— ‘I,* a candidate at the election of held on the† (in the State of day of 19 , or in the Electoral Division of in the State of , as the case requires)’, insert— ‘I,* a candidate at the election of a member to represent the Australian Capital Territory in the Parliament of the Commonwealth held on the† day of , 19 .’.”.</p>
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By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.