



Commonwealth Electoral Legislation Amendment Act 1983

No. 144 of 1983

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Commonwealth Electoral Legislation Amendment Act 1983

No. 144 of 1983

An Act relating to representation in the Parliament, Parliamentary elections and related matters

[Assented to 22 December 1983]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Commonwealth Electoral Legislation Amendment Act 1983*.

(2) The *Commonwealth Electoral Act 1918*¹ is in this Act referred to as the Principal Act.

Commencement

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

Interpretation

3. Section 5 of the Principal Act is amended—

(a) by omitting the definition of “Candidate” and substituting the following definitions:

“ ‘Abbreviation’, in relation to the name of a political party, includes an alternative name of the party;

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- “‘Antarctic elector’ means an elector who is entitled under Part XIII A to be treated as an Antarctic elector;
 - “‘Approved’ means approved by the Electoral Commission by notice published in the *Gazette*;
 - “‘Australian Capital Territory’ includes the Jervis Bay Territory;
 - “‘Compartment’, in relation to a polling booth, means a compartment constructed in the polling booth in pursuance of section 101;”;
- (b) by inserting after the definition of “Elector” the following definitions:
- “‘Electoral Commission’ means the Australian Electoral Commission established by section 7;
 - “‘Electoral Commissioner’ means the Electoral Commissioner referred to in section 7M;
 - “‘Eligible overseas elector’ means an elector who is entitled under section 39A or 39B to be treated as an eligible overseas elector;
 - “‘General election’ means a general election of the members of the House of Representatives;
 - “‘Hospital’ includes a convalescent home or an institution similar to a hospital or to a convalescent home;
 - “‘Issuing point’, in relation to a polling booth, means a place within the polling booth at which ballot-papers for the Division in which the polling booth is situated are issued to persons voting at the booth;
 - “‘Itinerant elector’ means an elector who is entitled under section 39C to be treated as an itinerant elector;”;
- (c) by omitting the definitions of “Officer” and “Registrar” and substituting the following definitions:
- “‘Officer’ includes the Electoral Commissioner, an Australian Electoral Officer for a State or Territory, a Divisional Returning Officer, an Assistant Returning Officer, an Assistant Divisional Returning Officer, an Antarctic Returning Officer, an Assistant Antarctic Returning Officer, a Presiding Officer, a Substitute Presiding Officer, an Assistant Presiding Officer, an Electoral Visitor, a Mobile Polling Team Leader, a Mobile Polling Team Member and a Poll Clerk;
 - “‘Organization’ includes—
 - (a) a body corporate;
 - (b) an association or other body of persons;
 - (c) an association that consists of 2 or more organizations within the meaning of the preceding paragraphs; and
 - (d) a part of an organization within the meaning of a preceding paragraph;
 - “‘Part’, in relation to an organization, includes—
 - (a) a branch or division of the organization; and
 - (b) a part of a part of the organization;

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- “ ‘Permanent Head’ means a person who is a Permanent Head under the *Public Service Act 1922*;
- “ ‘Political party’ means an organization the object or activity, or one of the objects or activities, of which is the promotion of the election to the Senate or to the House of Representatives of a candidate or candidates endorsed by it;
- “ ‘Polling booth’ means a building, structure, vehicle or enclosure, or a part of a building, structure, vehicle or enclosure, provided at a polling place, in pursuance of paragraph 98 (1) (b), for the purpose of taking votes during polling;
- “ ‘Polling place’ means a place appointed as a polling place in pursuance of section 27;
- “ ‘Registered medical practitioner’ means a person registered or licensed as a medical practitioner under the law of a State or Territory, being a law that provides for the registration or licensing of medical practitioners;
- “ ‘Registered officer’, in relation to a registered political party, means the person shown on the Register of Political Parties as the registered officer of that party;
- “ ‘Registered political party’ means a political party that is registered under Part IXA;
- “ ‘Register of Political Parties’ means the Register of Political Parties established under section 58C;”;
- (d) by omitting “and Assistant Returning Officer” from the definition of “Returning Officer” and substituting “, Assistant Returning Officer and Assistant Divisional Returning Officer”;
- (e) by inserting after the definition of “Roll” the following definition:
“ ‘Special hospital’ means a special hospital within the meaning of section 113C;” and
- (f) by adding at the end thereof the following definition and sub-sections:
“ ‘Territory’ means the Australian Capital Territory or the Northern Territory.
- “(2) For the purposes of this Act, an organization shall be taken to endorse a candidate in an election if a part of the organization, or an organization of which the first-mentioned organization is a part, endorses the candidate in that election.
- “(3) A reference in this Act to provisional enrolment shall be read as a reference to enrolment in pursuance of section 41A.
- “(4) Where a Division is not divided into Subdivisions, a reference in this Act to a Subdivision shall, in relation to that Division, be read as a reference to that Division.

- “(5) In this Act, unless the contrary intention appears—
- (a) a reference to a Division shall be read as including a reference to the Northern Territory; and
 - (b) a reference to a Subdivision shall be read as including a reference to a District of that Territory specified in a notice published under sub-section 26 (1).”.

4. Sections 6 and 7 of the Principal Act are repealed and the following headings and sections are substituted:

“Division 1—Preliminary

Interpretation

“6. In this Part—

- ‘acting Commissioner’ includes a person acting as the Electoral Commissioner;
- ‘appointed Commissioner’ means the Chairman or the non-judicial appointee;
- ‘Chairman’ means the Chairman of the Commission;
- ‘Chief Judge’ means the Chief Judge of the Federal Court of Australia;
- ‘Commission’ means the Commission established by section 7;
- ‘Commissioner’ means a member of the Commission, and includes the Chairman;
- ‘electoral matters’ means matters relating to Parliamentary elections, elections and ballots under the *Conciliation and Arbitration Act 1904* and referendums;
- ‘electoral officer’ means the Electoral Commissioner, the Deputy Electoral Commissioner or an Australian Electoral Officer for a State;
- ‘eligible Judge’ means a person who is a Judge and has been a Judge for not less than 3 years;
- ‘Judge’ means a Judge (other than the Chief Judge) of the Federal Court of Australia;
- ‘non-judicial appointee’ means the Commissioner referred to in paragraph 7 (2) (c);
- ‘Parliamentary matters’ includes matters relating to the role and functions of the Parliament.

“Division 2—The Australian Electoral Commission

Establishment of Commission

“7. (1) There is established by this section a Commission by the name of the Australian Electoral Commission.

- “(2) The Commission shall consist of—
- (a) a Chairman;
 - (b) the Electoral Commissioner; and

(c) one other member.

“(3) The Chairman and the non-judicial appointee shall be appointed by the Governor-General and shall hold office on a part-time basis.

“(4) The person appointed as Chairman shall be a person whose name is included in a list of the names of 3 eligible Judges submitted to the Governor-General for the purposes of this section by the Chief Judge.

“(5) A person shall not be appointed as the non-judicial appointee unless—

- (a) he is the holder of an office referred to in paragraph (a) of the definition of ‘office of Permanent Head’ in sub-section 7 (1) of the *Public Service Act 1922*; or
- (b) he is the holder of an office established by or under an Act, being an office that, in the opinion of the Governor-General, is an office having a status equivalent to an office referred to in paragraph (a).

“(6) The performance of the functions or the exercise of the powers of the Commission is not affected by reason only of there being one vacancy in the membership of the Commission.

Functions and powers of Commission

“7A. (1) The functions of the Commission are—

- (a) to perform functions that are permitted or required to be performed by or under this Act, not being functions that—
 - (i) a specified person or body, or the holder of a specified office, is expressly permitted or required to perform; or
 - (ii) consist of the appointment of a person to an office;
- (b) to consider, and report to the Minister on, electoral matters referred to it by the Minister and such other electoral matters as it thinks fit;
- (c) to promote public awareness of electoral and Parliamentary matters by means of the conduct of education and information programs and by other means;
- (d) to provide information and advice on electoral matters to the Parliament, the Government, Departments and authorities of the Commonwealth;
- (e) to conduct and promote research into electoral matters and other matters that relate to its functions;
- (f) to publish material on matters that relate to its functions; and
- (g) to perform such other functions as are conferred on it by or under any law of the Commonwealth or of a Territory.

“(2) The Commission may perform any of the functions referred to in paragraphs (1) (b) to (f) (inclusive) in conjunction with the electoral authorities of a State or of the Northern Territory.

“(3) The Commission may do all things necessary or convenient to be done for or in connection with the performance of its functions.

Tenure and terms of office

“7B. (1) Subject to this Division, an appointed Commissioner holds office for such period, not exceeding 7 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

“(2) The Chairman shall cease to be a Commissioner if he ceases to be a Judge.

“(3) Where—

- (a) at any time, a person who is the non-judicial appointee holds an office of a kind referred to in paragraph 7 (5) (a);
- (b) the person ceases to be the holder of that office; and
- (c) the person does not, immediately upon ceasing to hold that office, commence to hold another such office,

the person shall cease to be a Commissioner.

“(4) Where—

- (a) a person who was appointed as the non-judicial appointee by virtue of holding an office referred to in paragraph 7 (5) (b) ceases to hold that office; and
- (b) the person does not, immediately upon ceasing to hold that office, commence to hold an office of a kind referred to in paragraph 7 (5) (a),

the person shall cease to be a Commissioner.

“(5) An appointed Commissioner holds office on such terms and conditions not provided for by this Act as are determined by the Governor-General.

Leave of absence

“7C. The Commission may grant the non-judicial appointee leave of absence from a meeting of the Commission.

Resignation

“7D. An appointed Commissioner may resign his office by writing signed by him and delivered to the Governor-General.

Disclosure of interests

“7E. (1) A Commissioner or an acting Commissioner who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Commission.

“(2) A disclosure under sub-section (1) shall be recorded in the minutes of the meeting of the Commission and the Commissioner or acting Commissioner shall not, unless the Minister otherwise determines—

- (a) be present during any deliberation of the Commission with respect to that matter; or
- (b) take part in any decision of the Commission with respect to that matter.

Termination of appointment

“7F. If the non-judicial appointee—

- (a) is absent, except on leave granted by the Commission in accordance with section 7C, from 3 consecutive meetings of the Commission; or
- (b) fails, without reasonable excuse, to comply with his obligations under section 7E,

the Governor-General shall terminate the appointment of the non-judicial appointee.

Acting Chairman

“7G. (1) The Governor-General may appoint a person to act as Chairman—

- (a) during a vacancy in the office of Chairman, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Chairman is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) The Governor-General may at any time terminate an appointment made under sub-section (1).

“(3) Where a person is acting as Chairman in accordance with paragraph (1) (b) and the office of Chairman becomes vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(4) The appointment of a person to act as Chairman ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Governor-General.

“(5) While a person is acting as Chairman, he has, and may exercise, all the powers and shall perform all the functions of the Chairman.

“(6) The validity of anything done by or in relation to a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had

ceased to have effect or that the occasion for him to act had not arisen or had passed.

Acting non-judicial appointee

“7H. (1) The Governor-General may appoint a person to act as the non-judicial appointee—

- (a) during a vacancy in the office of the non-judicial appointee, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the non-judicial appointee is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) The Governor-General may at any time terminate an appointment made under sub-section (1).

“(3) Where a person is acting as the non-judicial appointee in accordance with paragraph (1) (b) and the office of the non-judicial appointee becomes vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(4) The appointment of a person to act as the non-judicial appointee ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Governor-General.

“(5) While a person is acting as the non-judicial appointee, he has, and may exercise, all the powers and shall perform all the functions of the non-judicial appointee.

“(6) The validity of anything done by or in relation to a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had passed.

Meetings of Commission

“7J. (1) The Chairman may, at any time, convene a meeting of the Commission.

“(2) The Chairman shall convene such meetings of the Commission as, in his opinion, are necessary for the efficient performance of its functions.

“(3) At a meeting of the Commission, 2 Commissioners constitute a quorum.

“(4) The Chairman shall preside at all meetings of the Commission at which he is present.

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“(5) If the Chairman is not present at a meeting of the Commission, the Commissioners present shall elect one of their number to preside at that meeting.

“(6) Questions arising at a meeting of the Commission shall be determined by a majority of the votes of the Commissioners present and voting.

“(7) The person presiding at a meeting of the Commission has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

“(8) If, at any meeting of the Commission at which 2 Commissioners only are present, not being a meeting from which a Commissioner is absent by reason of section 7E, the Commissioners differ in opinion on any matter, the determination of that matter shall be postponed to a full meeting of the Commission.

“(9) The Commission may regulate the conduct of proceedings at its meetings as it thinks fit.

“(10) In this section—

- (a) a reference to the Chairman shall, if a person is acting as Chairman, be construed as a reference to the person so acting; and
- (b) a reference to a Commissioner shall, if a person is acting as the Chairman, the non-judicial appointee or the Electoral Commissioner, be construed as including a reference to the person so acting.

Delegation

“7K. (1) The Commission may, by resolution, either generally or as otherwise provided by the resolution, delegate to an appointed Commissioner, an electoral officer or a member of the staff of the Commission all or any of its powers under this Act, other than—

- (a) this power of delegation; and
- (b) its powers under Part IIIA.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Commission.

“(3) A delegation of a power under this section—

- (a) may be revoked by resolution of the Commission (whether or not constituted by the persons constituting the Commission at the time when the power was delegated);
- (b) does not prevent the exercise of the power by the Commission; and
- (c) continues in force notwithstanding a change in the membership of the Commission.

“(4) Section 34A of the *Acts Interpretation Act 1901* applies in relation to a delegation under this section as if the Commission were a person.

“(5) A certificate signed by the Chairman stating any matter with respect to a delegation of a power under this section is *prima facie* evidence of that matter.

“(6) A document purporting to be a certificate mentioned in sub-section (5) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

Reports by Commission

“7L. (1) The Commission shall, as soon as practicable after 30 June in each year, prepare and furnish to the Minister a report of the operations of the Commission during the year that ended on that 30 June.

“(2) The Commission shall, as soon as practicable after the polling day in—

- (a) a general election and any Senate election that had the same polling day as that general election; or
- (b) a Senate election (other than a Senate election referred to in paragraph (a)),

prepare and furnish to the Minister a report of the operation of Part XVI in relation to that election or those elections.

“(3) Section 34C of the *Acts Interpretation Act 1901* does not apply in relation to a report under sub-section (2).

“(4) The Minister shall cause a copy of a report furnished to him under sub-section (1) or (2) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he receives the report.

“Division 3—Electoral Commissioner, Deputy Electoral Commissioner and Australian Electoral Officers for States

Electoral Commissioner

“7M. (1) There shall be an Electoral Commissioner.

“(2) The Electoral Commissioner shall be the chief executive officer of the Commission and shall have such other functions, and such powers, as are conferred upon him by or under any law of the Commonwealth or of a Territory.

Deputy Electoral Commissioner

“7N. (1) There shall be a Deputy Electoral Commissioner.

“(2) The Deputy Electoral Commissioner shall assist the Electoral Commissioner as directed by him.

“(3) Subject to sub-section (4), the Deputy Electoral Commissioner shall act as the Electoral Commissioner—

- (a) during a vacancy in the office of the Electoral Commissioner, whether or not an appointment has previously been made to the office; or

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(b) during any period, or during all periods, when the Electoral Commissioner is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office.

“(4) The Deputy Electoral Commissioner shall not act as the Electoral Commissioner during a vacancy in the office of Electoral Commissioner while a person appointed under section 7U is acting in that office.

“(5) While a person is acting as the Electoral Commissioner, he has, and may exercise, all the powers and shall perform all the functions of the Electoral Commissioner.

Australian Electoral Officers for States

“7O. (1) There shall be an Australian Electoral Officer for each State who shall, subject to the directions of the Electoral Commission, be the principal electoral officer in the State.

“(2) An Australian Electoral Officer for a State shall have such other functions, and such powers, as are conferred on him by any law of the Commonwealth or of a Territory.

Terms and conditions of appointment, &c.

“7P. (1) An electoral officer shall be appointed by the Governor-General.

“(2) Subject to this Act, an electoral officer holds office for such period, not exceeding 7 years, as is specified in the instrument of his appointment, but is eligible for re-appointment.

“(3) A person who has attained the age of 65 years shall not be appointed as an electoral officer and a person shall not be appointed as an electoral officer for a period that extends beyond the day on which he will attain the age of 65 years.

“(4) An electoral officer holds office on such terms and conditions not provided for by this Act as are determined by the Governor-General.

Remuneration

“7Q. (1) An electoral officer shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, he shall be paid such remuneration as is prescribed.

“(2) An electoral officer shall be paid such allowances (if any) as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunals Act 1973*.

Leave of absence

“7R. The Commission may grant leave of absence to an electoral officer on such terms and conditions as to remuneration or otherwise as the Commission determines.

Resignation

“7S. An electoral officer may resign his office by writing signed by him and delivered to the Governor-General.

Termination of appointment

“7T. (1) The Governor-General may terminate the appointment of an electoral officer by reason of misbehaviour or physical or mental incapacity.

“(2) If an electoral officer—

- (a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit;
- (b) is absent, except on leave granted by the Commission, for 14 consecutive days or for 28 days in any 12 months; or
- (c) engages in paid employment outside the duties of his office without the approval of the Commission,

the Governor-General shall terminate the appointment of the electoral officer.

“(3) If the Electoral Commissioner, or the Deputy Electoral Commissioner while acting as the Electoral Commissioner, fails, without reasonable excuse, to comply with his obligations under section 7E, the Governor-General shall terminate his appointment as Electoral Commissioner or Deputy Electoral Commissioner, as the case may be.

Acting Electoral Commissioner

“7U. (1) The Governor-General may appoint a person to act as the Electoral Commissioner—

- (a) during a vacancy in the office of the Electoral Commissioner, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when—
 - (i) the Electoral Commissioner is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office; and
 - (ii) no person is acting as the Electoral Commissioner by virtue of holding the office of, or acting as, the Deputy Electoral Commissioner,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) The Governor-General may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting under sub-section (1); and
- (b) at any time terminate an appointment made under sub-section (1).

“(3) Where a person is acting as the Electoral Commissioner in accordance with paragraph (1) (b) and the office of the Electoral Commissioner becomes

vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(4) The appointment of a person to act as the Electoral Commissioner ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Governor-General.

“(5) While a person is acting as the Electoral Commissioner, he has, and may exercise, all the powers and shall perform all the functions of the Electoral Commissioner.

“(6) The validity of anything done by or in relation to a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had passed.

Acting Deputy Electoral Commissioner

“7v. (1) The Governor-General may appoint a person to act as the Deputy Electoral Commissioner—

- (a) during a vacancy in the office of the Deputy Electoral Commissioner, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Deputy Electoral Commissioner is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office,

but a person appointed to act during a vacancy shall not continue so to act for more than 12 months.

“(2) The Governor-General may—

- (a) determine the terms and conditions of appointment, including remuneration and allowances, of a person acting under sub-section (1); and
- (b) at any time terminate an appointment made under sub-section (1).

“(3) Where a person is acting as the Deputy Electoral Commissioner in accordance with paragraph (1) (b) and the office of the Deputy Electoral Commissioner becomes vacant while that person is so acting, that person may continue so to act until the Governor-General otherwise directs, the vacancy is filled or a period of 12 months from the date on which the vacancy occurred expires, whichever first happens.

“(4) The appointment of a person to act as the Deputy Electoral Commissioner ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Governor-General.

“(5) While a person is acting as the Deputy Electoral Commissioner, he has, and may exercise, all the powers and shall perform all the functions of the Deputy Electoral Commissioner.

“(6) The validity of anything done by or in relation to a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had passed.

Delegation by Electoral Commissioner

“7W. (1) The Electoral Commissioner may, either generally or as otherwise provided by the instrument of delegation, by writing signed by him, delegate to the Deputy Electoral Commissioner or an Australian Electoral Officer for a State or Territory all or any of his powers under this Act other than—

- (a) this power of delegation; and
- (b) his powers under Parts III and IIIA.

“(2) A power so delegated, when exercised by the delegate, shall, for the purposes of this Act, be deemed to have been exercised by the Electoral Commissioner.

“(3) A delegation under this section does not prevent the exercise of a power by the Electoral Commissioner.

“Division 4—Staff of the Commission

Staff

“7X. (1) Subject to sub-section (2), the staff of the Commission shall consist of—

- (a) persons appointed or employed under the *Public Service Act 1922* for the purposes of the Commission (including such persons holding offices established by this Division); and
- (b) persons employed or engaged by the Commission under this Division.

“(2) The Electoral Commissioner has all the powers of, or exercisable by, a Permanent Head under the *Public Service Act 1922* so far as those powers relate to the branch of the Australian Public Service comprising the staff referred to in paragraph (1) (a) as if that branch were a separate Department of the Australian Public Service.

Australian Electoral Officer for a Territory

“7Y. (1) The Commission shall, for the purposes of each election, appoint an Australian Electoral Officer for each Territory and such an appointment shall terminate upon the completion of the election.

“(2) The Commission may appoint a person to act as Australian Electoral Officer for a Territory during any period, or during all periods, when the

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Australian Electoral Officer for the Territory is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office.

“(3) The appointment of a person to act as Australian Electoral Officer for a Territory ceases to have effect if he resigns the appointment by writing signed by him and delivered to the Commission.

“(4) While a person is acting as Australian Electoral Officer for a Territory, he has, and may exercise, all the powers and shall perform all the functions of the Australian Electoral Officer for the Territory.

“(5) The validity of anything done by or in relation to a person purporting to act under sub-section (1) shall not be called in question on the ground that the occasion for his appointment had not arisen, that there is a defect or irregularity in or in connection with his appointment, that the appointment had ceased to have effect or that the occasion for him to act had not arisen or had passed.

Assistant Australian Electoral Officers for States

“7Z. (1) The Commission shall appoint an Assistant Australian Electoral Officer for each State.

“(2) An Assistant Australian Electoral Officer for a State shall assist the Australian Electoral Officer for the State.

“(3) An Assistant Australian Electoral Officer for a State shall act as Australian Electoral Officer for the State—

- (a) during a vacancy in the office of Australian Electoral Officer for the State, whether or not an appointment has previously been made to the office; or
- (b) during any period, or during all periods, when the Australian Electoral Officer for the State is absent from duty or from Australia or is, for any other reason, unable to perform the functions of his office.

“(4) While a person is acting as Australian Electoral Officer for a State, he has, and may exercise, all the powers and shall perform all the functions of the Australian Electoral Officer for the State.”.

Divisional Returning Officers

5. Section 8 of the Principal Act is amended by omitting “Commonwealth Electoral Officer for the State” and substituting “Electoral Commissioner and the Australian Electoral Officer for the State or, if the Division is, or is part of, a Territory, the directions of the Electoral Commissioner”.

Assistant Returning Officers

6. Section 9 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

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“(1) The Commission may, for the purposes of a particular election or referendum, appoint a person to be an Assistant Returning Officer—

(a) for a portion of a Division; or

(b) at a place outside Australia,

and any such appointment shall terminate upon the completion of the election or referendum.”; and

(b) by omitting sub-sections (1C) and (2).

7. Sections 10, 11 and 12 of the Principal Act are repealed and the following sections and heading are substituted:

Assistant Divisional Returning Officers

“10. (1) A person may be appointed to be an Assistant Divisional Returning Officer for a Subdivision.

“(2) A person appointed to be an Assistant Divisional Returning Officer for a Subdivision may, subject to the control of the Divisional Returning Officer for the Division in which the Subdivision is situated, perform the functions and exercise the powers of the Divisional Returning Officer in relation to that Subdivision.

Employment of additional staff, consultants, &c.

“11. (1) The Commission may, on behalf of the Commonwealth, employ, under agreements in writing—

(a) such temporary staff as the Commission thinks necessary for the purposes of the conduct of an election, referendum, ballot or habitation review; and

(b) such senior executive staff as the Commission thinks necessary to assist the Commission in the performance of its functions and otherwise for the purposes of this Act.

“(2) The Commission may, on behalf of the Commonwealth and with the approval of the Public Service Board, engage, under agreements in writing, persons having suitable qualifications and experience as consultants to, or to perform services for, the Commission.

“(3) The terms and conditions of employment of persons employed under sub-section (1) are such as are from time to time determined by the Commission after consultation with the Public Service Board.

“(4) The terms and conditions of engagement of persons engaged under sub-section (2) are such as are from time to time determined by the Commission with the approval of the Public Service Board.

“(5) For the purposes of Part IV of the *Public Service Act 1922*, persons employed under sub-section (1) shall be deemed to be employed by the Commission.

“Division 5—Miscellaneous”.

8. After section 14 of the Principal Act the following section is inserted in Part II:

Offices of Divisional Returning Officers

“15. The office of a Divisional Returning Officer shall, unless the Commission otherwise directs, be located within the Division.”.

9. Part III of the Principal Act is repealed and the following Parts are substituted:

“PART III—REPRESENTATION IN THE PARLIAMENT

“Division 1—Choosing of senators for Queensland

Senators to be directly chosen by people of State, &c.

“16. (1) Senators for the State of Queensland shall be directly chosen by the people of the State voting as one electorate.

“(2) The Parliament of the State of Queensland may not make laws pursuant to section 7 of the Constitution dividing the State into divisions and determining the number of senators to be chosen for each division.

“Division 2—Representation of the Territories in the Senate

Representation of Australian Capital Territory and Northern Territory

“17. The Australian Capital Territory and the Northern Territory shall each be represented in the Senate by 2 senators for the Territory directly chosen by the people of the Territory voting as one electorate.

Powers, privileges and immunities of senator for Territory

“18. (1) A senator for a Territory has all the powers, privileges and immunities of a senator for a State and—

- (a) shall be included in the whole number of the senators for the purpose of ascertaining the number of senators necessary to constitute a meeting of the Senate for the exercise of its powers and, if present, shall be counted for the purpose of determining whether the necessary number of senators are present; and
- (b) has a vote on all questions arising in the Senate.

“(2) The provisions contained in sections 16, 19 and 20 and sections 42 to 48 (inclusive) of the Constitution, to the extent (if any) to which they do not apply, by virtue of the Constitution, in relation to a senator for a Territory, apply, by force of this sub-section, in relation to such a senator in the same way as they apply in relation to a senator for a State.

Term of service of senator for Territory

“19. The term of service of a senator for a Territory commences on the day of his election and expires at the close of the day next preceding the polling day for the general election next following his election.

Time of elections of senators for Territories

“20. An election of the senators for each Territory shall be held at the same time as each general election.

Casual vacancies for places of senators for Territories

“21. (1) If the place of a senator for the Australian Capital Territory becomes vacant before the expiration of his term of service, the members of the Senate and the House of Representatives, sitting and voting together at a joint sitting of the members convened by the Governor-General, shall choose a person to hold the place until the expiration of the term, but if the Parliament is not in session when the vacancy is notified, the Governor-General may appoint a person to hold the place until the expiration of 14 days from the beginning of the next session of the Parliament or the expiration of the term, whichever first happens.

“(2) If the place of a senator for the Northern Territory becomes vacant before the expiration of his term of service, the Legislative Assembly of the Territory shall choose a person to hold the place until the expiration of the term, but if the Legislative Assembly is not in session when the vacancy is notified, the Administrator of the Territory, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of 14 days from the beginning of the next session of the Legislative Assembly or the expiration of the term, whichever first happens.

“(3) Where a vacancy has at any time occurred in the place of a senator chosen by the people of a Territory and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

“(4) Where—

- (a) in accordance with sub-section (3), a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and
- (b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist),

he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with sub-section (5).

“(5) Whenever the place of a senator for a Territory becomes vacant before the expiration of his term of service—

- (a) in the case of a senator for the Australian Capital Territory—the President of the Senate shall notify the Governor-General of the vacancy; and
- (b) in the case of a senator for the Northern Territory—the President of the Senate shall notify the Administrator of the Northern Territory of the vacancy.

“(6) The name of any senator chosen by the members of the Senate and the House of Representatives under sub-section (1), or chosen or appointed under sub-section (2), shall be certified by the President of the Senate or the Administrator of the Northern Territory, as the case may be, to the Governor-General.

“(7) Except in so far as the contrary intention appears in this section, an expression that is used in this section and in section 15 of the Constitution has, in this section, the same meaning as in section 15 of the Constitution.

“Division 3—Representation of the States in the House of Representatives

Interpretation

“22. In this Division, ‘people of the Commonwealth’ does not include the people of any Territory that is referred to in section 122 of the Constitution.

Ascertainment of numbers of people of Commonwealth and States

“23. Where a House of Representatives has continued for a period of 11 months after the day of the first meeting of that House, the Electoral Commissioner shall, within one month after the expiration of the period of 11 months, if that House is still continuing, ascertain the numbers of the people of the Commonwealth and of the several States in accordance with the latest statistics of the Commonwealth.

Supply of statistical information by Australian Statistician

“24. The Australian Statistician shall, on request by the Electoral Commissioner, supply the Electoral Commissioner with all such statistical information as he requires for the purposes of this Division.

Determination of number of members of House of Representatives to be chosen in States

“25. (1) The Electoral Commissioner shall, forthwith after he has ascertained, in accordance with section 23, the numbers of the people of the Commonwealth and of the several States, determine, in accordance with sub-section (2), the number of members of the House of Representatives to be chosen in the several States at a general election.

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“(2) The number of members of the House of Representatives to be chosen in the several States at a general election shall, subject to the Constitution, be determined by the Electoral Commissioner in the following manner:

- (a) a quota shall be ascertained by dividing the number of people of the Commonwealth, as ascertained in accordance with section 23, by twice the number of the senators for the States;
- (b) the number of members to be chosen in each State shall be determined by dividing the number of people of the State, as ascertained in accordance with section 23, by the quota and, if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

“(3) Notwithstanding anything contained in any other law, but subject to the Constitution and to section 39B and Part VII of the *Judiciary Act 1903*, a decision by the Electoral Commissioner made, or purporting to be made, under sub-section (1)—

- (a) is final and conclusive;
- (b) shall not be challenged, appealed against, reviewed, quashed, set aside or called in question in any court or tribunal on any ground; and
- (c) is not subject to mandamus, prohibition, certiorari or injunction, or the making of a declaratory or other order, in any court on any ground.

“(4) A determination under sub-section (1) shall be made by instrument in writing.

Notification of determination

“25A. (1) The Electoral Commissioner shall, forthwith after he has determined, in accordance with section 25, the number of members of the House of Representatives to be chosen in the several States at a general election—

- (a) forward to the Minister a certificate setting out—
 - (i) the numbers of the people of the Commonwealth and of the several States ascertained by him in accordance with section 23; and
 - (ii) the number of members of the House of Representatives so determined by him; and
- (b) cause a copy of the certificate to be published forthwith in the *Gazette*.

“(2) The Minister shall cause copies of the certificate to be laid before each House of the Parliament within 5 sitting days of that House after he receives the certificate.

Number of members of House of Representatives to be chosen in States

“25B. The number of members of the House of Representatives to be chosen in each State at a general election shall be in accordance with the last determination made under sub-section 25 (1) before that general election.

“Division 4—Representation of the Territories in the House of Representatives

Representation of Australian Capital Territory

“25C. The representation of the Australian Capital Territory in the House of Representatives shall be by 2 members directly chosen by the people of the Territory.

Representation of Northern Territory

“25D. The representation of the Northern Territory in the House of Representatives shall be by one member directly chosen by the people of the Territory.

Powers, privileges and immunities of member for Territory

“25E. (1) A member of the House of Representatives chosen in a Territory has all the powers, privileges and immunities of a member of the House of Representatives chosen in a State and—

- (a) shall be included in the whole number of the members of the House of Representatives for the purpose of ascertaining the number of members necessary to constitute a meeting of the House for the exercise of its powers and, if present, shall be counted for the purpose of determining whether the necessary number of members are present; and
- (b) has a vote on all questions arising in the House.

“(2) The provisions contained in sections 32, 33, 37 and 38 and sections 42 to 48 (inclusive) of the Constitution, to the extent (if any) to which they do not apply, by virtue of the Constitution, in relation to a member of the House of Representatives chosen in a Territory, apply, by force of this sub-section, in relation to such a member in the same way as they apply in relation to a member of the House of Representatives chosen in a State.

Time of elections of members for Territories

“25F. An election of the members of the House of Representatives to be chosen in a Territory shall be held at the same time as each general election.

“PART IIIA—ELECTORAL DIVISIONS

Interpretation

“25G. (1) In this Part—

‘average divisional enrolment’, in relation to a State or the Australian Capital Territory, means—

- (a) subject to paragraph (b), the number ascertained by dividing the number of electors enrolled in the State or Territory by the number of Divisions into which the State or Territory is for the time being distributed; or

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- (b) in a case where the number ascertained in accordance with paragraph (a) includes a fraction—the number so ascertained—
 - (i) if the fraction is less than one-half—reduced to the nearest whole number; or
 - (ii) if the fraction is one-half or more—increased to the nearest whole number;

'Territory' means the Australian Capital Territory.

“(2) A person—

- (a) whose name has been placed on a Roll in pursuance of a claim made under section 41A; and
- (b) who has not attained 18 years of age,

shall be taken, for the purposes of this Part, not to be an elector.

States and Australian Capital Territory to be distributed into Electoral Divisions

“25H. Each State and the Australian Capital Territory shall be distributed into Electoral Divisions.

One member to be chosen for each Electoral Division

“25I. One member of the House of Representatives shall be chosen for each Electoral Division.

Monthly ascertainment of enrolment, &c.

“25J. (1) The Electoral Commissioner shall, forthwith after the end of each month—

- (a) ascertain, in respect of each State and the Australian Capital Territory, as at the close of a day in the month, the number of electors enrolled in each Division;
- (b) determine, in respect of each State and the Australian Capital Territory, as at the close of that day in the month—
 - (i) the average divisional enrolment; and
 - (ii) the extent to which the number of electors enrolled in each Division differs from the average divisional enrolment; and
- (c) cause a statement setting out the matters so ascertained and determined to be published forthwith in the *Gazette*.

“(2) Nothing in sub-section (1) shall be taken to require a determination under that sub-section to be made in respect of the several States and the Australian Capital Territory as at the close of the same day in a month.

“(3) A determination under sub-section (1) shall be made by instrument in writing.

Times at which redistributions are to commence

“25K. (1) A redistribution of a State or the Australian Capital Territory into Divisions shall commence whenever the Electoral Commission so directs by notice published in the *Gazette*.

“(2) Subject to sub-sections (3) and (5), a direction under sub-section (1) shall be made in relation to a State—

- (a) forthwith after the making of a determination under sub-section 25 (1) that results in an alteration of the number of members of the House of Representatives to be chosen in the State at a general election;
- (b) whenever it appears to the Electoral Commission, from statements published under sub-section 25J (1), that more than one-third of the Divisions in the State are, and have, for a period of more than 2 months, been, malapportioned Divisions; and
- (c) if a period of 7 years after the day on which the State was last distributed into Electoral Divisions by a determination under sub-section 25Z (1) expires, forthwith after the expiration of the period of 7 years,

and not otherwise.

“(3) A direction under sub-section (1) shall not be made in relation to a State by virtue of paragraph (2) (b) or (c)—

- (a) if the State is undergoing redistribution into Divisions; or
- (b) within one year before the date of expiry of a House of Representatives by effluxion of time.

“(4) If a period of 7 years after the day on which a State was last distributed into Electoral Divisions by a determination under sub-section 25Z (1) expires within one year before the date of expiry of a House of Representatives by effluxion of time, sub-section (2) of this section has effect, in relation to the expiration of that first-mentioned period, as if the reference in paragraph (c) to forthwith after the expiration of the period of 7 years were a reference to forthwith after the day of the first meeting of the next following House of Representatives.

“(5) Where—

- (a) a direction under sub-section (1) is, but for this sub-section, required by sub-section (2) (including that sub-section as affected by sub-section (4)) to be made in relation to a State at any time within one year after the day of the first meeting of a House of Representatives;
- (b) a determination under sub-section 25 (1) has not been made after the day of that first meeting; and
- (c) the Electoral Commission is of the opinion that the next following determination under sub-section 25 (1) will or may result in an alteration of the number of members of the House of Representatives to be chosen in the State at a general election,

the Electoral Commission may, by notice published in the *Gazette*, direct that sub-section (2) does not apply in relation to the State until the making of the determination referred to in paragraph (c).

“(6) Where—

- (a) a State is undergoing redistribution into Divisions; and
- (b) a direction under sub-section (1) is made in relation to the State by virtue of paragraph (2) (a),

the redistribution of the State into Divisions, being the redistribution referred to in paragraph (a) of this sub-section, is, by force of this sub-section, terminated.

“(7) Subject to sub-section (8), a direction under sub-section (1) shall be made in relation to the Australian Capital Territory—

- (a) whenever it appears to the Electoral Commission, from statements published under sub-section 25J (1), that a Division in the Territory is, and has, for a period of more than 2 months, been, a malapportioned Division; and
- (b) if a period of 7 years after the day on which the Territory was last distributed into Electoral Divisions by a determination under sub-section 25Z (1) expires, forthwith after the expiration of the period of 7 years,

and not otherwise.

“(8) A direction under sub-section (1) shall not be made in relation to the Australian Capital Territory—

- (a) if the Territory is undergoing redistribution into Divisions; or
- (b) within one year before the date of expiry of a House of Representatives by effluxion of time.

“(9) If a period of 7 years after the day on which the Australian Capital Territory was last distributed into Electoral Divisions by a determination under sub-section 25Z (1) expires within one year before the date of expiry of a House of Representatives by effluxion of time, sub-section (7) of this section has effect, in relation to the expiration of that first-mentioned period, as if the reference in paragraph (b) to forthwith after the expiration of the period of 7 years were a reference to forthwith after the day of the first meeting of the next following House of Representatives.

“(10) A reference in this section to a malapportioned Division is a reference to a Division in a State or the Australian Capital Territory in which the number of electors enrolled differs from the average divisional enrolment of the State or Territory to a greater extent than one-tenth more or one-tenth less.

“(11) For the purposes of this section, a State or the Australian Capital Territory is undergoing redistribution into Divisions if—

- (a) a redistribution of the State or Territory into Divisions has commenced by virtue of a direction under sub-section (1);
- (b) in the case of a State—the redistribution has not been terminated under sub-section (6); and

- (c) the State or Territory has not been distributed into Electoral Divisions as a result of the redistribution so commenced.

Redistribution Committee for State

“25L. (1) For the purposes of each redistribution of a State, the Electoral Commission shall, as soon as practicable after the commencement of the redistribution, appoint, by instrument in writing, a Redistribution Committee for the State.

“(2) Subject to sub-sections (3) and (4), the members of a Redistribution Committee for a State shall be—

- (a) the Electoral Commissioner;
- (b) the Australian Electoral Officer for the State;
- (c) the Surveyor-General for the State; and
- (d) the Auditor-General of the State.

“(3) If the Surveyor-General for the State is not available to serve as a member of the Redistribution Committee, the Electoral Commission shall appoint—

- (a) in a case where there is a Deputy Surveyor-General for the State who is available to serve as a member of the Redistribution Committee—a Deputy Surveyor-General for the State who is so available; or
- (b) in any other case—an officer of the Australian Public Service nominated for the purpose by the Governor-General, being an officer who is, in the opinion of the Governor-General, a senior officer of the Australian Public Service having a status similar to the Surveyor-General for the State,

as a member of the Redistribution Committee in lieu of the Surveyor-General for the State.

“(4) If the Auditor-General of the State is not available to serve as a member of the Redistribution Committee, the Electoral Commission shall appoint—

- (a) in a case where there is a Deputy Auditor-General of the State who is available to serve as a member of the Redistribution Committee—a Deputy Auditor-General of the State who is so available; or
- (b) in any other case—an officer of the Australian Public Service nominated for the purpose by the Governor-General, being an officer who is, in the opinion of the Governor-General, a senior officer of the Australian Public Service having a status similar to the Auditor-General of the State,

as a member of the Redistribution Committee in lieu of the Auditor-General of the State.

“(5) Subject to sub-section (6), the performance of the functions, and the exercise of the powers, of a Redistribution Committee for a State are not affected by reason only of there being a vacancy, or a change or changes, in the membership of the Redistribution Committee.

“(6) Where, within any period of not more than 30 days (being a period before the making under sub-section 25S (1) of a proposed redistribution of the State by the Redistribution Committee), 2 or more persons who are members of the Redistribution Committee die or become unable, by reason of physical or mental incapacity, to serve or continue to serve as members of the Redistribution Committee, the Electoral Commission shall, by instrument in writing, revoke the appointment of the Redistribution Committee and appoint, for the purposes of the redistribution, another Redistribution Committee for the State in accordance with sub-sections (2), (3) and (4).

“(7) Where, in pursuance of sub-section (6), the Electoral Commission revokes the appointment of a Redistribution Committee for a State and appoints another Redistribution Committee for the State, the provisions of this Part apply as if the first-mentioned Redistribution Committee had never been appointed.

Redistribution Committee for Australian Capital Territory

“25M. (1) For the purposes of each redistribution of the Australian Capital Territory, the Electoral Commission shall, as soon as practicable after the commencement of the redistribution, appoint, by instrument in writing, a Redistribution Committee for the Territory.

“(2) For the purposes of the redistribution, the Electoral Commission shall, by instrument in writing, determine which of the Divisional Returning Officers for the Divisions in the Australian Capital Territory is to be the senior Divisional Returning Officer for the Territory.

“(3) Subject to sub-section (4), the members of a Redistribution Committee for the Australian Capital Territory shall be—

- (a) the Electoral Commissioner;
- (b) the senior Divisional Returning Officer for the Territory;
- (c) the Commonwealth Surveyor-General; and
- (d) an officer of the Australian Public Service nominated for the purpose by the Governor-General, being an officer who is, in the opinion of the Governor-General, a senior officer of the Australian Public Service.

“(4) If the Commonwealth Surveyor-General is not available to serve as a member of the Redistribution Committee, the Electoral Commission shall appoint—

- (a) in a case where there is a Deputy Commonwealth Surveyor-General who is available to serve as a member of the Redistribution Committee—a Deputy Commonwealth Surveyor-General who is so available; or
- (b) in any other case—an officer of the Australian Public Service nominated for the purpose by the Governor-General, being an officer

who is, in the opinion of the Governor-General, a senior officer of the Australian Public Service,
as a member of the Redistribution Committee in lieu of the Commonwealth Surveyor-General.

“(5) Subject to sub-section (6), the performance of the functions, and the exercise of the powers, of a Redistribution Committee for the Australian Capital Territory are not affected by reason only of there being a vacancy, or a change or changes, in the membership of the Redistribution Committee.

“(6) Where, within any period of not more than 30 days (being a period before the making under sub-section 25S (1) of a proposed redistribution of the Australian Capital Territory by the Redistribution Committee), 2 or more persons who are members of the Redistribution Committee die or become unable, by reason of physical or mental incapacity, to serve or continue to serve as members of the Redistribution Committee, the Electoral Commission shall, by instrument in writing, revoke the appointment of the Redistribution Committee and appoint, for the purposes of the redistribution, another Redistribution Committee for the Territory in accordance with sub-sections (3) and (4).

“(7) Where, in pursuance of sub-section (6), the Electoral Commission revokes the appointment of a Redistribution Committee for the Australian Capital Territory and appoints another Redistribution Committee for the Territory, the provisions of this Part apply as if the first-mentioned Redistribution Committee had never been appointed.

Proceedings at meetings of Redistribution Committee, &c.

“25N. (1) The Electoral Commissioner may, at any time, convene a meeting of a Redistribution Committee for a State or the Australian Capital Territory.

“(2) The Electoral Commissioner shall preside at all meetings of a Redistribution Committee at which he is present.

“(3) If the Electoral Commissioner is not present at a meeting of a Redistribution Committee for a State, the Australian Electoral Officer for the State shall preside.

“(4) If the Electoral Commissioner is not present at a meeting of a Redistribution Committee for the Australian Capital Territory, the senior Divisional Returning Officer for the Territory shall preside.

“(5) At a meeting of a Redistribution Committee, 3 members constitute a quorum.

“(6) Questions arising at a meeting of a Redistribution Committee shall be determined by a majority of the votes of the members present and voting.

“(7) The member presiding at a meeting of a Redistribution Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(8) A Redistribution Committee may regulate the conduct of proceedings at its meetings as it thinks fit.

“(9) A Redistribution Committee may inform itself on any matter in such manner as it thinks fit and may consult with such persons as it thinks fit.

“(10) The Electoral Commission shall, on request by a Redistribution Committee, supply the Redistribution Committee with all such information, and provide the Redistribution Committee with all such assistance, as it requires for the purposes of this Part.

Sub-committees

“25P. (1) A Redistribution Committee for a State or the Australian Capital Territory may, by instrument in writing, appoint sub-committees to assist it.

“(2) A sub-committee shall consist of 3 members of the Redistribution Committee.

Suggestions and comments relating to redistribution

“25Q. (1) A Redistribution Committee for a State or the Australian Capital Territory shall, as soon as practicable after its appointment, by notice published in the *Gazette* and in 2 newspapers circulating throughout the State or Territory—

- (a) invite written suggestions relating to the redistribution of the State or Territory to be lodged with it within the period of 30 days after the publication of the notice in the *Gazette*; and
- (b) invite written comments, being comments relating to suggestions lodged with it in pursuance of paragraph (a), to be lodged with it within the period of 14 days after the expiration of the period referred to in that paragraph.

“(2) The Redistribution Committee shall, forthwith after the expiration of the period referred to in paragraph (1) (a), cause copies of the suggestions lodged with it in pursuance of that paragraph to be made available for perusal at—

- (a) in the case of a redistribution of a State—the office of the Australian Electoral Officer for the State; and
- (b) in the case of a redistribution of the Australian Capital Territory—the office of the senior Divisional Returning Officer for the Territory.

“(3) The Redistribution Committee shall consider all of the suggestions and comments lodged with it in pursuance of sub-section (1).

Quota

“25R. (1) For the purposes of each redistribution of a State or the Australian Capital Territory, the Electoral Commissioner shall, by instrument in writing, determine, in accordance with sub-section (2), the quota of electors for the State or Territory.

“(2) The quota of electors for a State or the Australian Capital Territory shall be determined by the Electoral Commissioner by dividing the number, as nearly as can be ascertained by him, of electors enrolled in the State or Territory at the expiration of the period of 14 days referred to in paragraph 25Q (1) (b) by the number of members of the House of Representatives to be chosen in the State or Territory at a general election and—

- (a) if the number so obtained includes a fraction that is less than one-half—reducing that number to the nearest whole number; or
- (b) if the number so obtained includes a fraction that is one-half or more—increasing that number to the nearest whole number.

Redistribution Committee to make proposed redistribution

“25S. (1) A Redistribution Committee for a State or the Australian Capital Territory shall, in accordance with sub-sections (2), (3) and (4), make a proposed redistribution of the State or Territory.

“(2) The proposed redistribution shall propose the distribution of the State or Territory into Electoral Divisions equal in number to the number of members of the House of Representatives to be chosen in the State or Territory at a general election.

“(3) In making the proposed redistribution, the Redistribution Committee—

- (a) shall, as far as practicable, endeavour to ensure that, 3 years and 6 months after the State or Territory has been redistributed, the number of electors enrolled in each proposed Electoral Division in the State or Territory will be equal; and
- (b) subject to paragraph (a), shall give due consideration, in relation to each proposed Electoral Division, to—
 - (i) community of interests within the proposed Electoral Division, including economic, social and regional interests;
 - (ii) means of communication and travel within the proposed Electoral Division;
 - (iii) the trend of population changes within the State or Territory;
 - (iv) the physical features and area of the proposed Electoral Division; and
 - (v) the boundaries of existing Divisions in the State or Territory,

and subject thereto the quota of electors for the State or Territory shall be the basis for the proposed redistribution, and the Redistribution Committee may adopt a margin of allowance, to be used whenever necessary, but in no case shall the quota be departed from to a greater extent than one-tenth more or one-tenth less.

“(4) In a proposed redistribution of the Australian Capital Territory, the whole of the Jervis Bay Territory shall be included in one proposed Electoral Division.

Reasons for proposed redistribution

“25T. A Redistribution Committee for a State or the Australian Capital Territory shall state, in writing, its reasons for the proposed redistribution made by it under sub-section 25S (1) and any member of the Redistribution Committee who disagrees with the proposed redistribution may state in writing the reasons for his disagreement.

Notice of proposed redistribution

“25U. (1) A Redistribution Committee for a State or the Australian Capital Territory shall, as soon as practicable after it has made its proposed redistribution of the State or Territory—

- (a) cause a map or maps showing the names and boundaries of each proposed Electoral Division in the State or Territory to be exhibited at—
 - (i) such post offices, and such other places, as it determines by instrument in writing; and
 - (ii) each office of the Electoral Commission in the State or Territory;
- (b) cause copies of—
 - (i) the comments lodged with it in pursuance of paragraph 25Q (1) (b);
 - (ii) detailed descriptions of the boundaries of each proposed Electoral Division;
 - (iii) its reasons for the proposed redistribution; and
 - (iv) if a member of the Redistribution Committee has stated in writing reasons for his disagreement with the proposed redistribution—those reasons,to be made available for perusal at each office of the Electoral Commission in the State or Territory; and
- (c) by notice published in the *Gazette* and in 2 newspapers circulating throughout the State or Territory, invite public attention to the exhibition of the map or maps referred to in paragraph (a) and to the availability for perusal of copies of the comments, detailed descriptions and reasons referred to in paragraph (b).

“(2) A notice published in pursuance of paragraph (1) (c) shall include a statement to the effect that a person or organization may—

- (a) in the case of a notice published in the *Gazette*—within the period of 14 days after the publication of the notice; or
- (b) in the case of a notice published in a newspaper—within the period of 14 days after the publication of the notice published in the *Gazette* in pursuance of that paragraph,

lodge with the Electoral Commission a written objection against the proposed redistribution.

Objections against proposed redistribution

“25V. A person or organization may, within the period of 14 days after the publication in the *Gazette* of the notice referred to in paragraph 25U (1) (c), lodge with the Electoral Commission a written objection against the proposed redistribution.

Augmented Electoral Commission

“25W. (1) For the purposes of each redistribution of a State or the Australian Capital Territory, there is established by this sub-section an augmented Electoral Commission for the State or Territory.

“(2) The members of an augmented Electoral Commission for a State or the Australian Capital Territory shall be—

- (a) the Chairman of the Electoral Commission;
- (b) the member of the Electoral Commission referred to in paragraph 7 (2) (c); and
- (c) the members of the Redistribution Committee for the State or Territory.

“(3) Subject to sub-section (4), the performance of the functions, and the exercise of the powers, of an augmented Electoral Commission for a State or the Australian Capital Territory are not affected by reason only of there being a vacancy or vacancies, or a change or changes, in the membership of the augmented Electoral Commission.

“(4) Where, within any period (in paragraph (b) referred to as the ‘relevant period’) of not more than 30 days (being a period after the making under sub-section 25S (1) of a proposed redistribution of the State or Territory by the Redistribution Committee for the State or Territory), 2 or more persons who are members of the augmented Electoral Commission die or become unable, by reason of physical or mental incapacity, to serve or continue to serve as members of the augmented Electoral Commission—

- (a) the augmented Electoral Commission shall reconsider all objections against the proposed redistribution lodged with the Electoral Commission in pursuance of section 25V, being objections that had previously been considered by the augmented Electoral Commission; and
- (b) sub-section 25Y (2) has effect as if the reference in that sub-section to 6 weeks after the expiration of the period referred to in section 25V were a reference to 6 weeks after the expiration of the relevant period.

Proceedings at meetings of augmented Electoral Commission, &c.

“25X. (1) The Chairman of the Electoral Commission may, at any time, convene a meeting of an augmented Electoral Commission for a State or the Australian Capital Territory.

“(2) The Chairman of the Electoral Commission shall preside at all meetings of an augmented Electoral Commission at which he is present.

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“(3) If the Chairman of the Electoral Commission is not present at a meeting of an augmented Electoral Commission—

- (a) the Electoral Commissioner shall preside; or
- (b) if the Electoral Commissioner is not present at the meeting—the members present shall appoint one of their number to preside.

“(4) At a meeting of an augmented Electoral Commission, 4 members constitute a quorum.

“(5) Subject to sub-section (6), questions arising at a meeting of an augmented Electoral Commission shall be determined by a majority of the votes of the members present and voting.

“(6) A determination under sub-section 25Z (1) shall not be made unless not less than 4 members of the augmented Electoral Commission, of whom not less than 2 are members of the Electoral Commission, vote in favour of the making of the determination.

“(7) Subject to sub-section (8), the member presiding at a meeting of an augmented Electoral Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

“(8) The casting vote of the member presiding at a meeting of an augmented Electoral Commission shall not be used to vote in favour of the making of a determination under sub-section 25Z (1).

“(9) An augmented Electoral Commission may regulate the conduct of proceedings at its meetings as it thinks fit.

“(10) Subject to section 25Y, an augmented Electoral Commission may inform itself on any matter in such manner as it thinks fit.

“(11) The Electoral Commission shall, on request by an augmented Electoral Commission, supply the augmented Electoral Commission with all such information, and provide the augmented Electoral Commission with all such assistance, as it requires for the purposes of this Part.

Consideration of objections

“25Y. (1) An augmented Electoral Commission for a State or the Australian Capital Territory shall consider all of the objections against the proposed redistribution of the State or Territory lodged with the Electoral Commission in pursuance of section 25V.

“(2) The augmented Electoral Commission shall complete its consideration of the objections as soon as is practicable and, in any event, before the expiration of the period of 6 weeks after the expiration of the period referred to in section 25V.

“(3) The augmented Electoral Commission shall hold an inquiry into an objection unless it is of the opinion that—

- (a) the matters raised in the objection were raised, or are substantially the same as matters that were raised, in—
 - (i) suggestions relating to the redistribution lodged with the Redistribution Committee for the State or Territory in pursuance of paragraph 25Q (1) (a); or
 - (ii) comments lodged with the Redistribution Committee in pursuance of paragraph 25Q (1) (b); or
- (b) the objection is frivolous or vexatious.

“(4) The augmented Electoral Commission may hold one inquiry into a number of objections.

“(5) Proceedings before the augmented Electoral Commission at an inquiry into an objection shall be held in public.

“(6) At an inquiry into an objection, submissions in relation to the objection may be made to the augmented Electoral Commission by or on behalf of the person who, or the organization that, lodged the objection and any person who, or organization that, lodged suggestions relating to the redistribution with the Redistribution Committee in pursuance of paragraph 25Q (1) (a).

“(7) At an inquiry into an objection, the augmented Electoral Commission shall consider all of the submissions made to it in relation to the objection.

“(8) The augmented Electoral Commission is not bound by the legal rules of evidence and may regulate the conduct of proceedings at an inquiry into an objection as it thinks fit.

“(9) Without limiting the generality of sub-section (8), the manner in which submissions may be made to the augmented Electoral Commission, the time within which submissions may be made to the augmented Electoral Commission and the extent to which the augmented Electoral Commission may be addressed, and the persons by whom it may be addressed, on any submission are within the absolute discretion of the augmented Electoral Commission.

Redistribution of State or Australian Capital Territory

“25Z. (1) An augmented Electoral Commission for a State or the Australian Capital Territory shall, in accordance with sub-sections (3), (4) and (5), determine, by notice published in the *Gazette*, the names and boundaries of the Electoral Divisions into which the State or Territory is to be distributed and, subject to sub-sections (6) and (7), those Electoral Divisions shall, until altered by a determination under this sub-section or sub-section 25ZC (6), be the Divisions in the State or Territory.

“(2) The augmented Electoral Commission shall make a determination under sub-section (1) as soon as practicable after it has considered, in accordance with section 25Y, all the objections against the proposed

redistribution of the State or Territory lodged with the Electoral Commission in pursuance of section 25V.

“(3) The determination shall distribute the State or Territory into Electoral Divisions equal in number to the number of members of the House of Representatives to be chosen in the State or Territory at a general election.

“(4) In making the determination, the augmented Electoral Commission—

(a) shall, as far as practicable, endeavour to ensure that, 3 years and 6 months after the making of the determination, the number of electors enrolled in each Electoral Division in the State or Territory will be equal; and

(b) subject to paragraph (a), shall give due consideration, in relation to each Electoral Division, to—

(i) community of interests within the Electoral Division, including economic, social and regional interests;

(ii) means of communication and travel within the Electoral Division;

(iii) the trend of population changes within the State or Territory;

(iv) the physical features and area of the Electoral Division; and

(v) the boundaries of existing Divisions in the State or Territory,

and subject thereto the quota of electors for the State or Territory shall be the basis for the redistribution, and the augmented Electoral Commission may adopt a margin of allowance, to be used whenever necessary, but in no case shall the quota be departed from to a greater extent than one-tenth more or one-tenth less.

“(5) In a redistribution of the Australian Capital Territory, the whole of the Jervis Bay Territory shall be included in one Electoral Division.

“(6) Until the next following expiration or dissolution of the House of Representatives, the redistribution does not affect the election of a new member to fill a vacancy happening in the House of Representatives.

“(7) For the purposes of any such election, the Divisions that existed before the redistribution, and the Rolls for those Divisions, continue to have full force and effect, notwithstanding the redistribution and that new Rolls have been prepared for the new Divisions.

Reasons for determination made by augmented Electoral Commission

“25ZA. An augmented Electoral Commission for a State or the Australian Capital Territory shall state, in writing, its reasons for the determination made by it under sub-section 25Z (1) and any member of the augmented Electoral Commission who disagrees with the determination may state in writing the reasons for his disagreement.

Copies of certain documents to be forwarded to Minister, &c.

“25ZB. (1) The Electoral Commission shall, forthwith after an augmented Electoral Commission for a State or the Australian Capital Territory has

determined under sub-section 25Z (1) the names and boundaries of the Electoral Divisions into which the State or Territory is to be distributed, forward to the Minister a copy of—

- (a) the suggestions relating to the redistribution of the State or Territory lodged with the Redistribution Committee for the State or Territory in pursuance of paragraph 25Q (1) (a);
- (b) the comments lodged with the Redistribution Committee in pursuance of paragraph 25Q (1) (b);
- (c) the proposed redistribution made by the Redistribution Committee and its reasons for the proposed redistribution;
- (d) if a member of the Redistribution Committee has stated in writing the reasons for his disagreement with the proposed redistribution—those reasons;
- (e) the objections against the proposed redistribution lodged with the Electoral Commission in pursuance of section 25V;
- (f) the determination of the augmented Electoral Commission under sub-section 25Z (1) and its reasons for the determination; and
- (g) if a member of the augmented Electoral Commission has stated in writing the reasons for his disagreement with the determination made by the augmented Electoral Commission—those reasons.

“(2) The Minister shall cause copies of the suggestions, comments, proposed redistribution, reasons, objections and determination referred to in sub-section (1) to be laid before each House of the Parliament within 5 sitting days of that House after he receives a copy of them.

Mini-redistribution

“25ZC. (1) Where, on a day (in this section referred to as the ‘relevant day’) on which the Governor-General causes writs (in this section referred to as the ‘writs’) for a general election to be issued, the number (in this section referred to as the ‘present entitlement of the State’) of members of the House of Representatives to be chosen in a State at the general election differs from the number (in this section referred to as the ‘previous entitlement of the State’) of Divisions in accordance with which the State is for the time being distributed, a redistribution of the State into Divisions shall take place under this section.

“(2) For the purposes of the redistribution, the Electoral Commissioner and the Australian Electoral Officer for the State shall be the Redistribution Commissioners for the State.

“(3) Forthwith after the issue of the writs, the Redistribution Commissioners for the State shall, subject to sub-sections (4) and (5)—

- (a) in a case where the present entitlement of the State is greater than the previous entitlement of the State—
 - (i) prepare a list of all possible pairs of contiguous Divisions in the State;

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- (ii) ascertain the number of electors enrolled in each possible pair of contiguous Divisions;
 - (iii) set aside the pair of contiguous Divisions that has the greatest number of electors enrolled;
 - (iv) if the difference between the present entitlement of the State and the previous entitlement of the State is 2—delete from the list all possible pairs of contiguous Divisions containing a Division included in the pair of contiguous Divisions set aside in pursuance of sub-paragraph (iii) and set aside the pair of contiguous Divisions remaining on the list that has the greatest number of electors enrolled; and
 - (v) if the difference between the present entitlement of the State and the previous entitlement of the State is greater than 2—continue successively deleting from the list all possible pairs of contiguous Divisions containing a Division included in a pair of contiguous Divisions set aside in pursuance of sub-paragraph (iv) or of this sub-paragraph, and setting aside the pair of contiguous Divisions remaining on the list that has the greatest number of electors enrolled, until the number of pairs of contiguous Divisions set aside in pursuance of this paragraph is equal to the difference between the present entitlement of the State and the previous entitlement of the State; and
- (b) in a case where the present entitlement of the State is less than the previous entitlement of the State—
- (i) prepare a list of all possible pairs of contiguous Divisions in the State;
 - (ii) ascertain the number of electors enrolled in each possible pair of contiguous Divisions;
 - (iii) set aside the pair of contiguous Divisions that has the smallest number of electors enrolled;
 - (iv) if the difference between the present entitlement of the State and the previous entitlement of the State is 2—delete from the list all possible pairs of contiguous Divisions containing a Division included in the pair of contiguous Divisions set aside in pursuance of sub-paragraph (iii) and set aside the pair of contiguous Divisions remaining on the list that has the smallest number of electors enrolled; and
 - (v) if the difference between the present entitlement of the State and the previous entitlement of the State is greater than 2—continue successively deleting from the list all possible pairs of contiguous Divisions containing a Division included in a pair of contiguous Divisions set aside in pursuance of sub-paragraph (iv) or of this sub-paragraph, and setting aside the pair of contiguous Divisions remaining on the list that has the smallest number of electors enrolled, until the number of pairs of contiguous Divisions set aside in pursuance of this paragraph is

equal to the difference between the present entitlement of the State and the previous entitlement of the State.

“(4) Where, on or remaining on a list prepared in pursuance of paragraph (3) (a), there are 2 or more pairs of contiguous Divisions (in this sub-section referred to as the ‘relevant pairs of contiguous Divisions’) that have the same number of electors enrolled and there is no other pair of contiguous Divisions that has a greater number of electors enrolled, the pair of contiguous Divisions to be set aside in pursuance of that paragraph shall be determined from amongst the relevant pairs of contiguous Divisions by lot.

“(5) Where, on or remaining on a list prepared in pursuance of paragraph (3) (b), there are 2 or more pairs of contiguous Divisions (in this sub-section referred to as the ‘relevant pairs of contiguous Divisions’) that have the same number of electors enrolled and there is no other pair of contiguous Divisions that has a smaller number of electors enrolled, the pair of contiguous Divisions to be set aside in pursuance of that paragraph shall be determined from amongst the relevant pairs of contiguous Divisions by lot.

“(6) The Redistribution Commissioners shall, in accordance with sub-sections (8) to (12) (inclusive), determine, by instrument in writing, the names and boundaries of the Electoral Divisions into which the State is to be distributed, and those Electoral Divisions shall, until altered by a determination under this sub-section or sub-section 25Z (1), be the Divisions in the State.

“(7) The Redistribution Commissioners shall make a determination under sub-section (6) as soon as practicable after they have, in accordance with sub-section (3), set aside a number of pairs of contiguous Divisions in the State equal to the difference between the present entitlement of the State and the previous entitlement of the State and, in any event, before the expiration of the period of 7 days after the relevant day.

“(8) The names and boundaries of the Divisions not included in a pair of contiguous Divisions set aside under sub-section (3) shall not be altered.

“(9) Where the present entitlement of the State is greater than the previous entitlement of the State, each pair of contiguous Divisions set aside in pursuance of paragraph (3) (a) shall be distributed into 3 Electoral Divisions in the following manner:

- (a) the existing Subdivisions in the pair of contiguous Divisions shall be the basis for the redistribution and shall be allocated amongst the 3 Electoral Divisions without alteration;
- (b) each Electoral Division shall, as far as practicable, contain the same number of electors enrolled;
- (c) except in so far as discontinuous or separate boundaries are necessary for the purpose of including an island in an Electoral Division, the boundaries of each Electoral Division shall form an unbroken line.

“(10) The 3 Electoral Divisions so formed from the pair of contiguous Divisions shall, as far as practicable, be named in the following manner:

- (a) the Electoral Division that contains the greatest number of electors who were enrolled in one of the Divisions included in the pair of contiguous Divisions shall be given the name of that Division;
- (b) the Electoral Division that contains the greatest number of electors who were enrolled in the other Division included in the pair of contiguous Divisions shall be given the name of that other Division;
- (c) the Electoral Division remaining to be named after the application of paragraphs (a) and (b) shall have a name consisting of the names of each Division included in the pair of contiguous Divisions arranged in alphabetical order and hyphenated.

“(11) Where the present entitlement of the State is less than the previous entitlement of the State, each pair of contiguous Divisions set aside in pursuance of paragraph (3) (b) shall be distributed into one Electoral Division.

“(12) The Electoral Division so formed from the pair of contiguous Divisions shall have a name consisting of the names of each Division included in the pair of contiguous Divisions arranged in alphabetical order and hyphenated.

“(13) The Redistribution Commissioners shall, forthwith after the making of the determination under sub-section (6)—

- (a) forward to the Minister a copy of the determination; and
- (b) cause a copy of the determination to be published forthwith in the *Gazette* and in 2 newspapers circulating throughout the State.

“(14) The Minister shall cause copies of the determination to be laid before each House of the Parliament within 5 sitting days of that House after he receives a copy of the determination.

“(15) The number of electors enrolled in each pair of contiguous Divisions in the State and in each Subdivision in each Division in the State shall, in so far as it is necessary to do so for the purposes of this section, be ascertained using only the last statement published under sub-section 25J (1) before the relevant day.

“(16) Two Divisions in a State shall be taken, for the purposes of this section, to be contiguous Divisions if the boundaries of the Divisions actually touch in at least one place.

Decisions under Part final and conclusive, &c.

“25ZD. (1) Notwithstanding anything contained in any other law, but subject to the Constitution and to section 39B and Part VII of the *Judiciary Act 1903*, a decision by the Electoral Commissioner, the Electoral Commission, a Redistribution Committee for a State or the Australian Capital Territory, an augmented Electoral Commission for a State or the Australian Capital

Territory or the Redistribution Commissioners for a State made, or purporting to be made, under this Part (whether in the exercise of a discretion or not)—

- (a) is final and conclusive;
- (b) shall not be challenged, appealed against, reviewed, quashed, set aside or called in question in any court or tribunal on any ground; and
- (c) is not subject to mandamus, prohibition, certiorari or injunction, or the making of a declaratory or other order, in any court on any ground.

“(2) Without limiting the generality of sub-section (1), the provisions of this Part (other than sections 25H, 25I and 25R, sub-sections 25X (6) and (8), 25Z (1) and (3) to (7) (inclusive) and 25ZC (1) to (6) (inclusive), (8) to (12) (inclusive) and (15) and (16), section 25ZE and this section) are directory only and any failure to comply with them, whether in whole or in part, shall not invalidate a decision of a kind referred to in sub-section (1).

“(3) A reference in sub-section (1) to a decision made under this Part includes a reference to a refusal or failure to make a decision under this Part.

Improper influence

“25ZE. A person shall not improperly seek to influence a member of a Redistribution Committee for a State or the Australian Capital Territory, a member of an augmented Electoral Commission for a State or the Australian Capital Territory or a Redistribution Commissioner for a State in the performance of his duties under this Part.

Penalty: \$2,000 or imprisonment for 12 months, or both.”.

10. (1) Section 26 of the Principal Act is repealed and the following section is substituted:

Subdivisions

“26. (1) The Electoral Commission may, by notice published in the *Gazette*—

- (a) divide a Division into such Subdivisions (if any) as are specified and set out the boundaries of each Subdivision so specified; and
- (b) divide the Northern Territory into such Districts as are specified and set out the boundaries of each District so specified.

“(2) The Electoral Commission may, by notice published in the *Gazette*, declare a Subdivision of a Division or a District of the Northern Territory to be a remote Subdivision for the purposes of this Act.”.

(2) A Subdivision within the meaning of the Principal Act as in force immediately before the date of commencement of this section constitutes, on and after that date, a Subdivision for the purposes of the Principal Act as amended by this Act as if it had been specified, and its boundaries set out, in a notice published by the Australian Electoral Commission in the *Gazette* in pursuance of sub-section 26 (1) of that Act as so amended.

(3) A Subdivision that is a remote Subdivision within the meaning of the Principal Act as in force immediately before the date of commencement of this section constitutes, on and after that date, a remote Subdivision for the purposes of the Principal Act as amended by this Act as if it had been declared to be a remote Subdivision in a notice published by the Australian Electoral Commission in the *Gazette* in pursuance of sub-section 26 (2) of that Act as so amended.

(4) A District of the Northern Territory within the meaning of regulations that were in force under the *Northern Territory Representation Act 1922* immediately before the date of commencement of this section constitutes, on and after that date, a District of the Northern Territory for the purposes of the Principal Act as amended by this Act as if that District had been specified, and its boundaries set out, in a notice published by the Australian Electoral Commission in the *Gazette* in pursuance of sub-section 26 (1) of that Act as so amended.

Polling places

11. (1) Section 27 of the Principal Act is amended—

(a) by omitting sub-section (1) and substituting the following sub-section:

“(1) The Electoral Commission may, by notice published in the *Gazette*—

- (a) appoint, by name, such polling places for each Division as it considers necessary;
- (b) declare polling places appointed under paragraph (a) in respect of a Division to be polling places for a specified Subdivision of that Division; and
- (c) abolish any polling place.”;

(b) by omitting from sub-section (2) “shall be abolished after the issue of the writ” and substituting “for a Division shall be abolished after the issue of a writ relating, in whole or in part, to the taking of a poll in that Division”; and

(c) by adding at the end thereof the following sub-section:

“(3) The Electoral Commission shall, on at least one occasion after the issue of a writ relating, in whole or in part, to the taking of a poll in a Division but before the date fixed for the polling, if it is practicable to do so, publish in a newspaper circulating in that Division a notice—

- (a) setting out all polling places in that Division; and
- (b) setting out all places that were, at the time of the last election for which a poll was taken in that Division, polling places for that Division but that have been abolished since that time.”.

(2) An appointment of a place as a polling place for a Division in force immediately before the date of commencement of this section under sub-section 27 (1) of the Principal Act has effect, on and after that date, as if it

were an appointment under sub-section 27 (1) of the Principal Act as amended by this Act.

(3) A declaration of a polling place as a polling place for a Subdivision in force immediately before the date of commencement of this section under sub-section 27 (1) of the Principal Act has effect, on and after that date, as if it were a declaration under sub-section 27 (1) of the Principal Act as amended by this Act.

(4) An appointment of a place as a polling place for a Division of the Australian Capital Territory in force immediately before the date of commencement of this section under regulations made under the *Australian Capital Territory Representation (House of Representatives) Act 1973* has effect, on and after that date, as if it were an appointment of that place as a polling place for that Division of the Australian Capital Territory under sub-section 27 (1) of the Principal Act as amended by this Act.

(5) An appointment of a place as a polling place in force immediately before the date of commencement of this section under regulations made under the *Northern Territory Representation Act 1922* has effect, on and after that date, as if it were an appointment of that place as a polling place for the Northern Territory under sub-section 27 (1) of the Principal Act as amended by this Act.

(6) A declaration of a polling place as a polling place for a District of the Northern Territory in force immediately before the date of commencement of this section under regulations made under the *Northern Territory Representation Act 1922* has effect, on and after that date, as if it were a declaration of that place as a polling place for that District of the Northern Territory under sub-section 27 (1) of the Principal Act as so amended.

Change of electors from one Roll to another

12. Section 28 of the Principal Act is repealed.

Electoral Rolls

13. Section 29 of the Principal Act is amended by omitting "each State" and substituting "each State and for each Territory".

Subdivision Rolls, Division Rolls and State and Territory Rolls

14. (1) Section 30 of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section:

"(4) All the Division Rolls for a State or a Territory shall together form the Roll for that State or Territory, as the case requires."

(2) The Roll of the electors for each Division of the Australian Capital Territory, as compiled under regulations made under the *Australian Capital Territory Representation (House of Representatives) Act 1973* and in existence immediately before the date of commencement of this section shall be taken, on and after that date, for the purposes of the Principal Act as amended

by this Act, to have been compiled under the Principal Act as amended by this Act as the Roll of the electors for that Division.

(3) The Roll of the electors for the Northern Territory, and the Roll of the electors for each District of the Territory, as compiled under regulations made under the *Northern Territory Representation Act 1922* and in existence immediately before the date of commencement of this section, shall be taken, on and after that date, for the purposes of the Principal Act as amended by this Act, to have been compiled under the Principal Act as amended by this Act as the Roll of the electors for that Territory or as the Roll of the electors for that District, as the case requires.

15. Section 31 of the Principal Act is repealed and the following section is substituted:

Form of Rolls

“31. (1) Subject to sub-section (2) and section 46A, the Rolls may be in the prescribed form, and shall set out the surname, Christian or given names and place of living of each elector and such further particulars as are prescribed.

“(2) Where an elector is an eligible overseas elector or an itinerant elector, the Roll shall not set out the place of living of the elector.”.

New Rolls to be prepared upon Proclamation

16. Section 33 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Subdivisions, Divisions, or States” and substituting “Subdivision, Division, State or Territory”;
- (b) by omitting sub-section (2); and
- (c) by inserting in sub-section (3) “, otherwise than by virtue of section 39A, 39B or 39C,” after “Roll” (first occurring).

17. After section 33 of the Principal Act the following section is inserted:

New Rolls to be prepared upon creation of new Divisions, Subdivisions, &c.

“33A. (1) Where—

- (a) a Division is divided into Subdivisions;
- (b) a new Division or a new Subdivision is created; or
- (c) the boundaries of an existing Division or of an existing Subdivision are altered,

new Rolls shall be prepared in respect of each Division or Subdivision created or otherwise affected by reason of the circumstance referred to in paragraph (a), (b) or (c) by making any necessary transfer of electors between Rolls for existing Divisions or Subdivisions or between Rolls for existing Divisions or Subdivisions and Rolls for new Divisions or Subdivisions.

“(2) A transfer of electors for the purposes of sub-section (1) between one Roll and another Roll shall be effected by removing the names and other

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particulars of the electors from the Roll on which the names of those electors are presently entered and entering the names and other particulars of those electors on the Roll to which those electors are to be transferred

“(3) Where, for the purposes of sub-section (1), electors are transferred between Rolls—

- (a) in a case where, in the opinion of the relevant officer, a reasonably effective notification of that transfer can be given by notice published in a newspaper—the relevant officer shall cause notice of that transfer to be so published in that newspaper; and
- (b) in a case to which paragraph (a) does not apply—the relevant officer shall cause notice of that transfer to be given to each elector who has been so transferred.

“(4) In sub-section (3), ‘relevant officer’, in relation to an elector transferred for the purposes of sub-section (1), means—

- (a) where the transfer is a transfer between Rolls for Divisions or Subdivisions in a State—the Australian Electoral Officer for that State; and
- (b) where the transfer is a transfer between Rolls for Divisions or Subdivisions in a Territory—the Electoral Commissioner.”.

Additions, &c., to new Rolls

18. Section 34 of the Principal Act is amended—

- (a) by omitting “Registrar” (first occurring) and substituting “Divisional Returning Officer”;
- (b) by omitting “Registrar” (second occurring) and substituting “Divisional Returning Officer, or if there is an Assistant Divisional Returning Officer for the Subdivision, the Assistant Divisional Returning Officer,”;
- (c) by omitting “by him”; and
- (d) by inserting “pursuant to section 33, or the date upon which there occurs a circumstance necessitating the preparation of new Rolls pursuant to section 33A, as the case may be,” after “new Rolls”.

Objections and notices to have effect in relation to new Rolls

19. Section 35 of the Principal Act is amended by inserting “, pursuant to section 33 or 33A,” after “preparation”.

Printing of Rolls

20. Section 36 of the Principal Act is amended by omitting “Minister” (wherever occurring) and substituting “Electoral Commission”.

21. Section 37 of the Principal Act is repealed and the following sections are substituted:

Inspection, &c., of Rolls

“37. (1) Copies of the latest print of the Roll for a Division and of the Supplemental Rolls (if any) relating to that Roll shall be available for public inspection without fee—

- (a) at the office of the Divisional Returning Officer for that Division;
- (b) if there is an Assistant Divisional Returning Officer for a Subdivision of that Division—at the office of that Assistant Divisional Returning Officer; and
- (c) at such other places (if any) as the Electoral Commission determines, and shall be available for purchase at that office or those offices, as the case requires, and at such other places (if any) as the Electoral Commission determines, on payment of such amounts as the Electoral Commission determines to be appropriate in relation to prints of Rolls of that kind.

“(2) Each Roll kept by a Divisional Returning Officer or an Assistant Divisional Returning Officer shall be available for public inspection, without fee, at the office of the Divisional Returning Officer or of the Assistant Divisional Returning Officer, at any time during ordinary office hours.

Provision of Rolls and habitation indexes to political parties, &c.

“37A. (1) Subject to sub-section (3), the Electoral Commission shall cause to be provided, without charge, at a time during each House of Representatives—

- (a) to each registered political party—a copy of the latest print of the Rolls for each State and Territory;
- (b) to each Senator for a State or a Territory—a copy of the latest print of the Roll for that State or Territory;
- (c) to each member of the House of Representatives—a copy of the latest print of the Roll for the Division for which the member was elected; and
- (d) to such other persons or organizations (if any) as the Electoral Commission determines to be appropriate—a copy of the latest print of such Rolls as the Electoral Commission considers appropriate.

“(2) Subject to sub-section (3), the Electoral Commission shall, so far as it is practicable to do so, cause to be provided to each registered political party, without charge, during each House of Representatives, a habitation index—

- (a) for each Division that is not divided into Subdivisions; and
- (b) for each Subdivision of a Division,

being a list of the electors for that Division or Subdivision, as the case requires, arranged, in a manner determined by the Electoral Commission, by reference to the respective places of living of the electors whose names are entered on the Roll for that Division or Subdivision.

“(3) The Commission shall not provide a registered political party with—

- (a) a copy of a print of the Roll for a State or Territory under sub-section (1); or

- (b) a habitation index in respect of a Division or Subdivision in a State or Territory under sub-section (2),

unless a branch or division of the party is organized on the basis of that State or Territory.”.

Habitation reviews

22. Section 38 of the Principal Act is amended—

- (a) by omitting “the Commonwealth Electoral Officer for the State or any other officer acting under his direction all such information as he requires” and substituting “the Electoral Commission or to any officer acting under its direction all such information as the Electoral Commission requires”; and
- (b) by adding at the end thereof the following sub-sections:

“(2) At least once in each period of 2 years the Electoral Commission shall cause to be conducted in each State and Territory a habitation review, being a review of the Rolls for that State or Territory conducted—

- (a) to the extent to which, in the opinion of the Commission, it is reasonably practicable to do so—by arranging for each habitation in the State or Territory to be visited; and
- (b) to the extent to which the Commission is not of the opinion referred to in paragraph (a)—in such other manner as the Commission considers to be appropriate,

with a view to ascertaining such information as is required for the preparation, maintenance and revision of the Rolls.

“(3) Where the Electoral Commission causes only one habitation review of the kind referred to in sub-section (2) to be conducted in a particular State or Territory during each period of 2 years, there shall be paid to the Commission out of the Consolidated Revenue Fund in respect of the conduct of that review an amount equal to the sum of the expenses reasonably incurred by it in respect of the conduct of that review.

“(4) Where—

- (a) the Electoral Commission causes 2 or more habitation reviews of the kind referred to in sub-section (2) to be conducted in a particular State or Territory during each period of 2 years; and
- (b) the Commission nominates 2 of those reviews in accordance with sub-section (5) as reviews to which this sub-section applies,

there shall be paid to the Commission out of the Consolidated Revenue Fund, in respect of the conduct of each review so nominated, an amount equal to the sum of the expenses reasonably incurred by it in respect of the conduct of that review.

“(5) Of the habitation reviews conducted in a particular State or Territory and nominated under paragraph (4)(b), at least one shall be a review conducted in—

- (a) the period of 18 months expiring on the expiry of the House of Representatives by effluxion of time; or
- (b) a period of 12 months, being a period that the Commission declares, for the purposes of this paragraph, to be a period that is likely to precede a redistribution in that State or Territory.

“(6) The Consolidated Revenue Fund is appropriated as necessary for the purposes of sub-section (3) or (4).

“(7) The Minister for Finance may make advances to the Electoral Commission on account of the amount that is expected to become payable under this section to the Commission.

“(8) Amounts payable to the Electoral Commission under this section shall be paid in such amounts, and at such times, as the Minister for Finance determines.”.

Persons entitled to enrolment and to vote

23. Section 39 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Subject to the disqualification set out in this Part, all persons not under eighteen years of age, whether male or female, married or unmarried” and substituting “Subject to sub-sections (5) and (6) and to Part VII, all persons”;
- (b) by omitting paragraph (1)(a) and substituting the following paragraph:
 - “(a) who have attained 18 years of age; and”;
- (c) by omitting from sub-section (1) “subject to the provisions of Part VII of this Act”;
- (d) by omitting sub-sections (3) and (4) and substituting the following sub-sections:

“(2) Subject to sub-sections (3), (3A), (3B) and (4), an elector whose name is on the Roll for a Division is entitled to vote at elections of Members of the Senate for the State that includes that Division and at elections of Members of House of Representatives for that Division.

“(3) An elector—

- (a) whose name has been placed on a Roll in pursuance of a claim made under section 41A; and
- (b) who has not attained 18 years of age on the date fixed for the polling in an election,

is not entitled to vote at that election.

“(3A) Notwithstanding section 41A or any enrolment in pursuance of a claim made under that section, for the purposes of this Act in its application in relation to an election, a person who has not attained 18

years of age on the date fixed for the polling in that election shall not be taken to be—

- (a) entitled to be enrolled on a Roll; or
- (b) enrolled on a Roll.

“(3B) A person is not entitled to vote more than once at any Senate election or any House of Representatives election, or at more than one election for the Senate or for the House of Representatives held on the same day.

“(4) An elector, other than a relevant elector, is not entitled to vote at an election as an elector of the Division in respect of which he is enrolled unless his real place of living was, at some time within the 3 months immediately preceding polling day for that election, within that Division.”; and

- (e) by adding at the end thereof the following sub-sections:

“(6) A person who—

- (a) by reason of being of unsound mind, is incapable of understanding the nature and significance of enrolment and voting;
- (b) has been convicted and is under sentence for an offence punishable under the law of the Commonwealth or of a State or Territory by imprisonment for 5 years or longer; or
- (c) has been convicted of treason or treachery and has not been pardoned,

is not entitled to have his name placed on or retained on any Roll or to vote at any Senate election or House of Representatives election.

“(7) In sub-section (4)—

‘real place of living’, in relation to a person, includes the place of living to which the person, when temporarily living elsewhere, has a fixed intention of returning for the purpose of continuing to live at that place;

‘relevant elector’ means—

- (a) an Antarctic elector;
- (b) an eligible overseas elector; or
- (c) an itinerant elector.

“(8) The reference in sub-section (6) to treason or treachery includes a reference to treason or treachery committed in relation to the Crown in right of a State or the Northern Territory or in relation to the government of a State or the Northern Territory.”.

24. Sections 39A and 39B of the Principal Act are repealed and the following sections are substituted:

Enrolled voters leaving Australia

“39A. (1) Where an elector—

- (a) whose name is on the Roll for a Subdivision of a Division; and
- (b) who intends to cease to reside in Australia and then, not later than 3 years after the day on which he so ceases, to resume residing in Australia, whether in that Subdivision or elsewhere,

applies, within 1 month immediately preceding the day on which he intends to cease to reside in Australia, to the Divisional Returning Officer for that Division to be treated as an eligible overseas elector, the Divisional Returning Officer to whom the application is made shall annotate the Roll for the Subdivision so as to indicate that the elector is an eligible overseas elector and, subject to sub-sections (6), (7), (12) and (13), the elector is entitled to be treated as an eligible overseas elector from the time when the annotation is made until it is cancelled.

“(2) An application under sub-section (1) shall be in writing.

“(3) Notwithstanding anything in sub-section 41 (1) or (2), while a person is entitled to be treated as an eligible overseas elector by virtue of an annotation under sub-section (1) to the Roll for a Subdivision, the person is entitled to—

- (a) have his name retained on the Roll for the Subdivision; and
- (b) vote as an elector of the Subdivision.

“(4) Where a person applies under sub-section (1) to the Divisional Returning Officer for a Division to be treated as an eligible overseas elector and the person’s name is not on the Roll for a Subdivision of the Division, the Divisional Returning Officer shall refuse the application and give notice in writing of his decision to the person making the application.

“(5) Where a person who has applied under sub-section (1) to be treated as an eligible overseas elector—

- (a) does not cease to reside in Australia within 1 month after the day on which he applied to be treated as an eligible overseas elector;
- (b) after ceasing to reside in Australia, resumes residing in Australia within 3 years after the day on which he so ceased to reside in Australia;
- (c) ceases to have the intention to resume residing in Australia within 3 years after the day on which he intends to cease to reside in Australia, or the day on which he ceased to reside in Australia, as the case requires; or
- (d) ceases to be entitled to enrolment,

he shall, as soon as practicable, give notice in writing to the Divisional Returning Officer to whom the application was made of the happening of the event referred to in paragraph (a), (b), (c) or (d), as the case may be.

“(6) Subject to sub-section (13), if a person who is an eligible overseas elector does not cease to reside in Australia within 1 month after the day on which he applied under sub-section (1) to be treated as an eligible overseas

elector, the person ceases to be entitled to be treated as an eligible overseas elector.

“(7) Subject to sub-section (13), where a person who is an eligible overseas elector ceases to reside in Australia within 1 month after the day on which he applied under sub-section (1) to be treated as an eligible overseas elector and, within 3 years after the day on which he so ceased to reside in Australia, he resumes residing in Australia, the person ceases to be entitled to be treated as an eligible overseas elector under this section on the expiration of 1 month after the day on which he resumes residing in Australia.

“(8) Where a person who is an eligible overseas elector in relation to a Subdivision by virtue of this section—

- (a) ceases to have the intention to resume residing in Australia within the period (in this sub-section referred to as the ‘relevant period’) of 3 years after the day on which he ceased to reside in Australia; and
- (b) intends to resume residing in Australia at some time after the expiration of the relevant period,

and applies, within 3 months before the expiration of the relevant period, to the Divisional Returning Officer for the Division for which he is enrolled to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the Divisional Returning Officer to whom the application is made shall annotate the Roll for that Subdivision so as to indicate that the eligible overseas elector is to be treated as an eligible overseas elector for that further period of 1 year.

“(9) Where a person who—

- (a) is being treated as an eligible overseas elector in relation to a Subdivision for a further period (in this sub-section referred to as the ‘relevant period’) of 1 year in pursuance of an application made under sub-section (8) or under this sub-section; and
- (b) intends to resume residing in Australia,

applies, within 3 months before the expiration of the relevant period, to the Divisional Returning Officer for the Division for which he is enrolled to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the Divisional Returning Officer to whom the application is made shall annotate the Roll for that Subdivision so as to indicate that the eligible overseas elector is to be treated as an eligible overseas elector for that further period of 1 year.

“(10) An application under sub-section (8) or (9) shall be in writing.

“(11) Where a person who is being treated as an eligible overseas elector in pursuance of an application made under sub-section (8) or (9)—

- (a) resumes residing in Australia; or
- (b) ceases to have the intention to resume residing in Australia,

he shall, as soon as practicable, give notice in writing to the Divisional Returning Officer for the Division for which he is enrolled of the happening of the event referred to in paragraph (a) or (b), as the case may be.

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“(12) Subject to sub-section (13), where a person who is being treated as an eligible overseas elector in pursuance of an application made under sub-section (8) or (9) resumes residing in Australia, the person ceases to be entitled to be treated as an eligible overseas elector under this section on the expiration of 1 month after the day on which he resumes residing in Australia.

“(13) A person ceases to be entitled to be treated as an eligible overseas elector under this section if—

- (a) the person gives notice under paragraph (5) (c) and does not make an application under sub-section (8);
- (b) the person gives notice under paragraph (11) (b);
- (c) while the person is being so treated, a general election is held at which he neither votes nor applies for a postal vote;
- (d) the person ceases to be entitled to enrolment;
- (e) except where—
 - (i) the person has given notice under paragraph (5) (b); or
 - (ii) the person has made an application under sub-section (8), the period of 3 years commencing on the day on which the person ceased to reside in Australia expires; or
- (f) in a case where—
 - (i) the person is being treated as an eligible overseas elector in pursuance of an application made under sub-section (8) or (9) for a further period (in this paragraph referred to as the ‘relevant period’) of 1 year; and
 - (ii) the person does not make an application under sub-section (9) to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the relevant period expires.

“(14) Where the Divisional Returning Officer for the Division on the Roll for a Subdivision of which an annotation in relation to a person under sub-section (1) has been made becomes aware that the person has ceased to be entitled to be treated as an eligible overseas elector under this section by virtue of sub-section (6), (7), (12) or (13), he shall—

- (a) if the person ceases to be eligible otherwise than by virtue of paragraph (13) (d) and the person resides in the Division at the time when he ceases to be entitled to be treated as an eligible overseas elector under this section—cancel the annotation made in relation to the person under sub-section (1); or
- (b) in any other case—cancel the enrolment of the person on the Roll for the Subdivision.

“(15) If, after an application is made by a person under sub-section (1) to be treated as an eligible overseas elector and before an annotation under sub-section (1) is made in relation to the person, an event occurs by reason of which, if the annotation had been made, the person would have ceased to be

entitled to be treated as an eligible overseas elector under sub-section (6), (7) or (13), whether immediately or otherwise, then—

- (a) where the annotation was not made before the Divisional Returning Officer to whom the application was made became aware of the happening of the event—the Divisional Returning Officer shall not make the annotation; or
- (b) where the annotation is made—the annotation or the enrolment of the person, as the case requires, ceases to be in force immediately after the annotation is made.

“(16) For the purposes of this section, a person shall be taken to reside at a place if, and only if, he has his real place of living, within the meaning of sub-section 39 (4), at that place.

Eligibility of spouse or child of eligible overseas elector

“39B. (1) Where a person—

- (a) who is the spouse or child of a person who is an eligible overseas elector by virtue of section 39A in relation to a Subdivision (in this sub-section referred to as the ‘relevant Subdivision’);
- (b) who is living at a place outside Australia so as to be with or near the eligible overseas elector;
- (c) who had not attained 18 years of age when he last ceased to reside in Australia;
- (d) whose name is not, and has not been, on a Roll;
- (e) who is not qualified for enrolment under section 39 but would be so qualified if he resided in a Subdivision of a Division; and
- (f) who intends to resume residing in Australia not later than 3 years after the day on which he attained 18 years of age,

applies to the Divisional Returning Officer for the Division that includes the relevant Subdivision to have his name placed on the Roll for the relevant Subdivision and to be treated as an eligible overseas elector, the Divisional Returning Officer to whom the application is made shall, subject to sub-section (4)—

- (g) add the name of the person to the Roll for the relevant Subdivision; and
- (h) annotate the Roll for the relevant Subdivision so as to indicate that the person is an eligible overseas elector,

and, subject to sub-sections (7), (12) and (13), the person is entitled to be treated as an eligible overseas elector from the time when the annotation is made until it is cancelled.

“(2) An application under this section shall be in writing.

“(3) Notwithstanding anything contained in sub-section 41 (1) or (2), while a person is entitled to be treated as an eligible overseas elector by virtue of

an annotation under sub-section (1) to the Roll for a Subdivision, the person is entitled to—

- (a) have his name retained on the Roll for the Subdivision; and
- (b) vote as an elector of the Subdivision.

“(4) Where an application under this section is received by a Divisional Returning Officer after 6 o’clock in the afternoon on the day of the close of the Rolls for an election to be held in the Division, the name of the applicant shall not be added to the Roll for a Subdivision, and the annotation of the Roll under sub-section (1) in relation to the applicant shall not be made, until after the close of the polling at that election.

“(5) Where a Divisional Returning Officer—

- (a) grants or refuses an application made under sub-section (1); or
- (b) is of the opinion that an application cannot be proceeded with because of the operation of sub-section (4),

the Divisional Returning Officer shall notify the applicant in writing of that decision or opinion, as the case may be.

“(6) Where a person who has applied under sub-section (1) to be treated as an eligible overseas elector—

- (a) resumes residing in Australia within 3 years after the day on which he attained 18 years of age;
- (b) ceases to have the intention to resume residing in Australia within 3 years after the day on which he attained 18 years of age; or
- (c) ceases to be qualified for enrolment,

he shall, as soon as practicable, give notice in writing to the Divisional Returning Officer to whom the application under sub-section (1) to be treated as an eligible overseas elector was made of the happening of the event referred to in paragraph (a), (b) or (c), as the case may be.

“(7) Subject to sub-section (13), where a person who is being treated as an eligible overseas elector under this section resumes residing in Australia within 3 years after the day on which he attained 18 years of age, the person ceases to be eligible to be treated as an eligible overseas elector under this section on the expiration of 1 month after the day on which he resumes residing in Australia.

“(8) Where a person who is an eligible overseas elector in relation to a Subdivision by virtue of this section—

- (a) ceases to have the intention to resume residing in Australia within the period (in this sub-section referred to as the ‘relevant period’) of 3 years after the day on which he attained 18 years of age; and
- (b) intends to resume residing in Australia at some time after the expiration of the relevant period,

applies, within 3 months before the expiration of the relevant period, to the Divisional Returning Officer for the Division for which he is enrolled to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the Divisional Returning Officer to

whom the application is made shall annotate the Roll for that Subdivision so as to indicate that the eligible overseas elector is to be treated as an eligible overseas elector for that further period of 1 year.

“(9) Where a person who—

(a) is being treated as an eligible overseas elector in relation to a Subdivision for a further period (in this sub-section referred to as the ‘relevant period’) of 1 year in pursuance of an application made under sub-section (8) or under this sub-section; and

(b) intends to resume residing in Australia,

applies, within 3 months before the expiration of the relevant period, to the Divisional Returning Officer for the Division for which he is enrolled to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the Divisional Returning Officer to whom the application is made shall annotate the Roll for that Subdivision so as to indicate that the eligible overseas elector is to be treated as an eligible overseas elector for that further period of 1 year.

“(10) An application under sub-section (8) or (9) shall be in writing.

“(11) Where a person who is being treated as an eligible overseas elector in pursuance of an application made under sub-section (8) or (9)—

(a) resumes residing in Australia; or

(b) ceases to have the intention to resume residing in Australia,

he shall, as soon as practicable, give notice in writing to the Divisional Returning Officer for the Division for which he is enrolled of the happening of the event referred to in paragraph (a) or (b), as the case may be.

“(12) Subject to sub-section (13), where a person who is being treated as an eligible overseas elector in pursuance of an application made under sub-section (8) or (9) resumes residing in Australia, the person ceases to be entitled to be treated as an eligible overseas elector under this section on the expiration of 1 month after the day on which he resumes residing in Australia.

“(13) A person ceases to be entitled to be treated as an eligible overseas elector under this section if—

(a) the person gives notice under paragraph (6) (b) and does not make an application under sub-section (8);

(b) the person gives notice under paragraph (11) (b);

(c) while the person is being so treated, a general election is held at which he neither votes nor applies for a postal vote;

(d) the person ceases to be entitled to enrolment;

(e) except where—

(i) the person has given notice under paragraph (6) (b); or

(ii) the person has made an application under sub-section (8),

the period of 3 years commencing on the day on which the person attained the age of 18 years expires; or

- (f) in a case where—
- (i) the person is being treated as an eligible overseas elector in pursuance of an application made under sub-section (8) or (9) for a further period (in this paragraph referred to as the 'relevant period') of 1 year; and
 - (ii) the person does not make an application under sub-section (9) to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the relevant period expires.

“(14) Where the Divisional Returning Officer for the Division on the Roll for a Subdivision of which an annotation in relation to a person under sub-section (1) has been made becomes aware that the person has ceased to be entitled to be treated as an eligible overseas elector under this section by virtue of sub-section (7), (12) or (13), he shall—

- (a) if the person ceases to be eligible otherwise than by virtue of paragraph (13) (d) and the person resides in the Division at the time when he ceases to be entitled to be treated as an eligible overseas elector under this section—cancel the annotation made in relation to the person under sub-section (1); or
- (b) in any other case—cancel the enrolment of the person on the Roll for the Subdivision.

“(15) If, after an application is made by a person under sub-section (1) to be treated as an eligible overseas elector and before the person's name is added to the Roll and an annotation under paragraph (1) (h) is made in relation to the person, an event occurs by reason of which, if the name had been so added and the annotation so made, the person would have ceased to be entitled to be treated as an eligible overseas elector under sub-section (7) or (13), whether immediately or otherwise, then—

- (a) where the name was not added to the Roll, and the annotation was not made, before the Divisional Returning Officer to whom the application was made became aware of the happening of the event—the Divisional Returning Officer shall not add the name to the Roll under this section or make the annotation; or
- (b) where the name is added to the Roll and the annotation is made—the person ceases to be entitled to be treated as an eligible overseas elector immediately after the name is added and the annotation is made.

“(16) For the purposes of this section, a person shall be taken to reside at a place if, and only if, he has his real place of living, within the meaning of sub-section 39 (4), at that place.

“(17) For the purposes of this section, where a child is adopted by a person, that child shall be taken to be the child of that person.

- “(18) In this section—
'child' includes an ex-nuptial child;

'spouse', in relation to a person (in this sub-section referred to as the 'relevant person') includes a person who, although not legally married to the relevant person, lives with the relevant person as the spouse of the relevant person on a permanent and *bona fide* domestic basis.

Itinerant electors

“39C. (1) Where a person who—

- (a) is in Australia but does not reside in any Subdivision; and
- (b) is not entitled to have his name placed on or retained on the Roll for any Subdivision by reason only that he does not reside in any Subdivision,

applies to the Australian Electoral Officer for a State to have his name added to the Roll for a Subdivision in the State that is—

- (c) the Subdivision for which the person's next of kin or, if the person has more than 1 next of kin, one of the person's next of kin, is enrolled at the time when the application is made;
- (d) the Subdivision for which the person last had an entitlement to be enrolled;
- (e) the Subdivision in which the person was born; or
- (f) in a case in which there is no Subdivision for enrolment for which the person can apply in pursuance of paragraph (c), (d) or (e)—the Subdivision with which the person has the closest connection,

and to be treated as an itinerant elector, the Australian Electoral Officer shall, subject to sub-section (4)—

- (g) cause the name of the person to be added to the Roll for that Subdivision; and
- (h) cause the Roll for that Subdivision to be annotated so as to indicate that the person is an itinerant elector,

and the elector is entitled to be treated as an itinerant elector from the time when the annotation is made until it is cancelled.

“(2) An application under sub-section (1) shall be in writing.

“(3) Notwithstanding anything contained in sub-section 41 (1) or (2) , while a person is entitled to be treated as an itinerant elector by virtue of an annotation under sub-section (1) to the Roll for a Subdivision, the person is entitled to—

- (a) have his name retained on the Roll for the Subdivision; and
- (b) vote as an elector of the Subdivision.

“(4) Where an application under this section is received by an Australian Electoral Officer after 6 o'clock in the afternoon on the day of the close of the Rolls for an election to be held in the Division to a Subdivision of which the application relates, the name of the applicant shall not be added to the Roll for the Subdivision, and the annotation of the Roll under sub-section (1) in relation to the applicant shall not be made, until after the close of the polling at that election.

“(5) Where an Australian Electoral Officer—

- (a) grants or refuses an application made under sub-section (1); or
- (b) is of the opinion that an application made under that sub-section cannot be proceeded with because of the operation of sub-section (4),

the Australian Electoral Officer shall notify the applicant in writing of that decision or opinion, as the case may be.

“(6) Where an Australian Electoral Officer notifies a person under sub-section (5) of a decision to refuse an application made under sub-section (1), the notice shall include a statement to the effect that a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, if he is dissatisfied with the decision, make an application to the Administrative Appeals Tribunal for review of the decision.

“(7) Where a person who has applied under sub-section (1) to be treated as an itinerant elector—

- (a) resides in a Subdivision for a period of 1 month or longer;
- (b) forms the intention to depart from Australia and to remain outside Australia for a period of 1 month or longer; or
- (c) ceases to be entitled to enrolment,

he shall, as soon as practicable, give notice in writing to the Australian Electoral Officer to whom the application under sub-section (1) was made of the happening of the event referred to in paragraph (a), (b) or (c), as the case may be.

“(8) Subject to sub-section (9), where a person who is being treated as an itinerant elector under this section resides in a Subdivision for a period of 1 month or longer, the person ceases to be eligible to be treated as an itinerant elector under this section on the expiration of that period of 1 month.

“(9) A person ceases to be entitled to be treated as an itinerant elector under this section if—

- (a) while the person is being so treated, a general election is held at which he neither votes nor applies for a postal vote;
- (b) the person ceases to be entitled to enrolment; or
- (c) the person departs from Australia and remains outside Australia for a period of 1 month or longer.

“(10) Where the Australian Electoral Officer who has caused the name of a person to be added to the Roll for a Subdivision of a Division under this section becomes aware that the person has ceased to be entitled to be treated as an itinerant elector under this section by virtue of sub-section (8) or (9), he shall—

- (a) if the person ceases to be entitled otherwise than by virtue of paragraph (9) (b) and the person resides in the Division at the time when he ceases to be entitled to be treated as an itinerant elector under this section—cause the annotation made in relation to the person under sub-section (1) to be cancelled; or

- (b) in any other case—cause the enrolment of the person on the Roll for the Subdivision to be cancelled.

“(11) If, after an application is made by a person under this section to be treated as an itinerant elector and before the person’s name is added to the Roll and an annotation under sub-section (1) is made in relation to the person, an event occurs by reason of which, if the name had been so added and the annotation so made, the person would cease to be entitled to be treated as an itinerant elector under this section, whether immediately or otherwise, then—

- (a) where the name was not added to the Roll, and the annotation was not made, before the Australian Electoral Officer to whom the application was made became aware of the happening of the event—the Australian Electoral Officer shall not cause the name to be added to the Roll under this section or cause the annotation to be made; or
- (b) where the name is added to the Roll and the annotation is made—the person ceases to be entitled to be treated as an itinerant elector immediately after the name is added and the annotation is made.

“(12) For the purposes of this section, a person shall be taken to reside at a place if, and only if, he has his real place of living, within the meaning of sub-section 39 (4), at that place.

Application of Part

“39D. (1) This Part applies in relation to a Territory as if—

- (a) references in the preceding sections of this Part to a State were references to a Territory; and
- (b) references in the preceding sections of this Part to an Australian Electoral Officer for a State were references to the Electoral Commissioner.

“(2) This Part applies in relation to a Subdivision in relation to which an Assistant Divisional Returning Officer is appointed as if references in the preceding sections of this Part, in relation to a Subdivision, to a Divisional Returning Officer were references to an Assistant Divisional Returning Officer.”.

Addition of names to Rolls

25. Section 40 of the Principal Act is amended—

- (a) by adding at the end of sub-section (1) “or claims for provisional enrolment”; and
- (b) by omitting sub-section (2) and substituting the following sub-sections:
 - “(2) A claim shall—
 - (a) be in the approved form;
 - (b) subject to sub-section (3), be signed by the claimant; and
 - (c) be attested by a prescribed person, who shall sign his name as witness in his own handwriting.

“(3) Where a person wishes to make a claim for enrolment, for transfer of enrolment or for provisional enrolment and a registered medical practitioner has certified, in writing, that the person is so physically incapacitated that the person cannot sign the claim, another person may, on behalf of the person, fill out and sign the claim in accordance with the directions of the first-mentioned person.

“(4) A claim shall be completed in accordance with the directions contained in the form approved for the purposes of sub-section (2).

“(5) A certificate referred to in sub-section (3) shall be lodged with the claim to which it relates.”.

Claims for enrolment or transfer of enrolment

26. Section 41 of the Principal Act is amended by omitting from sub-section (3) “No” and substituting “Subject to sections 39A, 39B and 39C and Part XIII A, no”.

27. After section 41 of the Principal Act the following section is inserted:

Claims for provisional enrolment

“41A. (1) Any person who is 17 years of age and who, if he were 18 years of age, would be entitled to have his name placed on a Roll for a Subdivision may send or deliver a claim to have his name placed on the Roll for that Subdivision to any Divisional Returning Officer.

“(2) A claim made under sub-section (1) shall be treated as a claim for enrolment for the Subdivision to which the claim relates and the provisions of sections 43, 46 and 46A apply in relation to the claim as if the person making the claim were 18 years of age and the claim were made pursuant to section 41.

“(3) For the purposes of sections 216 and 216A, a claim made under sub-section (1) shall be taken to be a claim for enrolment.”.

Compulsory enrolment and transfer

28. Section 42 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “, otherwise than by virtue of section 39A, 39B, 39C or 41A,” after “Subdivision” (first occurring);
- (b) by omitting from sub-section (1) “, in accordance with the directions printed thereon, a claim in the prescribed form,” and substituting “a claim”;
- (c) by omitting from sub-section (1) “the Registrar for the Subdivision” and substituting “any Divisional Returning Officer”;
- (d) by inserting after sub-section (1) the following sub-section:

“(1A) Where a person sends or delivers a claim for enrolment, or for transfer of enrolment, to a Divisional Returning Officer for a Division other than the Division (in this sub-section referred to as the ‘proper Division’) on the Roll for a Subdivision of which the person is entitled to be enrolled, the Divisional Returning Officer shall note on

- the claim the date of its receipt by him and forthwith send the claim and any documents sent or delivered by the person with the claim to the Divisional Returning Officer for the proper Division.”;
- (e) by omitting from sub-section (2) “the Registrar for the Subdivision for which he is entitled to be enrolled” and substituting “a Divisional Returning Officer”;
 - (f) by omitting from sub-section (2) “in the prescribed form”;
 - (g) by omitting sub-section (3) and substituting the following sub-section:
“(3) Where a person (including a person whose address, in pursuance of a request made under section 46A, is not entered on a Roll) changes his place of living from one address in the Subdivision for which he is enrolled to another address in that Subdivision, he shall, within 21 days after the date of making the change, give notice in writing of the new address to the Divisional Returning Officer for the Division that includes that Subdivision.”;
 - (h) by omitting from sub-section (4) “this section” and substituting “sub-section (1) or (2)”;
 - (j) by omitting sub-section (5) and substituting the following sub-section:
“(5) Where a person sends or delivers a claim for enrolment, or for transfer of enrolment, to a Divisional Returning Officer, proceedings shall not be instituted against that person for any offence against sub-section (1) or (2) committed before he sent or delivered that claim.”.

29. Sections 43, 44 and 45 of the Principal Act are repealed and the following section is substituted:

Registrations of claims

“43. (1) Subject to sub-section (4), where, pursuant to section 42, a Divisional Returning Officer for a Division receives a claim for enrolment or transfer of enrolment for that Division, the Divisional Returning Officer shall—

- (a) note on the claim the date of its receipt by him;
- (b) if the claim is in order and he is satisfied that the claimant is entitled to be enrolled for a Subdivision of that Division, forthwith—
 - (i) enter on the Roll for the Subdivision the name of the claimant and particulars relating to him;
 - (ii) notify the claimant in writing that he has been enrolled for that Subdivision;
 - (iii) in the case of a claim for transfer of an enrolment from the Roll for another Subdivision in that Division—delete the name of the claimant from the Roll for the last-mentioned Subdivision;
 - (iv) in the case of a claim for transfer of enrolment from a Subdivision not included in that Division—give notice of the transfer to the Divisional Returning Officer for the Division that includes the last-mentioned Subdivision; and

- (v) in a case where the name of the claimant is entered on the Roll for the Subdivision for which he is entitled to be enrolled—notify the claimant in writing that, in his opinion, the claimant's existing enrolment is correct; and
- (c) if the claim is not in order or he is not satisfied that the claimant is entitled to be enrolled in a Subdivision of that Division—forthwith notify the claimant in writing that his claim has been rejected.

“(2) Where a Divisional Returning Officer for a Division receives notice, pursuant to sub-paragraph (1) (b) (iv), of the transfer of a person's enrolment from a Subdivision in that Division, the Divisional Returning Officer shall delete the name of, and particulars relating to, the person from the Roll for the Subdivision.

“(3) Notice of a decision given to a claimant by a Divisional Returning Officer under sub-paragraph (1) (b) (v) or paragraph (1) (c) shall include—

- (a) a statement of the reasons for the decision; and
- (b) a statement setting out the rights of the claimant to have the decision reviewed under Part IX.

“(4) A claim under section 42 by a person to have his name placed on the Roll for a Subdivision received during the period commencing at 6 o'clock in the afternoon of the day on which the Rolls for an election to be held in the Subdivision close and ending on the close of polling at the election shall not be considered until after the expiration of that period.

“(5) A name may, at any time, be removed from a Roll pursuant to a notice of transfer of enrolment.”.

30. After section 46 of the Principal Act the following section is inserted:

Request for address not to be shown on Roll

“46A. (1) Where a person considers that having his address shown on the Roll for the Subdivision for which he is claiming enrolment would place the personal safety of himself or of members of his family at risk, he may lodge with the claim for enrolment or transfer of enrolment a request, in the approved form, that his address not be entered on the Roll for the Subdivision for which he is claiming enrolment.

“(2) Where—

- (a) the address of a person is included in the particulars relating to the person that are entered on the Roll for a Subdivision; and
- (b) the person considers that having his address so shown places the personal safety of himself or of members of his family at risk,

he may lodge with the Divisional Returning Officer keeping the Roll for the Subdivision a request, in the approved form, that his address be deleted from the particulars relating to him that are entered on that Roll.

“(3) A request under sub-section (1) or (2) shall give particulars of the relevant risk and shall be verified by statutory declaration by the person making the request or some other person.

“(4) Where—

- (a) a request has been made under sub-section (1) or (2); and
- (b) the Divisional Returning Officer for the Division that includes the Subdivision on the Roll for which the person making the request is to be or has been enrolled, as the case may be, is satisfied that having the address of the person making the request shown on the Roll for the Subdivision would place or places the personal safety of the person or members of the person’s family at risk,

the Divisional Returning Officer—

- (c) in a case where the request was lodged under sub-section (1)—shall not include the address of the person in the particulars relating to the person that are entered on the Roll for the Subdivision; and
- (d) in a case where the request is lodged under sub-section (2)—shall delete the address of the person from the particulars relating to the person that are entered on the Roll for the Subdivision.

“(5) Where a Divisional Returning Officer grants or refuses a request made by a person under sub-section (1) or (2), the Divisional Returning Officer shall notify the person in writing of the decision.

“(6) Notwithstanding anything contained in section 48, where an address is deleted from a Roll in pursuance of sub-section (4), the address so deleted shall be obliterated.

“(7) A Divisional Returning Officer for a Division shall, when directed to do so by the Electoral Commission, conduct a review of the Roll for a Subdivision of that Division in relation to electors whose addresses are not shown on the Roll by virtue of this section and, upon completion of the review, shall make such alterations to the Roll as he thinks necessary to ensure that the only electors whose addresses are not shown on the Roll by virtue of this section are electors the personal safety of whom or of whose family, the Divisional Returning Officer is satisfied, would be at risk if their address were shown on the Roll.”.

Alteration of Rolls

31. Section 47 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Registrar” (first occurring) and substituting “Divisional Returning Officer”;
- (b) by omitting from paragraph (1) (b) “, address, or occupation” and substituting “or address”;
- (c) by omitting paragraph (1) (f) and substituting the following paragraph:

“(f) where he is satisfied that an objection against the enrolment of an elector whose name has been deleted from the Roll as a

result of the objection was based on a mistake of fact and that the person objected to still retains and has continuously retained his right to the enrolment in respect of which the objection was made—reinstating on the Roll the name of the elector;”;

- (d) by omitting from paragraph (1) (g) “by direction of the Divisional Returning Officer”;
- (e) by omitting paragraph (1) (h) and substituting the following paragraph:
 - “(h) where the name of a street or any other part of an address that appears on the Roll is changed—substituting the new name or other part of the address for the name or other part of the address so appearing.”;
- (f) by omitting paragraphs (2) (a) and (b) and substituting the following paragraphs:
 - “(a) if the 2 Subdivisions are both in the same Division, the Divisional Returning Officer may remove the name of the elector from the Roll on which the elector is enrolled and place the name of the elector on the Roll for the Subdivision in which the elector is living and notify the elector of the change of enrolment; and
 - (b) if the 2 Subdivisions are not in the same Division, the Australian Electoral Officer shall forward a certificate setting forth the facts to the Divisional Returning Officer for the Division for which the elector is enrolled, and the Divisional Returning Officer for the Division in which the elector is living, and thereupon the Divisional Returning Officer for the Division for which the elector is enrolled shall remove the name of the elector from that Roll and the Divisional Returning Officer for the Division in which the elector is living shall place the name of the elector on the Roll for the Subdivision in which the elector is living and notify the elector of the change of enrolment.”; and
- (g) by omitting sub-section (3) and substituting the following sub-section:
 - “(3) An alteration to a Roll in pursuance of sub-section (1) or (2) may be made at any time.”.

Lists of deaths to be forwarded

32. Section 49 of the Principal Act is amended—

- (a) by omitting “Chief Electoral Officer” and substituting “Electoral Commissioner”;
- (b) by omitting from paragraph (a) “the Commonwealth Electoral Officer” and substituting “the Australian Electoral Officer for the State”;
- (c) by omitting from paragraph (a) “eighteen” and substituting “17”; and

- (d) by omitting paragraph (b) and substituting the following paragraph:
- “(b) forward to the Australian Electoral Officer for the State any information that he is required to forward under an agreement entered into for the purposes of this Act between the Electoral Commission and a Minister of the State or the Registrar-General.”.

Lists of convictions to be forwarded

33. Section 50 of the Principal Act is amended—

- (a) by omitting “Commonwealth” and substituting “Australian”; and
(b) by omitting “one year” and substituting “5 years”.

Officers to act on receipt of information

34. Section 51 of the Principal Act is amended—

- (a) by omitting “Commonwealth” and substituting “Australian”; and
(b) by adding at the end thereof the following sub-section:

“(2) An officer shall not take action under sub-section (1) to remove the name of an elector, other than a deceased elector, from the Roll otherwise than by way of an objection under Part VIII.”.

35. After section 51 of the Principal Act the following sections are inserted in Part VII:

Computer records relating to Roll

“51A. (1) Where, but for this sub-section, a Divisional Returning Officer is required or permitted under this Act or the regulations to record particulars (including make an annotation) in a written form on a Roll, he may do so by recording or storing those particulars, or causing those particulars to be recorded or stored, on a mechanical, electrical or other device approved by the Commission.

“(2) Where a Divisional Returning Officer is required or permitted under this Act or the regulations to vary or remove particulars which, but for this section, would be on a Roll but which have been recorded or stored in accordance with this section, he shall do so by varying or removing the particulars so recorded or stored, or causing the particulars so recorded or stored to be varied or removed, as the case may be.

“(3) Without limiting section 37, where particulars are recorded or stored by virtue of this section, the Divisional Returning Officer responsible for the Roll on which, but for this section, those particulars would be recorded shall ensure that means are provided by which those particulars are available, without fee, for public inspection in a written form at his office at all convenient times during his ordinary office hours.

“(4) Where a Divisional Returning Officer who is required under this Act or the regulations to enter particulars on, vary particulars on, or remove particulars from, a Roll complies with the requirement by taking action in

accordance with this section, he shall, for the purposes of this Act, including any provisions imposing obligations on him, be taken to have entered those particulars on the Roll, varied those particulars or removed those particulars, as the case may be.

“(5) Section 48 does not apply to alterations of a Roll made in pursuance of this section.

Application of Part

“51B. (1) This Part applies in relation to a Territory as if—

- (a) references in the preceding sections of this Part to a State were references to a Territory; and
- (b) references in the preceding sections of this Part to an Australian Electoral Officer for a State were references to the Electoral Commissioner.

“(2) This Part applies in relation to a Subdivision in relation to which an Assistant Divisional Returning Officer is appointed as if references in the preceding sections of this Part, in relation to a Subdivision, to a Divisional Returning Officer were references to an Assistant Divisional Returning Officer.”.

Names on roll may be objected to

36. Section 52 of the Principal Act is amended—

- (a) by omitting from the proviso “Fifty cents” and substituting “\$2.00”;
- (b) by omitting from the proviso “the King” and substituting “the Commonwealth”; and
- (c) by omitting from the proviso “to be frivolous” and substituting “to have been made without a reasonable belief by the person that grounds for the objection existed”.

Objection

37. Section 53 of the Principal Act is amended by omitting “or Registrar, or other prescribed officer”.

Duty to object

38. Section 54 of the Principal Act is amended by omitting “and of each Registrar or other prescribed officer”.

Notice of objection

39. Section 55 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “When” and substituting “Subject to sub-section (3), where”; and
- (b) by omitting sub-sections (2) and (3) and substituting the following sub-sections:

“(2) Notice under sub-section (1) shall be in the approved form and may be given to the person objected to by being posted to—

- (a) in a case where the person objected to has notified, in writing, the Divisional Returning Officer for the Division for which he is enrolled of an address to which notices may be given to him—the address so notified;
- (b) in a case where paragraph (a) does not apply to the person objected to and the place of living of the person objected to is known to the person giving the notice—the place of living of the person objected to; or
- (c) in any other case—the place of living of the person objected to as appearing on the Roll.

“(3) Where the Divisional Returning Officer is satisfied that an objection is frivolous or vexatious, he may dismiss the objection without giving notice of objection to the person objected to.”.

Determination of objection

40. (1) Section 57 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “direct the Registrar to”; and
- (b) by omitting sub-sections (2) and (3) and substituting the following sub-sections:

“(2) The Divisional Returning Officer shall give notice in the approved form of his determination of an objection under sub-section (1) to the objector and to the person objected to.

“(3) Notice under sub-section (2) may be given to the person objected to by being posted to an address or place to which a notice of objection could be posted to the person objected to under sub-section 55 (2).”.

(2) The amendment made by sub-section (1) applies in relation to objections that are determined after the commencement of this section (whether the objection was lodged before or after the commencement of this section).

41. After section 57 of the Principal Act the following section is inserted in Part VIII:

Application of Part

“57A. This Part applies in relation to a Subdivision in relation to which an Assistant Divisional Returning Officer is appointed as if references in the preceding sections of this Part, in relation to a Subdivision, to a Divisional Returning Officer were references to an Assistant Divisional Returning Officer.”.

42. Part IX of the Principal Act is repealed and the following Parts are substituted:

“PART IX—REVIEW OF DECISIONS

Review by Australian Electoral Officers

“58. (1) Where a Divisional Returning Officer for a Division—

- (a) notifies a person under section 43 that a claim by the person for enrolment, for transfer of enrolment or for provisional enrolment has been rejected; or
- (b) notifies a person under section 57 that the person’s name has been removed from a Roll in pursuance of an objection,

the person may, before the expiration of the period of 28 days commencing on the day on which he is so notified, request the Divisional Returning Officer, in writing, to refer the claim or the objection, as the case may be, to the Australian Electoral Officer for the State that includes that Division for review.

“(2) Where a Divisional Returning Officer for a Division notifies a person who has objected, under section 52, to an enrolment that he has dismissed the objection, the person objecting may, before the expiration of the period of 28 days commencing on the day on which he is so notified, request the Divisional Returning Officer, in writing, to refer the objection to the Australian Electoral Officer for the State that includes that Division for review.

“(3) Where a Divisional Returning Officer for a Division—

- (a) notifies a person under sub-section 39B (5) that an application made by the person under sub-section 39B (1) has been refused;
- (b) notifies a person under sub-section 46A (5) that a request made by the person under sub-section 46A (1) or (2) has been refused;
- (c) notifies a person under sub-section 86 (9) that the person is not enrolled for a Division; or
- (d) notifies a person under sub-section 86 (10) that the person is not a prescribed elector within the meaning of section 86,

the person may, before the expiration of the period of 28 days commencing on the day on which he is so notified, request the Divisional Returning Officer, in writing, to refer—

- (e) the application made by the person under sub-section 39B (1);
- (f) the request made by the person under sub-section 46A (1) or (2); or
- (g) the application made by the person under sub-section 86 (2),

as the case may be, to the Australian Electoral Officer for the State that includes that Division for review.

“(4) Where a Divisional Returning Officer for a Division in a State receives a request under sub-section (1), (2) or (3), he shall forthwith forward to the Australian Electoral Officer for the State a copy of the request, together with—

- (a) any relevant application made under sub-section 39B (1);
- (b) any relevant claim form lodged under section 40;
- (c) any relevant notice under section 43;
- (d) any relevant request made under sub-section 46A (1) or (2);

- (e) any relevant objection lodged under section 52;
- (f) any relevant notice given under section 55;
- (g) any relevant answer to an objection under section 56;
- (h) any relevant notice given under section 56;
- (j) any relevant application made under section 86; and
- (k) such other information as he thinks relevant to the review of the claim or objection, as the case may be.

“(5) Where an Australian Electoral Officer receives a copy of a request under sub-section (4) in relation to a claim, objection, application or request, he shall forthwith review the decision of the Divisional Returning Officer in relation to the claim, objection, application or request, as the case may be.

“(6) For the purpose of reviewing a decision made by a Divisional Returning Officer, the Australian Electoral Officer may exercise all of the powers and discretions that are conferred by this Act on the Divisional Returning Officer and shall make a decision in writing—

- (a) affirming the decision under review; or
- (b) setting aside the decision under review and making a decision in substitution for the decision so set aside.

“(7) Where an Australian Electoral Officer makes a decision under sub-section (6) in relation to a request made under sub-section (1), (2) or (3), he shall cause a copy of the decision to be given to—

- (a) the person who made the request;
- (b) the Divisional Returning Officer in relation to whose decision the request was made;
- (c) in a case where an objector made the request in relation to a decision upon an objection—the person objected to; and
- (d) in a case where a person objected to made the request in relation to a decision upon an objection—the objector.

“(8) Where an Australian Electoral Officer causes a copy of a decision made under sub-section (6) to be given to a person under sub-section (7), the copy shall be accompanied by a written statement to the effect that a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, if he is dissatisfied with the decision, make an application to the Administrative Appeals Tribunal for review of the decision.

“(9) Any failure to comply with the requirement of sub-section (8) in relation to a decision does not affect the validity of the decision.

Review by Administrative Appeals Tribunal

“58AA. (1) Application may be made to the Administrative Appeals Tribunal for review of—

- (a) a decision made by an Australian Electoral Officer refusing an application made under sub-section 39C (1); or

- (b) a decision made by an Australian Electoral Officer under sub-section 58 (6).

“(2) In this section, ‘decision’ has the same meaning as it has in the *Administrative Appeals Tribunal Act 1975*.

Application of Part

“58AB. (1) This Part applies in relation to a Territory as if—

- (a) references in the preceding sections of this Part to a State were references to a Territory; and
- (b) references in the preceding sections of this Part to an Australian Electoral Officer were references to the Electoral Commissioner.

“(2) This Part applies in relation to a Subdivision in relation to which an Assistant Divisional Returning Officer is appointed as if references in this Part, in relation to a Subdivision, to a Divisional Returning Officer were references to an Assistant Divisional Returning Officer.

“PART IXA—REGISTRATION OF POLITICAL PARTIES

Interpretation

“58A. (1) In this Part, unless the contrary intention appears—

‘Commission’ means the Electoral Commission;

‘eligible political party’ means—

- (a) a Parliamentary party; or
- (b) a political party, other than a Parliamentary party, that has at least 500 members;

‘Parliamentary party’ means a political party at least one member of which is a member of—

- (a) the Parliament of the Commonwealth;
- (b) the Parliament of a State;
- (c) the Legislative Assembly of the Northern Territory of Australia; or
- (d) the Australian Capital Territory House of Assembly;

‘secretary’, in relation to a political party, means the person who holds the office (however described) the duties of which involve responsibility for the carrying out of the administration, and for the conduct of the correspondence, of the party.

“(2) For the purposes of this Part, 2 political parties shall be taken to be related if—

- (a) one is a part of the other; or
- (b) both are parts of the same political party.

“(3) For the purposes of this Part, a person shall be taken to be a member of a political party if he is a member of a political party that is related to the first-mentioned political party.

Registration of political parties

“58B. Subject to this Part, an eligible political party may be registered under this Part for the purposes of this Act.

Register of Political Parties

“58C. The Commission shall establish and maintain a Register, to be known as the Register of Political Parties, containing a list of the political parties that are registered under this Part.

Application for registration

“58D. (1) An application for the registration of an eligible political party may be made to the Commission by—

- (a) in the case of a Parliamentary party at least one member of which is a member of the Parliament of the Commonwealth—
 - (i) the secretary of the party; or
 - (ii) all the members of that Parliament who are members of, or the member of that Parliament who is a member of, the party;
- (b) in the case of a Parliamentary party no member of which is a member of the Parliament of the Commonwealth—
 - (i) the secretary of the party; or
 - (ii) all the members of a Parliament or an Assembly referred to in the definition of ‘Parliamentary party’ in section 58A who are members of, or the member of a Parliament or an Assembly so referred to who is a member of, the party; or
- (c) in the case of a political party other than a Parliamentary party—10 members of the party.

“(2) An application for the registration of an eligible political party shall be in writing, signed by the applicant or applicants, and shall—

- (a) set out the name of the party;
- (b) if the party wishes to be able to use for the purposes of this Act an abbreviation of its name—set out that abbreviation;
- (c) set out the name and address of the person who is to be the registered officer of the party for the purposes of this Act;
- (d) state whether or not the party wishes to receive moneys under Division 3 of Part XVI;
- (e) set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity in which the applicant or each applicant makes the application;
- (f) state whether or not the party has, or operates under, a constitution (however described); and
- (g) be accompanied by a copy of the constitution (if any) to which paragraph (f) applies.

“(3) Upon receipt of an application for the registration of a political party, the Commission shall deal with the application in accordance with this Part and determine whether the party can be registered.

Party not to be registered during election

“58E. During the period commencing on the day of the issue of the writ for a Senate election or a House of Representatives election and ending on the day on which the writ is returned, no action shall be taken in relation to any application for the registration of a political party, including any action by the Administrative Appeals Tribunal in respect of a decision of the Commission that relates to such an application.

Only Parliamentary parties to be registered during initial period

“58F. If, during the period of 3 months commencing on the commencement of this Part, an application is made for the registration of an eligible political party that is not a Parliamentary party, the application shall not be considered until after the expiration of that period.

Parties with certain names not to be registered

“58G. The Commission shall refuse an application for the registration of a political party if, in its opinion, the name of the party or the abbreviation of its name that it wishes to be able to use for the purposes of this Act (if any)—

- (a) comprises more than 6 words;
- (b) is obscene;
- (c) is the name, or is an abbreviation or acronym of the name, of another political party (not being a political party that is related to the party to which the application relates) that is a Parliamentary party or a registered political party;
- (d) so nearly resembles the name, or an abbreviation or acronym of the name, of another political party (not being a political party that is related to the party to which the application relates) that is a Parliamentary party or a registered political party that it is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be; or
- (e) comprises the words ‘Independent Party’ or comprises or contains the word ‘Independent’ and—
 - (i) the name, or an abbreviation or acronym of the name, of a Parliamentary party or a registered political party; or
 - (ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, of a Parliamentary party or a registered political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be.

Different levels of party may be registered

“58H. The Commission may register an eligible political party notwithstanding that a political party that is related to it has been registered.

Variation of application

“58J. (1) Where, after initial consideration of an application for the registration of a political party, the Commission is of the opinion that it is required to refuse the application but that the applicant or applicants might be prepared to vary the application in such a way that it would not be so required, the Commission shall give the applicant or applicants written notice that it is of that opinion, setting out the reasons for its opinion and the terms of the provisions of sub-sections (2) and (3).

“(2) Where notice is given under sub-section (1) in relation to an application, the Commission is not required to give further consideration to the application unless and until notice is lodged with it under sub-section (3).

“(3) Where notice is given under sub-section (1) in relation to an application for the registration of a political party, the applicant or applicants may lodge with the Commission a written request, signed by the applicant or applicants, to—

- (a) vary the application in a manner specified in the request; or
 - (b) proceed with the application in the form in which it was lodged,
- and the Commission shall comply with the request.

Publication of notice of application

“58K. (1) Where an application for registration is lodged with the Commission, the Commission shall—

- (a) unless paragraph (b) applies—as soon as practicable after the application is lodged; or
- (b) where it gives a notice under sub-section 58J (1)—as soon as practicable after the receipt of a request under sub-section 58J (3) in respect of the application,

publish in the *Gazette* and in each State and Territory in a newspaper circulating generally in that State or Territory a notice of the application.

“(2) A notice under sub-section (1) in relation to an application shall—

- (a) set out the particulars specified in the application in accordance with sub-section 58D (2); and
- (b) invite any persons who believe that the application—
 - (i) does not relate to an eligible political party;
 - (ii) is not in accordance with section 58D;
 - (iii) should not be considered by reason of section 58F; or
 - (iv) should be refused under section 58G,

to submit written particulars of the grounds for that belief to the Commission within 1 month after the date of the publication of the notice in the *Gazette*.

“(3) Particulars submitted by a person under sub-section (2) shall be signed by, and specify an address of, that person.

“(4) The Commission shall not register a political party unless it has complied with sub-section (1) and considered any particulars submitted in response to the invitation referred to in paragraph (2) (b).

Registration

“58L. (1) Where the Commission determines that a political party an application for the registration of which has been made should be registered, it shall—

- (a) register the party by entering in the Register—
 - (i) the name of the party;
 - (ii) if an abbreviation of the name of the party was set out in the application—that abbreviation;
 - (iii) the name and address of the person who has been nominated as the registered officer of the party for the purposes of this Act; and
 - (iv) where the party has in its application stated that it wishes to receive moneys under Division 3 of Part XVI—a statement indicating that the party so wishes;
- (b) give written notice to the applicant or applicants that it has registered the party;
- (c) if any person or persons submitted particulars in response to the invitation referred to in paragraph 58K (2) (b) in relation to the application—give written notice to that person or those persons that it has registered the party, setting out in the notice to each person the reasons for rejecting the reasons particulars of which were so submitted by the person; and
- (d) publish in the *Gazette* notice of the registration of the party.

“(2) Where a statement is entered in the Register that a political party wishes to receive moneys under Division 3 of Part XVI, that party shall, for the purposes of Part XVI, be taken to have been registered for public funding.

“(3) Where the Commission determines that an application for the registration of a political party should be refused, it shall give the applicant or applicants written notice that it has refused the application, setting out the reasons for its so refusing.

Changes to Register

“58M. (1) Where a political party is registered under this Part, an application may be made to the Commission, by—

- (a) in the case of a Parliamentary party—a person or persons who, if the party were not registered, would be entitled under sub-section 58D (1) to make an application for the registration of the party; or

- (b) in the case of a political party other than a Parliamentary party—3 members of the party,

to change the Register by—

- (c) changing the name of the party to a name specified in the application;
- (d) if an abbreviation of the name of the party is entered in the Register—changing that abbreviation to an abbreviation specified in the application;
- (e) if an abbreviation of the name of the party is not entered in the Register—entering in the Register an abbreviation of the name of the party, being an abbreviation specified in the application;
- (f) entering in, or removing from, the Register a statement that the party wishes to receive moneys under Division 3 of Part XVI;
- (g) substituting for the name of the registered officer entered in the Register the name of a person specified in the application; or
- (h) substituting for the address of the registered officer of the party that is entered in the Register another address specified in the application.

“(2) An application under sub-section (1)—

- (a) shall be in writing, signed by the applicant or applicants;
- (b) in the case of an application to substitute the name of a person as the name of the registered officer of a political party, may be signed by the registered officer; and
- (c) shall set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity in which the applicant or each applicant makes the application.

“(3) Upon receipt of an application under sub-section (1), the Commission shall deal with the application in accordance with this Part and determine whether the change requested in the application should be made.

“(4) In respect of an application under sub-section (1) for a change referred to in paragraph (1) (c), (d) or (e), sections 58E, 58G, 58J and 58K apply in relation to the application as if a reference in those sections to an application for registration were a reference to an application for that change.

“(5) Where an application under sub-section (1) to substitute the name of a person for the name of the registered officer of a political party is not signed by the registered officer, the Commission shall—

- (a) give the registered officer written notice of the application for the change and invite him, if he considers that there are reasons why the change should not be made, to submit written particulars of those reasons to the Commission within 7 days after the date on which the notice was given; and
- (b) consider any particulars submitted in response to the invitation referred to in paragraph (a).

“(6) Where the Commission determines that an application under sub-section (1) should be granted, it shall—

- (a) change the Register accordingly;
- (b) give the applicant or applicants written notice that it has made the change;
- (c) in the case of a change referred to in paragraph (1) (c), (d) or (e) in respect of which any person or persons submitted particulars in response to the invitation referred to in paragraph 58K (2) (b) in its application by virtue of sub-section (4)—give written notice to that person or those persons that it has made the change, setting out in the notice to each person the reasons for rejecting the reasons particulars of which were so submitted by the person;
- (d) in the case of an application to substitute the name of a person for the name of the registered officer of the party, being an application in respect of which the registered officer submitted particulars under paragraph (5) (a)—give written notice to that registered officer that it has made the change setting out the reasons for rejecting the reasons particulars of which were so submitted; and
- (e) publish in the *Gazette* notice of the change.

“(7) Where the Commission determines that an application under sub-section (1) should be refused it shall give the applicant or applicants written notice that it has so determined.

Voluntary de-registration

“58N. (1) A political party that is registered under this Part shall be de-registered by the Commission if an application to do so is made to the Commission by a person or persons who are entitled to make an application for a change to the Register under section 58M in relation to the party.

“(2) An application under sub-section (1) shall—

- (a) be in writing, signed by the applicant or applicants; and
- (b) set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity in which the applicant or each applicant makes the application.

“(3) Where a political party is de-registered under sub-section (1), that party, or a party that has a name that so nearly resembles the name of the de-registered party that it is likely to be confused with or mistaken for that name, is ineligible for registration under this Part until after the general election next following the de-registration.

De-registration of party not endorsing candidates

“58P. (1) If the candidates in the elections for the Senate or the House of Representatives held within the period of 4 years immediately following the registration under this Part of a political party do not include at least one candidate endorsed by that party, the Commission shall—

- (a) de-register that party;

- (b) give the person who was the registered officer of the party immediately before its de-registration notice in writing of the de-registration; and
- (c) publish a notice of the de-registration in the *Gazette*.

“(2) Where a political party is de-registered under sub-section (1), that party, or a party that has a name that so nearly resembles the name of the de-registered party that it is likely to be confused with or mistaken for that name, is ineligible for registration under this Part until after the general election next following the de-registration.

“(3) A Parliamentary party shall not be de-registered under this section.

De-registration of political party on other grounds

“58Q. (1) If the Commission is satisfied on reasonable grounds that—

- (a) a political party registered under this Part has ceased to exist (whether by amalgamation with another political party or otherwise);
- (b) a political party so registered, not being a Parliamentary party, has ceased to have at least 500 members; or
- (c) the registration of a political party so registered was obtained by fraud or misrepresentation,

the Commission shall—

- (d) give the registered officer of the party notice, in writing, that it is considering de-registering the party under this section setting out its reasons for considering doing so and the terms of the provisions of sub-sections (2), (3), (4) and (5); and
- (e) publish a notice in the *Gazette* that it is considering de-registering the party under this section, specifying the paragraph of this sub-section by reason of which it is considering doing so.

“(2) Where a notice is given under paragraph (1) (d) in relation to a political party, the registered officer of the party or 10 members of the party may, within 1 month after the date on which the notice was given, lodge with the Commission a statement, in writing, signed by the registered officer or by those members of the party, as the case may be, setting out reasons why the party should not be de-registered under this section.

“(3) Where a statement lodged under sub-section (2) is signed by 10 members of a political party, the statement shall set out the names and addresses of those members and contain a statement that they are members of that party.

“(4) Where a notice is given under paragraph (1) (d) in relation to a political party and a statement is not lodged under sub-section (2) in response to that notice, the Commission shall de-register the party and publish a notice of the de-registration in the *Gazette*.

“(5) Where, in response to a notice given under paragraph (1) (d) in relation to a political party, a statement is lodged under sub-section (2), the

Commission shall consider that statement and determine whether the political party should be de-registered for the reason set out in that notice.

“(6) Where, under sub-section (5), the Commission determines that a political party should be de-registered, it shall—

- (a) de-register the party;
- (b) give the person who was the last registered officer of the party written notice of the de-registration, setting out its reasons for rejecting the reasons set out in the statement lodged under sub-section (2); and
- (c) publish a notice of the de-registration in the *Gazette*.

“(7) Where, under sub-section (5), the Commission determines that a political party should not be de-registered under this section, it shall give the registered officer of the party written notice of its determination.

De-registration

“58R. Where a political party is de-registered under section 58N, 58P or 58Q, the Commission shall cause the particulars on the Register that relate to that party to be cancelled.

Inspection of Register

“58S. The Register shall be open for public inspection, without fee, during ordinary office hours at the principal office of the Commission in Canberra.

Service of documents

“58T. (1) Where the Commission is required by this Part to give a written notice to—

- (a) an applicant or applicants for registration;
- (b) the registered officer of a political party;
- (c) the person who was the registered officer of a political party immediately before its de-registration;
- (d) a person who submitted particulars to it; or
- (e) a person who made an application under sub-section 58U (2),

that notice shall be given by being posted by pre-paid post as a letter addressed to—

- (f) the person nominated as the registered officer in the application for registration at his address shown in the application;
- (g) the registered officer of the political party at his address set out in the Register;
- (h) the last registered officer of the party at his address shown in the Register;
- (j) the person who submitted the particulars at the address specified in the particulars; or
- (k) the person who made the application under sub-section 58U (2) at the address specified in the application,

as the case may be.

“(2) Where a person is, or persons are, entitled by this Part to make an application to the Commission, the person or persons shall do so by causing the application to be lodged at the principal office of the Commission in Canberra, in the capital city of a State or in Darwin.

“(3) Where a person is, or persons are, entitled by this Part to lodge a document (other than an application) with the Commission, the person or persons shall do so by causing the documents to be lodged at the principal office of the Commission in Canberra.

Review of certain decisions

“58U. (1) In this section—

‘Commission’ does not include a delegate of the Commission;

‘decision’ has the same meaning as it has in the *Administrative Appeals Tribunal Act 1975*;

‘person’ includes a political party;

‘reviewable decision’ means a decision of the Commission, or of a delegate of the Commission—

- (a) to register a political party under this Part;
- (b) to refuse an application for the registration of a political party under this Part;
- (c) to grant an application under sub-section 58M (1);
- (d) to refuse an application under sub-section 58M (1); or
- (e) to de-register a political party under sub-section 58Q (6).

“(2) Where a delegate of the Commission makes a reviewable decision, a person affected by the decision who is dissatisfied with the decision may, within the period of 28 days after the day on which the decision first comes to the notice of the person, or within such further period as the Commission (either before or after the expiration of that period) allows, make a written application to the Commission for the review of the decision by the Commission, specifying in the application an address of the applicant.

“(3) There shall be set out in the application under sub-section (2) the reasons for making the application.

“(4) Upon the receipt of an application under sub-section (2) for the review of a reviewable decision, the Commission shall review that decision and shall make a decision—

- (a) affirming the decision under review;
- (b) varying the decision under review; or
- (c) setting aside the decision under review and making a decision in substitution for the decision so set aside.

“(5) Application may be made to the Administrative Appeals Tribunal for review of a reviewable decision made by the Commission or a decision under sub-section (2) or (4).

“(6) For the purposes of a review referred to in sub-section (5), the Administrative Appeals Tribunal shall, subject to sub-section 23 (1) of the *Administrative Appeals Tribunal Act 1975*, be constituted by 3 presidential members within the meaning of that Act who are Judges of the Federal Court of Australia.

“(7) Where the Commission makes a decision under sub-section (4), it shall give written notice of that decision to—

- (a) the person, or each person, to whom written notice of the reviewable decision to which the decision of the Commission relates was given under this Part; and
- (b) the person who made the application for the review of that reviewable decision.

“(8) Where a delegate of the Commission makes a reviewable decision, a written notice of the decision given to a person or persons under this Part shall include a statement to the effect that—

- (a) a person affected by the decision may, if he is dissatisfied with the decision, seek a review of the decision by the Commission in accordance with sub-section (2); and
- (b) a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, if he is dissatisfied with a decision made by the Commission upon that review make application to the Administrative Appeals Tribunal for review of the decision made by the Commission.

“(9) Where the Commission makes a reviewable decision or a decision under sub-section (2) or (4), a written notice of the decision given to a person or persons under this Part shall include a statement to the effect that a person whose interests are affected by the decision may, subject to the *Administrative Appeals Tribunal Act 1975*, if he is dissatisfied with the decision, make an application to the Administrative Appeals Tribunal for review of the decision.

“(10) Any failure to comply with the requirement of sub-section (8) or (9) in relation to a decision does not affect the validity of the decision.

“PART IXB—REGISTRATION OF CANDIDATES

Interpretation

“58V. (1) In this Part—

‘candidate’, in relation to an election, includes a person who has announced his intention to be a candidate in that election;

‘Commission’ means the Electoral Commission;

‘Register’ means the Register of Candidates established under section 58W;

‘registered name’, in relation to a registered political party, means—

- (a) the name of the party entered in the Register of Political Parties; or

- (b) the abbreviation (if any) of the name of the party entered in that Register.

“(2) For the purposes of this Part, if a person is endorsed as a candidate in an election by 2 registered political parties, that person shall be taken to be endorsed by only one of those parties, being such party as he specifies in his notification of candidacy under section 58X or 58Y.

Register of Candidates

“58W. The Commission shall establish and maintain a Register, to be known as the Register of Candidates, containing a list of the individual candidates, and the groups of candidates, registered under this Part.

Notification of candidacy

“58X. (1) Where a person who has been endorsed as a candidate in an election by a registered political party wishes a registered name of that party to be printed adjacent to his name on the ballot-papers for use in that election, he may notify the Commission of his candidacy in accordance with this section.

“(2) Where a candidate in an election who has not been endorsed in that election by a registered political party wishes—

- (a) to receive moneys under Division 3 of Part XVI in respect of that election; or
- (b) to have the word ‘Independent’ printed adjacent to his name on the ballot-papers for use in that election,

he may notify the Commission of his candidacy in accordance with this section.

“(3) Notification by a candidate in accordance with this section shall—

- (a) be in writing signed by the candidate;
- (b) set out the surname, Christian or given names, and residential address of the candidate;
- (c) specify the House of the Parliament in an election for which he is a candidate;
- (d) in the case of a candidate in a Senate election—specify the State or Territory in which he is a candidate;
- (e) in the case of a candidate in a House of Representatives election—specify the Division for which he is a candidate;
- (f) in the case of a candidate who is endorsed in the election by a registered political party—
 - (i) state that he is so endorsed, specifying the party; and
 - (ii) state that he wishes the registered name, or a registered name, of that party, to be printed adjacent to his name on ballot-papers for use in that election, specifying, where there are 2 such names, the name that he wishes to be so printed; and

- (g) in the case of a candidate who is not endorsed in that election by a registered political party—
 - (i) state whether or not he wishes to receive moneys under Division 3 of Part XVI; and
 - (ii) state whether or not he wishes the word 'Independent' to be printed adjacent to his name on ballot-papers for use in that election.

Notification of candidacy by groups

“58Y. (1) Where 2 or more persons who have been endorsed as candidates in a Senate election by a registered political party—

- (a) have, or propose to have, their names included in a group in accordance with section 72A; and
- (b) wish, on ballot-papers for use in the election—
 - (i) to have printed adjacent to each of their names a registered name of the party that endorsed the person concerned; and
 - (ii) where they have, or propose to have, a group voting ticket registered for the purposes of that election—to have a registered name of the party that endorsed them or a combination of names of the parties that endorsed them, as the case requires, printed adjacent to the square printed in relation to their group in accordance with sub-section 106 (5),

those persons may notify the Commission of their candidacy in a joint notification in accordance with this section.

“(2) Where 2 or more candidates in a Senate election who have not been endorsed in that election by a registered political party—

- (a) have, or propose to have, their names included in a group in accordance with section 72A; and
- (b) wish to receive moneys under Division 3 of Part XVI in respect of that election,

those candidates may notify the Commission of their candidacy in a joint notification in accordance with this section.

“(3) Notification by candidates in accordance with this section shall—

- (a) be in writing signed by each of those candidates;
- (b) set out the surname, Christian or given names, and residential addresses, of each of those candidates;
- (c) state that they are candidates in a Senate election specifying the State or Territory in which they are candidates;
- (d) state that they have, or propose to have, their names included in a group in accordance with section 72A;
- (e) in the case of candidates who are endorsed in that election by a registered political party—
 - (i) state, in respect of each candidate, that he is so endorsed, specifying the party;

- (ii) state, in respect of each candidate, whether that candidate wishes the registered name, or a registered name, of the political party by which he is so endorsed to be printed adjacent to his name in ballot-papers for use in that election, specifying, where there are 2 such names, the name that he wishes to be so printed; and
- (iii) where those candidates—
 - (A) have not been so endorsed in that election by the same registered political party;
 - (B) have, or propose to have, a group voting ticket registered for the purposes of that election;
 - (C) have expressed the wish in accordance with sub-paragraph (ii) for the names of political parties to be printed on ballot-papers; and
 - (D) wish a composite name formed from the names referred to in sub-sub-paragraph (C) to be printed on ballot-papers for use in that election in accordance with section 106C,
state that they wish that composite name to be so printed; and
- (f) in the case of candidates who are not endorsed in that election by a registered political party—state that they wish their group to receive moneys under Division 3 of Part XVI in respect of that election.

“(4) Candidates who have been endorsed in an election by the same political party shall not specify different names of that party in statements under sub-paragraph (3) (e) (ii).

Registration

“58Z. (1) Subject to sub-section (4), where a candidate in an election notifies the Commission of his candidacy in accordance with section 58X, the Commission shall register the candidate by causing to be entered in the Register—

- (a) the particulars set out in his notification of candidacy in accordance with paragraphs 58X (3) (a), (b), (c), (d) and (e);
- (b) in the case of a candidate to whom paragraph 58X (3) (f) applies—the name of a political party that, according to his notification, he wishes to be printed adjacent to his name on ballot-papers for use in that election; and
- (c) in the case of a candidate to whom paragraph 58X (3) (g) applies—
 - (i) where the candidate has stated in his notification that he wishes to receive moneys under Division 3 of Part XVI in respect of that election—a statement that he so wishes; and
 - (ii) where the candidate has stated in his notification that he wishes to have the word ‘Independent’ printed adjacent to his name on ballot-papers for use in that election—that word.

“(2) Subject to sub-section (4), where candidates in a Senate election whose names are, or are proposed to be, included in a group in accordance with section 72A notify the Commission of their candidacy in accordance with section 58Y, the Commission shall register that group by causing to be entered in the Register—

- (a) the particulars of those candidates set out in their notification of candidacy in accordance with paragraphs 58Y (3) (a), (b), (c) and (d);
 - (b) in the case of candidates to whom paragraph 58Y (3) (e) applies—
 - (i) in respect of each of those candidates, the name of a political party that, according to the notification, he wishes to be printed adjacent to his name on the ballot-papers for use in that election; and
 - (ii) where sub-paragraph 58Y (3) (e) (iii) applies to the group—the relevant composite name; and
 - (c) in the case of candidates to whom paragraph 58Y (3) (f) applies—a statement that they wish to receive moneys under Division 3 of Part XVI in respect of that election,
- together with an indication of the fact that those candidates constitute a group.

“(3) If a candidate who is registered under sub-section (1) is a member of a group that becomes registered under sub-section (2), the Commission shall de-register the candidate by causing the entries made in relation to him under sub-section (1) to be cancelled.

“(4) For the purposes of this section, a candidate shall not be taken to be endorsed as a candidate in an election by a registered political party or to be a candidate to whom paragraph 58X (3) (f) or 58Y (3) (e) applies unless—

- (a) the notification given by him under section 58X or 58Y was signed by the registered officer of that party;
- (b) the name of the candidate is included in a statement setting out the names of endorsed candidates in that election, or elections that include that election, signed, and lodged with the Commission, by the registered officer of that party before the close of nominations for that election; or
- (c) the Commission is satisfied, after making such enquiries as it thinks appropriate of the registered officer of that party or otherwise, that the candidate is so endorsed.

“(5) Where a statement is entered in the Register under sub-paragraph (1) (c) (i) in relation to a candidate or under paragraph (2) (c) in relation to a group, that candidate or group, as the case may be, shall, for the purposes of Part XVI, be taken to have been registered for public funding.

“(6) A reference in sub-section (4) to the registered officer of a political party shall be read as including a reference to any person nominated by the registered officer of that party to be a deputy registered officer of that party for the purposes of that sub-section by notice in writing, specifying the name and

address of the person and signed by the registered officer, lodged with the Commission, not being a nomination that has been cancelled by notice in writing, signed by the registered officer, lodged with the Commission.

Change of particulars in Register

“58ZA. Particulars entered in the Register in relation to a candidate, being particulars of his name or address, a statement that he wishes to receive moneys under Division 3 of Part XVI, or the word ‘Independent’, shall be altered by the Commission if an application to the Commission to do so, being an application in writing signed by that candidate, is lodged with the Commission.

De-registration of candidates and groups

“58ZB. (1) A candidate who is registered under this Part shall be de-registered by the Commission if an application to the Commission to do so, being an application in writing signed by that candidate, is lodged with the Commission.

“(2) A group that is registered under this Part shall be de-registered by the Commission if an application to the Commission to do so, being an application in writing signed by each candidate in that group, is lodged with the Commission.

“(3) Where a candidate in a group that is registered under this Part applies to the Commission, in writing signed by him, to have his name removed from the list of candidates in a group, the Commission shall—

- (a) if the group consists of 3 or more candidates—cause the particulars relating to the candidate in the Register to be cancelled;
- (b) if the group consists of that candidate and only 1 other candidate—de-register the group by causing the entries relating to the group in the Register to be cancelled; and
- (c) give the other candidate or candidates in the group written notice of the action taken under paragraph (a) or (b).

“(4) Where a candidate who is registered under this Part dies, the Commission shall cause the particulars in the Register that relate to him to be cancelled.

“(5) Where a candidate in a group of candidates registered under this Part dies, the Commission shall—

- (a) cause the particulars relating to him in the Register to be cancelled;
- (b) if the group consists of that candidate and only 1 other candidate—de-register the group by causing the entries relating to the group in the Register to be cancelled; and
- (c) give the other candidate or candidates in the group written notice of the action so taken under paragraph (a) or (b).

“(6) Where the registered officer of a registered political party the name, or a name, of which is entered in the Register in relation to a candidate in an election registered under sub-section 58Z (1) applies, otherwise than after the

close of nominations in that election and before the close of polling in that election, for the de-registration of that candidate, the Commission shall—

- (a) de-register the candidate by causing the entry relating to him to be cancelled; and
- (b) give the candidate written notice of his de-registration.

“(7) Where the registered officer of a registered political party the name, or a name, of which is entered in the Register in relation to a candidate in an election in a group registered under sub-section 58Z (2) applies, otherwise than after the close of nominations in that election and before the close of polling in that election, for the removal of the name of that candidate from that group, the Commission shall—

- (a) if the group consists of 3 or more candidates—cause the particulars set out in the Register in relation to the candidate to be cancelled;
- (b) if the group consists of that candidate and only 1 other candidate—de-register the group by causing the entries relating to the group in the Register to be cancelled; and
- (c) give the candidates in the group written notice of the action taken under sub-paragraph (a) or (b).

“(8) Where action taken by the Commission under this section relates to a candidate, or to a group of candidates that includes a candidate, who is or has been, endorsed by a registered political party, the Commission shall cause written notice of that action to be given to the registered officer of that party unless the action was taken under sub-section (6) or (7) on the application of that officer.

Inspection of Register

“58ZC. The Register of Candidates shall be open for public inspection, without fee, during ordinary office hours at the principal office of the Commission in Canberra.

Service of documents

“58ZD. (1) Where the Commission is required by this Part to give a written notice to—

- (a) a candidate registered under this Part;
- (b) a candidate in a group registered under this Part; or
- (c) the registered officer of a registered political party,

that notice shall be given by being posted by pre-paid post as a letter addressed to—

- (d) the candidate at his address set out in the Register; or
- (e) the registered officer at his address set out in the Register of Political Parties,

as the case may be.

“(2) Where a person is, or persons are, entitled by this Part to give notification of candidacy to the Commission, the person or persons shall do so

by causing the notification to be lodged at the principal office of the Commission in Canberra, in the capital city of a State or in Darwin.

“(3) Where a person is, or persons are, required or entitled by this Part to lodge an application with the Commission, the person or persons shall do so by causing the application to be lodged at the principal office of the Commission in Canberra.”.

43. Before section 59 of the Principal Act the following section is inserted in Part X:

Issue of writs for election of Senators for Territories

“59AA. (1) The Governor-General may cause writs to be issued for elections of Senators for Territories.

“(2) The writs for the elections of Senators for Territories in accordance with section 20 shall be issued within 10 days from the expiry of the House of Representatives or from the proclamation of a dissolution of the House of Representatives.”.

Forms of writs

44. Section 59 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “for States, Senators for Territories” after “Senators”;
- (b) by inserting in sub-section (1) “, Form AA” after “Form A”;
- (c) by omitting paragraphs (a), (b) and (c) and substituting the following paragraphs:
 - “(a) the close of the Rolls;
 - (b) the nomination;
 - (c) the polling; and
 - (d) the return of the writ.”.

45. Sections 60 and 61 of the Principal Act are repealed and the following sections are substituted:

Writs for election of Senators

“60. (1) A writ for the election of Senators shall be addressed to the Australian Electoral Officer for the State or Territory for which the election is to be held.

“(2) Where a writ for an election of Senators is received by the Australian Electoral Officer for a State or Territory under sub-section (1), he shall—

- (a) endorse on the writ the date of its receipt;
- (b) advertise receipt of, and particulars of, the writ in not less than 2 newspapers circulating generally in the State or Territory;
- (c) take such steps as he considers appropriate to advise each Divisional Returning Officer in the State or Territory of the dates fixed by the writ; and

- (d) give such directions as he considers appropriate to each Divisional Returning Officer in relation to the holding of the election.

Writs for election of Members of House of Representatives

“61. (1) A writ for the election of a Member of the House of Representatives or for a general election for the House of Representatives shall be addressed to the Electoral Commissioner.

“(2) Only 8 writs shall be issued for each general election, namely—

- (a) a writ that relates to the members to be elected from New South Wales;
- (b) a writ that relates to the members to be elected from Victoria;
- (c) a writ that relates to the members to be elected from Queensland;
- (d) a writ that relates to the members to be elected from South Australia;
- (e) a writ that relates to the members to be elected from Western Australia;
- (f) a writ that relates to the members to be elected from Tasmania;
- (g) a writ that relates to the members to be elected from the Australian Capital Territory; and
- (h) a writ that relates to the member to be elected from the Northern Territory.

“(3) The 8 writs issued for a general election shall be issued on the same day.

“(4) Where a writ for an election to be held in a Division, or each Division, in a State or Territory is received by the Electoral Commissioner under sub-section (1), he shall—

- (a) endorse on the writ the date of its receipt;
- (b) advertise receipt of, and particulars of, the writ in not less than 2 newspapers circulating generally in the State or Territory, as the case requires;
- (c) take such steps as he considers appropriate to advise the Divisional Returning Officer or each Divisional Returning Officer, as the case requires, of the particulars of the writ, including the dates fixed by the writ; and
- (d) give such directions as he considers appropriate to the Divisional Returning Officer or each Divisional Returning Officer, as the case requires, in relation to the holding of the election.

“(5) Where a writ for an election to be held in a Division or Divisions is received by the Electoral Commissioner under sub-section (1), he may, where he considers it appropriate, advertise receipt of, and particulars of, the writ, in a newspaper or newspapers circulating in the Division or in some or all of the Divisions, as the case requires.

Date for close of Rolls

“61A. The date fixed for the close of the Rolls shall be 7 days after the date of the writ.”.

Date of nomination

46. Section 62 of the Principal Act is amended—

- (a) by omitting “The date” and substituting “Subject to sub-section (2), the date”;
- (b) by omitting “seven” and “twenty-one” and substituting “11” and “28” respectively; and
- (c) by adding at the end thereof the following sub-section:

“(2) Where a candidate for an election dies, after being nominated and before 12 o'clock noon on the day fixed by the writ as the date of nomination for the election, the day fixed as the date of nomination for the election shall, except for the purposes of section 63, be taken to be the day next succeeding the day so fixed.”.

Date of polling

47. Section 63 of the Principal Act is amended by omitting “seven” and “thirty” and substituting “22” and “30” respectively.

48. Section 67 of the Principal Act is repealed and the following section is substituted:

Application of Part

“67. This Part applies in relation to a Subdivision in relation to which an Assistant Divisional Returning Officer is appointed as if references in this Part, in relation to a Subdivision, to a Divisional Returning Officer were references to an Assistant Divisional Returning Officer.”.

Qualifications of Members of House of Representatives

49. Section 69 of the Principal Act is amended—

- (a) by adding at the end of paragraph (b) “and”; and
- (b) by omitting paragraph (c).

50. Section 70 of the Principal Act is repealed and the following section is substituted:

State and Territory members not entitled to be nominated

“70. A person who is, at the hour of nomination, a member of—

- (a) the Parliament of a State;
- (b) the Legislative Assembly of the Northern Territory of Australia; or
- (c) the Australian Capital Territory House of Assembly,

is not capable of being nominated as a Senator or as a Member of the House of Representatives.”.

51. After section 70 of the Principal Act the following section is inserted:

Multiple nominations prohibited

“70A. (1) Where—

- (a) a day is fixed as the polling day for 2 or more elections under this Act; and
- (b) at the hour of nomination there exist nominations of a person for 2 or more of those elections,

each of those nominations is invalid.

“(2) For the purposes of sub-section (1), where a person has consented to act if elected in relation to a nomination in relation to an election and the person withdraws that consent under section 80 before the hour of nomination, the nomination of the person for the election shall be taken to have ceased to have effect at the time when the person withdrew that consent.”.

Mode of nominations

52. Section 71 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(2) A nomination may name a candidate only by specifying—

- (a) the surname and the Christian or given name, or one or more of the Christian or given names, under which the candidate is enrolled; or
- (b) in a case where the candidate is not enrolled—a surname and the Christian or given name, or one or more of the Christian or given names, under which the candidate is entitled to be enrolled.

“(3) For the purposes of sub-section (2), a Christian or given name may be specified by specifying—

- (a) an initial standing for that name; or
- (b) a commonly accepted variation of that name (including an abbreviation or truncation of that name or an alternative form of that name).”.

To whom nominations made

53. Section 72 of the Principal Act is amended by omitting “the Commonwealth Electoral Officer for the State” and substituting “the Australian Electoral Officer for the State or Territory”.

Grouping of candidates

54. Section 72A of the Principal Act is amended—

- (a) by omitting from sub-section (2) “Commonwealth Electoral Officer for the State” and substituting “Australian Electoral Officer”;
- (b) by omitting from sub-section (4) “Commonwealth” and substituting “Australian”;
- (c) by omitting from sub-section (5) “Commonwealth” and substituting “Australian”; and

- (d) by omitting sub-section (6).

Requisites for nomination

55. Section 73 of the Principal Act is amended—

- (a) by omitting paragraph (a) and substituting the following paragraph:

“(a) the person nominated—

- (i) consents to act if elected; and
- (ii) declares that—

- (A) he is qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator or a Member of the House of Representatives, as the case may be;

- (B) he has not consented to act if elected in relation to a nomination in relation to another election under this Act the polling day of which is the polling day of the election in relation to which the declaration is made or, if he has so consented, the consent has been withdrawn under section 80; and

- (C) he does not intend to consent to act if elected in relation to a nomination in relation to another election under this Act the polling day of which is the polling day of the election in relation to which the declaration is made;”;

- (b) by omitting from paragraph (c) “Commonwealth” and substituting “Australian”;

- (c) by omitting from sub-paragraph (c) (i) “Two hundred dollars” and substituting “\$500”; and

- (d) by omitting from sub-paragraph (c) (ii) “One hundred dollars” and substituting “\$250”.

Form of consent to act

56. Section 74 of the Principal Act is amended—

- (a) by omitting “of qualification” and substituting “referred to in paragraph 73 (a) (ii)”; and

- (b) by omitting “Commonwealth” and substituting “Australian”.

57. Section 75 of the Principal Act is repealed and the following section is substituted:

Rejection of nominations

“75. (1) Subject to sub-section (2), a nomination shall be rejected by the officer to whom it is made if, and only if, the provisions of section 71, 72, 73 or 74 have not been complied with in relation to the nomination.

“(2) No nomination shall be rejected by reason of any formal defect or error in the nomination if the officer to whom the nomination is made is satisfied that the provisions of sections 71, 72, 73 and 74 have been substantially complied with.”.

Deposit to be forfeited in certain cases

58. Section 76 of the Principal Act is amended—

(a) by omitting paragraphs (a) and (b) and substituting the following paragraphs:

“(a) in the case of a Senate election—

(i) if the total number of votes polled in his favour as first preferences is more than 4% of the total number of votes polled in favour of the candidates in the election as first preferences; or

(ii) in a case where the name of the candidate is included, in ballot-papers used in the election, in a group in pursuance of section 72A—if the sum of the votes polled in favour of each of the candidates included in the group as first preferences is more than 4% of the total number of votes polled in favour of the candidates in the election as first preferences; or

(b) in the case of a House of Representatives election, if the total number of votes polled in his favour as first preferences is more than 4% of the total number of votes polled in favour of the candidates in the election as first preferences.”;

(b) by omitting “King” and substituting “Commonwealth”.

Place of nomination

59. Section 77 of the Principal Act is amended by omitting sub-section (1) and substituting the following sub-section:

“(1) In an election of Senators for a State or Territory the office of the Australian Electoral Officer for that State or Territory shall be the place of nomination for the election.”.

60. Before section 85 of the Principal Act the following sections are inserted in Part XII:

Interpretation

“85AA. In this Part, ‘postal voting officer’ means—

(a) an Assistant Divisional Returning Officer; or

(b) an officer appointed under section 85AB.

Postal voting officers

“85AB. The Electoral Commission may appoint a person to be a postal voting officer for the purposes of this Part.”.

Application for a postal vote certificate and postal ballot-paper

61. Section 85 of the Principal Act is amended—

- (a) by omitting from paragraph (1) (b) “five miles” and substituting “8 kilometres”;
- (b) by inserting after paragraph (1) (c) the following paragraphs:
 - “(ca) is, at a place other than a hospital, caring for a person who is seriously ill or infirm or approaching maternity and by reason of caring for the person will be precluded from attending at any polling booth to vote;
 - (cb) will throughout the hours of polling on polling day be a patient in a hospital (other than a special hospital) unable to vote at that hospital;
 - (cc) will—
 - (i) throughout the hours of polling on polling day be a patient in a special hospital; and
 - (ii) be unable to have his vote taken at that hospital in accordance with section 113C;”;
- (c) by omitting from sub-paragraph (1) (d) (ii) “or” (last occurring);
- (d) by omitting paragraph (1) (e) and substituting the following paragraph:
 - “(e) is, by reason of—
 - (i) serving a sentence of imprisonment; or
 - (ii) being otherwise in lawful custody or detention, precluded from attending at any polling booth to vote;”;
- (e) by omitting from sub-section (1) “make application” and substituting “apply, either orally or in writing;”;
- (f) by omitting sub-sections (2) and (2A) and substituting the following sub-sections:
 - “(2) A written application in relation to an election or elections may be in the approved form for the election or elections, as the case may be, and shall—
 - (a) contain a declaration by the applicant that he is an elector who is entitled to apply for a postal vote certificate and postal ballot-paper;
 - (b) be signed by the applicant in the presence of an elector (or, if the applicant is outside Australia, in the presence of one of the persons specified in sub-section 91B (1A)); and
 - (c) be made, after the issue of a writ for the election, to a Divisional Returning Officer (or, if the applicant is outside Australia, to an Assistant Returning Officer at a place outside Australia).

“(2A) An oral application—

(a) shall include the following statements:

- (i) a statement of the grounds upon which the person making the application applies for a postal vote certificate and postal ballot-paper;
- (ii) a statement specifying the Division for which he is enrolled;
- (iii) a statement of such other particulars (if any) as are prescribed; and

(b) shall be made, not earlier than the date of nomination for the election or elections concerned, to—

- (i) a Divisional Returning Officer at his Office;
- (ii) a postal voting officer at an appointed place on a day that is, and during hours that are, declared by the Commission, by notice published in the *Gazette*, to be an appointed day and appointed hours for the purposes of this section; or
- (iii) an Assistant Returning Officer for a place outside Australia at his office at that place.

“(2B) A written application in relation to an election shall be deemed not to have been duly made if it reaches the officer to whom it is made after 6 o'clock in the afternoon of the day immediately preceding polling in that election.

“(2C) An oral application shall be deemed not to have been duly made if it is made after the closing of the polling for the election.”; and

(g) by adding at the end thereof the following sub-section:

“(5) The Electoral Commission may, by notice in writing published in the *Gazette*, declare a place to be an appointed place for the purposes of this Part.”.

62. After section 85 of the Principal Act the following sections are inserted:

Registration of general postal voters

“86. (1) In this section, ‘prescribed elector’ means—

(a) an elector—

- (i) who is enrolled for a Subdivision that is a remote Subdivision by virtue of an appointment under section 26; and
- (ii) whose real place of living is not within 20 kilometres, by the nearest practicable route, of a polling place;

(b) an elector who—

- (i) is a patient in a hospital (not being a hospital that is a polling place or a special hospital); and
- (ii) by reason of being seriously ill or infirm is unable to travel from the hospital;

- (c) an elector who—
 - (i) is not a patient in a hospital; and
 - (ii) by reason of being seriously ill or infirm, is unable to travel from the place where he resides;
- (d) an elector who—
 - (i) is serving a sentence of imprisonment; or
 - (ii) is otherwise in lawful custody or detention;
- (e) an elector who is enrolled pursuant to a claim made under sub-section 40 (3); or
- (f) an elector whom a registered medical practitioner has certified, in writing, to be so physically incapacitated that he cannot sign his name.

“(2) A prescribed elector may make application to the Divisional Returning Officer for the Division for which the elector is enrolled to be registered as a general postal voter for the Division.

“(3) An application under sub-section (2) in relation to an elector to whom paragraph (1) (e) or (f) applies may be made by another person acting on behalf of the elector.

“(4) The certificate referred to in paragraph (1) (f) shall be lodged with the application under sub-section (2) to which it relates.

“(5) An application under sub-section (2) shall be in the approved form.

“(6) Where a Divisional Returning Officer is satisfied that an elector making an application under sub-section (2) is—

- (a) enrolled in the Division for which he is Divisional Returning Officer; and
- (b) a prescribed elector,

the Divisional Returning Officer shall register the elector as a general postal voter for the Division by entering the name of the elector in the Register referred to in sub-section (11).

“(7) Where a claim for enrolment or transfer of enrolment is made in respect of a person pursuant to sub-section 40 (3) and the claim indicates that the person wishes to be a registered general postal voter, the Divisional Returning Officer for the Division for which the person is claiming enrolment shall, forthwith upon enrolment, register the person as a general postal voter by entering the name of the person in the Register referred to in sub-section (11).

“(8) Where a Divisional Returning Officer for a Division registers an elector as a general postal voter for that Division, he shall advise the elector, in writing, of the registration.

“(9) Where a Divisional Returning Officer for a Division is not satisfied that an elector making an application under sub-section (2) is enrolled for that Division, he shall advise the elector, in writing, to that effect.

“(10) Where a Divisional Returning Officer for a Division is not satisfied that an elector who is enrolled for that Division and who makes an application under sub-section (2) is a prescribed elector, he shall advise the elector, in writing, to that effect.

“(11) A Divisional Returning Officer for a Division shall cause a Register of General Postal Voters for that Division to be kept and shall cause to be entered in the Register in relation to an elector who is registered as a general postal voter for the Division—

- (a) the name of the elector;
- (b) the address shown, on the Roll for the Subdivision for which the elector is enrolled, as the real place of living of the elector; and
- (c) such other particulars as the Electoral Commission determines.

“(12) A register kept in accordance with sub-section (11) shall be open for public inspection, without fee, during ordinary office hours at the office of the Divisional Returning Officer for the Division.

“(13) A Divisional Returning Officer for a Division may cancel the registration of an elector as a general postal voter for that Division in such circumstances as are prescribed.

“(14) A person shall not make, and a person shall not induce another person to make, any false statement in, or in connection with, an application under sub-section (2) or in any declaration contained in, or made in connection with, such application.

Penalty: \$1,000 or imprisonment for 6 months, or both.

“(15) Registration under this section of an elector (other than an elector to whom paragraph (1) (e) or (f) applies) shall not be taken to be *prima facie* evidence that the elector is entitled, upon application under section 85, to a postal vote certificate and postal ballot-paper under that section.

“(16) Where an elector who is a registered general postal voter for a Division (in this sub-section referred to as the ‘original Division’) makes a claim under Part VII for transfer of enrolment to another Division (in this sub-section referred to as the ‘new Division’)—

- (a) the Divisional Returning Officer for the original Division shall, upon receipt under sub-paragraph 43 (1) (b) (iv) of notice of the transfer of enrolment, give notice in writing to the Divisional Returning Officer for the new Division that the elector was a registered general postal voter for the original Division and cancel the registration of the elector as a general postal voter for the original Division; and
- (b) the Divisional Returning Officer for the new Division shall, upon receipt of notice under paragraph (a), register the elector as a general postal voter for the new Division unless he is satisfied that the elector would not be entitled to be so registered if he made an application under sub-section (2).

“(17) A Divisional Returning Officer for a Division shall, when directed to do so by the Electoral Commission, conduct a review of the Register of General Postal Voters for that Division and, upon completion of the review, shall make such alterations to the Register as he thinks necessary to ensure that—

- (a) only electors entitled to be registered general postal voters for the Division are so registered; and
- (b) the details entered in the Register in relation to registered general postal voters are accurate.

Dispatch of electoral materials to registered postal voters

“86A. (1) A Divisional Returning Officer for a Division shall, as soon as practicable after the issue of the writ for an election to be held in that Division, send an application form for a postal vote certificate and postal ballot-paper under section 85 to each elector who is, on that day, a registered general postal voter (other than a registered general postal voter to whom sub-section (2) applies) in the Division, together with an envelope addressed to the Divisional Returning Officer.

“(2) A Divisional Returning Officer for a Division shall, as soon as practicable after the issue of the writ for an election to be held in that Division, deliver or post to each elector who—

- (a) is, on that day, a registered general postal voter in that Division; and
- (b) became a registered general postal voter in pursuance of a claim made under sub-section 40 (3) or in pursuance of an application made in pursuance of paragraph 86 (1) (e) or (f),

a postal vote certificate printed on an envelope addressed to the Divisional Returning Officer and one postal ballot-paper for a Senate election, or one postal ballot-paper for a House of Representatives election, or both, as the case requires.”

Duty of witness

63. Section 87 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “an application” and substituting “a written application”;
- (b) by omitting from paragraph (1) (b) “in his the applicant’s own handwriting”;
- (c) by omitting from sub-section (2) “the application” (first occurring) and substituting “the written application”; and
- (d) by adding at the end thereof the following sub-sections:

“(3) Subject to sub-section (4), a person shall not visit any elector for the purpose of witnessing the signature of the elector to an application for a postal vote certificate and postal ballot-paper.

Penalty: \$1,000.

“(4) Where an elector who has received an application form for a postal vote certificate and postal ballot-paper is, by reason of being incapacitated or seriously ill or by reason of approaching maternity,

unable to appear before a witness, a person may, if previously requested to do so by the elector, visit the elector for the purpose of witnessing the signature of the elector to the application.”.

Penalty for inducing elector to apply for postal vote

64. Section 87A of the Principal Act is repealed.

Issue of certificate and ballot-papers

65. (1) Section 88 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Registrar, Returning Officer” and substituting “postal voting officer”;
- (b) by omitting from sub-section (1) “if he is satisfied that it is properly signed by the applicant elector and is properly witnessed, shall deliver or post to the elector a postal vote certificate” and substituting the following word and paragraphs:

“shall—

(a) if—

(i) the application is a written application; and

(ii) he is satisfied that it is properly signed by the applicant elector and is properly witnessed,

deliver or post to the elector a postal vote certificate; or

(b) if the application is an oral application—give to the elector a postal vote certificate,

being a certificate”;

- (c) by omitting from sub-section (1A) “six o’clock in the afternoon of the day preceding polling day, reckoned according to the relevant standard or legal time ascertained under the next succeeding sub-section” and substituting “the last mail clearance at the nearest post office on the Thursday next preceding polling day”;
- (d) by omitting from sub-section (1A) “Registrar, Returning Officer” and substituting “postal voting officer”; and
- (e) by omitting sub-sections (1B) and (2) and substituting the following sub-section:

“(2) A postal vote certificate delivered or posted under paragraph (1) (a), a postal vote certificate given under paragraph (1) (b), and postal ballot-papers delivered, posted or given under sub-section (1) shall be in the form prescribed for such a certificate and ballot-paper.”.

(2) Regulations in force at the commencement of this section for the purposes of sub-section 88 (2) of the Principal Act continue in force as if made for the purposes of sub-section 88 (2) of the Principal Act as amended by this Act.

Inspections of applications

66. Section 89 of the Principal Act is amended—

(a) by omitting sub-sections (1) and (2) and substituting the following sub-sections:

“(1) Where an application for a postal vote certificate and postal ballot-papers is received by the Divisional Returning Officer for the Division to which the application relates, the Divisional Returning Officer shall, upon the issue of a postal vote certificate and postal ballot- paper to the elector making the application—

- (a) in a case where the application is a written application—indorse the date of issue on the application; or
- (b) in a case where the application is an oral application—make a record of the issue of the postal vote certificate and postal ballot-paper to the elector making the application, of the date of the issue and of the number of the postal vote certificate so issued.

“(2) Where an application for a postal vote certificate and postal ballot-paper is received by—

- (a) a Divisional Returning Officer for a Division other than the Division to which the application relates;
- (b) a postal voting officer;
- (c) an Assistant Returning Officer at a place outside Australia,

the officer shall, upon the issue of a postal vote certificate and postal ballot-paper to the elector making the application—

(d) in a case where the application is a written application—indorse the date of issue of the postal vote certificate and postal ballot-paper on the application and send the application to the Divisional Returning Officer for the Division to which it relates; or

(e) in a case where the application is an oral application—give notice in writing to the Divisional Returning Officer for the Division to which the application relates of the issue of the postal vote certificate and postal ballot-paper to the elector making the application, of the date of the issue and of the number of the postal vote certificate so issued.”;

- (b) by inserting in sub-section (3) “written” after “All”; and
- (c) by inserting in sub-section (3) “, records made in pursuance of paragraph (1) (b) and notices given in pursuance of paragraph (2) (e)” after “ballot-papers”.

Number of applications and certificates

67. Section 90 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Registrar, Returning Officer” and substituting “postal voting officer”;
- (b) by inserting in sub-section (1) “written” before “applications”;

- (c) by inserting after sub-section (1) the following sub-section:

“(1A) The Divisional Returning Officer, postal voting officer or Assistant Returning Officer shall make a record of and allocate a number to each oral application for a postal vote certificate and postal ballot-papers received by him and shall number each postal vote certificate with a number corresponding with the number allocated.”;
- (d) by omitting from sub-section (2) “Registrar, Returning Officer” and substituting “postal voting officer”; and
- (e) by omitting from sub-section (2) all the words after “papers issued.”.

Returning Officer to notify issue of postal vote certificate and postal ballot-papers

68. Section 91 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “, other than such electors who are electors by virtue of section thirty-nine A of this Act”; and
- (b) by omitting from sub-section (2) “immediately” and substituting “take such steps as he considers reasonable to”.

Person claiming to vote, whose name is noted under section 91

69. Section 91A of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(3) Where a person votes under this section, any postal ballot-paper received by the Divisional Returning Officer that is, or that purports to be, a postal ballot-paper of that person shall not be admitted in the scrutiny in relation to the election.

“(4) For the purposes of Part XIV, action taken under this section in relation to an election shall be taken to be part of the scrutiny in relation to the election.”.

Authorized witnesses

70. Section 91B of the Principal Act is amended—

- (a) by omitting from paragraph (1A) (b) “and”; and
- (b) by adding at the end of sub-section (1A) the following word and paragraph:

“; and (d) an Australian citizen.”.

Directions for postal voting

71. Section 92 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “The” (first occurring) and substituting “Subject to sub-section (3), the”;
- (b) by inserting in paragraph (1) (b) “, if he is not a registered general postal voter who became so registered in pursuance of a claim made under sub-section 40 (3) or in pursuance of an application made in pursuance of paragraph 86 (1) (e) or (f),” after “elector”;
- (c) by omitting from paragraph (1) (b) “in his own handwriting”;

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- (d) by inserting in paragraph (1) (f) “, or the elector is otherwise so physically incapacitated or so illiterate,” after “so impaired”;
- (e) by omitting from paragraph (1) (g) “unless the elector’s sight is so impaired that he cannot vote without assistance and no person is appointed by the elector to mark his vote for him” and substituting “otherwise than pursuant to a request made by the elector in accordance with paragraph (f)”;
- (f) by inserting after sub-section (1) the following sub-section:

“(1A) Without limiting the generality of the proviso to paragraph (1) (f), an elector to whom the proviso applies may indicate to the authorized witness the manner in which the elector wishes the authorized witness to mark his ballot-paper for him by presenting to the authorized witness a statement in writing (which may be, or include, a how-to-vote card) that specifies the manner in which the ballot-paper is to be marked.”; and

- (g) by adding at the end thereof the following sub-sections:

“(3) In the case of a postal vote certificate and a postal ballot-paper delivered to an elector in pursuance of an oral application—

- (a) the elector shall not post or deliver the envelope fastened in accordance with sub-section (1), or cause that envelope to be posted or delivered, to the Divisional Returning Officer but shall, on the fastening of the envelope, forthwith deliver the envelope to the officer who delivered the certificate to him;
- (b) subject to paragraph (a), sub-section (1) has effect subject to the regulations; and
- (c) sub-section (2) does not apply.

“(4) Subject to the regulations, where an envelope is delivered to an officer in accordance with paragraph (3) (a), the officer shall deal with the envelope as if it were an envelope containing an absent voter’s ballot-paper completed in accordance with section 113.”.

Duty of persons present when an elector votes by post

72. Section 95 of the Principal Act is amended by omitting from paragraph (b) “in the case of persons whose sight is impaired”.

Preliminary scrutiny of postal ballot-papers

73. Section 96 of the Principal Act is amended—

- (a) by omitting “At” and substituting “Subject to sub-sections (2), (3) and (4), at”;
- (b) by omitting paragraph (ba); and

(c) by adding at the end thereof the following sub-sections:

“(2) Where a Divisional Returning Officer for a Division (in this sub-section referred to as the ‘relevant Division’) who is dealing under sub-section (1) with an envelope is—

- (a) satisfied that the elector who signed the postal vote certificate printed on the envelope is not enrolled for the relevant Division;
- (b) satisfied that, if the elector were enrolled for the relevant Division, the ballot-paper or ballot-papers contained in the envelope would be accepted under sub-section (1) for further scrutiny; and
- (c) satisfied, after making such inquiry as may be necessary, that the elector was, at the time of voting, entitled to be enrolled on the Roll for the relevant Division and his name was not on that Roll by reason of an error or mistake by an officer,

the Divisional Returning Officer shall accept the ballot-paper or ballot-papers for further scrutiny.

“(3) Where—

- (a) the Divisional Returning Officer for a Division (in this sub-section referred to as the ‘relevant Division’) is dealing under sub-section (1) with an envelope that purports to contain a ballot-paper for a Senate election but no other ballot-paper;
- (b) the Divisional Returning Officer is satisfied that the elector who signed the postal vote certificate printed on the envelope is not enrolled for the relevant Division;
- (c) sub-section (2) does not apply in relation to the envelope; and
- (d) the Divisional Returning Officer is satisfied that—
 - (i) the elector, at the time of voting, was enrolled on the Roll for another Division in the State or Territory that includes the relevant Division; and
 - (ii) if the elector were enrolled for the relevant Division, the ballot-paper contained in the envelope would be accepted under sub-section (1) for further scrutiny,

the Divisional Returning Officer shall accept the ballot-paper for further scrutiny.

“(4) Where—

- (a) the Divisional Returning Officer for a Division (in this sub-section referred to as the ‘relevant Division’) is dealing under sub-section (1) with an envelope that purports to contain both a ballot-paper for a Senate election and a ballot-paper for a House of Representatives election;
- (b) the Divisional Returning Officer is satisfied that the elector who signed the postal vote certificate printed on the envelope is not enrolled for the relevant Division;

- (c) sub-section (2) does not apply in relation to the envelope; and
- (d) the Divisional Returning Officer is satisfied that—
 - (i) the elector, at the time of voting, was enrolled on the Roll for another Division in the State or Territory that includes the relevant Division; and
 - (ii) if the elector were enrolled for the relevant Division, the ballot-papers contained in the envelope would be accepted under sub-section (1) for further scrutiny,the Divisional Returning Officer shall—
- (e) open the envelope and withdraw the ballot-papers and, without, as far as practicable, inspecting or unfolding the ballot-papers or allowing any other person to do so—
 - (i) accept the ballot-paper for the Senate election for further scrutiny and place it in the ballot-box referred to in paragraph (1) (c); and
 - (ii) disallow the ballot-paper for the House of Representatives election and place the ballot-paper in a parcel containing the envelopes referred to in sub-paragraph (1) (d) (ii); and
- (f) seal up the envelope in a parcel together with any other envelope dealt with in accordance with this sub-section and preserve the envelopes so sealed up.

“(5) For the purposes of paragraph (1) (b), where the envelope that contains a postal ballot-paper bears a postmark that includes a date after polling day, the vote recorded on the postal ballot-paper shall, except for the purposes of proceedings under Part XVIII, be taken not to have been recorded prior to the close of the poll.

“(6) The regulations may modify the application of the preceding sub-sections of this section in respect of the scrutiny of—

- (a) postal ballot-papers that have been delivered or posted to electors in accordance with oral applications under section 85;
- (b) postal ballot-papers that have been delivered or posted to electors who are enrolled pursuant to claims made under sub-section 40 (3); or
- (c) postal ballot-papers that have been delivered or posted to electors who are registered postal voters by virtue of an application made in pursuance of paragraph 86 (1) (f).

“(7) For the purposes of Part XIV, the actions taken by a Divisional Returning Officer under sub-section (1), (2), (3) or (4) in relation to an election (including those sub-sections as modified in accordance with sub-section (6)) shall be taken to be part of the scrutiny in relation to the election.”

74. After section 96 of the Principal Act the following section is inserted:

Correction of errors

“96A. Where an officer who receives—

- (a) an application for a postal vote certificate and postal ballot-paper; or
- (b) a postal vote certificate,

is satisfied that the application or certificate has a formal defect or contains a formal error, he may amend the application or certificate, as the case may be, to the extent necessary to remove that defect or correct that error.”.

Arrangements for polling

75. Section 98 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “Divisional” before “Returning”;
- (b) by omitting paragraph (1) (a);
- (c) by inserting after sub-section (1) the following sub-section:

“(1A) If the proceedings on the day of nomination stand adjourned to polling day, the Electoral Commission, in pursuance of its powers under section 11, shall immediately appoint a presiding officer to preside at each polling place and all necessary assistant presiding officers and poll clerks.”;

- (d) by omitting from sub-section (2) “, poll clerk, or doorkeeper” (wherever occurring) and substituting “or poll clerk”;
- (e) by omitting from sub-section (2) “Divisional Returning Officer” and substituting “Electoral Commission”; and
- (f) by omitting from sub-section (3) “twenty-one years” and substituting “18 years”.

Ballot-boxes

76. Section 102 of the Principal Act is amended by omitting “, constructed and fitted as prescribed”.

Certified lists of voters

77. Section 103 of the Principal Act is amended—

- (a) by inserting “(including persons whose names have been added to the Roll in pursuance of a claim made under section 41A and who will have attained 18 years of age on the date fixed for the polling)” after “electors”;
- (b) by inserting “Division that includes the” before “Subdivision”; and
- (c) by omitting “prescribed” and substituting “appointed”.

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78. Sections 104 and 105 of the Principal Act are repealed and the following section is substituted:

Ballot-papers

“104. (1) Ballot-papers to be used in a Senate election shall be in Form E in the Schedule.

“(2) Ballot-papers to be used in a House of Representatives election shall be in Form F in the Schedule.

“(3) Ballot-papers to be used in elections held after a date fixed by the Commission, by notice published in the *Gazette*, for the purposes of this sub-section shall be printed using—

- (a) white paper for House of Representatives elections and green paper for Senate elections; and
- (b) black type face of a kind ordinarily used in Commonwealth Government publications.”.

Printing of Senate ballot-papers

79. Section 105A of the Principal Act is amended—

- (a) by omitting “Subject to the next succeeding section, in” and substituting “In”;
- (b) by omitting from paragraph (b) all the words after “determined” and substituting “by the Australian Electoral Officer in accordance with section 106B”;
- (c) by omitting from paragraph (c) all the words after “determined” and substituting “by the Australian Electoral Officer in accordance with section 106B”; and
- (d) by omitting from paragraph (e) all the words after “determined” and substituting “by the Australian Electoral Officer in accordance with section 106B”.

80. Sections 105B and 106 of the Principal Act are repealed and the following sections are inserted:

Group voting tickets

“106. (1) Where the names of candidates nominated for election to the Senate are included in a group in accordance with the provisions of section 72A, those candidates may, after the order of the several groups in the ballot-papers and the order of the candidates in the ballot-papers have been determined as required by section 105A and before the expiration of 48 hours after the closing of nominations for the election, lodge with the Australian Electoral Officer for the State or Territory in which the election is to be held a statement, in writing signed by each of the candidates in the group, stating that they wish voters in the election to indicate their preferences in relation to all the candidates in the election in an order specified in the statement.

“(2) Where candidates nominated for election to the Senate may lodge a statement referred to in sub-section (1), they may, in lieu of lodging that statement, lodge a statement, in writing signed by each of them, stating that they wish voters in the election to indicate their preferences in relation to all the candidates in the election in either of 2 orders, or any of 3 orders, specified in the statement, being orders that—

- (a) give preferences to the candidates lodging the statement before any other candidate; and
- (b) give the preferences to the candidates lodging the statement in the same order.

“(3) Without limiting the generality of sub-section (1) or (2), a statement for the purposes of either of those sub-sections may specify an order of preferences by setting out the names of all the candidates in the election in the groups, and in the order, in which they would be set out in a ballot-paper with squares opposite to each name and with a number in each square showing that order of preferences.

“(4) Where a group of candidates in a Senate election lodges a statement in accordance with sub-section (1) or (2) in relation to the election, that group of candidates shall be taken to have a group voting ticket, or 2 or 3 group voting tickets, as the case requires, registered for the purposes of the election, being the order of preferences, or the orders of preferences, given in that statement, as the case may be.

“(5) Where a group of candidates in a Senate election has a group voting ticket, or 2 or 3 group voting tickets, registered for the purposes of that election, a square shall be printed on the ballot-papers for use in the election above the names of those candidates with the letter that is printed before the name of each candidate in that group also printed before that square.

Ballot-papers for House of Representatives elections

“106A. In printing the ballot-papers to be used in a House of Representatives election—

- (a) the order of the names of the candidates in the ballot-papers shall be determined by the Divisional Returning Officer in accordance with section 106B;
- (b) where similarity in the names of 2 or more candidates is likely to cause confusion, the names of those candidates may be arranged with such description or addition as will distinguish them from one another; and
- (c) except as otherwise provided by the regulations, a square shall be printed opposite the name of each candidate.

Determination of order on ballot-papers

“106B. (1) Where under section 105A or 106A a person is required to determine in accordance with this section the order of the names of candidates or of groups in ballot-papers to be used in an election—

- (a) the person shall, immediately after the close of nominations for the election, at the place of nomination and before all persons present at that place—
 - (i) prepare a list of the names or groups, as the case may be, in such order as he considers appropriate;
 - (ii) read out that list;
 - (iii) place a number of balls equal to the number of candidates or groups, as the case may be, being balls of equal size and weight and each of which is marked with a different number, in a spherical container large enough to allow all the balls in it to move about freely when it is rotated;
 - (iv) rotate the container and permit any other person present who wishes to do so to rotate the container;
 - (v) cause an officer of the Australian Public Service who is blindfolded and has been blindfolded since before the rotation of the container in accordance with sub-paragraph (iv) to take the balls, or cause the balls to come, out of the container one by one and, as each ball is taken or comes out, to pass it to another officer of the Australian Public Service who shall call out the number on each ball as it is passed to him;
 - (vi) as each number is called out in accordance with sub-paragraph (v), write the number opposite to a name or group, as the case may be, in the list prepared in accordance with sub-paragraph (i) so that the number called out first is opposite to the first name or group, as the case may be, in the list and the subsequent order of the numbers in the list is the order in which they are called out;
 - (vii) place all the balls back in the container;
 - (viii) rotate the container and permit any other person present who wishes to do so to rotate the container;
 - (ix) cause an officer of the Australian Public Service who is blindfolded and has been blindfolded since before the rotation of the container in accordance with sub-paragraph (viii) to take the balls, or cause the balls to come, out of the container one by one and, as each ball is taken or comes out, to pass it to another officer of the Australian Public Service who shall call out the number on each ball as it is passed to him;
 - (x) prepare a list of the numbers called out in accordance with sub-paragraph (ix) set out in the order in which they were called out in accordance with sub-paragraph (ix); and

- (xi) write on the list prepared in accordance with sub-paragraph (x) opposite to each number the name or group, as the case may be, set out opposite to that number in the list prepared in accordance with sub-paragraph (i); and
- (b) the order in which the names or groups, as the case may be, are set out in the list prepared in accordance with sub-paragraph (a) (x) is the order of the names or groups, as the case may be, determined by the person under this section.

“(2) Where under sub-section (1) a person is required to set out a group in a list, it is sufficient compliance with that requirement if such description of the group, by reference to the name of the first candidate in it or to the party or parties to which the candidates in the group belong or otherwise, as the person considers to be appropriate, is so set out.

Political parties, &c., may be indicated on ballot-papers

“106C. (1) Where—

- (a) a candidate in an election is registered under sub-section 58Z(1); and
- (b) a name of a registered political party is entered in the Register of Candidates in relation to that candidate,

that name shall be printed adjacent to the name of that candidate on the ballot-papers for use in that election.

“(2) Where—

- (a) a group of candidates in a Senate election is registered under sub-section 58Z (2); and
- (b) a name of a registered political party is entered in the Register of Candidates in relation to each of those candidates,

then—

- (c) the name of a party so entered in relation to a candidate shall be printed adjacent to the name of the candidate on ballot-papers for use in the election;
- (d) where only the name, or a name, of 1 party is so entered and, on ballot-papers for use in the election, a square is printed in relation to the group in accordance with sub-section 106 (5)—the name printed in accordance with paragraph (c) shall also be printed adjacent to that square on those ballot-papers; and
- (e) where—
 - (i) a composite name has been entered in the Register of Candidates in relation to that group; and
 - (ii) on the ballot-papers for use in the election, a square is printed in relation to the group in accordance with sub-section 106 (5), that composite name shall be printed adjacent to that square on those ballot-papers.

“(3) Where—

- (a) a candidate in an election is registered under sub-section 58Z(1); and

- (b) the word 'Independent' is entered in the Register of Candidates in relation to that candidate,

that word shall be printed adjacent to the name of that candidate on the ballot-papers for use in that election.

“(4) In this section—

'name', in relation to a registered political party, has the same meaning as 'registered name' has in Part IXB;

'Register of Candidates' means the Register of Candidates established under section 58W.”.

Ballot-papers to be initialled

81. Section 107 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “on the back” after “initialled” (first occurring); and
(b) by omitting sub-section (2).

82. After section 107 of the Principal Act the following section is inserted:

Group voting tickets to be displayed

“107A. (1) Where, by virtue of sub-section 106 (4), a group of candidates in a Senate election has a group voting ticket, or 2 or 3 group voting tickets, registered for the purposes of that election, the Australian Electoral Officer shall cause a poster containing a copy of that ticket or those tickets to be prominently displayed at each polling booth.

“(2) Where there are 2 or more tickets to be displayed in a poster in accordance with sub-section (1), their relative positions on that poster shall be determined by lot.”.

Scrutineers at the polling

83. Section 108 of the Principal Act is amended by omitting from sub-section (1) “subdivision of” and substituting “issuing point at”.

Provisions relating to scrutineers

84. Section 109 of the Principal Act is amended—

- (a) by omitting from sub-section (2) “subdivision of” and substituting “at an issuing point at”; and
(b) by omitting from sub-section (3) “constable” and substituting “member of the Australian Federal Police or of the police force of a State or Territory”.

Persons present at polling

85. Section 110 of the Principal Act is amended by omitting “doorkeepers,”.

The polling

86. Section 111 of the Principal Act is amended by omitting from paragraphs (b) and (c) “eight o’clock in the evening” and substituting “6 o’clock in the afternoon”.

Elections at which electors entitled to vote

87. Section 112 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “or Territory” after “State”; and
- (b) by inserting in sub-section (3) “(other than a person whose name has been placed on a Roll in pursuance of a claim made under section 41A and who will not have attained 18 years of age on the date fixed for the polling in the election)” after “thereon”.

Where electors may vote

88. Section 113 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “(not being a person who is an elector by virtue of section thirty-nine A of this Act)”;
- (b) by omitting from sub-section (1) “Subdivision” and substituting “Division”;
- (c) by inserting in sub-section (1) “or Territory” after “State”; and
- (d) by inserting after sub-section (1) the following sub-section:

“(1A) Notwithstanding sub-section (1), where a hospital is a polling place, an elector is not entitled to vote at that polling place otherwise than under section 113B unless he—

- (a) is attending the hospital as a patient or as a genuine visitor of a patient; or
- (b) performs functions or duties in the hospital.”.

89. Sections 114 and 115 of the Principal Act are repealed and the following sections are substituted:

Interpretation

“113A. In sections 113B, 113C and 113D, ‘patient’, in relation to a hospital, does not include a person attending the hospital as an out-patient.

Mobile booths—hospitals that are polling places

“113B. (1) Where a hospital is a polling place, the presiding officer may make arrangements with an appropriate person, or appropriate persons, on the staff of the hospital for the votes of patients in the hospital or in part of the hospital to be taken under this section in an election.

“(2) Subject to section 113D, where—

- (a) arrangements are in force under sub-section (1) in relation to a hospital or part of a hospital;

- (b) a patient in the hospital or the part of the hospital, as the case may be, is—
 - (i) in the case of a by-election—entitled to vote in that election; or
 - (ii) in any other case—an elector for the State or Territory in which the hospital is situated;
- (c) under the arrangements, the vote of the patient may be taken under this section; and
- (d) the patient wishes so to vote,

the presiding officer, accompanied by a poll clerk and such scrutineers, if any, as wish to accompany him, shall, at a time between 8 o'clock in the morning and 6 o'clock in the afternoon on either polling day or a day to which the polling is adjourned, take to the patient a ballot-box, a ballot-paper and such other things as are necessary to enable the vote of the patient to be taken, and this Act applies in relation to the taking of the vote of the patient as if, during the time when, for the purpose of enabling the vote of the patient to be taken, the presiding officer is in the same room, ward or other place as the patient, that room, ward or other place were a part of a polling booth at a polling place.

“(3) A polling booth provided at a hospital shall be attended by an officer at all times when the presiding officer is absent from the booth for the purpose of enabling a patient in the hospital to vote under this section.

Mobile booths—certain other hospitals

“113C. (1) The Electoral Commission may, by notice published in the *Gazette*, declare the whole or a specified part of a hospital, not being a hospital that is a polling place, to be a special hospital for the purposes of taking votes under this section in a specified election.

“(2) The Electoral Commission may appoint electoral visitors for the purposes of this section.

“(3) An electoral visitor may make arrangements with an appropriate person, or appropriate persons, on the staff of a hospital (being a hospital the whole or part of which is a special hospital) for the votes of patients in the special hospital to be taken under this section.

- “(4) Subject to section 113D, where—
 - (a) arrangements are in force under sub-section (3) in relation to a special hospital;
 - (b) a patient in the special hospital is—
 - (i) in the case of a by-election—entitled to vote in that election; or
 - (ii) in any other case—an elector for the State or Territory in which the hospital is situated;
 - (c) under the arrangements, the vote of the patient may be taken under this section; and
 - (d) the patient wishes so to vote,

an electoral visitor, accompanied by a poll clerk and such scrutineers, if any, as wish to accompany him, shall, subject to sub-section (5), take to the patient a

ballot-box, a ballot-paper and such other things as are necessary to enable the vote of the patient to be taken, and this Act applies in relation to the taking of the vote of the patient as if, during the time when, for the purpose of enabling the vote of the patient to be taken, the electoral visitor is in the same room, ward or other place as the patient, that room, ward or other place were a part of a polling booth at a polling place.

“(5) A visit or visits to a special hospital in accordance with sub-section (4) shall be made at such time or times between 8 o'clock in the morning and 6 o'clock in the afternoon, and on such day or days, being any of the 5 days preceding polling day, polling day, or a day to which the polling is adjourned, as are determined by the Electoral Commission in relation to the special hospital.

“(6) At any time when an electoral visitor is visiting a special hospital for the purposes of this section, the special hospital shall, for purposes of, and in connection with, the taking of votes under this section, be deemed to be a polling booth at a polling place and the electoral visitor shall, for those purposes, be deemed to be the presiding officer at that booth.

“(7) Paragraph 111 (a) does not apply to an electoral visitor after the first visit made by him for the purposes of this section.

“(8) At the end of the last visit made by an electoral visitor for the purposes of this section, he shall, in the presence of a poll clerk and any scrutineers who may be in attendance, publicly close, fasten, seal and take charge of each ballot-box used by him for the purposes of this section and, with the least possible delay, forward it for the purposes of scrutiny to the appropriate Assistant Returning Officer designated for the purposes of this sub-section by the Divisional Returning Officer.

Provisions related to sections 113B and 113C

“113D. (1) Notwithstanding any arrangement in force under section 113B or 113C, a visit under that section to a patient in a hospital shall not be made if the presiding officer or electoral visitor, as the case may be, is informed by a registered medical practitioner or a member of the staff of the hospital that such a visit is forbidden, on medical grounds, by a registered medical practitioner.

“(2) Literature relating to an election or political parties may be supplied to the general office of a hospital to which section 113B or 113C applies, and any literature so supplied shall be made available on request to patients entitled to vote under that section.

“(3) When the presiding officer or electoral visitor visits a patient under section 113B or 113C for the purposes of a Senate election, he shall display to the patient each group voting ticket registered for the purposes of the election.

“(4) So far as is practicable, a vote under section 113B or 113C shall be taken as if it were taken under the other provisions of this Act and, in

particular, in the application of this Act for the purposes of sub-section 113B (2) or 113C (4), this Act has effect as if—

- (a) a person who, with the approval of an appropriate person on the staff of the hospital, enters or remains in a room, ward or other place in the hospital at a time when, under that sub-section, it is to be treated as if it were a part of a polling booth were, for the purposes of section 110, doing so by permission of the presiding officer there present;
- (b) paragraph 119 (a) were omitted and the following paragraph were substituted:
 - ‘(a) mark his vote on the ballot-paper in a manner that ensures the secrecy of his vote;’;
- (c) paragraph 119 (c) were omitted; and
- (d) the words ‘enter an unoccupied compartment of the booth with the voter, and’ were omitted from sub-section 120 (1).

“(5) Sub-section 171 (1) applies in relation to a hospital that is a polling place and in relation to a special hospital within the meaning of section 113C as if—

- (a) the reference in that sub-section to polling day and to all days to which the polling is adjourned were a reference to the period commencing on the day of the issue of the writ and ending at the expiration of polling day or, if the polling is adjourned, the expiration of the last day to which the polling is adjourned; and
- (b) the references in that sub-section to a polling booth were references to the hospital or special hospital, as the case may be.

“(6) Where an elector has voted under section 113B or 113C in an election, any postal ballot-paper received by the Divisional Returning Officer that is, or that purports to be, a postal ballot-paper of the voter shall not be admitted in the scrutiny in relation to the election.

“(7) Where an arrangement is in force under section 113B or 113C, the Divisional Returning Officer shall, before 4 o’clock in the afternoon on—

- (a) in the case of an arrangement under section 113B—the day before polling day in the election for which the arrangement was made; or
- (b) in the case of an arrangement under section 113C—the day before the day, or before the first day, on which votes are to be taken under that section,

cause to be prominently exhibited at his office a notice setting out—

- (c) in a case to which paragraph (a) applies—the hospital to which the arrangement relates and the time or times at which votes are proposed to be taken under section 113B; or
- (d) in a case to which paragraph (b) applies—the hospital to which the arrangement relates and the day or days on which, and the time or times at which, votes are proposed to be taken under section 113C.

“(8) As far as is reasonably practicable, votes taken under section 113B or 113C shall be taken on the day or days and at the time or times specified in the

relevant notice under sub-section (7), but any failure to take those votes in that manner does not invalidate the result of the election.

Mobile booths—remote Subdivisions

“114. (1) In this section—

‘leader’ means a person appointed under this section to be the leader of a team;

‘station’ means a place at which a visit is being made by a team under this section;

‘team’ means a mobile polling team appointed under this section.

“(2) The Electoral Commission may appoint persons to be members of mobile polling teams for the purposes of this section and, in respect of each team, a person to be the leader.

“(3) In relation to a remote Subdivision declared under sub-section 26 (2), the following provisions of this section apply in addition to, and without derogation from, the application of any other provision of this Act.

“(4) The Electoral Commission—

(a) may, subject to sub-section (5), by notice published in the *Gazette*, determine the places, days and times of visits to be made by a team for the purposes of this section; and

(b) shall take such steps as it thinks fit to give public notice of those places, days and times.

“(5) A day determined under sub-section (4) shall be any of the 12 days preceding polling day, polling day, or a day to which the polling is adjourned.

“(6) A team shall make a visit or visits as determined under sub-section (4), but, if, for reasonable cause, the team is unable, or the leader considers it inappropriate, to make such a visit, the leader may substitute another place, day or time for the visit and, if he does so, shall—

(a) take such steps as he thinks fit to give public notice of the substituted place, day or time; and

(b) inform the Divisional Returning Officer.

“(7) Any failure by a team to make a visit in accordance with this section does not invalidate the result of the election.

“(8) At any time when a team is at a station for the purposes of taking votes under this section in an election—

(a) the team shall have—

(i) ballot-boxes, ballot-papers, group voting tickets registered for the purposes of the election and such other things as are necessary for the votes of electors to be taken at the station; and

(ii) the ‘how-to-vote’ cards (if any) supplied to it by the candidates;

- (b) every person at the station who is—
 - (i) in the case of a by-election—entitled to vote in the election; or
 - (ii) in any other case—an elector for the State or Territory in which the station is situated,is entitled to have his vote taken under this section;
- (c) for purposes of, and in connection with, the taking of votes under this section—
 - (i) the station shall be deemed to be a polling place;
 - (ii) the building, structure, vehicle or enclosure used by the leader for the purposes of taking votes under this section shall be deemed to be a polling booth at that polling place; and
 - (iii) the leader shall be deemed to be the presiding officer at that polling booth;
- (d) so far as is practicable, a vote under this section shall be taken as if it were taken under the other provisions of this Act (not being sections 113B and 113C); and
- (e) section 171 applies as if—
 - (i) the reference in sub-section 171 (1) to polling day and to all days to which the polling is adjourned were a reference to the time of the visit; and
 - (ii) the reference in sub-section 171 (2) to the hours of polling were a reference to that time.

“(9) Paragraph 111 (a) does not apply to a leader after the first visit made by him for the purposes of this section.

“(10) At the end of the last visit made by a leader for the purposes of this section, he shall, in the presence of a member of his team and any scrutineers who may be in attendance, publicly close, fasten, seal and take charge of each ballot-box used by him for the purposes of this section and, with the least possible delay, forward it for the purposes of scrutiny to the appropriate Assistant Returning Officer designated for the purposes of this sub-section by the Divisional Returning Officer.

“(11) Where an elector has voted under this section in an election, any postal ballot-paper received by the Divisional Returning Officer that is, or that purports to be, a postal ballot-paper of the voter shall not be admitted in the scrutiny in relation to the election.

Questions to be put to voter

“115. (1) The presiding officer shall put the following questions to each person attending before him and claiming to vote in an election or elections:

- (a) What is your full name?
- (b) Where do you live?
- (c) Have you voted before in this election? or Have you voted before in these elections? (as the case requires).

“(2) Where, in answer to the question specified in paragraph (1) (b) put to him by a presiding officer, a person (other than an eligible overseas elector or an itinerant elector) gives a place of living other than—

- (a) his place of living shown on the certified list; or
- (b) another place of living in the Division in respect of which he claims to vote,

the presiding officer shall ask the following question: At what other place or places have you lived during the last 3 months?

“(3) If the answers to the questions specified in paragraphs (1) (a) and (b) that are given by a person claiming to vote are not sufficient to distinguish that person from another person on the certified list, the presiding officer may, for the purpose of distinguishing the 2 persons, ask the person claiming to vote another question or other questions relating to matters shown on the certified list in relation to those persons.

“(4) Subject to section 121B, if a person claiming to vote to whom questions are put under this section—

- (a) refuses to answer fully any question so put to him;
- (b) so answers the question specified in paragraph (1) (b) and the question specified in sub-section (2) as to indicate that he is not entitled to vote by virtue of sub-section 39 (4); or
- (c) answers a question specified in paragraph (1) (c) in the affirmative, his claim to vote shall be rejected.”.

Errors not to forfeit vote

90. Section 116 of the Principal Act is amended—

- (a) by omitting “christian name” (wherever occurring) and substituting “Christian or given name”; and
- (b) by omitting “, or occupation,”.

Right of elector to receive ballot-paper

91. Section 117 of the Principal Act is amended—

- (a) by omitting paragraph (1) (a);
- (b) by omitting from paragraph (1) (b) “and his right to vote is challenged,”; and
- (c) by omitting sub-section (3).

Vote to be marked in private

92. Section 119 of the Principal Act is amended—

- (a) by omitting from paragraph (a) “in the manner hereinafter described”; and
- (b) by omitting from paragraph (b) “to show clearly the initials of the presiding officer, and exhibit it so folded to the presiding officer, and then forthwith openly, and without unfolding it,”.

Assistance to certain voters

93. Section 120 of the Principal Act is amended—

- (a) by inserting in sub-section (1) “or illiterate” after “incapacitated”;
- (b) by omitting from sub-section (2) “, or if any voter satisfies the presiding officer that he is so illiterate that he is unable to vote without assistance,”; and
- (c) by adding at the end thereof the following sub-section:

“(3) Without limiting the generality of sub-section (2), a voter to whom that sub-section applies may indicate to the presiding officer the manner in which the voter wishes the presiding officer to mark his ballot-paper for him by presenting to the presiding officer a statement in writing (which may be, or include, a how-to-vote card) that specifies the manner in which the ballot-paper is to be marked.”.

Vote of person whose name is not on Roll, &c.

94. Section 121 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-sections:

“(1) Where—

- (a) a person claims to vote at an election; and
- (b) the name of that person is not on, or cannot be found on, the certified list of voters for that Division,

that person may, subject to this Act and the regulations, cast a provisional vote under this section if he signs a declaration in an approved form on an envelope.

“(1A) Where a presiding officer informs a person referred to in paragraph (1) (a) that his name is not on, or cannot be found on, the certified list of voters for the Division for which he claims to be entitled to vote, the presiding officer shall hand the person a written statement in the approved form setting out his rights under this section and the steps that would be taken if he voted under this section.”;

- (b) by omitting from sub-section (2) “claims to vote” and substituting “votes”;
- (c) by inserting in sub-section (3) “Divisional” before “Returning”;
- (d) by omitting from sub-section (5) “to whom paragraph (a), (b) or (c) of sub-section (1) of this section applies” and substituting “who, at the time of voting, was entitled to be enrolled on the Roll for the Division for which he claimed to be entitled to vote and that his name was—
 - (a) on that Roll; or
 - (b) was not on that Roll by reason only of an error or mistake by an officer,”;
- (e) by omitting from sub-section (5) all the words after “forthwith” and substituting “make such correction (if any) to the Roll as is necessary”; and
- (f) by omitting sub-section (6) and substituting the following sub-sections:

“(6) Where—

- (a) the Divisional Returning Officer for a Division (in this sub-section referred to as the ‘relevant Division’) is dealing under sub-section (5) with an envelope that purports to contain a ballot-paper for a Senate election but no other ballot-paper; and
- (b) the Divisional Returning Officer is satisfied that—
 - (i) the voter, at the time of voting, was not entitled to be enrolled on the Roll for the relevant Division;
 - (ii) the voter, at the time of voting, was enrolled on the Roll for another Division in the State or Territory that includes the relevant Division; and
 - (iii) if the voter were enrolled for the relevant Division, the ballot-paper contained in the envelope would be accepted under sub-section (5) for further scrutiny,

the Divisional Returning Officer shall deal with the ballot-paper in the manner prescribed in connection with the scrutiny of absent voters’ ballot-papers.

“(7) Where—

- (a) the Divisional Returning Officer for a Division (in this sub-section referred to as the ‘relevant Division’) is dealing under sub-section (5) with an envelope that purports to contain both a ballot-paper for a Senate election and a ballot-paper for a House of Representatives election; and
- (b) the Divisional Returning Officer is satisfied that—
 - (i) the voter, at the time of voting, was not entitled to be enrolled on the Roll for the relevant Division;
 - (ii) the voter, at the time of voting, was enrolled on the Roll for another Division in the State or Territory that includes the relevant Division; and
 - (iii) if the voter were enrolled for the relevant Division, the ballot-paper contained in the envelope would be accepted under sub-section (5) for further scrutiny,

the Divisional Returning Officer shall open the envelope and withdraw the ballot-papers and, without, as far as practicable, inspecting or unfolding the ballot-papers or allowing any other person to do so—

- (c) deal with the ballot-paper for the Senate in the manner prescribed in connection with the scrutiny of absent voters’ ballot-papers; and
- (d) disallow the ballot-paper for the House of Representatives election.

“(8) Where a Divisional Returning Officer decides, in accordance with sub-section (5), that a person who has cast a provisional vote under this section is not entitled to be enrolled for the Division for

which he claims to be entitled to vote, the Divisional Returning Officer shall inform the person in writing that he is not so entitled.”.

Voter claiming to vote whose name on Roll has been marked

95. Section 121A of the Principal Act is amended—

- (a) by omitting from sub-section (1) “prescribed for the Subdivision” and substituting “appointed for the Division”; and
- (b) by adding at the end thereof the following sub-section:

“(3) For the purposes of Part XIV, dealing under this section with a ballot-paper used in an election shall be taken to be part of the scrutiny in relation to the election.”.

96. After section 121A of the Principal Act the following section is inserted:

Vote of person whose address is not shown on Roll

“121B. (1) Where an elector for a Division whose name appears, but whose address does not appear, on the Roll for the Division claims to vote at an election at a polling place appointed for the Division and claims to be an elector to whom section 46A applies, he may, subject to this Act and the regulations, be permitted to vote if he makes a declaration of address in the approved form on an envelope before the presiding officer at the polling place.

“(2) Where an elector votes under the provisions of this section, he shall mark and fold his ballot-paper in the manner prescribed in this Act and return it so folded to the presiding officer.

“(3) The presiding officer shall thereupon, in the presence of the elector and of such scrutineers as are present, and without unfolding the ballot-paper, enclose it in an envelope bearing the declaration of the voter and addressed to the Divisional Returning Officer for the Division for which the elector is enrolled and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

“(4) The Assistant Returning Officer who is authorized under the provisions of this Act to open the ballot-box shall, without opening the envelope, forthwith transmit it to the Divisional Returning Officer for the Division for which the elector is enrolled.

“(5) The Divisional Returning Officer, on receipt of the envelope containing the ballot-paper, shall, before opening the envelope or allowing any other person to do so, examine the declaration of the elector, and, if it is in order and he is satisfied that the address specified in the declaration is the address specified in an application under section 46A by the elector (as affected by any change of address annotated on the application) shall deal with the ballot-paper in the manner prescribed in connection with the scrutiny of absent voters’ ballot-papers.”.

Spoilt ballot-papers

97. Section 122 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(2) If any voter voting in a manner that will involve his ballot-paper being placed in an envelope satisfies the officer who issued him with the ballot-paper that, before the ballot-paper was placed in the relevant envelope, he spoilt the ballot-paper by mistake or accident, he may, on giving up the spoilt ballot-paper to the officer, receive a new ballot-paper from the officer, who shall there and then cancel the spoilt ballot-paper and deal with it as prescribed.”.

Marking of votes in a Senate election

98. Section 123 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “In” and substituting “Subject to sub-section (1A), in”; and
- (b) by inserting after sub-section (1) the following sub-sections:

“(1A) A voter may mark his vote on his ballot-paper by placing the figure 1 in a square (if any) printed in accordance with sub-section 106 (5).

“(1B) For the purposes of this Act, where a voter has placed a tick or a cross in a square printed on a ballot-paper in accordance with sub-section 106 (5), he is deemed to have placed the figure 1 in that square.”.

Compulsory voting

99. Section 128A of the Principal Act is amended—

- (a) by omitting from sub-section (4) “sub-sections (1) and (2) of this section” and substituting “sub-section (2)”;
- (b) by inserting in sub-section (4) “and that it is an offence to fail to vote at an election without a valid and sufficient reason” after “at the election” (first occurring);
- (c) by omitting from sub-section (4) “to give a valid truthful and sufficient reason why he failed so to vote” and substituting “to show cause why proceedings for failing to vote at the election without a valid and sufficient reason should not be instituted against him”;
- (d) by omitting from sub-section (6) “the true reason why he failed so to vote” and substituting “the reasons (if any) why proceedings for failing to vote at the election without a valid and sufficient reason should not be instituted against him”;
- (e) by omitting from sub-section (8) “the reason contained in the form is a valid and sufficient reason for the failure of the elector to vote” and substituting “the elector has, in the form, shown cause why proceedings for failing to vote at the election without a valid and sufficient reason should not be instituted against him”;

- (f) by inserting after sub-section (8) the following sub-section:
- “(8A) Where a Divisional Returning Officer is satisfied, upon receipt of a form referred to in sub-section (6) or (7), that an elector did not fail to vote at the election, he shall indorse on the list prepared in accordance with sub-section (2), opposite the name of the elector, a statement to that effect.”;
- (g) by omitting paragraph (12) (c) and substituting the following paragraph:
- “(c) makes a statement in such form that is, to his knowledge, false or misleading in a material particular,”; and
- (h) by omitting sub-section (14) and substituting the following sub-section:
- “(14) In this section, ‘elector’ does not include—
- (a) an Antarctic elector;
 - (b) an eligible overseas elector; or
 - (c) an itinerant elector.”.

100. After Part XIII of the Principal Act the following Part is inserted:

“PART XIII A—SPECIAL PROVISIONS RELATING TO THE POLLING IN ANTARCTICA

Interpretation

“128B. In this Part—

‘Antarctica’ means the Australian Antarctic Territory and includes—

- (a) the Territory of Heard Island and McDonald Islands; and
- (b) Macquarie Island;

‘Antarctic elector’ means an elector who—

- (a) is, in the course of his employment, in Antarctica on the polling day for an election; and
- (b) has made a request under section 128E that he be treated, while he is in Antarctica, as an Antarctic elector;

‘station’ means a research station in Antarctica that is operated by the Commonwealth;

‘transmit’ includes transmit by radio-telephone or telex.

Antarctic Returning Officers and Assistant Antarctic Returning Officers

“128C. (1) There shall be an Antarctic Returning Officer, and an Assistant Antarctic Returning Officer, for each station.

“(2) Antarctic Returning Officers and Assistant Antarctic Returning Officers shall be appointed by the Electoral Commission by instrument in writing.

“(3) The person in charge of a station shall not be appointed to be the Antarctic Returning Officer, or Assistant Antarctic Returning Officer, for that station.

“(4) The person in charge of a station may, by instrument in writing, appoint a person (including the Assistant Antarctic Returning Officer) to act as the Antarctic Returning Officer for the station during any period, or during all periods, when the Antarctic Returning Officer for the station is absent from duty at the station, is absent from Antarctica, or is for any other reason unable to perform the functions of his office.

“(5) The person in charge of a station may, by instrument in writing, appoint a person to act as the Assistant Antarctic Returning Officer for the station during any period, or during all periods, when the Assistant Antarctic Returning Officer for the station is acting as Antarctic Returning Officer for the station, is absent from duty at the station, is absent from Antarctica, or is for any other reason unable to perform the functions of his office.

“(6) While a person is acting as the Antarctic Returning Officer, or as the Assistant Antarctic Returning Officer, for a station, he has and may exercise all the powers, and shall perform all the functions, of the Antarctic Returning Officer, or the Assistant Antarctic Returning Officer, for the station, as the case requires.

Application of Part XIII to polling in Antarctica

“128D. (1) Except as provided by this Part, the provisions of Part XIII (other than sub-sections 112 (1) and (2) and 113 (4), and sections 120, 122, 123 and 124) do not apply to the taking of a poll in Antarctica.

“(2) In the application, by virtue of this Part, of a provision of Part XIII to the taking of a poll in Antarctica—

- (a) a reference in that provision to the presiding officer in relation to a polling place shall be read as a reference to the Antarctic Returning Officer in relation to a station; and
- (b) a reference in that provision to the poll clerk in relation to a polling place shall be read as a reference to the Assistant Antarctic Returning Officer in relation to a station.

Antarctic electors

“128E. (1) An elector who expects that he will be, in the course of his employment, in Antarctica may, by notice given to the Divisional Returning Officer for the Division for which he is enrolled, request that he be treated, while he is in Antarctica, as an Antarctic elector in relation to any election the polling day of which occurs while the elector is in Antarctica.

“(2) A notice under sub-section (1) shall be given to a Divisional Returning Officer by lodging it with or sending it by post to the Divisional Returning Officer.

“(3) A notice under sub-section (1) is not effective, in relation to an election, unless it is received by a Divisional Returning Officer before the hour of nomination for the election.

“(4) Upon the receipt of a request made by an elector under sub-section (1), the Divisional Returning Officer shall—

- (a) annotate the Roll for the Subdivision for which the elector is enrolled so as to indicate that the elector is an Antarctic elector; and
- (b) cause the certified list of voters for each election the polling day of which occurs while the elector is in Antarctica to be annotated so as to indicate that the elector is an Antarctic elector.

“(5) Notwithstanding anything in sub-section 41 (1) or (2), while a person is entitled to be treated as an Antarctic elector by virtue of an annotation under sub-section (4) to the Roll for a Subdivision, the person is entitled to—

- (a) have his name retained on the Roll for the Subdivision; and
- (b) vote as an elector of the Subdivision.

“(6) A Divisional Returning Officer shall delete an annotation made under sub-section (4) in relation to an elector immediately after he becomes aware that the elector has ceased to be in Antarctica.

Arrangements for the polling in Antarctica

“128F. (1) If, in the case of a Senate election, the proceedings stand adjourned to polling day, an Australian Electoral Officer for a State on the Roll for which there is an Antarctic elector in relation to the election shall immediately cause to be transmitted to the Antarctic Returning Officer at whose station the elector is based—

- (a) directions for the preparation by the Antarctic Returning Officer of ballot-papers for use in relation to the election to be held in the State; and
- (b) the name of the elector and the particulars relating to the elector that are entered on the Roll for the State.

“(2) If, in the case of a House of Representatives election, the proceedings on the day of nomination stand adjourned to polling day, a Divisional Returning Officer on the Roll for whose Division there is an Antarctic elector in relation to the election shall immediately cause to be transmitted to the Antarctic Returning Officer at whose station the elector is based—

- (a) directions for the preparation by the Antarctic Returning Officer of ballot-papers for use in relation to the election to be held in the Division; and
- (b) the name of the elector and the particulars relating to the elector that are entered on the Roll for the Division.

“(3) Where information is transmitted by an Australian Electoral Officer or a Divisional Returning Officer to an Antarctic Returning Officer in pursuance of this section, both the Australian Electoral Officer or the Divisional Returning Officer, as the case may be, and the Antarctic Returning

Officer shall, immediately after the transmission, cause a statement in writing of the information transmitted to be prepared.

“(4) Sections 104, 105A, 106A, 106B and 106C apply in relation to ballot-papers prepared under this section as if a reference in sections 105A, 106A and 106C to the printing of ballot-papers were a reference to such preparation.

Ballot-papers to be initialled

“128G. Section 107 applies to the polling at a station in Antarctica as if the reference in that section to the proper officer were a reference to the Antarctic Returning Officer for that station.

Candidates not to take part in polling

“128H. A candidate shall not take part in any way in the conduct of the polling in Antarctica.

The polling in Antarctica

“128J. (1) The polling at a station in Antarctica shall be conducted as follows:

- (a) before any vote is taken, the Antarctic Returning Officer for the station shall exhibit the ballot-box empty, and shall then securely fasten its cover;
- (b) the poll shall be open during such hours on such days as the Antarctic Returning Officer, subject to sub-section (2), directs; and
- (c) the Antarctic Returning Officer or the Assistant Antarctic Returning Officer shall, at all times at which the poll is open, be present in that part of the station at which the polling is taking place.

“(2) The polling at a station in relation to an election shall not continue beyond 6 o'clock in the afternoon by standard time in the Australian Capital Territory on the day of polling in the election.

Entitlement of Antarctic electors to vote

“128K. An Antarctic elector whose name has been transmitted to the Antarctic Returning Officer for a station in pursuance of paragraph 128F (1) (b) or (2) (b), as the case may be, is entitled to vote at the station during the period when the poll is open at that station.

Questions to be put to voter

“128L. (1) The Antarctic Returning Officer for a station shall put the following questions to each person claiming to vote at the station in an election or elections:

- (a) What is your full name?
- (b) Have you voted before in this election? or Have you voted in these elections? (as the case requires).

“(2) If a person who claims to vote at a station and to whom questions are put under this section—

- (a) refuses to answer fully any question so put to him; or
- (b) does not answer the question referred to in paragraph (1) (b) absolutely in the negative, when put to him,

his claim to vote at the station shall be rejected.

Right of Antarctic elector to receive ballot-paper

“128M. The Antarctic Returning Officer or the Assistant Antarctic Returning Officer for a station shall, at the polling, give to each person claiming to vote at the station a ballot-paper for the Division or State, as the case requires, for which the person is enrolled, duly initialled by the Antarctic Returning Officer, if the name under which he claims to vote has been transmitted to the Antarctic Returning Officer in pursuance of paragraph 128F (1) (b) or (2) (b), as the case may be, and the person’s claim to vote is not rejected.

List of Antarctic electors to be marked

“128N. Immediately upon giving a ballot-paper to the person claiming to vote, the Antarctic Returning Officer or the Assistant Antarctic Returning Officer shall record on the statement prepared by him under sub-section 128F (3) the fact that the ballot-paper has been given to that person.

Application of sections 119 and 120

“128P. Sections 119 and 120 apply to the polling at a station as if—

- (a) each reference in those sections to an unoccupied compartment of the booth were a reference to an unoccupied part of the station; and
- (b) paragraph 119 (c) were omitted.

Proceedings by Antarctic Returning Officer upon close of poll

“128Q. At the close of the poll, the Antarctic Returning Officer shall, in the presence of the Assistant Antarctic Returning Officer—

- (a) open the ballot-box; and
- (b) transmit, or cause to be transmitted, to the Australian Electoral Officer for each State for which there is enrolled an Antarctic elector who has voted in elections held in the State in the poll taken at the station—
 - (i) particulars of each such elector who has so voted;
 - (ii) unless sub-paragraph (iii) applies—particulars of the marking of each ballot-paper; and
 - (iii) if the Antarctic Returning Officer is unable clearly to read or understand the particulars referred to in sub-paragraph (ii)—a statement to that effect together with such information relating to those particulars as the Antarctic Returning Officer thinks sufficient to explain that inability; and

- (c) cause a statement in writing of the information transmitted to be prepared.

Result of the polling in Antarctica

“128R. (1) Upon receipt of the particulars referred to in sub-paragraph 128Q (b) (ii), an Australian Electoral Officer shall forthwith—

- (a) initial the back of a postal ballot-paper appropriate for the State or Division for which the vote was cast; and
- (b) cause those particulars to be transcribed onto the postal ballot-paper;
- (c) seal the postal ballot-paper in an envelope;
- (d) indorse the envelope with his signature; and
- (e) cause to be sent to the Divisional Returning Officer for the Division to which the ballot-paper relates the envelope containing the postal ballot-paper.

“(2) An officer shall not mark a postal ballot-paper under this section in a manner that is likely to enable the ballot-paper to be identified as representing the vote of an Antarctic elector.

“(3) Upon receipt of information under sub-section (1), an Australian Electoral Officer shall forthwith—

- (a) cause a statement in writing of that information to be prepared; and
- (b) cause to be sent to each Divisional Returning Officer for a Division to which a ballot-paper referred to in paragraph (1) (b) relates particulars of the Antarctic electors who have voted in the election in relation to the Division.

“(4) A reference in Part XIV to scrutiny—

- (a) includes a reference to scrutiny of any act or thing done in pursuance of paragraphs (1) (a) to (d) (inclusive); and
- (b) does not include a reference to scrutiny of—
 - (i) any act or thing done in Antarctica; or
 - (ii) the transmission of any information to or from Antarctica.

“(5) For the purposes of sub-sections 135 (3) and 136 (3), a ballot-paper marked in accordance with paragraph (1) (b) shall be deemed to have been used for voting in pursuance of Part XII.

Preservation of ballot-papers, &c.

“128S. (1) As soon as practicable after the close of the poll for an election, the Antarctic Returning Officer for each station shall forward to the Electoral Commission a copy of the statements prepared by him under sub-section 128F (3) and paragraph 128Q (c) and the ballot-papers prepared by him and used for voting in Antarctica.

“(2) The documents to which this sub-section applies that are used at or in connection with an election shall be preserved in accordance with directions of the Commission for the purposes of this sub-section until—

- (a) the election can no longer be questioned; or
- (b) the expiration of the period of 6 months commencing on the date of the declaration of the poll,

whichever last occurs.

“(3) Sub-section (2) applies to the following documents:

- (a) the statements referred to in sub-section 128F (3), paragraph 128Q (c) and paragraph 128R (3) (a);
- (b) the postal ballot-papers referred to in paragraph 128R (1) (b); and
- (c) the ballot-papers prepared by an Antarctic Returning Officer and used for voting in Antarctica.

Application of Part

“128T. This Part applies in relation to a Territory as if a reference in this Part to a State were a reference to a Territory.”

Scrutineers at scrutiny

101. Section 130 of the Principal Act is amended—

- (a) by omitting sub-sections (2) and (3) and substituting the following sub-section:

“(2) A candidate is not entitled to be represented at the scrutiny at a particular counting centre by a number of scrutineers that is greater than the number of officers who are engaged in a scrutiny or counting of ballot-papers at that centre.”;

- (b) by omitting from sub-section (4) “polling booth” (wherever occurring) and substituting “counting centre”; and
- (c) by omitting sub-section (5) and substituting the following sub-section:

“(5) In this section, ‘counting centre’ means any premises at which a scrutiny or counting of ballot-papers is to be, or is being, conducted.”.

Informal ballot-papers

102. Section 133 of the Principal Act is amended—

- (a) by inserting in paragraph (1) (a) “subject to sub-section (1A),” before “it”;
- (b) by inserting in paragraph (1) (b) “subject to section 133A and sub-section 133B (1),” before “in”;
- (c) by omitting the proviso to paragraph (1) (b);
- (d) by inserting in paragraph (1) (c) “subject to sub-section 133B (2),” before “in” (first occurring);
- (e) by inserting in the second proviso to paragraph (1) (c) “or placed a figure other than 2 in it,” after “blank”;
- (f) by inserting in paragraph (1) (d) “Divisional” before “Returning”; and

(g) by inserting after sub-section (1) the following sub-section:

“(1A) A ballot-paper to which paragraph (1) (a) applies shall not be informal by virtue of that paragraph if the Divisional Returning Officer responsible for considering the question of the formality of the ballot-paper is satisfied that it is an authentic ballot-paper on which a voter has marked his vote.”.

103. After section 133 of the Principal Act the following sections are inserted:

Formal votes according to group voting ticket

“133A. (1) A ballot-paper in a Senate election shall not be informal by virtue of paragraph 133 (1) (b) if the voter has marked his vote on the ballot-paper in accordance with sub-section 123 (1A).

“(2) If a ballot-paper in a Senate election—

- (a) has been marked in accordance with sub-section 123 (1A); and
- (b) has been marked in accordance with paragraph 123 (1) (a) so that, if it were not marked in accordance with sub-section 123 (1A), it would not be informal by virtue of paragraph 133 (1) (b),

the ballot-paper shall, for the purposes of section 134A, be deemed not to have been marked in accordance with sub-section 123 (1A).

“(3) For the purposes of this section, section 134A and sub-section 135 (17), a voter shall not be taken to have marked his vote in accordance with sub-section 123 (1A) if he has placed a preference mark in 2 or more of the squares printed on his ballot-paper in accordance with sub-section 106 (5).

“(4) In this section, ‘preference mark’ means a tick, a cross or the figure 1.

Certain votes with non-consecutive numbers to be formal

“133B. (1) Where a ballot-paper in a Senate election—

- (a) has the number 1 in the square opposite to the name of a candidate and does not have that number in the square opposite to the name of another candidate;
- (b) has—
 - (i) in a case where there are more than 9 candidates in the election—in not less than 90% of the squares opposite to the names of candidates, numbers in a sequence of consecutive numbers commencing with the number 1 or numbers that with changes to no more than 3 of them would be in such a sequence; or
 - (ii) in any other case—in all the squares opposite to the names of candidates or in all those squares except one square that is left blank, numbers in a sequence of consecutive numbers commencing with the number 1 or numbers that with changes to no more than 2 of them would be in such a sequence; and

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- (c) but for this sub-section, would be informal by virtue of paragraph 133 (1) (b),

then—

- (d) the ballot-paper shall not be informal by virtue of that paragraph;
- (e) the number 1 shall be taken to express the voter's first preference;
- (f) where numbers in squares opposite to the names of candidates are in a sequence of consecutive numbers commencing with the number 1—the voter shall be taken to have expressed a preference by the other number, or to have expressed preferences by the other numbers, in that sequence; and
- (g) the voter shall not be taken to have expressed any other preference.

“(2) Where a ballot-paper in a House of Representatives election in which there are 3 or more candidates—

- (a) has the number 1 in the square opposite to the name of a candidate;
- (b) has other numbers in all the other squares opposite to the names of candidates or in all those other squares except one square that is left blank; and
- (c) but for this sub-section, would be informal by virtue of paragraph 133 (1) (c),

then—

- (d) the ballot-paper shall not be informal by virtue of that paragraph;
- (e) the number 1 shall be taken to express the voter's first preference;
- (f) where numbers in squares opposite to the names of candidates are in a sequence of consecutive numbers commencing with the number 1—the voter shall be taken to have expressed a preference by the other number, or to have expressed preferences by the other numbers, in that sequence; and
- (g) the voter shall not be taken to have expressed any other preference.

“(3) In considering, for the purposes of sub-section (1) or (2), whether numbers are in a sequence of consecutive numbers, any number that is repeated shall be disregarded.”.

104. After section 134 of the Principal Act the following section is inserted:

Senate ballot-papers deemed to be marked according to group voting tickets

“134A. (1) For the purposes of section 135, where—

- (a) a ballot-paper in a Senate election has been marked in accordance with sub-section 123 (1A) by a mark having been placed in a square printed above the names of candidates in a group; and
- (b) the candidates in that group have only one group voting ticket registered for the purposes of that election,

that ballot-paper shall be deemed to have been marked in accordance with that ticket.

“(2) For the purposes of section 135, where—

- (a) in a Senate election, a ballot-paper has, or ballot-papers have, been marked in accordance with sub-section 123 (1A) by a mark having been placed in a square printed above the names of candidates in a group; and
- (b) the candidates in that group have 2 group voting tickets registered for the purposes of that election,

then—

- (c) if the number of ballot-papers is an even number—half of the ballot-papers shall be taken to have been marked in accordance with one of the tickets and the other half in accordance with the other ticket; or
- (d) if the number of ballot-papers is not an even number—
 - (i) one of the ballot-papers shall be deemed to have been marked in accordance with whichever of the 2 tickets is determined by lot by the Australian Electoral Officer for the relevant State or Territory; and
 - (ii) half the remainder (if any) of the ballot-papers shall be deemed to have been marked in accordance with one of the tickets and the other half in accordance with the other ticket.

“(3) For the purposes of section 135, where—

- (a) in a Senate election a ballot-paper has, or ballot-papers have, been marked in accordance with sub-section 123 (1A) by a mark having been placed in a square printed above the names of candidates in a group; and
- (b) the candidates in that group have 3 group voting tickets registered for the purposes of that election,

then—

- (c) if the number of ballot-papers is a number divisible by 3 without any remainder—one-third of the ballot-papers shall be taken to have been marked in accordance with one of the tickets, one-third of the ballot-papers shall be taken to have been marked in accordance with another one of the tickets and the other one-third in accordance with the other ticket;
- (d) if there is only one ballot-paper or the number of ballot-papers is a number divisible by 3 with a remainder of 1—
 - (i) the ballot-paper or one of the ballot-papers shall be deemed to have been marked in accordance with whichever of the 3 tickets is determined by lot by the Australian Electoral Officer for the relevant State or Territory; and
 - (ii) one-third of the remainder of the ballot-papers (if any) shall be deemed to have been marked in accordance with one of the tickets, one-third of that remainder shall be deemed to have been marked in accordance with another one of the tickets and

- the other one-third of that remainder shall be deemed to have been marked in accordance with the other ticket; or
- (e) if there are 2 ballot-papers or the number of ballot-papers is a number divisible by 3 with a remainder of 2—
- (i) one of the ballot-papers shall be taken to have been marked in accordance with whichever of the 3 tickets is determined by lot by the Australian Electoral Officer for the relevant State or Territory;
 - (ii) one of the ballot-papers shall be taken to have been marked in accordance with whichever of the other 2 tickets is determined by lot by the Australian Electoral Officer for the relevant State or Territory; and
 - (iii) one-third of the remainder of the ballot-papers (if any) shall be deemed to have been marked in accordance with one of the tickets, one-third of that remainder shall be deemed to have been marked in accordance with another one of the tickets and the other one-third of that remainder shall be deemed to have been marked in accordance with the other ticket.

“(4) Sub-section (5) applies if, and only if, effect cannot be given to sub-section (2) or (3), as the case requires, for any reason.

“(5) For the purposes of section 135, where—

- (a) a ballot-paper in a Senate election has been marked in accordance with sub-section 123 (1A) by a mark having been placed in a square printed above the names of candidates in a group; and
- (b) the candidates in that group have 2 or 3 group voting tickets registered for the purposes of that election,

then, to the extent that the preferences shown in each ticket commencing with the first preference are the same, the voter shall be taken to have marked the ballot-paper so as to express those preferences and the voter shall be taken not to have expressed any further preferences.”.

Scrutiny of votes in Senate elections

105. Section 135 of the Principal Act is amended—

- (a) by omitting all the words preceding sub-section (1) and substituting the following sub-section:

“(1A) In a Senate election the scrutiny shall, subject to sections 91A, 96, 121, 121A and 121B and the regulations relating to absent voting and to voting by post, be conducted, and the several vacancies shall be filled, in the manner set out in this section.”;

- (b) by inserting in paragraph (1) (a) “sent to him under sub-section 113C (8) or 114 (10) or” after “ballot-boxes”;
- (c) by omitting from paragraph (1) (d) all the words after “ballot-papers”;
- (d) by omitting from paragraph (1) (h) all the words after “sub-section”;

- (e) by omitting paragraph (3) (c) and substituting the following paragraph:

“(c) sections 91A, 96, 121, 121A and 121B.”; and

- (f) by omitting sub-sections (5) to (12) (inclusive) and substituting the following sub-sections:

“(5) Where, for the purposes of the succeeding provisions of this section, the number of ballot-papers or votes in any category is required to be ascertained or a quota or transfer value is required to be determined, the Australian Electoral Officer for the State shall ascertain the number from the information received from the Divisional Returning Officers for the State or shall determine the quota or transfer value. as the case may be.

“(6) The number of first preference votes given for each candidate and the total number of all such votes shall be ascertained and a quota shall be determined by dividing the total number of first preference votes by 1 more than the number of candidates required to be elected and by increasing the quotient so obtained (disregarding any remainder) by 1, and any candidate who has received a number of first preference votes equal to or greater than the quota shall be elected.

“(7) Unless all the vacancies have been filled, the number (if any) of votes in excess of the quota (in this section referred to as ‘surplus votes’) of each elected candidate shall be transferred to the continuing candidates as follows:

- (a) the number of surplus votes of the elected candidate shall be divided by the number of first preference votes received by him and the resulting fraction shall be the transfer value;
- (b) the total number of ballot-papers of the elected candidate that express the first preference vote for him and the next available preference for a particular continuing candidate shall be multiplied by the transfer value, the number so obtained (disregarding any fraction) shall be added to the number of first preference votes of the continuing candidate and all those ballot-papers shall be transferred to the continuing candidate,

and any continuing candidate who has received a number of votes equal to or greater than the quota on the completion of any such transfer shall be elected.

“(8) Unless all the vacancies have been filled, the surplus votes (if any) of any candidate elected under sub-section (7), or elected subsequently under this sub-section, shall be transferred to the continuing candidates in accordance with paragraphs (7) (a) and (b), and any continuing candidate who has received a number of votes equal to or greater than the quota on the completion of any such transfer shall be elected.

“(9) Where a continuing candidate has received a number of votes equal to or greater than the quota on the completion of a transfer under sub-section (7) or (8) of the surplus votes of a particular elected candidate, no votes of any other candidate shall be transferred to the continuing candidate.

“(10) For the purposes of the application of paragraphs (7) (a) and (b) in relation to a transfer under sub-section (8) or (12) of the surplus votes of an elected candidate, each ballot-paper of the elected candidate that was obtained by him on a transfer under this section shall be dealt with as if any vote it expressed for the elected candidate were a first preference vote, as if the name of any other candidate previously elected or excluded had not been on the ballot-paper and as if the numbers indicating subsequent preferences had been altered accordingly.

“(11) Where, after the counting of first preference votes or the transfer of surplus votes (if any) of 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 all his votes shall be transferred to the continuing candidates as follows:

- (a) the total number of ballot-papers of the excluded candidate that express the first preference vote for him and the next available preference for a particular continuing candidate shall be transferred, each ballot-paper at a transfer value of 1, to the continuing candidate and added to the number of votes of the continuing candidate and all those ballot-papers shall be transferred to the continuing candidate;
- (b) the total number (if any) of other votes obtained by the excluded candidate on transfers under this section shall be transferred from the excluded candidate in the order of the transfers on which he obtained them, the votes obtained on the earliest transfer being transferred first, as follows:
 - (i) the total number of ballot-papers transferred to the excluded candidate from a particular candidate and expressing the next available preference for a particular continuing candidate shall be multiplied by the transfer value at which the votes were so transferred to the excluded candidate;
 - (ii) the number so obtained (disregarding any fraction) shall be added to the number of votes of the continuing candidate;
 - (iii) all those ballot-papers shall be transferred to the continuing candidate.

“(12) Any continuing candidate who has received a number of votes equal to or greater than the quota on the completion of a transfer

under sub-section (11) or (13) of votes of an excluded candidate shall be elected, and, unless all the vacancies have been filled, the surplus votes (if any) of the candidate so elected shall be transferred in accordance with paragraphs (7) (a) and (b), except that, where the candidate so elected is elected before all the votes of the excluded candidate have been transferred, the surplus votes (if any) of the candidate so elected shall not be transferred until the remaining votes of the excluded candidate have been transferred in accordance with paragraphs (11) (a) and (b) to continuing candidates.

“(13) Subject to sub-section (15), where, after the transfer of all the votes of an excluded candidate, no continuing candidate has received a number of votes greater than the quota, the continuing candidate who has the fewest votes shall be excluded and his votes shall be transferred in accordance with paragraphs (11) (a) and (b).

“(14) Where a candidate is elected as a result of a transfer of the first preference votes of an excluded candidate or a transfer of all the votes of an excluded candidate that were transferred to the excluded candidate from a particular candidate, no other votes of the excluded candidate shall be transferred to the candidate so elected.

“(15) In respect of the last vacancy for which 2 continuing candidates remain, the continuing candidate who has the larger number of votes shall be elected notwithstanding that that number is below the quota, and if those candidates have an equal number of votes the Australian Electoral Officer for the State shall have a casting vote, but he shall not otherwise vote at the election.

“(16) Notwithstanding any other provision of this section, where, on the completion of a transfer of votes under this section, the number of continuing candidates is equal to the number of remaining unfilled vacancies, those candidates shall be elected.

“(17) Each Divisional Returning Officer shall, on the completion of the last count—

- (a) make out and sign a statement setting out, in respect of the Division for which he is Divisional Returning Officer, the number of ballot-papers and votes counted to each candidate at each count, other than ballot-papers marked in accordance with sub-section 123 (1A) and the votes expressed by such ballot-papers, and the number of informal ballot-papers, and shall forward the statement to the Australian Electoral Officer for the State;
- (b) place in a separate parcel all the ballot-papers which have been rejected as informal;
- (c) place in a separate parcel all the unrejected ballot-papers; and

- (d) seal up the parcels and indorse on each parcel a description of the contents thereof, and permit any scrutineers present, if they so desire, to countersign the indorsement.

“(18) For the purposes of this Act—

- (a) the order of election of candidates in a Senate election shall be taken to be in accordance with the order of the count or transfer as a result of which they were elected, the candidates (if any) elected on the count of first preference votes being taken to be the earliest elected; and
- (b) where 2 or more candidates are elected as a result of the same count or transfer, the order in which they shall be taken to have been elected shall be in accordance with the relative numbers of their votes, the candidate with the largest number of votes being taken to be the earliest elected, but if any 2 or more of those candidates each have the same number of votes, the order in which they shall be taken to have been elected shall be taken to be in accordance with the relative numbers of their votes at the last count or transfer before their election at which each of them had a different number of votes, the candidate with the largest number of votes at that count or transfer being taken to be the earliest elected, and if there has been no such count or transfer the Australian Electoral Officer for the State shall determine the order in which they shall be taken to have been elected.

“(19) Subject to sub-sections (20) and (21), where, after any count or transfer under this section, 2 or more candidates have surplus votes, the order of any transfers of the surplus votes of those candidates shall be in accordance with the relative sizes of the surpluses, the largest surplus being transferred first.

“(20) Subject to sub-section (21), where, after any count or transfer under this section, 2 or more candidates have equal surpluses, the order of any transfers of the surplus votes of those candidates shall be in accordance with the relative numbers of votes of those candidates at the last count or transfer at which each of those candidates had a different number of votes, the surplus of the candidate with the largest number of votes at that count or transfer being transferred first, but if there has been no such count or transfer the Australian Electoral Officer for the State shall determine the order in which the surpluses shall be dealt with.

“(21) Where, after any count or transfer under this section, a candidate obtains surplus votes, those surplus votes shall not be transferred before the transfer of any surplus votes obtained by any other candidate on an earlier count or transfer.

“(22) Where the candidate who has the fewest votes is required to be excluded and 2 or more candidates each have the fewest votes,

whichever of those candidates had the fewest votes at the last count or transfer at which each of those candidates had a different number of votes shall be excluded, but if there has been no such count or transfer the Australian Electoral Officer for the State shall determine which candidate shall be excluded.

“(23) Where a candidate is elected by reason that the number of first preference votes received by him, or the aggregate of first preference votes received by him and all other votes obtained by him on transfers under this section, is equal to the quota, all the ballot-papers expressing those votes shall be set aside as finally dealt with.

“(24) A ballot-paper shall be set aside as exhausted where on a transfer it is found that the paper expresses no preference for any continuing candidate.

“(25) In any case to which sub-section 123 (2) applies, a vote indicated on a ballot-paper opposite the name of a deceased candidate shall be counted to the candidate next in the order of the voter’s preference, and the numbers indicating subsequent preferences shall be deemed to be altered accordingly.

“(26) For the purposes of this section, a transfer under sub-section (7), (8) or (12) of the surplus votes of an elected candidate, a transfer in accordance with paragraph (11) (a) of all first preference votes of an excluded candidate or a transfer in accordance with paragraph (11) (b) of all the votes of an excluded candidate that were transferred to him from a particular candidate each constitutes a separate transfer.

“(27) In this section—

‘continuing candidate’ means a candidate not already elected or excluded from the count;

‘State’ includes Territory.

“(28) In this section, a reference to votes of or obtained or received by a candidate includes votes obtained or received by the candidate on any transfer under this section.”.

Scrutiny of votes in House of Representatives elections

106. Section 136 of the Principal Act is amended—

- (a) by inserting in paragraph (1) (a) “sent to him under sub-section 113C (8) or 114 (10) or” after “ballot-boxes”;
- (b) by omitting from paragraph (1) (d) “, and certify, by indorsement on the copy of the writ received by him, the like particulars”;
- (c) by omitting from paragraph (1) (h) “of this sub-section, and the copy of the writ indorsed in accordance with that paragraph”;
- (d) by omitting from sub-section (4) “copies of the writs forwarded” and substituting “statements transmitted”;

- (e) by inserting after sub-section (6) the following sub-section:

“(6A) A ballot-paper shall be set aside as exhausted where on a count it is found that the ballot-paper expresses no preference for any unexcluded candidate.”;
- (f) by omitting from sub-section (8) “In” and substituting “Subject to sub-section (8A), in”; and
- (g) by inserting after sub-section (8) the following sub-section:

“(8A) For the purposes of sub-section (8), if at any stage of a count, ballot-papers have been set aside under sub-section (6A), the whole number of ballot-papers, at that stage, shall be taken to be reduced by the number of those ballot-papers set aside.”.

107. After section 136A of the Principal Act the following sections are inserted:

Provisional scrutiny

“136B. Where a Divisional Returning Officer in a House of Representatives election has counted all votes on ballot-papers (other than ballot-papers referred to in paragraph 136A (b), (c) or (d)) and section 136A does not apply, he may, if directed to do so by the Australian Electoral Officer, proceed, in a manner specified in the directions, with a scrutiny of second and later preferences shown on the ballot-papers.

Scrutiny for information

“136C. After a candidate is elected in accordance with sub-section 136 (5) or (6) in a House of Representatives election, the Electoral Commission may, for the purpose of obtaining information, give the Divisional Returning Officer who conducted the scrutiny directions for the examination of the second and later preferences of candidates and for the distribution of those preferences in a manner specified in the directions, and the Divisional Returning Officer shall comply with those directions.”.

Re-count at Senate elections

108. Section 137 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “Commonwealth Electoral Officer for the State” and substituting “Australian Electoral Officer”; and
- (b) by adding at the end of sub-section (1) “or in any other category of ballot-papers determined by the Australian Electoral Officer”.

109. After section 140 of the Principal Act the following section is inserted in Part XIV:

Re-count of Senate votes to determine order of election in other circumstances

“140A. (1) Where the scrutiny in an election of Senators for a State held following a dissolution of the Senate under section 57 of the Constitution has been completed, the Australian Electoral Officer for that State shall direct a

re-count of the ballot-papers in the election in accordance with sub-sections 135 (5) to (28) (inclusive) as if—

- (a) in sub-section 135 (6) 'half' were inserted before 'the number of candidates'; and
- (b) the only names of candidates appearing on the ballot-papers were the names of the candidates elected at the election and the numbers indicating preferences had been altered accordingly.

“(2) Sections 139 and 140 do not apply in relation to a re-count under sub-section (1).

“(3) The result obtained in a re-count under sub-section (1) in relation to a Senate election shall not affect the result of that election.”.

Return of writ for election of Senators

110. Section 141 of the Principal Act is amended by omitting sub-section (2).

Declaration of Poll and return of writs for House of Representatives

111. Section 142 of the Principal Act is amended—

- (a) by omitting paragraph (1) (b) and substituting the following paragraph:
 - “(b) make out a statement setting out the result of the election and the name of the candidate elected and transmit the statement to the Electoral Commissioner.”;
- (b) by inserting in paragraph (2) (b) “his inquiries under sub-section 96 (2), section 121 or 121B or the regulations relating to absent voting or” after “complete”;
- (c) by omitting from sub-section (2) “Chief Electoral Officer” and substituting “Electoral Commissioner”;
- (d) by omitting from sub-section (2) “return the writ” and substituting “make out and transmit a statement in pursuance of paragraph (1) (b)”;
- (e) by adding at the end thereof the following sub-section:
 - “(3) Where—
 - (a) in the case of a general election—the Electoral Commissioner has received statements from all Divisional Returning Officers for a State or Territory in pursuance of paragraph (1) (b); or
 - (b) in any other case—the Electoral Commissioner has received a statement from the Divisional Returning Officer for a Division in pursuance of paragraph (1) (b) in relation to the election held in the Division,

the Electoral Commissioner shall by indorsement under his hand certify on the writ for the election the name of each candidate elected for each Division in the State or Territory or the name of the candidate elected for the Division, as the case requires, and return the writ to the Governor-General or the Speaker, as the case requires.”.

Extension of time

112. Section 144 of the Principal Act is amended—

- (a) by omitting “Within” and substituting “Notwithstanding any other provision of this Act, within”;
- (b) by inserting “, by notice published in the *Gazette*,” after “may”; and
- (c) by inserting “and any date provided for in lieu of a date fixed by the writ shall be deemed to be the date so fixed” after “sufficient”.

113. (1) Part XVI of the Principal Act is repealed and the following Part is substituted:

**“PART XVI—ELECTION FUNDING AND FINANCIAL
DISCLOSURE**

“Division 1—Preliminary

Interpretation

“145. (1) In this Part, unless the contrary intention appears—

‘broadcast’ includes televise;

‘broadcaster’ means—

- (a) the Australian Broadcasting Corporation constituted under the *Australian Broadcasting Corporation Act 1983*;
- (b) the special broadcasting service established by Part IIIA of the *Broadcasting and Television Act 1942*;
- (c) the holder of a licence for—
 - (i) a commercial broadcasting station; or
 - (ii) a commercial television station,
within the meaning of the *Broadcasting and Television Act 1942*; or
- (d) the holder of—
 - (i) a public broadcasting licence;
 - (ii) a public television licence;
 - (iii) a supplementary broadcasting licence; or
 - (iv) a supplementary television licence,
within the meaning of the *Broadcasting and Television Act 1942*;

‘disposition of property’ means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes—

- (a) the allotment of shares in a company;
- (b) the creation of a trust in property;
- (c) the grant or creation of any lease, mortgage, charge, servitude, licence, power, partnership or interest in property;

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- (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any debt, contract or chose in action, or of any interest in property;
- (e) the exercise by a person of a general power of appointment of property in favour of any other person; and
- (f) any transaction entered into by any person with intent thereby to diminish, directly or indirectly, the value of his own property and to increase the value of the property of any other person;

'division', in relation to a State branch of a political party, includes a branch of the State branch of the political party;

'election' means an election of a member of the House of Representatives or an election of senators for a State or Territory;

'election period', in relation to an election, means the period commencing on the day of issue of the writ for the election and ending at the expiration of the polling day in the election;

'eligible vote' means a vote in respect of which, by virtue of section 152, a payment under Division 3 may be made;

'gift' means any disposition of property made by a person (in this definition referred to as the 'donor') to another person (in this definition referred to as the 'donee'), otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration, but does not include—

- (a) a payment under Division 3; or
- (b) an annual subscription paid to a political party, to a State branch of a political party or to a division of a State branch of a political party by a person in respect of the person's membership of the party, branch or division;

'group' means a group of 2 or more candidates nominated for election to the Senate who have their names grouped in the ballot-papers in accordance with section 72A;

'journal' means a newspaper, magazine or other periodical, whether published for sale or for distribution without charge;

'polling day', in relation to an election, means the day fixed for polling in the election;

'property' includes money;

'registered' means registered under Part IXA or IXB, as the case requires, for public funding;

'secretary', in relation to a political party or a State branch of a political party, means the person who holds the office (however described) the duties of which involve responsibility for the carrying out of the administration, and for the conduct of the correspondence, of the party or branch, as the case may be;

'State branch', in relation to a political party, means a branch or division of the party that is organized on the basis of a particular State or Territory.

“(2) Where, under this Part, a claim is to be lodged, a notice is to be given or a return is to be furnished to the Electoral Commission, the claim, notice or return shall be taken to be so lodged, given or furnished if it is posted to the Electoral Commission at the address of the Electoral Commission in Canberra.

“(3) A reference in this Part to things done by or with the authority of a political party, a State branch of a political party or a division of a State branch of a political party shall, if the party, branch or division is not a body corporate, be read as a reference to things done by or with the authority of members or officers of the party, branch or division on behalf of the party, branch or division.

“(4) A reference in this Part to a political party, other than a reference to the endorsement of a candidate or group in an election, shall be read as not including a reference to a part of the political party.

“(5) For the purposes of this Part, the amount or value of a gift consisting of or including a disposition of property other than money shall, if the regulations so provide, be determined in accordance with principles set out or referred to in the regulations.

“(6) For the purposes of this Part—

- (a) a body corporate and any other body corporate that is related to the first-mentioned body corporate shall be deemed to be the same person; and
- (b) the question whether a body corporate is related to another body corporate shall be determined in the same manner as the question whether a corporation is related to another corporation is determined under the *Companies Act 1981*.

“Division 2—Agents

Appointment of agents by parties

“146. (1) A political party may, for the purposes of this Part, appoint an agent of the party.

“(2) A State branch of a political party may, for the purposes of this Part, appoint an agent of the branch.

“(3) During any period during which there is no appointment in force under sub-section (1) or (2) of an agent of a political party or of a State branch of a political party, the secretary of the party or branch shall, subject to sub-section 148 (2), be taken to be the agent of the party or branch for the purposes of this Part.

Appointment of agents by candidates and groups

“147. (1) A candidate (including a member of a group) may, for the purposes of this Part, appoint an agent of the candidate.

“(2) The members of a group may, for the purposes of this Part, appoint an agent of the group.

“(3) During any period during which there is no appointment in force under sub-section (1) of an agent of a candidate, the candidate shall, subject to sub-section 148 (2), be taken to be his own agent for the purposes of this Part.

“(4) During any period during which there is no appointment in force under sub-section (2) of an agent of a group, the candidate whose name is to appear first in the group in the ballot-papers shall, subject to sub-section 148 (2), be taken to be the agent of the group for the purposes of this Part.

Requisites for appointment

“148. (1) An appointment of an agent under section 146 or 147 has no effect unless—

- (a) the person appointed is a natural person who has attained the age of 18 years;
- (b) notice of the appointment signed by—
 - (i) where the appointment is made by a political party or a State branch of a political party—the secretary of the party or branch; or
 - (ii) in any other case—the candidate, or each member of the group, making the appointment,is given to the Electoral Commission;
- (c) the name, address and age of the person appointed are set out in the notice; and
- (d) the person appointed signs a form of consent to the appointment, being a form set out in the notice.

“(2) Where a person who is the agent of a political party, of a State branch of a political party, of a candidate or of a group is convicted of an offence against this Part in relation to a particular election, the person is not eligible to be appointed or to hold office as an agent for the purposes of this Part for the purposes of any subsequent election.

Revocation of appointment of agent

“149. (1) A political party, a State branch of a political party, a candidate or the members of a group may, by giving written notice to the Electoral Commission, revoke the appointment of a person as the agent of the party, branch, candidate or group, as the case may be.

“(2) A notice of revocation under sub-section (1) has no effect unless it is signed by—

- (a) where the notice is given by a political party or a State branch of a political party—the secretary of the party or branch; or
- (b) in any other case—the candidate, or each member of the group, who appointed the agent under section 147.

Resignation or death of agent

“150. If an agent of a political party, of a State branch of a political party, of a candidate or of a group dies or resigns, the party, branch, candidate or a member of the group, as the case may be, shall forthwith give notice in writing to the Electoral Commission of the death or resignation of the agent.

“Division 3—Election funding

Interpretation

“151. (1) A reference in this Division to electoral expenditure in relation to an election shall be read as a reference to any expenditure incurred in connection with the election campaign (whether or not incurred during the election period).

“(2) Where, in a Senate election, a vote is given for a candidate who was a member of a group in relation to the election, the vote shall, for the purposes of this Division other than this sub-section, be deemed to have been given not for the candidate but for the group.

“(3) For the purposes of this Division, electoral expenditure in relation to an election incurred by or with the authority of a candidate (not being a member of a group) who is endorsed by a registered political party shall be deemed to be electoral expenditure in relation to the election incurred by the State branch of that party that is organized on the basis of the State or Territory in which the candidate stood for election.

“(4) For the purposes of this Division—

- (a) electoral expenditure in relation to an election incurred by or with the authority of a political party in relation to a particular State or Territory shall be deemed to be electoral expenditure in relation to the election incurred by the State branch of that party that is organized on the basis of that State or Territory; and
- (b) electoral expenditure in relation to an election incurred by or with the authority of a division of a State branch of a political party shall be deemed to have been incurred by that State branch.

“(5) For the purposes of this Division, electoral expenditure in relation to an election incurred by or with the authority of the members of a group, being members all of whom were endorsed by a registered political party or by 2

registered political parties, shall be deemed to be electoral expenditure in relation to the election incurred by—

- (a) where the members of the group were endorsed by one registered political party—the State branch of the party that is organized on the basis of the State or Territory in which the members of the group stood for election; or
- (b) where the members of the group were endorsed by 2 registered political parties—the State branches of those parties that are organized on the basis of the State or Territory in which the members of the group stood for election in such shares as are agreed upon between the agents of those State branches or, in the absence of agreement, in such shares as the Electoral Commission determines.

General entitlement to funds

“152. (1) Subject to this Division, there is payable in respect of each first preference vote given for an eligible candidate in a House of Representatives election the amount of 60 cents.

“(2) Subject to this Division, there is payable in respect of each first preference vote given for an eligible candidate or an eligible group in a Senate election that has the same polling day as a House of Representatives election the amount of 30 cents.

“(3) Subject to this Division, there is payable in respect of each first preference vote given for an eligible candidate or an eligible group in a Senate election, other than a Senate election referred to in sub-section (2), the amount of 45 cents.

“(4) A reference in this section to a first preference vote shall be read as not including a reference to a vote that has been rejected as informal in the poll concerned.

“(5) In this section—

‘eligible candidate’, in relation to an election, means—

- (a) a registered candidate in relation to the election; or
- (b) a candidate who was endorsed in the election by a registered political party;

‘eligible group’, in relation to a Senate election, means—

- (a) a registered group in relation to the election; or
- (b) a group the members of which were endorsed in the election by a registered political party or by 2 registered political parties.

Claims for payment

“153. (1) A payment under this Division shall not be made except upon the making of a claim to the Electoral Commission for the payment.

“(2) Where a candidate for whom eligible votes were given in an election was endorsed in the election by a registered political party, a claim for a payment under this Division in respect of the eligible votes given for the

candidate may be made only by the agent of the State branch of the registered political party that is organized on the basis of the State or Territory in which the candidate stood for election.

“(3) Where a candidate for whom eligible votes were given in an election was a registered candidate in relation to the election, a claim for a payment under this Division in respect of the eligible votes given for the candidate may be made only by the agent of the candidate.

“(4) Where a group for whom eligible votes were given in an election was a registered group in relation to the election, a claim for a payment under this Division in respect of the eligible votes given for the group may be made only by the agent of the group.

“(5) Where a group for whom eligible votes were given in an election was a group the members of which were endorsed in the election by one registered political party, a claim for a payment under this Division in respect of the eligible votes given for the group may be made only by the agent of the State branch of the registered political party that is organized on the basis of the State or Territory in which the members of the group stood for election.

“(6) Where a group for whom eligible votes were given in an election was a group the members of which were endorsed in the election by 2 registered political parties, claims for payments under this Division in respect of the eligible votes given for the group may be made only by the agents of the State branches of the registered political parties, being branches that are organized on the basis of the State or Territory in which the members of the group stood for election.

“(7) Where a State branch of a registered political party was a participant in 2 or more elections that took place on the same day, any claim made by the agent of the branch for a payment under this Division shall be made in respect of the eligible votes given for—

- (a) each candidate who was endorsed in one of those elections by the party and who stood for election in the State or Territory on the basis of which the branch is organized; and
- (b) where one of those elections was a Senate election—any group the members of which—
 - (i) were endorsed in the election by the party; and
 - (ii) stood for election in the State or Territory on the basis of which the branch is organized.

“(8) A claim for a payment under this Division—

- (a) shall be made in an approved form;
- (b) shall be accompanied by such information as the Electoral Commission requires concerning—
 - (i) in the case of a claim made by the agent of a State branch of a registered political party—the total electoral expenditure in

- relation to the election or elections to which the claim relates incurred by or with the authority of the branch;
- (ii) in the case of a claim made by the agent of a candidate—the electoral expenditure in relation to the election to which the claim relates incurred by or with the authority of the candidate; and
 - (iii) in the case of a claim made by the agent of a group—the electoral expenditure in relation to the election to which the claim relates incurred by or with the authority of members of the group; and
- (c) shall be lodged with the Electoral Commission before the expiration of 20 weeks after the polling day in the election or elections to which the claim relates.

Determination of claims

“153A. The Electoral Commission shall, subject to this Division, determine claims for payments under this Division.

Payment not to be made in certain circumstances

“153B. (1) A payment under this Division shall not be made in respect of votes given in an election for a candidate unless the total number of eligible votes polled in the candidate’s favour is at least 4% of the total number of eligible votes polled in favour of all of the candidates in the election.

“(2) A payment under this Division shall not be made in respect of votes given in an election for a group unless the total number of eligible votes polled in favour of the group is at least 4% of the total number of eligible votes polled in favour of all of the candidates in the election.

Amount of payment not to exceed electoral expenditure

“153C. The amount of a payment under this Division made in relation to a claim under section 153 shall not exceed—

- (a) where the claim is made by the agent of a State branch of a registered political party and relates to one election—the electoral expenditure in relation to the election incurred by or with the authority of the branch;
- (b) where the claim is made by the agent of a State branch of a registered political party and relates to 2 or more elections—the electoral expenditure in relation to those elections incurred by or with the authority of the branch;
- (c) where the claim is made by the agent of a candidate—the electoral expenditure in relation to the election to which the claim relates incurred by or with the authority of the candidate; or
- (d) where the claim is made by the agent of a group—the electoral expenditure in relation to the election to which the claim relates incurred by or with the authority of the members of the group.

Making of payments

“153D. (1) Where the Electoral Commission is satisfied, in relation to a claim under section 153, that an amount is payable under this Division in respect of votes given in an election or elections for a candidate or candidates endorsed by a registered political party, the Electoral Commission shall make the payment to the agent of the State branch of the party that is organized on the basis of the State or Territory in which the candidate or candidates stood for election.

“(2) Where the Electoral Commission is satisfied, in relation to a claim under section 153, that an amount is payable under this Division in respect of votes given in an election for a registered candidate, the Electoral Commission shall make the payment to the agent of the candidate.

“(3) Where the Electoral Commission is satisfied, in relation to a claim under section 153, that an amount is payable under this Division in respect of votes given in a Senate election for a registered group, the Electoral Commission shall make the payment to the agent of the group.

“(4) Where the Electoral Commission is satisfied, in relation to a claim under section 153, that an amount is payable under this Division in respect of votes given in a Senate election for a group other than a registered group, the Electoral Commission shall—

- (a) where the members of the group were endorsed by one registered political party—make the payment to the agent of the State branch of the party that is organized on the basis of the State or Territory in which the members of the group stood for election; or
- (b) where the members of the group were endorsed by 2 registered political parties—
 - (i) divide the payment into such shares as are agreed upon between the agents of the State branches of those parties that are organized on the basis of the State or Territory in which the members of the group stood for election or, in the absence of agreement, into such shares as the Electoral Commission determines; and
 - (ii) pay to each of those agents the share applicable to the agent in accordance with that agreement or that determination, as the case may be.

“(5) An agreement referred to in sub-paragraph (4) (b) (i) does not have effect unless a copy of the agreement signed by the agents referred to in that sub-paragraph is lodged with the Electoral Commission at the time when the relevant claim under section 153 is lodged.

“(6) Where a payment is made under this Division and the recipient is not entitled to receive the whole or a part of the amount paid, whether because of a false statement in a claim or otherwise, that amount or that part of that amount may be recovered by the Commonwealth as a debt due to the Commonwealth by action against the person in a court of competent jurisdiction.

Death of candidate

“153E. Where a candidate for whom eligible votes were given in an election dies, a payment under this Division in respect of the eligible votes given for him may be made notwithstanding his death and, if the candidate was not endorsed in the election by a registered political party and was his own agent for the purposes of this Part, a claim for the payment may be made by, and the payment may be made to, his legal personal representative.

Death of member of group

“153F. Where a member of a group for whom eligible votes were given in a Senate election dies, a payment under this Division in respect of the eligible votes given for the group may be made notwithstanding his death and, if—

(a) the group was a registered group; and

(b) the candidate was the agent of the group for the purposes of this Part, a claim for the payment may be made by, and the payment may be made to, another member of the group as if the other member were the agent of the group for the purposes of this Part.

Appropriation

“153G. Amounts payable under this Division are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

“Division 4—Disclosure of donations

Interpretation

“153H. (1) In this Division, unless the contrary intention appears—

‘by-election’ means an election of a member of the House of Representatives that is not part of a general election;

‘election’ means a general election or an election of Senators for a State or Territory.

“(2) A reference in this Division to a gift made to or received by a group shall be read as a reference to a gift made to or received by a member of the group for the benefit of all of the members of the group.

“(3) A reference in this Division to a gift made to or received by a candidate shall be read as not including a reference to a gift made to or received by the candidate for the benefit of a group of which the candidate is a member.

“(4) For the purposes of this Division, gifts made to, or received by or on behalf of, a division of a State branch of a political party shall be deemed to have been made to, or received by, that State branch.

Disclosure of gifts

“153J. (1) The agent of each political party and the agent of each State branch of each political party shall, before the expiration of 20 weeks after the polling day in an election (in this sub-section referred to as the ‘current election’), furnish to the Electoral Commission a return, in an approved form,

setting out the total amount or value of all gifts, the number of gifts, and the relevant details of each gift, received by the political party or branch, as the case may be, during the period that commenced on the day after the polling day in the election immediately preceding the current election and that ended on the polling day in the current election.

“(2) The agent of each person (including a member of a group) who is a candidate in an election or by-election (in this sub-section referred to as the ‘current election’) shall, before the expiration of 15 weeks after the polling day in the current election, furnish to the Electoral Commission a return, in an approved form, setting out the total amount or value of all gifts, the number of gifts, and the relevant details of each gift, received by the candidate during the period that commenced—

- (a) if the person was not a candidate in a general election or a by-election the polling day in which occurred not more than 4 years before the polling day in the current election or in a Senate election the polling day in which occurred not more than 7 years before the polling day in the current election—on the day on which the person announced that he would be a candidate in the current election or on the day on which he nominated as a candidate in the current election, whichever first occurred; or
- (b) in any other case—on the day after the polling day in the election or by-election in which he was most recently a candidate,

and that ended on the polling day in the current election.

“(3) The agent of each group shall, before the expiration of 15 weeks after the polling day in the election in relation to which the members of the group have their names grouped in the ballot-papers, furnish to the Electoral Commission a return, in an approved form, setting out the total amount or value of all gifts, the number of gifts, and the relevant details of each gift, received by the group during the period that commenced—

- (a) in the case of a group that is registered under Part IXB—on the day on which the members of the group gave a notification under section 58Y; or
- (b) in any other case—on the day on which the claim under section 72A for the group was made,

and that ended on the polling day in the election.

“(4) For the purposes of this section, a reference to the relevant details, in relation to a gift, shall be read as a reference to the amount or value of the gift, the date on which the gift was made and the name and address of the person who made the gift.

“(5) Notwithstanding sub-sections (1), (2) and (3), the agent of a political party, of a State branch of a political party or of a candidate or group is not

required, in a return under sub-section (1), (2) or (3), as the case may be, to set out the relevant details of a gift if—

- (a) in the case of a gift made to a political party or a State branch of a political party—
 - (i) the gift was made on the condition that it be used by the party or branch for a purpose other than a purpose related to an election or a by-election and the party or branch has used, or will use, the gift accordingly; or
 - (ii) the amount or value of the gift is less than \$1,000;
- (b) in the case of a gift made to a candidate (including a member of a group)—the amount or value of the gift is less than \$200; or
- (c) in the case of a gift made to a group—the amount or value of the gift is less than \$1,000.

“(6) Sub-paragraph (5) (a) (ii) or paragraph (5) (b) or (c) does not apply in relation to a return under sub-section (1), (2) or (3), as the case may be, in relation to a gift made by a person if—

- (a) in the case of a gift made to a political party or a State branch of a political party—the sum of the amount or value of that gift and of all other gifts (not being gifts of the kind referred to in sub-paragraph (5) (a) (i)) made by that person to that party or to that State branch, as the case may be, during the period to which the return relates is equal to or exceeds \$1,000;
- (b) in the case of a gift made to a candidate (including a member of a group)—the sum of the amount or value of that gift and of all other gifts made by that person to that candidate during the period to which the return relates is equal to or exceeds \$200; or
- (c) in the case of a gift made to a group—the sum of the amount or value of that gift and of all other gifts made by that person to that group during the period to which the return relates is equal to or exceeds \$1,000.

“(7) Notwithstanding sub-section (1), the agent of a political party or of a State branch of a political party is not required, in a return under sub-section (1), to set out the total amount or value of, or the number of, gifts of the kind referred to in sub-paragraph (5) (a) (i).

Expenditure incurred for political purposes

“153K. (1) Where a person (not being a political party or a branch or division of a political party, a candidate or a member of a group), during the election period in relation to an election, incurs expenditure for a political purpose in relation to the election, the person shall, before the expiration of 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form, setting out the relevant details of all gifts received by the person during that election period, being gifts—

- (a) the whole or a part of each of which was used by the person to enable the person to incur expenditure for a political purpose in relation to the

election or to reimburse the person for incurring expenditure for a political purpose in relation to the election; and

(b) the amount or value of each of which is equal to or exceeds \$1,000.

“(2) Sub-section (1) does not apply to a person in respect of the election period in relation to an election if the total amount of expenditure incurred by the person for political purposes during the election period is less than \$1,000.

“(3) In this section—

(a) a reference to the incurring of expenditure for a political purpose in relation to an election shall be read as a reference to the incurring of expenditure in connection with or by way of—

(i) campaigning in the election in support of, or in opposition to, a political party or a branch or division of a political party, a candidate in the election or a group;

(ii) publicly expressing views on an issue in the election;

(iii) the making of a gift to a political party or a State branch of a political party (not being a gift made on the condition that it be used by the party or branch for a purpose other than a purpose related to an election or by-election);

(iv) the making of a gift to a candidate in the election or a group; or

(v) the making of a gift to a person on the understanding that that person or another person will apply, either directly or indirectly, the whole or a part of the gift as mentioned in sub-paragraph (i), (ii), (iii) or (iv); and

(b) the reference to the relevant details, in relation to a gift, shall be read as a reference to the amount or value of the gift, the date on which the gift was made and the name and address of the person who made the gift.

“(4) For the purposes of sub-section (1), 2 or more gifts made by the same person to another person during the election period in relation to an election shall be taken to be one gift.

Certain gifts not to be received

“153L. (1) It is unlawful for a political party or a State branch of a political party or a person acting on behalf of a political party or a State branch of a political party to receive a gift made to or for the benefit of the party or branch by another person, being a gift the amount or value of which is equal to or exceeds \$1,000, unless—

(a) the name and address of the person making the gift are known to the person receiving the gift or, at the time when the gift is made, the person making the gift gives to the person receiving the gift his name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift; or

- (b) the person receiving the gift receives the gift on the condition that it be used by the party or branch for a purpose other than a purpose related to an election or a by-election.

“(2) It is unlawful for a candidate or a member of a group or a person acting on behalf of a candidate or group to receive a gift made to or for the benefit of the candidate or the group, as the case may be, being a gift the amount or value of which is equal to or exceeds—

- (a) in the case of a gift made to a candidate—\$200; and
- (b) in the case of a gift made to a group—\$1,000,

unless the name and address of the person making the gift are known to the person receiving the gift or, at the time when the gift is made, the person making the gift gives to the person receiving the gift his name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

“(3) For the purposes of this section, 2 or more gifts made by the same person to or for the benefit of a political party, a State branch of a political party, a candidate or a group shall be deemed to be one gift.

“(4) For the purposes of sub-section (1), a gift shall be taken not to have been received on the condition that the gift be used by a political party or a State branch of a political party for a purpose other than a purpose related to an election or a by-election if the gift or any part of the gift is subsequently used for a purpose related to an election or by-election.

“(5) Where a person receives a gift that, by virtue of this section, it is unlawful for the person to receive, an amount equal to the amount or value of the gift is payable by that person to the Commonwealth and may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against—

- (a) in the case of a gift to or for the benefit of a political party or a State branch of a political party—
 - (i) if the party or branch, as the case may be, is a body corporate—the party or branch, as the case may be; or
 - (ii) in any other case—the agent of the party or branch, as the case may be; or
- (b) in any other case—the candidate or a member of the group or the agent of the candidate or of the group, as the case may be.

Nil returns

“153M. (1) Where no details are required to be included in a return under this Division in respect of a candidate or a group, the return shall nevertheless be lodged and shall include a statement to the effect that no gifts of a kind required to be disclosed were received.

“(2) A political party or a State branch of a political party is not required to furnish a return under this Division in relation to an election if the party or

branch did not receive any gifts of the kind required to be disclosed, but the party or branch may lodge a return stating that no gifts were received by the party or branch.

“Division 5—Disclosure of electoral expenditure

Interpretation

“153N. (1) In this Division, ‘electoral expenditure’, in relation to an election, means expenditure incurred (whether or not incurred during the election period) on—

- (a) the broadcasting, during the election period, of an advertisement relating to the election;
- (b) the publishing in a journal, during the election period, of an advertisement relating to the election;
- (c) the display, during the election period, at a theatre or other place of entertainment, of an advertisement relating to the election;
- (d) the production of an advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph (a), (b) or (c);
- (e) the production of any material (not being material referred to in paragraph (a), (b) or (c)) that is required under section 160, 164 or 164A to include the name and address of the author of the material or of the person authorizing the material and that is used during the election period;
- (f) consultant’s or advertising agent’s fees in respect of—
 - (i) services provided during the election period, being services relating to the election; or
 - (ii) material relating to the election that is used during the election period; or
- (g) the carrying out, during the election period, of an opinion poll, or other research, relating to the election.

“(2) For the purposes of this Division, electoral expenditure incurred by or with the authority of a division of a State branch of a political party shall be deemed to have been incurred by that State branch.

“(3) A reference in this Division to a participant in an election shall be read as a reference to—

- (a) a political party, a State branch of a political party, a division of a State branch of a political party or a candidate; or
- (b) a person (not being a political party, a State branch of a political party, a division of a State branch of a political party or a candidate) by whom or with the authority of whom electoral expenditure in relation to the election was incurred.

Returns of electoral expenditure

“153P. (1) Where electoral expenditure in relation to an election is incurred by or with the authority of a political party or a State branch of a political party, the agent of the party or branch shall, before the expiration of 20 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form, setting out details of that electoral expenditure.

“(2) The agent of each person who was a candidate in an election (not being a member of a group) shall, before the expiration of 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form, setting out details of all electoral expenditure in relation to the election incurred by or with the authority of the candidate.

“(3) The agent of each group shall, before the expiration of 15 weeks after the polling day in an election in relation to which the members of the group have their names grouped in the ballot-papers, furnish to the Electoral Commission a return, in an approved form, setting out details of all electoral expenditure in relation to the election incurred by or with the authority of members of the group.

“(4) Where electoral expenditure in relation to an election was incurred by or with the authority of a person and that expenditure was not incurred with the written authority of a political party, a State branch of a political party, a candidate in the election or a member of a group, the person shall, before the expiration of 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form, setting out details of that electoral expenditure.

“(5) A person is not required to furnish a return under sub-section (4) in respect of an election if the total amount of the electoral expenditure incurred in relation to the election by or with the authority of the person does not exceed \$200.

Returns by broadcasters

“153Q. (1) Where an election has taken place, each broadcaster who, during the election period, broadcast an advertisement or advertisements relating to the election with the authority of a participant or participants in the election shall, before the expiration of 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form, setting out particulars of that advertisement or each of those advertisements, being particulars—

- (a) identifying the station from which that advertisement or each of those advertisements was broadcast;
- (b) identifying the participant in the election with whose authority that advertisement or each of those advertisements was broadcast;
- (c) specifying the date or dates on which, and the times between which, that advertisement or each of those advertisements was broadcast; and

- (d) showing whether or not, on each occasion when that advertisement or each of those advertisements was broadcast, a charge was made by the broadcaster for the broadcasting of that advertisement or each of those advertisements and, where a charge was made, specifying the amount of the charge.

“(2) Where, in a return under sub-section (1), the amount of a charge is specified by a broadcaster in relation to an advertisement, the broadcaster shall, in the return, state whether or not the charge is a charge at less than normal commercial rates having regard to the length of the advertisement and the day or days on which, and the times between which, the advertisement was broadcast.

“(3) Where, under the *Broadcasting and Television Act 1942*, a broadcaster furnishes to the Australian Broadcasting Tribunal constituted under that Act a return that contains the particulars that the broadcaster is required to furnish under this section in relation to an election, it is sufficient compliance with this section if the broadcaster furnishes to the Electoral Commission a copy of the return furnished to the Tribunal.

Returns by publishers

“153R. (1) Where an election has taken place, each publisher of a journal who, during the election period, published in the journal an advertisement or advertisements relating to the election with the authority of a participant or participants in the election shall, before the expiration of 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form, setting out particulars of that advertisement or each of those advertisements, being particulars—

- (a) identifying the journal in which that advertisement or each of those advertisements was published;
- (b) identifying the participant in the election with whose authority that advertisement or each of those advertisements was published;
- (c) specifying the date or dates on which that advertisement or each of those advertisements was published;
- (d) identifying the page in the journal on which that advertisement or each of those advertisements was published and the space in the journal occupied by that advertisement or each of those advertisements; and
- (e) showing whether or not a charge was made by the publisher for the publication of that advertisement or each of those advertisements and, where a charge was made, specifying the amount of the charge.

“(2) Where, in a return under sub-section (1), the amount of a charge is specified by a publisher in relation to an advertisement, the publisher shall, in the return, state whether or not the charge was a charge at less than normal commercial rates having regard to the space in the journal occupied by the advertisement and the nature of the journal.

“(3) A publisher is not required to furnish a return under sub-section (1) in respect of an election if the total amount of the charge or charges made by him in respect of the publication of the advertisement or advertisements referred to in that sub-section and any other advertisement or advertisements relating to an election or elections that took place on the same day as the first-mentioned election does not exceed \$1,000.

Returns by printers

“153S. (1) Where an election has taken place, each person who, during the election period, produced any prescribed electoral matter relating to the election with the authority of a participant or participants in the election shall, before the expiration of 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form, setting out particulars of the prescribed electoral matter, being particulars—

- (a) identifying the participant in the election with whose authority the prescribed electoral matter was produced;
- (b) specifying the nature and the quantity of the prescribed electoral matter that was produced;
- (c) specifying the date or dates on which the prescribed electoral matter was produced; and
- (d) showing whether or not, on each occasion when the prescribed electoral matter was produced, a charge was made by the person for the production of the prescribed electoral matter and, where a charge was made, specifying the amount of the charge.

“(2) A person is not required to furnish a return under sub-section (1) in respect of an election if the total amount of the charge or charges made by him in respect of the production of prescribed electoral matter relating to the election or any other election or elections that took place on the same day as the first-mentioned election does not exceed \$1,000.

“(3) In this section, ‘prescribed electoral matter’ means a printed electoral advertisement, handbill, pamphlet or notice (other than an advertisement in a journal).

Nil returns

“153T. Where no electoral expenditure in relation to an election was incurred by or with the authority of a particular candidate or the members of a particular group, a return under this Division in respect of the candidate or group shall nevertheless be lodged and shall include a statement to the effect that no expenditure of that kind was incurred by or with the authority of the candidate or the members of the group.

Two or more elections on the same day

“153U. (1) Where—

- (a) the polling at 2 or more elections took place on the same day; and

(b) a person would, but for this sub-section, be required to furnish 2 or more returns under this Division relating to those elections, the person may, in lieu of furnishing those returns, furnish one return, in an approved form, setting out the particulars that he would have been required to set out in those returns.

“(2) Where—

- (a) a return is furnished by a person pursuant to sub-section (1); and
- (b) particular electoral expenditure details of which are required to be set out in the return relates to more than one election,

it is sufficient compliance with this Division if the return sets out details of the expenditure without showing the extent to which it relates to any particular election.

“Division 6—Miscellaneous

Offences

“153V. (1) Where a person fails to furnish a return that the person is required to furnish under Division 4 or 5 or under sub-section 153Y (2) within the time required by this Part, the person is guilty of an offence punishable, upon conviction, by a fine not exceeding—

- (a) in the case of a return required to be furnished by the agent of a political party or of a State branch of a political party—\$5,000; or
- (b) in any other case—\$1,000.

“(2) Where a person—

- (a) furnishes a return that is incomplete, being a return that the person is required to furnish under Division 4 or 5 or under sub-section 153Y (2); or
- (b) fails to retain records in accordance with section 153X,

the person is guilty of an offence punishable, upon conviction, by a fine not exceeding \$1,000.

“(3) Where the agent of a political party or of a State branch of a political party lodges a claim under Division 3, or furnishes a return that the agent is required to furnish under Division 4 or 5 or under sub-section 153Y (2), that contains particulars that are, to his knowledge, false or misleading in a material particular, the agent is guilty of an offence punishable, upon conviction, by a fine not exceeding \$10,000.

“(4) Where a person (not being the agent of a political party or of a State branch of a political party) lodges a claim under Division 3, or furnishes a return that the person is required to furnish under Division 4 or 5 or under sub-section 153Y (2), that contains particulars that are, to his knowledge, false or misleading in a material particular, the person is guilty of an offence punishable, upon conviction, by a fine not exceeding \$5,000.

“(5) Where a person is convicted of an offence against sub-section (3) or (4), the court may, in addition to imposing a penalty under that sub-section, order the person to refund to the Commonwealth the amount of any payment wrongfully obtained by the person under Division 3.

“(6) Where a court has made an order under sub-section (5), a certificate signed by the appropriate officer of the court specifying the amount ordered to be refunded and the person by whom the amount is payable may be filed in a court having civil jurisdiction to the extent of that amount and is thereupon enforceable in all respects as a final judgment of that court.

“(7) A person shall not furnish to another person who is required to furnish a return under Division 4 or 5 or under sub-section 153Y (2) information that relates to the return and that is, to the knowledge of the first-mentioned person, false or misleading in a material particular.

Penalty: \$1,000.

“(8) Where—

- (a) a person is required to furnish a return under Division 4 or 5 or under sub-section 153Y (2) within a particular period; and
- (b) the person fails to furnish the return within that period,

the following provisions of this sub-section have effect:

- (c) the obligation to furnish the return continues notwithstanding that that period has expired;
- (d) where the person is convicted of an offence that is constituted by failure to furnish the return within that period, that person is guilty of a separate and further offence in respect of each day after the day of the conviction during which the failure to furnish the return continues; and
- (e) the penalty applicable to each separate and further offence is a fine not exceeding \$100.

“(9) Charges against the same person for any number of offences under paragraph (8) (d) may be joined in the same information or complaint.

“(10) If a person is convicted of more than one offence under paragraph (8) (d), the court may impose one penalty in respect of all offences of which the person is so convicted but that penalty shall not exceed the sum of the maximum penalties that could be imposed if a penalty were imposed in respect of each offence separately.

Investigation, &c.

“153W. (1) In this section, ‘authorized officer’ means a person authorized by the Electoral Commission under sub-section (2).

“(2) The Electoral Commission may, by instrument in writing signed by the Electoral Commissioner on behalf of the Electoral Commission, authorize a person or a person included in a class of persons to perform duties under this section.

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“(3) Where an authorized officer has reasonable grounds to believe that a person is capable of producing documents or other things or giving evidence relating to a contravention, or possible contravention, of section 153V, or relating to matters that are set out in, or are required to be set out in, a claim or return under this Part, the authorized officer may, by notice served personally or by post on that person, require that person—

- (a) to produce, within the period and in the manner specified in the notice, such documents or other things as are referred to in the notice; or
- (b) to appear, at a time and place specified in the notice, before the authorized officer to give evidence, either orally or in writing, and to produce such documents or other things as are referred to in the notice.

“(4) An authorized officer may require any evidence that is to be given to him in compliance with a notice under sub-section (3) to be given on oath or affirmation and for that purpose the authorized officer may administer an oath or affirmation.

“(5) A person shall not, without reasonable excuse, refuse or fail to comply with a notice under sub-section (3) to the extent that the person is capable of complying with the notice.

Penalty: \$1,000.

“(6) A person shall not, in purported compliance with a notice under sub-section (3), give evidence that is, to his knowledge, false or misleading in a material particular.

Penalty: \$1,000 or imprisonment for 6 months, or both.

“(7) Where—

- (a) an authorized officer has reasonable grounds for suspecting that there may be, at any time within the next following 24 hours, upon any land or upon or in any premises, vessel, aircraft or vehicle, a document or other thing that may afford evidence relating to a contravention of section 153V; and
- (b) the authorized officer has reasonable grounds to believe that, if a notice under sub-section (3) were issued for the production of the document or other thing, the document or other thing might be concealed, lost, mutilated or destroyed,

the authorized officer may make an application to a magistrate for the issue of a warrant under sub-section (8).

“(8) Subject to sub-section (9), where an application under sub-section (7) is made by an authorized officer to a magistrate, the magistrate may issue a warrant authorizing the authorized officer or any other person named in the warrant, with such assistance as he thinks necessary and if necessary by force—

- (a) to enter upon the land or upon or into the premises, vessel, aircraft or vehicle;
- (b) to search the land, premises, vessel, aircraft or vehicle for documents or other things that may afford evidence relating to a contravention of

section 153V, being documents or other things of a kind described in the warrant; and

- (c) to seize any documents or other things of the kind referred to in paragraph (b).

“(9) A magistrate shall not issue a warrant under sub-section (8) unless—

- (a) an affidavit has been furnished to him setting out the grounds on which the issue of the warrant is being sought;
- (b) the authorized officer applying for the warrant or some other person has given to the magistrate, either orally or by affidavit, such further information (if any) as the magistrate requires concerning the grounds on which the issue of the warrant is being sought; and
- (c) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

“(10) Where a magistrate issues a warrant under sub-section (8), he shall state on the affidavit furnished to him in accordance with sub-section (9) which of the grounds specified in that affidavit he has relied on to justify the issue of the warrant and particulars of any other grounds relied on by him to justify the issue of the warrant.

“(11) A warrant issued under sub-section (8) shall—

- (a) include a statement of the purpose for which the warrant is issued, which shall include a reference to the contravention of section 153V in relation to which the warrant is issued;
- (b) state whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night;
- (c) include a description of the kind of documents or other things authorized to be seized; and
- (d) specify a date, not being later than one month after the date of issue of the warrant, upon which the warrant ceases to have effect.

“(12) Where a document or other thing is seized by a person pursuant to a warrant issued under sub-section (8)—

- (a) the person may retain the document or other thing so long as is reasonably necessary for the purposes of the investigation to which the document or other thing is relevant; and
- (b) when the retention of the document or other thing by the person ceases to be reasonably necessary for those purposes, the person shall cause the document or other thing to be delivered to the person who appears to the first-mentioned person to be entitled to possession of the document or other thing.

Records to be kept

“153X. Where a person makes or obtains a document or other thing that is or includes a record relating to a matter particulars of which are, or could be, required to be set out in a claim or return under this Part relating to an election, not being a record that, in the normal course of business or administration, he

would transfer to another person, he shall retain that record for a period of at least one year commencing on the polling day in that election.

Inability to complete returns

“153Y. (1) Where a person who is required to furnish a return under Division 4 or 5 considers that he is unable to complete the return because he is unable to obtain particulars that are required for the preparation of the return, he may—

- (a) prepare the return to the extent that it is possible to do so without those particulars;
- (b) furnish the return so prepared; and
- (c) give to the Electoral Commission notice in writing—
 - (i) identifying the return;
 - (ii) stating that he considers that the return is incomplete by reason that he is unable to obtain certain particulars;
 - (iii) identifying those particulars;
 - (iv) setting out the reasons why he is unable to obtain those particulars; and
 - (v) if he believes, on reasonable grounds, that another person whose name and address are known to him can give those particulars—specifying the name and address of that other person and stating that he believes, and setting out the reasons why he believes, that that other person can supply those particulars,

and, if he does so, he shall not, by reason of the omission of those particulars, be taken, for the purposes of sub-section 153V (2), to have furnished a return that is incomplete.

“(2) Where the Electoral Commission has been informed under paragraph (1) (c) that a person can supply particulars that have not been included in a return, the Electoral Commission may, by notice in writing served on that person, require the person to furnish to the Electoral Commission, within the period specified in the notice, a return, in an approved form, setting out particulars of that matter and, subject to sub-section (3), the person shall comply with that requirement.

“(3) Where a person who is required to furnish a return under sub-section (2) considers that he is unable to complete the return because he is unable to obtain particulars that are required to be set out in the return, he shall—

- (a) prepare the return to the extent that it is possible to do so without those particulars;
- (b) furnish the return so prepared; and
- (c) furnish with the return a notice in writing—
 - (i) stating that he considers that the return is incomplete by reason that he is unable to obtain certain particulars;
 - (ii) identifying those particulars;

- (iii) setting out the reasons why he considers that he is unable to obtain those particulars; and
- (iv) if he believes, on reasonable grounds, that another person whose name and address are known to him can give those particulars—specifying the name and address of that other person and stating that he believes, and setting out the reasons why he believes, that that other person can supply those particulars,

and, if he does so, he shall not, by reason of the omission of those particulars, be taken, for the purposes of sub-section 153V (2), to have furnished a return that is incomplete.

Non-compliance with Part does not affect election

“153Z. (1) A failure of a person to comply with a provision of this Part in relation to an election does not invalidate that election.

“(2) Without limiting the generality of sub-section (1), where—

- (a) a political party endorsed a candidate in an election; and
- (b) the candidate was elected at the election,

any failure by the agent of the political party or by the agent of any State branch of the political party to comply with a provision of this Part in relation to the election does not invalidate the election of the candidate.

“(3) Without limiting the generality of sub-section (1), if the agent of a registered candidate who is elected at an election fails to comply with a provision of this Part in relation to the election, that failure does not invalidate the election of the candidate.

“(4) Without limiting the generality of sub-section (1), if the agent of a registered group, being a group one or more of the members of which is or are elected at an election, fails to comply with a provision of this Part in relation to the election, that failure does not invalidate the election of the member or members.

Public may obtain copies of claims and returns

“153ZA. (1) The Electoral Commission shall cause to be kept, at the principal office of the Electoral Commission in Canberra, in the capital city of each State and in Darwin a copy of—

- (a) each claim for a payment under Division 3 that is lodged with the Electoral Commission under that Division;
- (b) each return furnished to the Electoral Commission under Division 4 or 5; and
- (c) each return furnished to the Electoral Commission under sub-section 153Y (2).

“(2) A person is entitled, without charge, to peruse a copy of a claim or return referred to in sub-section (1) that is kept at an office of the Electoral Commission in accordance with that sub-section.

“(3) A person is entitled, on payment of a fee determined by the Electoral Commission to cover the cost of copying, to obtain a copy of a claim or return referred to in sub-section (1) that is kept at an office of the Electoral Commission in accordance with that sub-section.

Indexation

“153ZB. (1) In this section—

‘index number’, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that quarter;

‘relevant amount’ means the amount specified in sub-section 152 (1), (2) or (3);

‘relevant period’ means the period of 6 months commencing on 1 July 1984 and each subsequent period of 6 months.

“(2) Subject to sub-section (3), if at any time, whether before or after the commencement of this section, the Australian Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published by him in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this section.

“(3) If at any time, whether before or after the commencement of this section, the Australian Statistician has changed or changes the reference base for the Consumer Price Index, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to index numbers published in terms of the new reference base.

“(4) Where the factor ascertained under sub-section (5) in relation to a relevant period is greater than 1, this Part has effect in relation to any election the polling day in which occurs during that relevant period as if for each relevant amount there were substituted an amount calculated by multiplying by that factor—

- (a) in a case to which paragraph (b) does not apply—the relevant amount; or
- (b) if, by virtue of another application or other applications of this section, this Part has had effect as if another amount was substituted, or other amounts were substituted, for the relevant amount—the substituted amount or the last substituted amount, as the case may be.

“(5) The factor to be ascertained for the purposes of sub-section (4) in relation to a relevant period is the number, calculated to 3 decimal places, ascertained—

- (a) if the relevant period commences on 1 July—by dividing the index number for the last preceding March quarter by the index number for the last preceding September quarter; or
- (b) if the relevant period commences on 1 January—by dividing the index number for the last preceding September quarter by the index number for the last preceding March quarter.

“(6) Where the factor ascertained in accordance with sub-section (5) in relation to a relevant period would, if it were calculated to 4 decimal places, end with a number greater than 4, the factor ascertained in accordance with that sub-section in relation to that relevant period shall be taken to be the factor calculated to 3 decimal places in accordance with that sub-section and increased by 0.001.”.

(2) Division 4 of Part XVI of the *Commonwealth Electoral Act 1918* does not apply in relation to any gifts made before the commencement of that Part.

114. Sections 154 to 162 (inclusive) of the Principal Act are repealed and the following sections are substituted:

Interpretation

“154. In this Part, ‘relevant period’—

- (a) in relation to an election under this Act, means the period commencing on the issue of the writ for that election and expiring at the latest time on polling day at which an elector in Australia could enter a polling booth for the purpose of casting his vote in that election; and
- (b) in relation to a referendum, means the period commencing on the date of the issue of the writ for the taking of the referendum and expiring at the latest time on polling day at which an elector in Australia could enter a polling booth for the purpose of casting his vote in the referendum.

Officers and scrutineers to observe secrecy

“155. A person who is, or has been, an officer or a scrutineer shall not, except for the purposes of Part XIII A, either directly or indirectly, divulge or communicate any information with respect to the vote of an elector acquired by him in the performance of his functions, or in the exercise of his powers, under this Act or the regulations in a manner that is likely to enable the identification of the elector.

Penalty: \$1,000 or imprisonment for 6 months, or both.

Officers not to contravene Act, &c.

“156. A person who, being an officer, contravenes—

- (a) a provision of this Act for which no other penalty is provided; or
- (b) a direction given to him under this Act,

is guilty of an offence punishable on conviction by a fine not exceeding \$1,000.

Officers not to influence vote

“157. (1) A person who, being an officer other than an Antarctic officer, does any act or thing for the purpose of influencing the vote of another person, is guilty of an offence punishable on conviction by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both.

“(2) A person who, being an Antarctic officer, during the relevant period in relation to an election under this Act or a referendum, does any act or thing

for the purpose of influencing the vote of another person, is guilty of an offence punishable on conviction by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both.

“(3) In this section, ‘Antarctic officer’ means—

- (a) an Antarctic Returning Officer;
- (b) an Assistant Antarctic Returning Officer; or
- (c) a person appointed to act as an Antarctic Returning Officer or as an Assistant Antarctic Returning Officer.

Bribery

“158. (1) A person shall not ask for, receive or obtain, or offer or agree to ask for, or receive or obtain, any property or benefit of any kind for himself or any other person, on an understanding that—

- (a) any vote of the first-mentioned person;
- (b) any candidature of the first-mentioned person;
- (c) any support of, or opposition to, a candidate, a group of candidates or a political party by the first-mentioned person;
- (d) the doing of any act or thing by the first-mentioned person the purpose of which is, or the effect of which is likely to be, to influence the preferences set out in the vote of an elector; or
- (e) the order in which the names of candidates nominated for election to the Senate whose names are included in a group in accordance with section 72A appear on a ballot paper,

will, in any manner, be influenced or affected.

Penalty: \$5,000 or imprisonment for 2 years, or both.

“(2) A person shall not, in order to influence or affect—

- (a) any vote of another person;
- (b) any candidature of another person; or
- (c) any support of, or opposition to, a candidate, a group of candidates or a political party by another person;
- (d) the doing of any act or thing by another person the purpose of which is, or the effect of which is likely to be, to influence the preferences set out in the vote of an elector; or
- (e) the order in which the names of candidates for election to the Senate whose names are included in a group in accordance with section 72A appear on a ballot paper,

give or confer, or promise or offer to give or confer, any property or benefit of any kind to that other person or to a third person.

Penalty: \$5,000 or imprisonment for 2 years, or both.

“(3) This section does not apply in relation to a declaration of public policy or a promise of public action.

Interference with political liberty

“159. A person shall not hinder or interfere with the free exercise or performance, by any other person, of any political right or duty that is relevant to an election under this Act.

Penalty: \$1,000 or imprisonment for 6 months, or both.

Printing and publication of electoral advertisements, notices, &c.

“160. (1) A person shall not print, publish or distribute or cause, permit or authorize to be printed, published or distributed, an electoral advertisement, handbill, pamphlet or notice unless—

- (a) the name and address (not being a post-office box) of the person who authorized the advertisement, handbill, pamphlet or notice appears at the end thereof; and
- (b) in the case of an electoral advertisement, handbill, pamphlet or notice that is printed otherwise than in a newspaper—the name and place of business of the printer appears at the end thereof.

“(2) A person who contravenes sub-section (1) is guilty of an offence punishable on conviction—

- (a) if the offender is a natural person—by a fine not exceeding \$1,000; or
- (b) if the offender is a body corporate—by a fine not exceeding \$5,000.

“(3) Sub-section (1) does not apply in relation to—

- (a) a car sticker, T-shirt, lapel button, lapel badge, pen, pencil or balloon; or
- (b) an article included in a prescribed class of articles.

“(4) Nothing in paragraph (3) (a) shall be taken, by implication, to limit the generality of regulations that may be made by virtue of paragraph (3) (b).

“(5) In this section, ‘electoral advertisement, handbill, pamphlet or notice’, means an advertisement, handbill, pamphlet or notice that is intended or calculated to affect the result of an election, but does not include an advertisement in a newspaper announcing the holding of a meeting.

Misleading or deceptive publications, &c.

“161. (1) A person shall not, during the relevant period in relation to an election under this Act, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of his vote.

“(2) A person shall not, during the relevant period in relation to an election under this Act, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any electoral advertisement containing a statement—

- (a) that is untrue; and
- (b) that is, or is likely to be, misleading or deceptive.

“(3) A person shall not, during the relevant period in relation to an election under this Act, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, an advertisement, handbill, pamphlet or notice that contains a representation or purported representation of a ballot-paper for use in that election that is likely to induce an elector to mark his vote otherwise than in accordance with the directions on the ballot-paper.

“(4) A person who contravenes sub-section (1), (2) or (3) is guilty of an offence punishable on conviction—

- (a) if the offender is a natural person—by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both; or
- (b) if the offender is a body corporate—by a fine not exceeding \$5,000.

“(5) In a prosecution of a person for an offence against sub-section (4) by virtue of a contravention of sub-section (1), it is a defence if the person proves that he did not know, and could not reasonably be expected to have known, that the matter or thing was likely to mislead an elector in relation to the casting of his vote.

“(6) In the prosecution of a person for an offence against sub-section (4) by virtue of a contravention of sub-section (2), it is a defence if the person proves that he did not know, and could not reasonably be expected to have known, that the electoral advertisement contained a statement of the kind referred to in sub-section (2).

“(7) In this section—

‘electoral advertisement’ means an advertisement that is intended or calculated to affect the result of an election;

‘publish’ includes publish by radio or television.

False statements in relation to Rolls

“162. A person who, on polling day, makes a statement to an elector, either orally or in writing, with respect to the enrolment of the elector that, to the knowledge of the first-mentioned person, is false or misleading in a material respect, is guilty of an offence punishable on conviction by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both.”

Heading to electoral advertisements

115. Section 163 of the Principal Act is amended by omitting from sub-section (2) “the election” and substituting “an election”.

Authors of reports, &c., to be identified

116. Section 164 of the Principal Act is amended—

- (a) by omitting sub-section (1) and substituting the following sub-section:

“(1) A person shall not, during the relevant period in relation to an election under this Act or a referendum, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, a newspaper, circular, pamphlet or ‘dodger’ containing an article, report,

letter or other matter commenting on any candidate, political party or the issues being submitted to the electors unless the author's name and address, or the authors' names and addresses, as the case may be, are set out at the end of the article, report, letter or other matter, or where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet or 'dodger', at the end of that part.

Penalty:

- (a) if the offender is a natural person—\$500; or
- (b) if the offender is a body corporate—\$2,500.”;
- (b) by omitting sub-section (2); and
- (c) by adding at the end thereof the following sub-section:
 - “(4) In this section, 'address' does not include a post-office box.”.

Matter broadcast or televised

117. Section 164A of the Principal Act is amended—

- (a) by omitting from sub-section (1) “On and after the date of issue and before the return of any writ for the election of a member of the Senate or of the House of Representatives, or for the taking of any referendum vote, a person shall not broadcast, or permit to be broadcast, from any broadcasting station” and substituting “A person shall not, during the relevant period in relation to an election under this Act or a referendum, broadcast or televise or cause, permit or authorize to be broadcast or televised, from a broadcasting station or a television station”;
- (b) by inserting in sub-section (2) “or televised” after “broadcast”;
- (c) by inserting in sub-section (2) “or to the television station for televising, as the case may be,” after “broadcasting”; and
- (d) by omitting sub-section (4) and substituting the following sub-section:
 - “(4) In this section—
 - ‘address’ does not include a post-office box;
 - ‘broadcasting station’ means a broadcasting station (including a broadcasting translator station) within the meaning of the *Broadcasting and Television Act 1942* or the *Australian Broadcasting Corporation Act 1983* that is operating as authorized by or under either of those Acts;
 - ‘television station’ means a television station (including a television repeater station or a television translator station) within the meaning of the *Broadcasting and Television Act 1942* or the *Australian Broadcasting Corporation Act 1983* that is operating as authorized by or under either of those Acts.”.

Depiction, &c., of certain electoral matter

118. Section 164B of the Principal Act is amended—

- (a) by omitting sub-section (1);

- (b) by omitting from sub-section (2A) “the last two preceding sub-sections” and substituting “sub-section (2)”;
- (c) by omitting from paragraph (3) (a) “posting-up, exhibiting,”; and
- (d) by omitting from sub-section (4) the definition of “electoral poster”.

Repeal of sections 164BA and 164BB

119. Sections 164BA and 164BB of the Principal Act are repealed.

Cards in polling booth

120. Section 165 of the Principal Act is amended by inserting in sub-section (1) “, except for the purposes of section 120, wilfully” after “shall not”.

Unlawfully marking ballot-papers

121. Section 169 of the Principal Act is amended by inserting “mark his vote or” after “shall not”.

122. Section 170 of the Principal Act is repealed and the following section is substituted:

Other offences relating to ballot-papers, &c.

“170. (1) A person shall not—

- (a) personate any person for the purpose of securing a ballot-paper to which the personator is not entitled;
- (b) personate any person for the purpose of voting;
- (c) fraudulently destroy or deface any nomination paper or ballot-paper;
- (d) fraudulently put any ballot-paper or other paper into the ballot-box;
- (e) fraudulently take any ballot-paper out of any polling booth or counting centre;
- (f) forge any nomination paper or ballot-paper or utter any nomination paper or ballot-paper knowing it to be forged;
- (g) supply ballot-papers without authority;
- (h) unlawfully destroy, take, open or otherwise interfere with ballot-boxes or ballot-papers;
- (j) wilfully vote more than once at the same election; or
- (k) make a statement in any claim, application, return or declaration, or in an answer to a question, under this Act (other than Part XVI) or the regulations that, to his knowledge, is false or misleading in a material respect.

Penalty: \$1,000 or imprisonment for 6 months, or both.

“(2) A person shall not wilfully deface, mutilate, destroy or remove any notice, list or other document affixed by any Divisional Returning Officer or by his authority.

Penalty for contravention of this sub-section: \$500.”.

Prohibition of canvassing near polling booths

123. Section 171 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “twenty feet” and substituting “6 metres”; and
- (b) by omitting from paragraph (2) (b) “presiding officer at the polling booth” and substituting “appropriate Divisional Returning Officer”.

Duty of witness to claim

124. Section 172 of the Principal Act is amended by inserting “provisional claim for enrolment or any” after “witnessing any”.

Failure to transmit claim

125. Section 173 of the Principal Act is amended by inserting “, a provisional claim for enrolment or” after “custody of”.

Protection of the official mark

126. Section 176 of the Principal Act is amended by omitting from sub-section (3) “King, and may without warrant be seized by any member of the police force of the Commonwealth or of a State” and substituting “Commonwealth, and may without warrant be seized by a member of the Australian Federal Police or a member of the police force of a State or Territory”.

Disorderly behaviour at meeting

127. Section 177 of the Principal Act is amended by omitting from sub-section (3) “any member of the Police Force of a State or Territory, or of the Commonwealth,” and substituting “a member of the Australian Federal Police or of the police force of a State or Territory”.

128. Before section 183 of the Principal Act the following section is inserted in Part XVIII:

Interpretation

“182. (1) In this Part—

‘bribery’ or ‘corruption’ means a contravention of section 158;

‘illegal practice’ means a contravention of this Act or the regulations;

‘undue influence’ means a contravention of section 159 of this Act or section 28 of the *Crimes Act 1914*.

“(2) For the purposes of this Part, a person who aids, abets, counsels or procures, or by act or omission is in any way directly or indirectly knowingly concerned in, or party to, the contravention of a provision of this Act, the *Crimes Act 1914* or the regulations under this Act shall be deemed to have contravened that provision.”.

Method of disputing elections

129. Section 183 of the Principal Act is amended by adding at the end thereof the following sub-sections:

“(3) The choice of a person to hold the place of a Senator for the Australian Capital Territory by the members of the Senate and the House of Representatives sitting and voting together at a joint sitting of the members convened by the Governor-General or the appointment of a person to hold the place of such a Senator by the Governor-General under sub-section 21 (1) shall be deemed to be an election within the meaning of this section, and the provisions of this Division shall, so far as applicable, have effect as if that choice or appointment were an election within the meaning of this Division.

“(4) The choice of a person to hold the place of a Senator for the Northern Territory by the Legislative Assembly of the Northern Territory or the appointment of a person to hold the place of a Senator by the Administrator of the Northern Territory under sub-section 21 (2) shall be deemed to be an election within the meaning of this section, and the provisions of this Division shall, so far as applicable, have effect as if that choice or appointment were an election within the meaning of this Division.”.

The Court of Disputed Returns

130. Section 184 of the Principal Act is amended by inserting in sub-sections (1), (2) and (3) “or Territory” after “State”.

Requisites of petition

131. Section 185 of the Principal Act is amended—

- (a) by omitting “Every” and substituting “Subject to section 186A, every”;
- (b) by inserting in paragraph (c) “or section 21 of this Act” after “Constitution”; and
- (c) by omitting from paragraph (c) “State” and substituting “relevant State or Territory”.

132. After section 186 of the Principal Act the following section is inserted:

Petition by Electoral Commission

“186A. (1) The Electoral Commission is entitled to file a petition disputing an election.

“(2) Paragraphs 185 (c) and (d) do not apply in relation to a petition filed by the Electoral Commission disputing an election but such a petition shall be signed by the Electoral Commissioner for and on behalf of the Commission.”.

Right of Electoral Commissioner to be represented

133. Section 188 of the Principal Act is amended by omitting “Chief Electoral Officer” and substituting “Electoral Commission”.

Powers of Court

134. Section 189 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(4) The power of the Court of Disputed Returns under paragraph (1) (viii) to award costs includes the power to order costs to be paid by the Commonwealth where the Court considers it appropriate to do so.”.

Inquiries by Court

135. Section 190 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(2) Where the Court makes inquiries in relation to ballot-papers marked in Antarctica pursuant to the provisions of Part XIII A, a statement of the particulars of the marking of the ballot-papers prepared by an Australian Electoral Officer under sub-section 128R (3) is, unless the Court otherwise orders, conclusive evidence of the particulars stated.”.

Voiding election for illegal practices

136. Section 191 of the Principal Act is amended by adding at the end thereof the following sub-section:

“(4) The Court of Disputed Returns shall not declare that a person returned as elected was not duly elected, or declare an election void, on the ground of a contravention of sub-section 161 (2) that is not also a contravention of sub-section 161 (1).”.

137. After section 194 of the Principal Act the following section is inserted:

Errors relating to printing of party affiliations

“194AA. The Court of Disputed Returns shall not declare that a person returned as elected was not duly elected, or declare an election void, by reason only that—

- (a) there was printed, on a ballot-paper, or ballot-papers, used in the election the name, or an abbreviation of the name, of a political party adjacent to the name of a candidate or group of candidates;
- (b) the name, or abbreviation of the name, of a political party so printed was misspelt or the name, or abbreviation of the name, of a political party so printed was otherwise inaccurate or incorrect;
- (c) there was not printed on ballot-papers used in the election, the name, or an abbreviation of the name, of a political party adjacent to the name of a candidate or group of candidates; or
- (d) an officer failed to comply with the provisions of section 106C in relation to the election.”.

138. After section 209 of the Principal Act the following sections are inserted:

Injunctions

“209A. (1) Where a person has engaged, is engaging or is proposing to engage in any conduct that constituted, constitutes or would constitute a contravention of, or an offence against, this Act or any other law of the Commonwealth in its application to elections, a prescribed court may, on the application of—

- (a) in a case where the conduct relates to an election—a candidate in the election; or
- (b) in any case—the Electoral Commission,

grant an injunction restraining the first-mentioned person from engaging in the conduct and, if in the opinion of the court it is desirable to do so, requiring that person to do any act or thing.

“(2) Where—

- (a) a person has refused or failed, is refusing or failing, or is proposing to refuse or fail, to do an act or thing; and
- (b) the refusal or failure was, is, or would be, a failure to comply with, or an offence against, this Act or any other law of the Commonwealth in its application to elections,

a prescribed court may, on the application of—

- (c) in a case where the refusal or failure relates to an election—a candidate in the election; or
- (d) in any case—the Electoral Commission,

grant an injunction requiring the first-mentioned person to do that act or thing.

“(3) Where an application is made to a prescribed court for an injunction under sub-section (1), the court may, if in the opinion of the court it is desirable to do so, before considering the application, grant an interim injunction restraining a person from engaging in conduct of the kind referred to in that sub-section pending the determination of the application.

“(4) A prescribed court may discharge or vary an injunction granted under sub-section (1), (2) or (3).

“(5) Where an application is made to a prescribed court for the grant of an injunction restraining a person from engaging in conduct of a particular kind, the power of the court to grant the injunction may be exercised—

- (a) if the court is satisfied that the person has engaged in conduct of that kind—whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; or
- (b) if it appears to the court that, in the event that an injunction is not granted, it is likely that the person will engage in conduct of that kind—whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial

damage to any person if the first-mentioned person engages in conduct of that kind.

“(6) Where an application is made to a prescribed court for the grant of an injunction requiring a person to do a particular act or thing, the power of the court to grant the injunction may be exercised—

- (a) if the court is satisfied that the person has refused or failed to do that act or thing—whether or not it appears to the court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing; or
- (b) if it appears to the court that, in the event that an injunction is not granted, it is likely that the person will refuse or fail to do that act or thing—whether or not the person has previously refused or failed to do that act or thing and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person refuses or fails to do that act or thing.

“(7) Where the Electoral Commission makes an application to a prescribed court for the grant of an injunction under this section, the court shall not require the Electoral Commission or any other person, as a condition of the granting of an interim injunction, to give any undertakings as to damages.

“(8) A prescribed court (being a court of a State) is invested with federal jurisdiction and, to the extent that the Constitution permits, jurisdiction is conferred on a prescribed court (being a court of a Territory), with respect to all matters arising under this section.

“(9) An appeal lies to the Federal Court of Australia from a judgment or order of a prescribed court exercising jurisdiction under this section.

“(10) The powers conferred on a prescribed court under this section are in addition to, and not in derogation of, any other powers of the court, whether conferred by this Act or otherwise.

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

Prosecution of offences

“209B. (1) Subject to sub-section (2), an offence against sub-section 153V (3) or section 158 is an indictable offence.

“(2) A court of summary jurisdiction may hear and determine proceedings in respect of an offence referred to in sub-section (1) if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

“(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against sub-section 153V (3) or section 158, the penalty that the court may impose is—

- (a) in the case of an offence against sub-section 153V (3)—a fine not exceeding \$5,000; or

- (b) in the case of an offence against section 158—a fine not exceeding \$2,000 or imprisonment for a period not exceeding 12 months, or both.”.

Disqualification for bribery and undue influence

139. Section 211 of the Principal Act is amended—

- (a) by omitting paragraph (a) and substituting the following paragraph:
 - “(a) is convicted of an offence against—
 - (i) section 158 or 159 of this Act or section 28 of the *Crimes Act 1914*; or
 - (ii) an offence against section 7 of the *Crimes Act 1914* that relates to an offence referred to in sub-paragraph (i); or”; and
- (b) by inserting in paragraph (b) “, within the meaning of Part XVIII,” after “influence”.

Electoral matters to be sent free by post

140. Section 213 of the Principal Act is amended—

- (a) by inserting “to any elector or person claiming to be an elector” after “free of charge”;
- (b) by inserting “to an elector” after “so transmitted”; and
- (c) by omitting “person” and substituting “elector”.

Electoral matter may be sent by telegraph

141. Section 214 of the Principal Act is repealed.

Preservation of ballot-papers

142. Section 218 of the Principal Act is amended by adding at the end thereof “or while required for the purposes of research by the Commission”.

No State referendum or vote to be held on polling day

143. Section 218A of the Principal Act is amended by adding at the end thereof the following sub-section:

- “(2) In this section, ‘State’ includes the Northern Territory.”.

Regulations

144. Section 219 of the Principal Act is amended—

- (a) by omitting from paragraph (b) “and” (last occurring); and
- (b) by adding at the end thereof the following word and paragraph:
 - “; and (d) requiring electors who are registered in accordance with section 86 as general postal voters for a Division to notify the Divisional Returning Officer for the

Division of any change in address or of any other circumstances relevant to the elector's registration under that section as a general postal voter for the Division.”.

Schedule

145. The Schedule to the Principal Act is repealed and the Schedule set out in Schedule 1 to this Act is substituted.

Amendments of Principal Act relating to offences, penalties, &c.

146. The Principal Act is amended as set out in Schedule 2.

Amendments of Principal Act consequential on abolition of certain offices

147. The Principal Act is amended as set out in Schedule 3.

Formal amendments

148. The Principal Act is amended as set out in Schedule 4.

Amendments of Conciliation and Arbitration Act

149. The *Conciliation and Arbitration Act 1904* is amended as set out in Schedule 5.

Repeal of Australian Electoral Office Act

150. (1) The *Australian Electoral Office Act 1973* is repealed.

(2) For the purposes of the application of any law of the Commonwealth or of a Territory, or any order or instrument under any such law, in relation to anything done or to be done after the commencement of this section—

- (a)** a reference to the Australian Electoral Office shall be read as a reference to the Australian Electoral Commission established under the Principal Act as amended by this Act;
- (b)** a reference to the Chief Australian Electoral Officer or to the Chief Electoral Officer for the Commonwealth shall be read as a reference to the Electoral Commissioner appointed under the Principal Act as amended by this Act; and
- (c)** a reference to a Commonwealth Electoral Officer for a State or to an Australian Electoral Officer for a State shall be read as a reference to the Australian Electoral Officer for the State appointed under the Principal Act as amended by this Act.

(3) Where, immediately before the commencement of this section, a person was employed in the Australian Electoral Office under section 82 of the *Public Service Act 1922*, that employment shall continue in the Electoral Commission on the same conditions (including conditions as to the non-continuation of that employment after the expiration of a specified period or after the completion of specified work) as were applicable to that employment in the Australian Electoral Office.

Repeal of certain Acts

151. (1) The following Acts are repealed:

Australian Capital Territory Representation (House of Representatives) Act 1973

Australian Capital Territory Representation (House of Representatives) Act 1974

Northern Territory Representation Act 1922

Northern Territory Representation Act 1925

Northern Territory Representation Act 1936

Northern Territory Representation Act 1949

Northern Territory Representation Act 1959

Northern Territory Representation Act 1968

Representation Act 1905

Representation Act 1938

Representation Act 1964

Representation Act 1973

Representation Amendment Act 1977

Senate Elections (Queensland) Act 1982

Senate (Representation of Territories) Act 1973

Senate (Representation of Territories) Amendment Act 1980.

(2) Notwithstanding the repeal effected by sub-section (1), a person who was, immediately before the commencement of this section, a senator for the Australian Capital Territory or the Northern Territory continues, after the commencement of this section, to hold office, in accordance with the *Commonwealth Electoral Act 1918*, as a senator for the Australian Capital Territory or the Northern Territory, as the case may be.

(3) Notwithstanding the repeal effected by sub-section (1), section 9 of the *Senate (Representation of Territories) Act 1973* as in force immediately before the commencement of this section continues to apply in relation to the place of a senator for the Australian Capital Territory or the Northern Territory that became vacant before the expiration of his term of service, and before the commencement of this section, as if the repeal effected by sub-section (1) of this section had not been effected, but, after the commencement of this section, a person chosen or appointed under that first-mentioned section, being a person who held office as a senator for the Australian Capital Territory or the Northern Territory, as the case may be, immediately before the commencement of this section or was so chosen or appointed after the commencement of this section, continues to hold office or holds office, as the case may be, as a senator for the Australian Capital Territory or the Northern Territory, as the case may be, in accordance with the *Commonwealth Electoral Act 1918*.

(4) Notwithstanding the repeal of the *Australian Capital Territory Representation (House of Representatives) Act 1973*, a person who was, immediately before the commencement of this section, the member of the

House of Representatives for a Division in the Australian Capital Territory continues, after the commencement of this section, to hold office, in accordance with the *Commonwealth Electoral Act 1918*, as the member of the House of Representatives for that Division.

(5) Notwithstanding the repeal of the *Australian Capital Territory Representation (House of Representatives) Act 1974*, the names and boundaries of the Divisions in force in the Australian Capital Territory immediately before the commencement of this section continue, until altered in accordance with the *Commonwealth Electoral Act 1918*, to be the names and boundaries of the Divisions in the Territory.

(6) Notwithstanding the repeal effected by sub-section (1), the person who was, immediately before the commencement of this section, the member of the House of Representatives representing the Northern Territory continues, after the commencement of this section, to hold office, in accordance with the *Commonwealth Electoral Act 1918*, as the member of the House of Representatives representing the Northern Territory.

Transitional provision—determination of State entitlement

152. (1) Section 23 of the Principal Act as amended by this Act has effect as if the reference in that section to a House of Representatives includes a reference to the House of Representatives chosen at the general election last preceding the commencement of this section.

(2) If this section comes into operation before the expiration of the period of 11 months after the day of the first meeting of the House of Representatives chosen at the general election referred to in sub-section (1), section 23 of the Principal Act as amended by this Act has effect, in relation to the first ascertainment of the numbers of the people of the Commonwealth and of the several States to be made under that last-mentioned section, as if “, or, if a lesser number of months is fixed by Proclamation for the purposes of this section, that lesser number of months,” were inserted after “11 months” (last occurring).

(3) If this section comes into operation after the expiration of the period of 11 months after the day of the first meeting of the House of Representatives chosen at the general election referred to in sub-section (1), section 23 of the Principal Act as amended by this Act has effect, in relation to the first ascertainment of the numbers of the people of the Commonwealth and of the several States to be made under that last-mentioned section, as if the reference to within one month after the expiration of the period of 11 months were a reference to within one month after the commencement of this section.

Transitional provision—commencement of redistribution of States

153. Notwithstanding anything contained in sub-section 25K (2) of the Principal Act as amended by this Act, the Electoral Commission shall, forthwith after the making of the first determination under sub-section 25 (1) of that Act as so amended, direct, under sub-section 25K (1) of that Act as so amended, that a redistribution of each State shall commence.

Transitional provision—commencement of redistribution of Australian Capital Territory

154. Notwithstanding anything contained in sub-section 25K (7) of the Principal Act as amended by this Act, the Electoral Commission shall, forthwith after the making of the first determination under sub-section 25 (1) of that Act as so amended, direct, under sub-section 25K (1) of that Act as so amended, that a redistribution of the Australian Capital Territory shall commence.

Amendments of Administrative Decisions (Judicial Review) Act

155. The *Administrative Decisions (Judicial Review) Act 1977* is amended as set out in Schedule 6.

Transitional provision—conduct of union elections

156. (1) Where, before the commencement of this section, an arrangement had been made under the *Conciliation and Arbitration Act 1904* for the taking of any steps in or in connection with an election, or for the conduct of an election or ballot, by a person holding an office of Australian Electoral Officer for a State, those steps may be taken or completed, or that election or ballot may be conducted or completed, by a person holding the office of Australian Electoral Officer for that State under the Principal Act as amended by this Act.

(2) Where, before the commencement of this section, an arrangement had been made under the *Conciliation and Arbitration Act 1904* for the taking of any steps in or in connection with an election, or for the conduct of an election or ballot, by a member of the staff of the Australian Electoral Office, those steps may be taken or completed, or that election or ballot may be conducted or completed, by a member of the staff of the Australian Electoral Commission nominated for the purpose by the Electoral Commissioner.

SCHEDULE 1

Section 145

SCHEDULE TO THE PRINCIPAL ACT

SCHEDULE

FORMS

FORM A

Section 59

COMMONWEALTH OF AUSTRALIA

To _____ the Australian Electoral Officer for the State of
[here insert name of State].

GREETING.

We command you to cause election to be made according to law of [here insert number] Senators for our State of [here insert name of State] to serve in the Senate of the Parliament of the Commonwealth of Australia. And we appoint the _____ day of _____ 19____ as the day for the close of the Rolls. And we appoint the _____ day of _____ 19____, at twelve o'clock noon to be the day and time before which nominations of Senators at and for the said election are to be made. And we appoint the _____ day of _____ 19____, to be the day on which the poll is to be taken in the event of the said election being contested. And we command you to indorse on this our writ the names of the Senators elected and to return it so indorsed to our Governor in and over our said State on or before the _____ day of _____ 19____.

Witness [here insert the title of the Governor of the State issuing the writ] at [here insert place] in our said State the _____ day of _____ in the year of our Lord One thousand nine hundred and _____

By His Excellency's command,

FORM AA

Section 59

COMMONWEALTH OF AUSTRALIA

To _____ the Australian Electoral Officer for the Territory of
[here insert name of Territory].

GREETING.

We command you to cause election to be made according to law of 2 Senators for our Territory of [here insert name of Territory] to serve in the Senate of the Parliament of the Commonwealth of Australia from and after the date of their election. And we appoint the _____ day of _____ 19____ as the day for the close of the Rolls. And we appoint the _____ day of _____ 19____, at twelve o'clock noon to be the day and time before which nominations of Senators at and for the said election are to be made. And we appoint the _____ day of _____ 19____, to be the day on which the poll is to be taken in the event of the said election being contested. And we command you to indorse on this our writ the names of the Senators elected and to return it so indorsed to our Governor-General in and over our said Commonwealth of Australia on or before the _____ day of _____ 19____.

Witness [here insert the Governor-General's title] at [here insert place] the _____ day of _____ in the year of our Lord One thousand nine hundred and _____

By His Excellency's command,

SCHEDULE 1—continued

FORM D

Section 71

COMMONWEALTH OF AUSTRALIA

Division of [*here insert name of Division*].

Nomination of a Member of the House of Representatives.

To the Divisional Returning Officer for the Electoral Division of [*here insert name of Division*].

We, the undersigned Electors on the Electoral Roll for the Electoral Division of [*here insert name of Division*], in the [State/Territory] of [*here insert name of State or Territory*], and entitled to vote at the Election of a Member of the House of Representatives for the said Division, do hereby nominate [*here insert Christian or given name or names in full, surname, place of residence, and occupation of the person nominated*] as a Member of the House of Representatives for the above-mentioned Division.

Dated this day of 19 .

Name of Nominator	Place of Living	Subdivision for which enrolled	Number on Roll	Signature of nominator
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I, of consent to the above nomination, and to act if elected, and declare—

1. That I am qualified under the Constitution and the Laws of the Commonwealth to be elected as a Member of the House of Representatives;
2. That I have not consented to act if elected in relation to a nomination in relation to another election under the *Commonwealth Electoral Act 1918* the polling day of which is the polling day of the election in relation to which this declaration is made; and
[or if applicable]

[That I have consented to act if elected in relation to a nomination in relation to another election under the *Commonwealth Electoral Act 1918* the polling day of which is the polling day of the election in relation to which this declaration is made and that consent has been withdrawn under section 80 of that Act; and]

3. That I do not intend to consent to act if elected in relation to a nomination in relation to another election under the *Commonwealth Electoral Act 1918* the polling day of which is the polling day of the election in relation to which this declaration is made.

[Signature of Candidate.]

Witness—

Address—

N.B. The Candidate's consent to the nomination and his declaration may be on a separate paper and in any form, but if given on the nomination paper in the above form their sufficiency is not to be questioned.

A nomination must be signed by not less than six persons entitled to vote at the election for which the candidate is nominated.

SCHEDULE 1—continued

Section 104

FORM E

D I R E C T I O N S		Ballot-Paper COMMONWEALTH OF AUSTRALIA [5] of [6] Election of [7] Senators	
<p>Place the single figure 1 in one, and one only, of these squares to indicate the group voting ticket which you wish to adopt as your vote</p> <p>EITHER</p>	<p>A <input type="checkbox"/> 2</p> <p>OR</p> <p>B <input type="checkbox"/> 2</p> <p>OR</p> <p>C <input type="checkbox"/> 2</p> <p>OR</p> <p>D <input type="checkbox"/> 2</p>		
<p>Place the numbers 1 to [8] in the squares immediately to the left of the names of the respective candidates so as to indicate the order of your preference for them</p> <p>OR</p>	<p>A <input type="checkbox"/> 1 3</p> <p>B <input type="checkbox"/> 1 3</p> <p>C <input type="checkbox"/> 1 3</p> <p>D <input type="checkbox"/> 1 3</p>	<p>A <input type="checkbox"/> 1 4</p> <p>B <input type="checkbox"/> 1 4</p> <p>C <input type="checkbox"/> 1 4</p> <p>D <input type="checkbox"/> 1 4</p>	<p>A <input type="checkbox"/> 1 4</p> <p>B <input type="checkbox"/> 1 4</p> <p>C <input type="checkbox"/> 1 4</p> <p>D <input type="checkbox"/> 1 4</p>

NOTE: Candidates marked by the same letter (A or B or C etc.) have agreed to be grouped together on this ballot-paper. In some cases they have also lodged a group voting ticket which you can adopt as your vote; where this has been done, the square above the group is marked with the same letter. The fact that no letter appears before the square immediately to the left of a candidate's surname indicates that the name of that candidate has not been included in any group.

- 1 Here insert name of a candidate
- 2 Here insert name of a registered political party or composite name of registered political parties if to be printed
- 3 Here insert name of a registered political party if to be printed
- 4 Here insert name of a registered political party or word 'Independent' if to be printed
- 5 Here insert State or Territory as appropriate
- 6 Here insert name of State or Territory
- 7 Here insert number of vacancies
- 8 Here insert number of candidates

SCHEDULE 1—continued

FORM F

Section 104

Ballot-paper

COMMONWEALTH OF AUSTRALIA

[State/Territory] of [*here insert name of State or Territory*].

Electoral Division of [*here insert name of Division*].

Election of one Member of the House of Representatives.

Directions.—Mark your vote on this ballot-paper by placing the numbers [*here insert "1 and 2" where there are two candidates, "1, 2 and 3" where there are three candidates, "1, 2, 3 and 4" where there are four candidates, and so on as the case requires*] in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them.

CANDIDATES

- CRANE, JASON.¹
- WILSON, BENJAMIN.¹
- BROOKMAN, DANIEL.¹
- FRENCH, SARAH.¹
- LOPEZ, KATH.¹

[¹*Here insert, if appropriate, the name of a registered political party, or the word "Independent"*]

SCHEDULE 2

Section 146

AMENDMENTS RELATING TO OFFENCES, PENALTIES, &c.

Provision	Amendment
Sub-section 42 (4)	Omit all the words after "upon", substitute "conviction by a fine not exceeding \$50".
Section 46	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Sub-section 85 (3)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000 or imprisonment for 6 months, or both."
Sub-section 87 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$500."
Section 93	(1) Omit the penalty set out at the foot of sub-section (1). (2) Omit sub-section (2). (3) Add at the foot thereof the following penalty: "Penalty: \$1,000."
Section 93A	Repeal the section.
Section 93B	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$500."
Section 94	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Section 94A	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Section 95	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."

SCHEDULE 2—continued

Provision	Amendment
Sub-section 109 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000 or imprisonment for 6 months, or both."
Sub-section 128A (12)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$50."
Section 134	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Sub-section 163 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$2,500."
Sub-section 164A (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$2,500."
Sub-section 164A (2)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$2,500."
Sub-section 164B (2)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Sub-section 165 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$500."
Section 166	Repeal the section.
Sub-section 167 (3)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Sub-section 168 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Section 169	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000 or imprisonment for 6 months, or both."
Sub-section 171 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$500."
Section 171A	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Section 172	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Section 173	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000."
Sub-section 174 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: "Penalty: \$1,000 or imprisonment for 6 months, or both."
Section 175	Omit the penalty set out at the foot thereof, substitute the following penalty:

SCHEDULE 2—continued

Provision	Amendment
	“Penalty: (a) if the offender is a natural person—\$500; or (b) if the offender is a body corporate—\$2,500.”
Sub-section 176 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty: \$1,000.”
Sub-section 177 (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty: \$500.”
Sub-section 177 (4)	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty for contravention of this sub-section: \$1,000 or imprisonment for 6 months, or both.”
Sub-section 177 (5)	Omit the sub-section.
Section 178	Repeal the section.
Section 179	Insert “punishable on conviction by a fine not exceeding \$500” after “offence”.
Section 180	Omit all the words after “conviction” and substitute “by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both”.
Sub-section 181 (1)	Omit the penalty set out in sub-section (1), substitute the following penalty: “Penalty: (a) if the offender is a natural person—\$1,000 or imprisonment for 6 months, or both; or (b) if the offender is a body corporate—\$5,000.”
Sub-section 181A (1)	Omit the penalty set out at the foot thereof, substitute the following penalty: “Penalty: (a) if the offender is a natural person—\$1,000; or (b) if the offender is a body corporate—\$5,000.”
Section 182	Repeal the section.
Paragraph 219 (a)	Omit “Four dollars”, substitute “\$500”.

SCHEDULE 3

Section 147

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON ABOLITION OF CERTAIN OFFICES

1. The following provisions of the Principal Act are amended by omitting “Chief Electoral Officer” (wherever occurring) and substituting “Electoral Commissioner”:

Sub-sections 9 (1B) and 128A (13), section 136A, sub-section 137 (2) and sections 138, 209 and 210.

2. The following provisions of the Principal Act are amended by omitting “Commonwealth Electoral Officer” (wherever occurring) and substituting “Australian Electoral Officer”:

Sections 47A and 51 and sub-section 82 (1).

3. The following provisions of the Principal Act are amended by omitting “Commonwealth Electoral Officer for the State” (wherever occurring) and substituting “Australian Electoral Officer”:

Section 80, paragraph 135 (4) (c), sub-section 137 (2), section 138 and sub-sections 140 (1), (2) and (3).

SCHEDULE 3—continued

4. The Principal Act is further amended as set out in the following table:

Provision	Amendment
Section 14	Omit "Registrars", substitute "Assistant Divisional Returning Officers".
Section 47A	(1) Omit "direct the Registrar keeping that Roll to". (2) Omit "and the Registrar shall comply with that direction accordingly".
Section 48	Omit "Registrar" (wherever occurring), substitute "Divisional Returning Officer".
Section 72B	(1) Omit "Commonwealth Electoral Officer for the State", substitute "Australian Electoral Officer". (2) Omit "Commonwealth Electoral Officer" (second occurring), substitute "Australian Electoral Officer".
Sub-section 79 (1)	Omit "Commonwealth Electoral Officer for the State for which the election is being held", substitute "Australian Electoral Officer".
Section 94	Omit "a Registrar,".
Sub-section 100 (2)	Omit "Chief Australian Electoral Officer", substitute "Electoral Commissioner".
Section 136A	(1) Omit "Commonwealth Electoral Officer for a State", substitute "Australian Electoral Officer". (2) Omit "Commonwealth Electoral Officer" (second occurring), substitute "Australian Electoral Officer".
Sub-section 141 (1)	Omit "Commonwealth Electoral Officer for the State for which the election is held", substitute "Australian Electoral Officer".
Section 173	Omit "Registrar" (wherever occurring), substitute "Divisional Returning Officer".
Section 210	Omit "Commonwealth Electoral Officer for a State", substitute "Australian Electoral Officer".

SCHEDULE 4

Section 148

FORMAL AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting any number expressed in words (other than a number expressing an amount of money) and substituting that number expressed in figures:

Sub-sections 42 (2) and (3) and 57 (1), sections 59, 65, 69, 71, 72A, 72B and 78, sub-section 85 (4), sections 88, 91A, 92, 96, 105A, 111, 112, 121A, 126 and 127, sub-section 128A (5), sections 133, 136 and 136A, paragraph 142 (2) (b) and sections 144, 163, 175, 183, 185, 206, 208, 211, 217 and 218.

2. The following provision of the Principal Act is amended by omitting any words expressing an amount of money and substituting that amount expressed in figures immediately preceded by "\$":

Section 186.

3. The following provisions of the Principal Act are amended by omitting "of this Act" (wherever occurring):

Sub-section 85 (4), sections 93B, 96 and 105A, paragraphs 123 (1) (c), 124 (c) and 127 (b), sections 135, 136 and 136A, sub-section 142 (2), and sections 204, 205, 206, 207 and 208.

4. The following provisions of the Principal Act are amended by omitting "of this section" (wherever occurring):

Sub-section 85 (4), paragraph 92 (1) (g), sub-section 92 (2), paragraph 111 (d), sub-sections 128A (7), (8), (11) and (12), paragraph 135 (4) (b), paragraph 136 (6) (c), and sub-sections 164A (2), 167 (4), and 181A (2).

SCHEDULE 4—continued

5. The Principal Act is further amended as set out in the following table:

Provision Amended	Omit—	Substitute—
Section 51	the last two preceding sections	sections 49 and 50
Sub-section 69 (2)	the last preceding sub-section	sub-section (1)
Sub-section 88 (1A)	the last preceding sub-section	sub-section (1)
Sub-section 91A (1)	the last preceding section	section 91
Sub-section 92 (2)	(1) paragraph (e) or paragraph (f) of sub-section (1)	paragraph (1) (e) or (f)
	(2) paragraph (e) or paragraph (f) of that sub-section	paragraph (1) (e) or (f)
Paragraph 93 (1) (b)	the preceding section	section 92
Section 93B	paragraph (d) or paragraph (f) of sub-section (1) of section ninety-two	paragraph 92 (1) (d) or (f)
Paragraph 95 (b)	paragraph (f) of section ninety-two	paragraph 92 (1) (f)
Section 96	sub-section (2) of section ninety-two	sub-section 92 (2)
Sub-section 120 (2)	the last preceding sub-section	sub-section (1)
Sub-section 128A (8)	either of the last two preceding sub-sections	sub-section (6) or (7)
Paragraph 131 (b)	the preceding section	section 130
Sub-section 133 (1)	of this Act, and	, and
Paragraph 135 (1) (h)	paragraph (d) of this sub-section	paragraph (d)
Sub-section 136 (8)	the last preceding sub-section	sub-section (7)
Paragraph 136A (d)	sub-section (2) of section ninety-two	sub-section 92 (2)
Paragraph 142 (2) (a)	sub-section (2) of section ninety-two	sub-section 92 (2)
Paragraph 171 (2) (b)	the last preceding sub-section	sub-section (1)
Sub-section 177 (4)	the last preceding sub-section (wherever occurring)	sub-section (3)
Section 180	the preceding section	section 179
Section 187	the preceding sections	sections 185, 186 and 186A
Sub-section 217 (5)	the last preceding sub-section	sub-section (4)

SCHEDULE 5

Section 149

AMENDMENTS OF THE CONCILIATION AND ARBITRATION ACT

Provision	Amendment
Section 45	Omit sub-section (3L), substitute the following sub-section: “(3L) Before giving a direction under paragraph (3K) (c) relating to the conduct of a ballot, the Commission shall consult with the Industrial Registrar or, if the Electoral Commissioner is to arrange for the conduct of the ballot, with the Electoral Commissioner or an electoral officer within the meaning of Part II of the <i>Commonwealth Electoral Act 1918</i> who is designated for the purpose by the Electoral Commissioner.”
Sub-section 45A (2)	Omit paragraph (c), substitute the following paragraph: “(c) make arrangements with the Electoral Commissioner for the conduct of the ballot by an Australian Electoral Officer or a member of the staff of the Australian Electoral Commission.”
Sub-section 158K (2)	Omit paragraph (c), substitute the following paragraph: “(c) make arrangements with the Electoral Commissioner for the conduct of the ballot by an Australian Electoral Officer or a member of the staff of the Australian Electoral Commission.”

SCHEDULE 5—continued

Provision	Amendment
Section 165A	Omit the words from and including "Chief Australian Electoral Officer" to the end of the section, substitute "Electoral Commissioner for the taking of the necessary steps in or in connection with the election, or for the conduct of the new election, as the case requires, by an Australian Electoral Officer or a member of the staff of the Australian Electoral Commission."
Sub-section 170 (5)	Omit the words from and including "Chief Australian Electoral Officer" to the end of the sub-section, substitute "Electoral Commissioner for the conduct of the election by an Australian Electoral Officer or a member of the staff of the Australian Electoral Commission."

SCHEDULE 6

Section 155

AMENDMENTS OF THE ADMINISTRATIVE DECISIONS (JUDICIAL REVIEW) ACT

Provision	Amendment
Schedule 1	Add at the end thereof the following paragraph: “(q) decisions under sub-section 25 (1) or Part IIIA of the <i>Commonwealth Electoral Act 1918</i> .”
Schedule 2	Omit paragraph (n).

NOTE

- No. 27, 1918. For previous amendments, see 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; No. 17, 1948; Nos. 10 and 47, 1949; No. 106, 1952; No. 79, 1953; No. 26, 1961; No. 31, 1962; Nos. 48 and 70, 1965; Nos. 32 and 93, 1966; No. 7, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 38, 1974; No. 56, 1975; Nos. 14 and 116, 1977; No. 19, 1979; Nos. 102 and 155, 1980; No. 176, 1981 (as amended by No. 26, 1982); No. 80, 1982; and No. 39, 1983.