



Commonwealth Electoral Legislation Amendment Act 1984

No. 45 of 1984

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

[Assented to 25 June 1984]

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

Short title

1. This Act may be cited as the *Commonwealth Electoral Legislation Amendment Act 1984*.

Commencement

2. (1) Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.

(2) Sub-section 3 (2) and section 7 shall be deemed to have come into operation on 21 February 1984.

(3) The remaining provisions of this Act shall come into operation on the twenty-eighth day after the day on which this Act receives the Royal Assent.

Substantive amendments of Commonwealth Electoral Acts

3. (1) The *Commonwealth Electoral Act 1918*¹ is amended as set out in Part I of Schedule 1.

(2) The *Commonwealth Electoral Legislation Amendment Act 1983*² is amended as set out in Part II of Schedule 1.

Formal amendments of Commonwealth Electoral Act and amendment of Form E

4. (1) The *Commonwealth Electoral Act 1918*¹ is amended as set out in Schedule 2.

(2) Form E in the Schedule to the *Commonwealth Electoral Act 1918*¹ is omitted and the form set out in Schedule 3 to this Act is substituted.

Re-numbering and re-lettering of Commonwealth Electoral Act

5. (1) In this section—

“provision” includes a paragraph of a section or of a sub-section of a section, a sub-paragraph of a paragraph of a section or sub-section and a Schedule;

“the amended Act” means the *Commonwealth Electoral Act 1918* as amended by Schedules 1, 2 and 3 of this Act.

(2) The amended Act is further amended as provided by this section.

(3) The several Parts of the amended Act are re-numbered so that they bear consecutive capital roman numerals commencing with “I”.

(4) The several sections of the amended Act are re-numbered in a single series so that they bear consecutive arabic numerals commencing with “1”.

(5) The several sub-sections of each section of the amended Act are re-numbered so that they bear consecutive arabic numerals enclosed in brackets commencing with “(1)”.

(6) The several paragraphs of each section, or of each sub-section of each section, of the amended Act are re-lettered so that they bear lower case letters in alphabetical order enclosed in brackets commencing with “(a)” but omitting “(i)” and “(l)”.

(7) The several sub-paragraphs of each paragraph of each section, or of each paragraph of each sub-section of each section, of the amended Act are re-numbered so that they bear consecutive lower case roman numerals enclosed in brackets commencing with “(i)”.

(8) Each provision of the amended Act that refers to a provision of that Act that has been re-numbered or re-lettered pursuant to this section is amended by omitting the reference and substituting a reference to the last-mentioned provision as so re-numbered or re-lettered.

(9) A reference in a law of the Commonwealth or of a Territory, or in an instrument or document, to a provision of the *Commonwealth Electoral Act*

1918 that has been re-numbered or re-lettered pursuant to this section shall be construed as a reference to that provision as so re-numbered or re-lettered.

Operation of Commonwealth Electoral Act in relation to certain members of Defence Force

6. (1) A reference in sub-section (2) to a person to whom this section applies is a reference to a member of the Defence Force within the meaning of section 39A of the Act as in force on 20 February 1984 on service outside Australia who was, on that day, deemed to be an elector by virtue of that section and whose service outside Australia as such a member did not terminate before the commencement of this section.

(2) A person to whom this section applies may, at any time before the earliest day after the commencement of this section on which a writ is issued for a general election or for an election of Senators, apply, in writing, to be treated as an eligible overseas elector for the purposes of the Act to the Divisional Returning Officer for the Division in a Subdivision of which the person ordinarily lived immediately before his departure from Australia.

(3) Where a person makes an application in accordance with sub-section (2), the Divisional Returning Officer to whom the application is made shall enrol the person for the Subdivision referred to in that sub-section and, upon that enrolment, the Act has effect as if—

- (a) the person had applied to be treated as an eligible overseas elector in accordance with section 39A of the Act and had become such an elector by virtue of that section;
- (b) the person had ceased to reside in Australia on 20 February 1984 and had so ceased to reside in Australia within 1 month after the day on which he applied to be treated as an eligible overseas elector; and
- (c) the person had, at the time he ceased to reside in Australia, the intention to resume residing in Australia within 3 years after 20 February 1984.

(4) In this section—

“Act” means the *Commonwealth Electoral Act 1918*;

“Divisional Returning Officer”, “Division” and “Subdivision” have the same respective meanings as in the Act.

Amendments of Representation Act

7. The *Representation Act 1983*³ is amended as set out in Schedule 4.

Savings

8. Where this Act—

- (a) amends a provision of an Act; or
- (b) repeals and re-enacts (with or without modifications) a provision of an Act,

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any act done or decision made under or pursuant to the provision amended or repealed has effect after the amendment or repeal as if it had been done or made under or pursuant to the provision as so amended or re-enacted.

SCHEDULE 1

Section 3

PART I

Substantive Amendments of *Commonwealth Electoral Act 1918*

After the definition of “Controller-General of Prisons” in sub-section 5 (1)—

Insert the following definition:

“ ‘Deputy Electoral Commissioner’ means the Deputy Electoral Commissioner referred to in section 7N;”.

Sub-section 5 (1), definition of “Issuing point”—

Omit “for the Division in which the polling booth is situated”.

Sub-section 5 (1), definition of “Officer”—

After “Commissioner,”, insert “the Deputy Electoral Commissioner.”.

Sub-section 9 (1)—

Omit “or referendum” (twice occurring).

Sub-section 36 (2)—

Omit the sub-section, substitute the following sub-section:

“(2) Supplemental Rolls, setting out additions since the latest print of the Rolls, shall be prepared and printed at such times as the Electoral Commission directs.”.

Sub-section 37A (2)—

Omit the sub-section, substitute the following sub-section:

“(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 for each Division, being a list of electors for that Division 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.”.

Sub-section 37A (3)—

Omit “or Subdivision”.

After sub-section 37A (3)—

Insert the following sub-section:

“(4) The Electoral Commission shall not include on a habitation index for a Division provided under sub-section (2) the names and addresses of persons whose addresses are not shown on the Roll for that Division by virtue of section 46A.”.

Sub-sections 39A (16) and 39B (16)—

Omit the sub-sections.

Paragraph 40 (2) (c)—

Omit “a prescribed person”, substitute “an elector or a person entitled to have his name placed on a Roll”.

Sub-section 41A (2)—

Omit “41”, substitute “42”.

SCHEDULE 1—continued

Sub-section 42 (1)—

After “Divisional Returning Officer”, add “or Australian Electoral Officer”.

After sub-section 42 (1A)—

Insert the following sub-section:

“(1B) Where a person sends or delivers a claim for enrolment, or for transfer of enrolment, to an Australian Electoral Officer, the Australian Electoral 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 Division on the Roll for a Subdivision of which the person is entitled to be enrolled.”.

Sub-sections 42 (2) and (5)—

After “Divisional Returning Officer”, insert “or an Australian Electoral Officer”.

Sub-section 51A (3)—

Omit “at all convenient times”.

Sub-section 58V (1), definition of “Register”—

Omit the definition.

After sub-section 58V (1)—

Insert the following sub-section:

“(1A) A reference in this Part to the Register, or the Register of Candidates, in relation to an election for the Senate or the House of Representatives or to a candidate in any such election, means the Register established under section 58W in relation to that election.”.

Section 58W—

Repeal the section, substitute the following section:

Register of candidates

“58W. The Commission shall, in respect of each election for the Senate and each general election and each other election for the House of Representatives, establish and maintain a Register, to be known, in relation to that election, as the Register of Candidates, containing a list of the individual candidates, and the groups of candidates, registered under this Part in relation to that election.”.

Section 58X—

Add at the end thereof the following sub-section:

“(4) Notification by a candidate in accordance with this section shall be made before the hour of nomination.”.

Section 58Y—

Add at the end thereof the following sub-section:

“(5) Notification by candidates in accordance with this section shall be made before the hour of nomination.”.

Section 58ZC—

Omit “The Register”, substitute “A Register”.

SCHEDULE 1—continued

Section 71—

Add at the end thereof the following sub-section:

“(4) A candidate shall include with his nomination a statement specifying the form in which his name is to be printed on the ballot-papers for the election.”.

Sub-section 72A (2)—

(a) Omit “in the prescribed manner after he has been nominated, and”.

(b) Omit “nomination,”, substitute “nomination”.

Section 76—

Omit “more than 4%” (wherever occurring), substitute “at least 4%”.

Section 80—

Omit “in the prescribed form”.

Paragraphs 85 (1) (a), (b) and (bb)—

After “State”, insert “or Territory”.

Sub-section 85 (4)—

Omit “sub-section (2)”, insert “this section”.

Sub-section 86A (2)—

Omit “one” (twice occurring), substitute “1”.

Sub-section 88 (1)—

Omit “and 1 postal ballot-paper for a House of Representatives election, or either as the case requires”, substitute “or 1 postal ballot-paper for a House of Representatives election, or both, as the case requires”.

Sub-section 89 (3)—

Omit “at all convenient times”.

Sub-section 91 (3)—

Omit “has”, substitute “have”.

Sub-section 91A (1)—

Omit “the prescribed”, substitute “an approved”.

Paragraph 92 (1) (d)—

Omit “in the prescribed manner”.

Section 94—

Omit “forthwith post or deliver”, substitute “post or deliver as soon as practicable”.

Before sub-section 96 (1)—

Insert the following sub-section in section 96:

“(1A) After the close of the poll, the Divisional Returning Officer shall conduct such preliminary scrutines as he considers appropriate until all applications for postal vote certificates and postal ballot-papers have been produced, and all envelopes containing postal votes received up to the end of the period of 10 days immediately succeeding the close of the poll by him, and any envelopes received prior to the close of the poll by any other Divisional Returning Officer, Assistant Returning Officer or presiding officer pursuant to

SCHEDULE 1—continued

sub-section 92 (2), have been dealt with by the first-mentioned Divisional Returning Officer in accordance with this section.”.

Sub-section 96 (1)—

Omit all the words preceding paragraph (a), substitute the following:

“At each preliminary scrutiny the Divisional Returning Officer shall produce all applications for postal vote certificates and postal ballot-papers (other than, in the case of a second or subsequent preliminary scrutiny, those relating to envelopes containing postal votes dealt with at an earlier preliminary scrutiny) and shall produce unopened all envelopes containing postal votes received by him—

(aa) in the case of the first preliminary scrutiny—before the time of that scrutiny; or

(ab) in the case of a subsequent preliminary scrutiny—after the immediately preceding preliminary scrutiny and before the time of that subsequent scrutiny,

and, subject to sub-sections (2), (3) and (4), shall—”.

Paragraph 96 (1) (c)—

Omit “locked and sealed”.

After sub-section 96 (4)—

Insert the following sub-section:

“(4A) Where the Divisional Returning Officer proposes to conduct a preliminary scrutiny under this section, he shall, before 4 o'clock in the afternoon of the day before the day on which the scrutiny is to be conducted, cause to be prominently exhibited at his office a notice setting out the day on which, and the time or times at which, the scrutiny is to be conducted, and he shall, as far as is reasonably practicable, conduct the scrutiny accordingly.”.

Paragraph 96 (6) (a)—

Omit “delivered or posted”, substitute “given”.

Section 96—

Add at the end thereof the following sub-section:

“(8) For the purposes of sub-sections (3) and (4), an envelope that contains a ballot-paper for a referendum shall be dealt with as if it did not contain that ballot-paper.”.

Sub-section 104 (3)—

Omit the sub-section, substitute the following sub-sections:

“(3) Ballot-papers shall be printed on green paper for House of Representatives elections and on white paper for Senate elections and shall use black type face of a kind ordinarily used in Commonwealth Government publications.

“(4) The ballot-papers to be used for absent voting shall have the words ‘Absent Vote Ballot-paper’ as a heading and shall contain the following directions: ‘Fold the ballot-paper so that the vote cannot be seen and return it to the presiding officer before whom you made your declaration.

“(5) The ballot-papers to be used for postal voting shall have the words ‘Postal Ballot-paper’ as a heading and shall contain the following directions: ‘Fold the ballot-paper, place it in the envelope addressed to the Divisional Returning Officer and fasten the envelope.’”.

Paragraph 105A (d)—

Omit the paragraph.

SCHEDULE 1—continued

Sub-section 106 (5)—

Omit “with the letter that is printed before the name of each candidate in that group also printed before that square”.

Sub-section 106C (4), definition of “Register of Candidates”—

Omit the definition, substitute the following definition:

“ ‘Register of Candidates’, in relation to an election, means the Register of Candidates established under section 58W in relation to that election.”.

Sub-section 107A (1)—

Omit “containing a copy of”, substitute “showing”.

Sub-section 107A (2)—

Omit “displayed”, substitute “shown”.

Sub-section 113 (1)—

Omit the sub-section, substitute the following sub-section:

“(1) On polling day an elector is entitled to vote at any polling place for the Division for which he is enrolled or to vote as an absent voter, on making a declaration in an approved form, at any other polling place within the State or Territory for which he is enrolled at which a polling booth is open.”.

Sub-section 113 (1A)—

Omit “unless he”, insert “unless an appropriate person on the staff of the hospital has agreed to permit electors generally to vote at that polling place or unless the elector”.

Sub-sections 113 (2) and (3)—

Omit the sub-sections, substitute the following sub-section:

“(2) A declaration made by an absent voter under sub-section (1) shall be printed on, or securely attached to, an envelope addressed to the Divisional Returning Officer for the Division for which the elector declares that he is enrolled.”.

Sub-section 113D (4)—

After “provisions of this Act”, insert “(including such of those provisions as relate to absent voting)”.

Paragraph 114 (8) (d)—

Omit the paragraph, substitute the following paragraph:

“(d) so far as is practicable, a vote under this section shall be taken as if it were taken under the other provisions (not being sections 113B and 113C) of this Act (including such of those other provisions as relate to absent voting); and”.

After section 114—

Insert the following section:

Forwarding of absent votes

“114A. (1) A presiding officer at a polling place shall forward to the appropriate Assistant Returning Officer designated for the purposes of this sub-section by the Divisional Returning Officer any ballot-box containing envelopes that bear declarations made by

SCHEDULE 1—continued

absent voters under sub-section 113 (1) and contain the ballot-papers of such voters, and the Assistant Returning Officer shall—

- (a) compare the particulars of the envelopes with the particulars appearing in the presiding officer's record made under sub-section 118 (2), note the number of envelopes and report any discrepancy to the Divisional Returning Officer;
- (b) place in a parcel all the envelopes bearing absent voters' declarations relating to a particular Division, indorse on the parcel the number of the envelopes, seal up the parcel and forthwith deliver it, or cause it to be delivered, to the Divisional Returning Officer for that Division or, with the approval of the Australian Electoral Officer for the State or Territory that includes that Division, to another person to be dealt with as provided in sub-section (3); and
- (c) forward to the last-mentioned Divisional Returning Officer advice in writing of the total number of envelopes bearing absent voters' declarations enclosed in the parcel delivered or to be delivered to him.

“(2) Each Divisional Returning Officer shall maintain—

- (a) a record of the particulars of the respective advices, and the number of envelopes bearing absent voters' declarations, received by him from each Assistant Returning Officer; and
- (b) one or more securely fastened ballot-boxes in which envelopes bearing absent voters' declarations received by him shall be placed forthwith.

“(3) Where absent vote ballot-papers or envelopes bearing declarations made by absent voters relating to a particular Division are, with the approval of the Australian Electoral Officer for the State or Territory that includes that Division, delivered to a person other than the Divisional Returning Officer for that Division, that person shall, as soon as practicable, deliver them, or cause them to be delivered, to that Divisional Returning Officer.”.

After sub-section 115 (1)—

Insert the following sub-section:

“(1A) In addition to the questions put under sub-section (1), the presiding officer shall ask each person claiming to vote as an absent voter in an election to identify the Division for which the person is enrolled.”.

Sub-section 115 (2)—

After “other than” (first occurring), insert “an absent voter,”.

Paragraph 117 (1) (c)—

Omit “regulations” (twice occurring), substitute “provisions”.

Section 118—

Repeal the section, substitute the following section:

Voters to be recorded

“118. (1) The presiding officer or a poll clerk at a polling place shall, immediately upon handing a ballot-paper to a person whose name is on the certified list of voters for the polling place, place a mark against the person's name on that list.

“(2) The presiding officer at a polling place shall make a record of the name of each elector who votes at the polling place as an absent voter and of the Division for which the elector declares under sub-section 113 (1) that he is enrolled, and shall, at the close of the poll, forward the record, duly certified by him, to the appropriate Assistant Returning

SCHEDULE 1—continued

Officer designated for the purposes of sub-section 114A (1) by the Divisional Returning Officer.”.

Paragraph 119 (b)—

Omit the paragraph, substitute the following paragraph:

- “(b) fold the ballot-paper so as to conceal his vote and—
- (i) if the voter is not an absent voter—deposit it in the ballot-box; or
 - (ii) if the voter is an absent voter—return it to the presiding officer; and”.

Section 119—

Add at the end thereof the following sub-section:

“(2) A presiding officer shall enclose each ballot-paper of an absent voter returned to him under sub-section (1) in the envelope bearing the declaration made by the voter under sub-section 113 (1), securely fasten the envelope and place it in the ballot-box.”.

Section 120—

Add at the end thereof the following sub-section:

“(4) Where sub-section (1) applies in relation to an absent voter, the presiding officer shall—

- (a) fill in the declaration referred to in sub-section 113 (1) with the required particulars as requested by the voter;
- (b) read the declaration to the voter;
- (c) complete and attest the declaration; and
- (d) cause the declaration to be witnessed by a scrutineer or, if no scrutineer is present, by the poll clerk.”.

Sub-paragraph 121 (7) (b) (iii)—

Omit “ballot-paper”, substitute “ballot-papers”.

Section 121—

Add at the end thereof the following sub-section:

“(9) For the purposes of sub-sections (6) and (7), an envelope that contains a ballot-paper for a referendum shall be dealt with as if it did not contain that ballot-paper.”.

Sub-section 121A (1)—

Omit “the prescribed”, substitute “an approved”.

Sub-section 121B(1)—

- (a) Omit “at a polling place appointed for the Division and claims”, substitute “and”.
- (b) After “an envelope”, insert “, or, if the elector is an absent voter, on the envelope bearing the declaration made by the voter under sub-section 113(1),”.

Sub-section 121B (5)—

- (a) Omit “an application”, substitute “a request”.
- (b) Omit “the application”, substitute “the request”.

Section 121B—

Add at the end thereof the following sub-section:

“(6) Sub-sections (2), (3), (4) and (5) do not apply in relation to a ballot-paper marked by an absent voter who makes a declaration of address under sub-section (1), but, where a Divisional Returning Officer for a Division receives an envelope bearing such a

SCHEDULE 1—continued

declaration in relation to the Division, he shall examine the declaration and, if it is in order and he is satisfied that the address specified in the declaration is the address specified in a request under section 46A by the absent voter (as affected by any change of address annotated on the request), he shall deal with the ballot-paper in the scrutiny of absent votes.”.

Paragraph 123(1)(a)—

After “the Schedule”, insert “or is an absent vote ballot-paper”.

Paragraph 123(1)(b)—

Omit the paragraph.

Paragraph 124(a)—

After “the Schedule”, insert “or is an absent vote ballot-paper”.

Paragraph 124(b)—

Omit the paragraph.

Sub-section 128E(1)—

Omit “expects that he will be, in the course of his employment”, substitute “is, or expects that he will, in the course of his employment, be”.

After section 131—

Insert the following section:

Scrutiny of absent votes

“131A. (1) The scrutiny of absent voters’ ballot-papers shall commence as soon as practicable after the close of the poll, and shall be conducted by the Divisional Returning Officer, or by an Assistant Returning Officer directed to do so by the Divisional Returning Officer, in the presence of such scrutineers as choose to attend and any other persons approved by the Divisional Returning Officer.

“(2) Subject to sub-sections (3), (4) and (5), the officer conducting the scrutiny in relation to a Division shall—

- (a) open all ballot-boxes in which envelopes containing absent voters’ ballot-papers have been placed;
- (b) place in one parcel the envelopes bearing the declarations of persons who he is satisfied are enrolled for, and are entitled to vote in respect of, the Division, and—
 - (i) place a mark opposite the name of each such person on a certified copy of the Roll used by him for the purposes of the scrutiny;
 - (ii) without further examining the declaration of any voter or permitting any other person to do so, withdraw from each envelope in the parcel each ballot-paper contained in the envelope;
 - (iii) without inspecting or unfolding the ballot-paper or allowing any other person to do so, forthwith deposit the folded ballot-paper in a ballot-box for further scrutiny; and
 - (iv) seal up the parcel of envelopes and indorse on it a description of the contents, the name of the Division and the date; and
- (c) place in another parcel the envelopes bearing the declarations of persons who he is satisfied are not enrolled for, or are not entitled to vote in respect of, the Division, or whose declarations are not signed and attested or, in the case of declarations made by persons to whom section 120 applies, are not completed, attested and witnessed in accordance with paragraphs 120(4)(c) and (d), seal up the parcel

SCHEDULE 1—continued

together with any ballot-papers referred to in sub-paragraph (5)(e)(ii) and indorse on it a description of the contents, the name of the Division and the date.

“(3) Where an officer conducting the scrutiny in relation to a Division who is dealing under sub-section (2) with an envelope is—

- (a) satisfied that the elector who signed the declaration borne by the envelope is not enrolled for the Division;
- (b) satisfied that, if the elector were enrolled for the Division, the ballot-paper or ballot-papers contained in the envelope would be accepted under sub-section (2) 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 Division and his name was not on that Roll by reason of an error or mistake by an officer,

the officer shall accept the ballot-paper or ballot-papers for further scrutiny.

“(4) Where—

- (a) an officer conducting the scrutiny in relation to a Division (in this sub-section referred to as the ‘relevant Division’) is dealing under sub-section (2) with an envelope that purports to contain a ballot-paper for a Senate election but no other ballot-paper;
- (b) the officer is satisfied that the elector who signed the declaration borne by the envelope is not enrolled for the relevant Division;
- (c) sub-section (3) does not apply in relation to the envelope; and
- (d) the 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 (2) for further scrutiny,

the officer shall accept the ballot-paper for further scrutiny.

“(5) Where—

- (a) an officer conducting the scrutiny in relation to a Division (in this sub-section referred to as the ‘relevant Division’) is dealing under sub-section (2) 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 officer is satisfied that the elector who signed the declaration borne by the envelope is not enrolled for the relevant Division;
- (c) sub-section (3) does not apply in relation to the envelope; and
- (d) the 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 (2) for further scrutiny,

the 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 sub-paragraph (2) (b) (iii); and

SCHEDULE 1—continued

- (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 paragraph (2) (c); and
- (f) seal up the envelope in a parcel together with any other envelopes dealt with in accordance with this sub-section, indorse on it a description of the contents, the name of the Division and the date and preserve the envelopes so sealed up.

“(6) An absent voter’s ballot-paper shall not be rejected at the preliminary scrutiny by reason only that the voter’s declaration is not attested if, before the declaration of the poll, the Divisional Returning Officer for the Division in which the declaration was made certifies that the name of the elector appears on a record of absent voters made by a presiding officer under sub-section 118 (2).

“(7) The further scrutiny referred to in sub-paragraph (2) (b) (iii) may be conducted notwithstanding that not all the envelopes containing absent voters’ ballot-papers for the Division have been received.

“(8) At the further scrutiny, the officer conducting the scrutiny shall—

- (a) open the ballot-box referred to in sub-paragraph (2) (b) (iii) and examine the ballot-papers it contains; and
- (b) reject all informal ballot-papers and place them in a parcel, place the unrejected ballot-papers in a separate parcel and seal up both parcels.

“(9) The sealed parcels of ballot-papers referred to in sub-section (8) shall be opened only for the purposes of determining an election in the manner provided in section 135 or 136, as the case requires, or as otherwise provided in this Act, and the ballot-papers contained in them shall be dealt with for the purposes of sections 135 and 136 in the same manner as ballot-papers contained in a parcel transmitted to the Divisional Returning Officer by an Assistant Returning Officer.

“(10) For the purposes of sub-sections (4) and (5), an envelope that contains a ballot-paper for a referendum shall be dealt with as if it did not contain that ballot-paper.”.

Sub-section 133 (1)—

- (a) Omit “to absent voting on polling day or”.
- (b) Omit “or” from the end of paragraph (c).
- (c) Add at the end thereof the following word and paragraph:
 - “; or (e) in the case of an absent vote—the ballot-paper is not contained in an envelope bearing a declaration made by the elector under sub-section 113 (1).”.

Sub-section 133A (2)—

Omit “section 134A”, substitute “sections 134A and 135”.

Sub-section 133A (3)—

Omit “, section 134A and sub-section 135 (17)”, substitute “and sections 134A and 135”.

Sub-section 135 (1A)—

Omit “and the regulations relating to absent voting and”, substitute “, the provisions relating to absent voting and the regulations relating”.

Paragraphs 135 (3) (a), (b) and (c)—

Omit the paragraphs, substitute “Part XII, sections 121, 121A and 121B and the provisions relating to absent voting”.

SCHEDULE 1—continued

After paragraph 135 (4) (a)—

Insert the following paragraph:

- “(aa) reject all informal ballot-papers and place them in a separate parcel, together with all informal ballot-papers rejected under sub-sections (2) and (3);”.

Paragraph 135 (4) (b)—

Omit “in a separate parcel all those on which a first preference is indicated for the same candidate; and”, substitute “in one parcel under the name of each candidate all the ballot-papers marked in accordance with sub-section 123 (1A) on which a first preference is indicated for that candidate and in another parcel under the name of that candidate all the other ballot-papers on which a first preference is indicated for that candidate;”.

Sub-paragraphs 135 (4) (c) (i) and (ii)—

Omit the sub-paragraphs, substitute the following sub-paragraphs:

- “(i) the number of first preference votes given for each candidate—
 (A) on ballot-papers marked in accordance with sub-section 123 (1A); and
 (B) on all other ballot-papers; and
(ii) the total number of ballot-papers rejected as informal;”.

After paragraph 135 (4) (c)—

Insert the following paragraphs:

- “(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; and
(e) transmit with the least possible delay the parcels of unrejected ballot-papers marked otherwise than in accordance with sub-section 123 (1A) to the Australian Electoral Officer and inform the Australian Electoral Officer, by telegram or in some other expeditious manner, of the transmission.”.

After sub-section 135 (4)—

Insert the following sub-section:

“(4A) Nothing in this section shall be taken to require the Australian Electoral Officer to retain in separate parcels ballot-papers received by him from different Divisional Returning Officers indicating first preferences for a particular candidate.”.

Sub-section 135 (5)—

Omit “from the information received from the Divisional Returning Officers for the State”.

Sub-section 135 (16)—

Omit “, on the completion of a transfer of votes under this section,”.

Sub-section 135 (17)—

Omit the sub-section, substitute the following sub-section:

“(17) At the conclusion of the scrutiny, the Australian Electoral Officer shall place in parcels all the ballot-papers transmitted to him under sub-section (4), seal up the parcels and indorse on each parcel a description of the contents thereof.”.

Sub-section 135 (26)—

Before “the surplus votes”, insert “all”.

SCHEDULE 1—continued

Section 136—

Omit all the words preceding sub-section (1), substitute the following sub-section:

“(1A) In a House of Representatives election the scrutiny shall, subject to sections 91A, 96, 121, 121A and 121B, the provisions relating to absent voting and the regulations relating to voting by post, be conducted in the manner set out in this section.”.

Paragraphs 136 (3) (a) (b) and (c)—

Omit the paragraphs, substitute “Part XII, sections 121, 121A and 121B and the provisions relating to absent voting”.

Paragraph 136A (d)—

Omit the paragraph, substitute the following paragraph:

“(d) on any postal ballot-papers required to be posted or delivered to a Divisional Returning Officer, Assistant Returning Officer or presiding officer under section 92,”.

Sub-section 137 (1)—

Omit all the words after “direct”, substitute “or conduct a re-count of the ballot-papers contained in any parcel or in any other category determined by the Australian Electoral Officer”.

Sub-section 137 (2)—

- (a) Omit “on the request of a candidate, to direct a re-count of any ballot-papers”, substitute “a request of a candidate under sub-section (1)”.
- (b) Omit “those ballot-papers”, substitute “the ballot-papers to which the request relates”.

Section 138—

Add at the end thereof “or in any other category determined by the Australian Electoral Officer or the Electoral Commissioner”.

Sub-section 140A (1)—

Omit “direct”, substitute “conduct”.

Paragraphs 141 (1) (a) and (b)—

Omit “the name of the candidate or”.

Paragraph 141 (1) (b)—

Add at the end thereof “or, if it was not issued in respect of a State, to the Governor-General”.

Paragraph 142 (2) (a)—

Omit “posted or delivered to any Divisional Returning Officer or any Assistant Returning Officer or presiding officer in pursuance of sub-section 92 (2)”, substitute “required to be posted or delivered to a Divisional Returning Officer, Assistant Returning Officer or presiding officer under section 92”.

Paragraph 142 (2) (b)—

- (a) Omit “regulations”, substitute “provisions”.
- (b) Omit “, section 121 or section 121A”, substitute “or 121A”.

SCHEDULE 1—continued

Paragraph 144 (a)—

After “State”, insert “, Territory”.

Section 145, definition of “registered”—

Omit the definition, substitute the following definition:

“ ‘registered’, in relation to an election, means registered for public funding—

- (a) under Part IXA before the day of the issue of the writ for the election; or
- (b) under Part IXB pursuant to a notification made by a candidate or candidates in accordance with section 58X or 58Y;”.

Paragraph 153J (5) (b)—

Omit the paragraph, substitute the following paragraph:

- “(b) in the case of a gift made to a candidate (including a member of a group)—
- (i) the gift was made in a private capacity to the candidate for his personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election or a by-election; or
 - (ii) the amount or value of the gift is less than \$200; or”.

Sub-section 153J (6)—

Omit “or paragraph (5) (b) or (c)”, substitute “or (b) (ii) or paragraph (5) (c)”.

Paragraph 153J (6) (b)—

After “other gifts”, insert “(not being gifts of the kind referred to in sub-paragraph (5) (b) (i))”.

Section 153J—

Add at the end thereof the following sub-section:

“(8) Notwithstanding sub-section (2), the agent of a person is not required, in a return under sub-section (2), to set out the total amount or value of, or the number of, gifts of the kind referred to in sub-paragraph (5) (b) (i).”.

Sub-section 153M (1)—

Omit “or a group”.

After sub-section 153M (1)—

Insert the following sub-section:

“(1A) Where no details are required to be included in a return under this Division in respect of a group, the return shall nevertheless be lodged and shall include a statement to the effect that no gifts were received.”.

Sub-section 153M (2)—

After “no”, insert “such”.

Paragraph 153N (1) (e)—

Omit “, 164 or 164A ”, substitute “or 164”.

Sub-section 153Y (2)—

After “paragraph (1) (c)”, insert “or (3) (c)”.

SCHEDULE 1—continued

Section 154—

Omit the section, substitute the following section:

Interpretation

“154. In this Part, ‘relevant period’, in relation to an election under this Act, means the period commencing on the issue of the writ for the 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 the election.”.

Sub-section 157 (2)—

Omit “or a referendum”.

Sub-section 164 (1)—

Omit “or a referendum”.

Sub-section 164A (1)—

Omit “or a referendum”.

Sub-section 164B (2A)—

Omit “or referendum” (twice occurring).

Sub-section 164B (4)—

Omit the sub-section, substitute the following sub-section:

“(4) In this section, ‘electoral matter’ means any matter intended or calculated to affect the result of an election under any law of the Commonwealth.”.

Sub-section 167 (5)—

Omit the sub-section, substitute the following sub-section:

“(5) In this section, ‘electoral paper’ includes a prescribed form and an approved form.”.

Section 175—

Omit “employé” (wherever occurring), substitute “employee”.

Section 179—

Omit “constable”, insert “member of the Australian Federal Police or of the police force of a State or Territory”.

Section 185—

Omit “of this Act” (first occurring).

After section 216A—

Insert the following section:

Record of claims of enrolment, &c.

“216B. (1) A claim for enrolment or transfer of enrolment under this Act may, with the approval of the Australian Electoral Officer or, in the case of a claim relating to a Territory, the Electoral Commissioner, be destroyed if a record of the particulars contained in the claim is made and kept by microfilm or microfiche or in any other permanent form approved by the Australian Electoral Officer or Electoral Commissioner, as the case may be.

SCHEDULE 1—continued

“(2) A record made and kept under sub-section (1) of particulars contained in a claim for enrolment or transfer of enrolment is admissible in evidence in any proceeding and is *prima facie* evidence of any such particular.”.

Sub-section 218A (1)—

Omit the sub-section, substitute the following sub-section:

“(1) On the day appointed as polling day for an election of the Senate or a general election of the House of Representatives, no election or referendum or vote of the electors of a State or part of a State shall, without the authority of the Governor-General, be held or taken under a law of the State.”.

Schedule, Form B—

After “By His Excellency’s Command”, insert “[omit where Speaker’s title is inserted above]”.

PART II

Substantive Amendments of Commonwealth Electoral Legislation Amendment Act 1983

Paragraph 22 (a)—

Omit “any other officer”, substitute “to any officer”.

Paragraph 34 (a)—

Omit the paragraph.

Paragraph 65 (1) (c)—

Before “ascertained”, insert “as”.

Paragraph 117 (c)—

After “ ‘broadcasting’ ”, insert “(second occurring)”.

SCHEDULE 2

Sub-section 4 (1)

FORMAL AMENDMENTS OF COMMONWEALTH ELECTORAL ACT 1918

Sub-section 5 (1), definition of “Controller-General of Prisons”—

Omit “State:”, substitute “State;”.

Sub-section 5 (1), definition of “Division”—

Omit “Representatives:”, substitute “Representatives;”.

Sub-section 5 (1), definition of “Elector”—

Omit “elector:”, substitute “elector;”.

Sub-section 5 (1), definition of “Justice of the Peace”—

Omit “State:”, substitute “State;”.

Sub-section 5 (1), definition of “Registrar-General”—

Omit “State:”, substitute “State;”.

SCHEDULE 2—continued

Sub-section 5 (1), definition of “Returning Officer”—

Omit “Officer:”, substitute “Officer;”.

Sub-section 5 (1), definition of “Roll”—

Omit “Act:”, substitute “Act;”.

Sub-section 5 (1), definition of “Subdivision”—

Omit “Division.”, substitute “Division;”.

Paragraph 32 (2) (c)—

Omit “particulars;”, substitute “particulars.”.

Sub-sub-paragraph 39 (1) (b) (ii) (B)—

Omit “1922”, substitute “1922.”.

Section 110—

Omit “clerks,”, substitute “clerks”.

Paragraph 133 (1) (b)—

Omit “candidates:”, substitute “candidates;”.

Paragraph 135 (1) (d)—

Omit “ballot-papers,”, substitute “ballot-papers”.

Paragraph 135 (1) (h)—

Omit “paragraph (d),”, substitute “paragraph (d).”.

SCHEDULE 3

Sub-section 4 (2)

FORM E IN SCHEDULE TO COMMONWEALTH ELECTORAL ACT 1918

Section 104

FORM E

<p>D I R E C T I O N S</p>	<p>EITHER</p>	<p>OR</p>
<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><input type="checkbox"/> 2 <input type="checkbox"/> OR <input type="checkbox"/> 2 <input type="checkbox"/> OR <input type="checkbox"/> 2</p>	<p><input type="checkbox"/> 2 <input type="checkbox"/> OR <input type="checkbox"/> 2 <input type="checkbox"/> OR <input type="checkbox"/> 2</p>
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SCHEDULE 4

Section 7

AMENDMENTS OF REPRESENTATION ACT 1983

Sub-section 5 (3)—

Omit “not become vacant until 1 July 1991”, substitute “become vacant at the close of 30 June 1991”.

Sub-section 5 (7)—

Omit the sub-section, substitute the following sub-section:

“(7) A reference in this section to a non-sitting senator is a reference to a senator who does not hold a place in the Senate immediately before—

- (a) the day referred to in sub-section (1) if that day is 1 July 1985 or is a day before 1 July 1985; or
- (b) where paragraph (a) does not apply—1 July 1985.”.

NOTES

1. 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; No. 39, 1983; and No. 144, 1983.
2. No. 144, 1983.
3. No. 109, 1983.

TABLE SHOWING NEW SECTION AND PART NUMBERS OF THE COMMONWEALTH ELECTORAL ACT 1918

(Note—This Table does not form part of any Act and is printed for
convenience of reference only.)

Existing Number	New Number	Existing Number	New Number	Existing Number	New Number
1	1	25E	53	41A	100
2	2	25F	54	42	101
3	3	Part IIIA	Part IV	43	102
5	4	25G	55	46	103
6	5	25H	56	46A	104
7	6	25I	57	47	105
7A	7	25J	58	47A	106
7B	8	25K	59	48	107
7C	9	25L	60	49	108
7D	10	25M	61	50	109
7E	11	25N	62	51	110
7F	12	25P	63	51A	111
7G	13	25Q	64	51B	112
7H	14	25R	65	Part VIII	Part IX
7J	15	25S	66	52	113
7K	16	25T	67	53	114
7L	17	25U	68	54	115
7M	18	25V	69	55	116
7N	19	25W	70	56	117
7O	20	25X	71	57	118
7P	21	25Y	72	57A	119
7Q	22	25Z	73	Part IX	Part X
7R	23	25ZA	74	58	120
7S	24	25ZB	75	58AA	121
7T	25	25ZC	76	58AB	122
7U	26	25ZD	77	Part IXA	Part XI
7V	27	25ZE	78	58A	123
7W	28	Part IV	Part V	58B	124
7X	29	26	79	58C	125
7Y	30	27	80	58D	126
7Z	31	Part V	Part VI	58E	127
8	32	29	81	58F	128
9	33	30	82	58G	129
10	34	31	83	58H	130
11	35	32	84	58J	131
13	36	33	85	58K	132
14	37	33A	86	58L	133
15	38	34	87	58M	134
16	39	35	88	58N	135
17	40	36	89	58P	136
18	41	37	90	58Q	137
19	42	37A	91	58R	138
20	43	38	92	58S	139
21	44	Part VI	Part VII	58T	140
22	45	39	93	58U	141
23	46	39A	94	Part IXB	Part XII
24	47	39B	95	58V	142
25	48	39C	96	58W	143
25A	49	39D	97	58X	144
25B	50	Part VII	Part VIII	58Y	145
25C	51	40	98	58Z	146
25D	52	41	99	58ZA	147

Commonwealth Electoral Legislation Amendment No. 45, 1984

Existing Number	New Number	Existing Number	New Number	Existing Number	New Number
58ZB	148	103	208	133B	270
58ZC	149	104	209	134	271
58ZD	150	105A	210	134A	272
Part X	Part XIII	106	211	135	273
59AA	151	106A	212	136	274
59	152	106B	213	136A	275
60	153	106C	214	136B	276
61	154	107	215	136C	277
61A	155	107A	216	137	278
62	156	108	217	138	279
63	157	109	218	139	280
64	158	110	219	140	281
65	159	111	220	140A	282
66	160	112	221	Part XV	Part XIX
67	161	113	222	141	283
Part XI	Part XIV	113A	223	142	284
68	162	113B	224	143	285
69	163	113C	225	144	286
70	164	113D	226	Part XVI	Part XX
70A	165	114	227	145	287
71	166	114A	228	146	288
72	167	115	229	147	289
72A	168	116	230	148	290
72B	169	117	231	149	291
73	170	118	232	150	292
74	171	119	233	151	293
75	172	120	234	152	294
76	173	121	235	153	295
77	174	121A	236	153A	296
78	175	121B	237	153B	297
79	176	122	238	153C	298
80	177	123	239	153D	299
81	178	124	240	153E	300
82	179	125	241	153F	301
83	180	126	242	153G	302
84	181	127	243	153H	303
Part XII	Part XV	128	244	153I	304
85AA	182	128A	245	153K	305
85AB	183	Part XIII A	Part XVII	153L	306
85	184	128B	246	153M	307
86	185	128C	247	153N	308
86A	186	128D	248	153P	309
87	187	128E	249	153Q	310
88	188	128F	250	153R	311
89	189	128G	251	153S	312
90	190	128H	252	153T	313
91	191	128J	253	153U	314
91A	192	128K	254	153V	315
91B	193	128L	255	153W	316
92	194	128M	256	153X	317
93	195	128N	257	153Y	318
93B	196	128P	258	153Z	319
94	197	128Q	259	153ZA	320
94A	198	128R	260	153ZB	321
95	199	128S	261	Part XVII	Part XXI
96	200	128T	262	154	322
96A	201	Part XIV	Part XVIII	155	323
97	202	129	263	156	324
Part XIII	Part XVI	130	264	157	325
98	203	131	265	158	326
99	204	131A	266	159	327
100	205	132	267	160	328
101	206	133	268	161	329
102	207	133A	269	162	330

Commonwealth Electoral Legislation Amendment No. 45, 1984

Existing Number	New Number	Existing Number	New Number	Existing Number	New Number
163	331	183	353	203	376
164	332	184	354	204	377
164A	333	185	355	205	378
164B	334	186	356	206	379
165	335	186A	357	207	380
167	336	187	358	208	381
168	337	188	359	Part XIX	Part XXIII
169	338	189	360	209	382
170	339	190	361	209A	383
171	340	191	362	209B	384
171A	341	192	363	210	385
172	342	193	364	211	386
173	343	194	365	213	387
174	344	194AA	366	215	388
175	345	194A	367	216	389
176	346	195	368	216A	390
177	347	196	369	216B	391
179	348	197	370	217	392
180	349	198	371	218	393
181	350	199	372	218A	394
181A	351	200	373	219	395
Part XVIII	Part XXII	201	374		
182	352	202	375		