



Electoral Legislation Amendment (Miscellaneous Measures) Act 2020

No. 95, 2020

**An Act to amend the law relating to electoral
matters, and for related purposes**

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Electoral Legislation Amendment (Miscellaneous Measures) Act 2020

No. 95, 2020

An Act to amend the law relating to electoral matters, and for related purposes

[Assented to 10 November 2020]

The Parliament of Australia enacts:

1 Short title

This Act is the *Electoral Legislation Amendment (Miscellaneous Measures) Act 2020*.

No. 95, 2020 Electoral Legislation Amendment (Miscellaneous Measures) Act 2020 1

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

| Commencement information | | |
|---------------------------------|---------------------|---------------------|
| Column 1 | Column 2 | Column 3 |
| Provisions | Commencement | Date/Details |
| 1. The whole of this Act | 1 December 2020. | 1 December 2020 |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments relating to gifts, voting and scrutiny processes

Part 1—Amendments relating to gifts

Commonwealth Electoral Act 1918

1 Section 286A

Omit “more than 4% of the total”, substitute “at least 4% of the total formal”.

2 Subsection 287(1)

Insert:

federal account means an account where:

- (a) the only amounts deposited into the account are amounts to be used only for a federal purpose; and
- (b) the only amounts withdrawn or transferred from the account are amounts:
 - (i) withdrawn or transferred for a federal purpose; or
 - (ii) transferred to another federal account.

Example: A federal account of a federal party may be established by the federal party or a State branch of the federal party.

federal purpose means the purpose of incurring electoral expenditure, or creating or communicating electoral matter.

group amount for a group means the total amount worked out by multiplying \$2.801 by the number of formal first preference votes given for candidates in the group in the relevant election, based on formal first preference votes counted as at the day mentioned in subsection 293(3).

Note: The dollar amount specified in this definition is indexed under section 321.

jointly endorsed group means a group whose candidates are endorsed for a Senate election by more than one registered political party.

regulated entity means:

Schedule 1 Amendments relating to gifts, voting and scrutiny processes

Part 1 Amendments relating to gifts

- (a) in section 302CA—a political entity, a political campaigner or a third party; and
- (b) in section 314B—a political entity, a political campaigner, a third party or an associated entity.

single-party endorsed group means a group whose candidates are endorsed for a Senate election by a single registered political party.

2A Subsection 287(1) (definition of *State or Territory electoral law*)

After “means a law”, insert “(including a part of a law)”.

3 After subsection 287(9)

Insert:

Formal first preference group votes

- (9A) To avoid doubt, a formal first preference vote includes a vote given for a group in a square printed on the ballot paper above the line.

Note: A square numbered 1 for a group above the line is taken under section 272 to be a first preference vote for the candidate at the top of the group below the line.

4 Subsection 287M(3)

Omit “(as the case requires)”, substitute “if the Commissioner is satisfied that the person or entity no longer meets the requirements for registration as a political campaigner or associated entity (as the case requires). Otherwise, the Commissioner must refuse the application.”.

5 At the end of section 287M

Add:

Review of decisions

- (4) Section 141 (review of certain decisions) applies as if:
 - (a) a decision under this section to refuse to deregister a person or entity in accordance with the person or entity’s application were a reviewable decision; and
 - (b) references to a person included references to a political campaigner or associated entity.
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6 Section 292G

Omit “more than 4% of the total”, substitute “at least 4% of the total formal”.

7 Paragraph 293(1)(b)

Omit “formal first preference group votes given for the candidates”, substitute “formal first preference votes given for the members of the group”.

8 Paragraph 293(2)(a)

Repeal the paragraph, substitute:

- (a) the total of the following amounts for each candidate who satisfies paragraph (1)(a) and each group that satisfies paragraph (1)(b):
 - (i) the amount worked out by multiplying \$2.801 by the number of formal first preference votes given for the candidate in the election, based on formal first preference votes counted as at the day mentioned in subsection (3);
 - (ii) if a group is a single-party endorsed group—the group amount for the group;
 - (iii) if a group is a jointly endorsed group—the percentage of the group amount for the group that is specified in an agreement made in accordance with subsection (4), or if there is no such agreement, that is determined for the party by the Electoral Commissioner; or

9 Subsection 293(2) (note)

Omit “amounts in subparagraphs (2)(a)(i) and (ii)”, substitute “dollar amounts specified in subparagraph (2)(a)(i)”.

10 Subsection 293(3)

Omit “and formal first preference group votes”.

11 At the end of section 293

Add:

- (4) An agreement made for the purposes of subparagraph (2)(a)(iii) must:

- (a) be signed by the agents of each of the parties endorsing candidates in the jointly endorsed group; and
- (b) specify percentages for each of those parties that together do not exceed 100%; and
- (c) be given to the Electoral Commission before the 20th day after the polling day for the election.

12 Paragraph 294(2)(a)

Omit “\$2.73454 for each formal first preference vote”, substitute “the amount worked out by multiplying \$2.801 by the number of formal first preference votes”.

13 Subsection 294(2) (note)

Omit “amounts in”, substitute “dollar amounts specified in”.

14 Paragraph 295(1)(b)

Omit “group votes”, substitute “votes given for candidates in the group”.

15 Paragraph 295(2)(a)

Omit “\$2.73454 for each formal first preference group vote”, substitute “the amount worked out by multiplying \$2.801 by the number of formal first preference votes given for candidates in the group”.

16 Paragraph 295(2)(a)

Omit “and formal first preference group votes”.

17 Subsection 295(2) (note)

Omit “amounts in”, substitute “dollar amounts specified in”.

18 Subsection 295(3)

Omit “and formal first preference group votes”.

19 Subsection 296(1)

Repeal the subsection, substitute:

- (1) As soon as practicable after 20 days after the polling day for an election or elections, the Electoral Commission must pay \$10,000 in relation to:

- (a) each registered political party that is entitled to claim, and wishes to receive, an amount under subsection 293(2) (but subject to subsection (1A)); or
- (b) each candidate that is entitled to claim, and wishes to receive, an amount under subsection 294(2); or
- (c) each group in a Senate election that is entitled to claim, and wishes to receive, an amount under subsection 295(2).

(1A) If:

- (a) 2 or more registered political parties referred to in paragraph (1)(a) endorsed candidates in a jointly endorsed group; and
- (b) each of the parties is only entitled to claim an amount under subparagraph 293(2)(a)(iii);

the amount paid in relation to each party under subsection (1) is the amount equal to the percentage, referred to in that subparagraph for the party, of \$10,000.

20 At the end of subsection 297(5)

Add “(although a claim may be varied under section 298BA)”.

21 Paragraph 298A(c)

Omit “is payable”, substitute “is to be paid”.

22 Paragraph 298A(d)

Omit “is payable” (wherever occurring), substitute “to be paid”.

23 After section 298B

Insert:

298BA Varying a claim

- (1) If an interim claim or a final claim has not been determined by the Electoral Commission, the agent specified in subsection 297(1) who made the claim may vary the claim.
- (2) To avoid doubt, a claim may be varied after the period mentioned in paragraph 298B(1)(b).
- (3) The varied interim claim or varied final claim must be in the approved form.

- (4) For the purposes of this Act, the Electoral Commission is taken to have received the interim claim or final claim (as the case requires) at the time the claim is varied.

24 Subsection 298C(5)

Omit “and formal first preference group votes”.

25 Section 302CA

Repeal the section, substitute:

302CA Gifts made etc. for federal purposes

Offering gifts

- (1) Despite any State or Territory electoral law, a person or entity may offer to give a gift to, or for the benefit of, a regulated entity if the gift is expressly offered for federal purposes.

Seeking gifts

- (2) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may seek a gift if the gift is expressly sought for use for federal purposes.

Giving gifts

- (3) Despite any State or Territory electoral law, a person or entity may give a gift to, or for the benefit of, a regulated entity if the gift is expressly given for federal purposes.

Receiving or keeping gifts—money

- (4) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may receive a gift of money if:
- (a) the money is deposited into a federal account as soon as practicable after the money is received; and
 - (b) the money is not transferred or withdrawn out of the account except:
 - (i) to use the money for federal purposes; or
 - (ii) to transfer the money to another federal account.

- (4A) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may keep a gift of money if:
- (a) the money is kept in a federal account; and
 - (b) the money is not transferred or withdrawn out of the account except:
 - (i) to use the money for federal purposes; or
 - (ii) to transfer the money to another federal account.
- (4B) To avoid doubt, subsections (4) and (4A) are taken never to have applied if, at any time, the money is transferred or withdrawn out of the account, or any other federal account, except as provided by subparagraph (4)(b)(i) or (ii) or (4A)(b)(i) or (ii).

Receiving or keeping gifts—gifts other than money

- (5) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may receive or keep a gift that is not money unless the regulated entity keeps the gift for use for, or uses the gift for, purposes other than federal purposes.
- (5A) To avoid doubt, subsection (5) is taken never to have applied if, at any time, the regulated entity keeps the gift for use for, or uses the gift for, purposes other than federal purposes.

Receiving or keeping gifts—additional operation

- (6) Subsections (4), (4A) and (5) also have the effect they would have if a reference to a gift were confined to a gift expressly given for federal purposes.

Using gifts—money

- (7) Despite any State or Territory electoral law, a regulated entity may use, or authorise the use of, a gift of money for federal purposes if the gift has been continuously kept in a federal account since it was deposited in that account, or any other federal account, in accordance with subsection (4).

Using gifts—gifts other than money

- (7A) Despite any State or Territory electoral law, a regulated entity may use, or authorise the use of, a gift, that is not money, for federal

Schedule 1 Amendments relating to gifts, voting and scrutiny processes

Part 1 Amendments relating to gifts

purposes if the gift has been continuously kept for federal purposes since it was received.

Using gifts—relationship with State or Territory electoral laws

- (8) To avoid doubt, the fact that, as a result of subsection (7) or (7A), a State or Territory electoral law does not prohibit the use of a gift does not prevent that law from prohibiting the offering, seeking, giving, receiving or keeping of the gift.

Gifts not otherwise prohibited by this Division

- (9) To avoid doubt, this section applies to a gift only if this Division does not prohibit the giving, receiving or keeping of the gift.

Parts of gifts

- (10) For the purposes of this section, if a part of a gift is offered, sought, given, received, kept or used for a particular purpose, and that same action is taken in relation to another part of the gift for a different purpose, each part of the gift is taken to be a separate gift.

26 Subsection 302D(1C)

Omit “for the purposes of incurring electoral expenditure, or creating or communicating electoral matter,”, substitute “for a federal purpose”.

27 Section 314B

Repeal the section, substitute:

314B Disclosure of amounts given etc. for federal purposes

Disclosure of amounts and benefits given etc.

- (1) Despite any State or Territory electoral law, a person or entity is not required to disclose under that law an amount of money, or information relating to an amount of money, (including a gift or loan) if the person or entity expressly gives the amount to, or for the benefit of, a regulated entity for federal purposes.
- (1A) Despite any State or Territory electoral law, a person or entity is not required to disclose under that law the value of a non-monetary benefit, or information relating to a non-monetary benefit, if the
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person or entity expressly provides the benefit to, or for the benefit of, a regulated entity for federal purposes.

Note: For the definition of *non-monetary benefit*, see subsection (8).

Disclosure of amounts and other benefits received

- (1B) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount of money, or information relating to an amount of money, (including a gift or loan) that is received by or on behalf of the regulated entity if:
- (a) the amount is deposited into a federal account as soon as practicable after the amount is received; and
 - (b) the amount is not transferred or withdrawn out of the account except:
 - (i) to use the amount for federal purposes; or
 - (ii) to transfer the amount to another federal account.
- (1C) To avoid doubt, subsection (1B) is taken never to have applied if, at any time, the amount is transferred or withdrawn out of the account, or any other federal account, except as provided by subparagraph (1B)(b)(i) or (ii).
- (2) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law the value of a non-monetary benefit, or information relating to a non-monetary benefit, that is received by or on behalf of the regulated entity unless the regulated entity keeps the benefit for use for, or uses the benefit for, purposes other than federal purposes.
- (3) To avoid doubt, subsection (2) is taken never to have applied if, at any time, the regulated entity keeps the benefit for use for, or uses the benefit for, purposes other than federal purposes.
- (4) Subsections (1B) and (2) also have the effect they would have if a reference to an amount or benefit were confined to an amount or benefit expressly given or provided for federal purposes.

Disclosure of expenditure

- (5) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount, or information

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relating to an amount, of expenditure if the expenditure is electoral expenditure.

Disclosure of debts

- (6) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount, or information relating to an amount, of a debt (except a debt incurred as a result of a loan) if the debt is incurred for federal purposes.

Interpretation

- (7) Despite any State or Territory electoral law, if, as a result of this section, a person or entity is not required to disclose under that law an amount, information or value referred to in this section (the **federal information**), then:
- (a) it is immaterial whether the federal information is required to be included in a return provided under this Part; and
 - (b) a total amount, or information relating to a total amount, that is required to be disclosed under that law is not required to include the federal information.
- (8) A **non-monetary benefit** is a gift, or a good or service that is lent, that is not money.
- (9) For the purposes of this section, if an action (such as, giving or using) is taken in relation to a part of an amount or non-monetary benefit for a particular purpose, and that same action is taken in relation to another part of the amount or benefit for a different purpose, each part of the amount or benefit is taken to be a separate amount or benefit.

Compulsory production provisions excluded

- (10) This section does not apply in relation to any compulsory production provision in a State or Territory electoral law.
- (11) A **compulsory production provision** in a State or Territory electoral law is a provision that confers a power on a person or body (the **regulator**) to compel a particular person to disclose information (including an amount or value) for the purposes of the regulator investigating a potential contravention of that or any other law.
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Note: A provision that confers a power for a person or body to give a notice to produce to a regulated entity is an example of a compulsory production provision.

27A After subsection 317(1)

Insert:

(1A) A person or entity (the *record keeper*) must keep records in accordance with subsections (2) and (3) for the purposes of allowing a person, court or other body to determine whether section 302CA or 314B applies in relation to the record keeper.

Example: A statement of all transactions into and out of a federal account is an example of a record that must be kept for the purposes of this subsection.

Civil penalty: 200 penalty units.

27B Subsection 317(2)

After “A record”, insert “kept under subsection (1) or (1A)”.

27C At the end of subsection 317(2)

Add:

; and (e) if the record relates to the application of section 302CA or 314B—5 years after the day the relevant gift, amount or benefit is offered, sought, given, provided, received or used, or the relevant expenditure or debt is incurred.

27D Subsection 317(3)

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

28 Subsection 321(1) (paragraph (a) of the definition of *relevant amount*)

Repeal the paragraph, substitute:

- (aa) the definition of *group amount* in subsection 287(1);
- (a) subparagraph 293(2)(a)(i);

29 Subsection 321(1) (at the end of the definition of *relevant amount*)

Add:

; (c) subsections 296(1) and (1A) and 297(1).

30 Subsections 321(4) and (5)

Omit “, calculated to 3 decimal places,”.

31 Subsection 321(6)

Repeal the subsection, substitute:

- (6) The following are to be ascertained to 3 decimal places, but increased by .001 if the fourth decimal place is more than 4:
 - (a) a factor ascertained under subsection (5);
 - (b) a relevant amount referred to in:
 - (i) the definition of **group amount** in subsection 287(1); or
 - (ii) subparagraph 293(2)(a)(i) or paragraph 294(2)(a) or 295(2)(a).
- (7) Any other relevant amount ascertained for the purposes of subsection (4) is to be rounded to the nearest dollar, rounding up in the case of 50 cents or more.

32 Subsection 321A(2)

Omit “(rounded to the nearest \$100)”.

33 After subsection 321A(3)

Insert:

- (3A) The dollar amount worked out for the purposes of subsection (2) is to be rounded to the nearest \$100, rounding up in the case of \$50 or more.

34 Application of this Part

Applications for deregistration

- (1) The amendments of section 287M of the *Commonwealth Electoral Act 1918* made by this Part apply in relation to applications made on or after the commencement of this item.

Gifts for federal purposes and State and Territory laws

- (2) Section 302CA of the *Commonwealth Electoral Act 1918*, as inserted by this Part, applies in relation to gifts given, offered or sought on or after the commencement of this item.

Disclosing amounts provided etc. for federal purposes under State or Territory electoral laws

- (3) Section 314B of the *Commonwealth Electoral Act 1918*, as inserted by this Part, applies in relation to amounts given, non-monetary benefits provided, or expenditure or debts incurred, on or after the commencement of this item.

Indexation

- (4) The amendments of section 321 of the *Commonwealth Electoral Act 1918* made by this Part apply in relation to any 1 January or 1 July that occurs on or after the commencement of this item.
- (5) For the purposes of the *Commonwealth Electoral Act 1918*, the following provisions of that Act:
- (a) the definition of **group amount** in subsection 287(1);
 - (b) subparagraph 293(2)(a)(i) and paragraphs 294(2)(a) and 295(2)(a);

apply after the commencement of this item, until the first 1 January or 1 July that occurs after that commencement, as if references to \$2.801 in those provisions were substituted with references to the amount worked out in accordance with section 321 of that Act, as in force before that commencement, in relation to the most recent 1 January or 1 July that occurs after the Bill for the *Electoral Legislation Amendment (Miscellaneous Measures) Act 2020* is introduced into the Parliament, but before the commencement of this item.

- (6) The amendments of section 321A of the *Commonwealth Electoral Act 1918* made by this Part apply in relation to any financial year that begins on or after the commencement of this item.

Remaining amendments

- (7) The other amendments of the *Commonwealth Electoral Act 1918* made by this Schedule apply on and after the commencement of this item.

Part 2—Amendments relating to voting and scrutiny processes

Commonwealth Electoral Act 1918

35 Subsection 4(1)

Insert:

Antarctica means the Australian Antarctic Territory and includes:

- (a) the Territory of Heard Island and McDonald Islands; and
- (b) Macquarie Island.

36 Subsection 4(1) (definition of *Antarctic elector*)

Repeal the definition, substitute:

Antarctic elector means an elector who is, in the course of the elector's employment:

- (a) in Antarctica; or
- (b) on a ship at sea in transit to or from Antarctica.

37 Subsection 4(1) (definition of *officer*)

Omit "an Antarctic Returning Officer, an Assistant Antarctic Returning Officer,".

38 After section 36

Insert:

37 AEC staff may act as Divisional Returning Officers or Assistant Divisional Returning Officers

- (1) The Electoral Commissioner may, in writing, authorise one or more persons who are members of the staff of the Electoral Commission to exercise or perform:
 - (a) in relation to one or more specified Divisions, powers, functions or duties that are conferred on a Divisional Returning Officer for those Divisions; or

- (b) in relation to one or more specified Subdivisions, powers, functions or duties that are conferred on an Assistant Divisional Returning Officer for those Subdivisions.
- (2) An authorisation:
- (a) may be made subject to conditions or limitations specified in the authorisation; and
 - (b) does not limit the power of a Divisional Returning Officer or Assistant Divisional Returning Officer (as the case requires) to act in any matter.

Effect of authorisation relating to DROs

- (3) If an authorisation is given in relation to the powers, functions or duties of a Divisional Returning Officer for a specified Division:
- (a) the person authorised in relation to the Division may exercise or perform any power, function or duty of a Divisional Returning Officer for the Division, subject to:
 - (i) any condition or limitation under paragraph (2)(a); and
 - (ii) any direction of a Divisional Returning Officer for the Division; and
 - (b) a reference to a Divisional Returning Officer or DRO in this Act is taken to include a reference to the person.

Effect of authorisation relating to Assistant Divisional Returning Officers

- (4) If an authorisation is given in relation to the powers, functions or duties of an Assistant Divisional Returning Officer for a specified Subdivision:
- (a) the person authorised in relation to the Subdivision may exercise or perform any power, function or duty of an Assistant Divisional Returning Officer for the Subdivision, subject to:
 - (i) any condition or limitation under paragraph (2)(a); and
 - (ii) any direction of an Assistant Divisional Returning Officer for the Subdivision, or of a Divisional Returning Officer for the Division in which the Subdivision is situated; and
 - (b) a reference to an Assistant Divisional Returning Officer in this Act is taken to include a reference to the person.

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Part 2 Amendments relating to voting and scrutiny processes

Note: As a result of subsection 34(3), the person authorised may also exercise or perform, in relation to the Subdivision, any power, function or duty of the Divisional Returning Officer for the Division in which the Subdivision is situated.

39 Paragraph 94A(3)(d)

Before “the Subdivision”, insert “for”.

40 After section 96A

Insert:

96B Entitlement of Antarctic electors to vote

- (1) An Antarctic elector is entitled to vote in accordance with Part XVB (electronically assisted voting).

Electors in Antarctica who are already on the Roll

- (2) Despite subsection 99(1) or (2), while a person is an Antarctic elector, the person is entitled to:
- (a) have the person’s name retained on the Roll for the Subdivision in which the person was enrolled when the person first began to be in Antarctica or on the ship that is in transit to or from Antarctica; and
 - (b) vote as an elector of the Subdivision.
- (3) A person who is an Antarctic elector may, by notice given to the Electoral Commissioner, notify the Electoral Commissioner that the person is an Antarctic elector.

Persons in Antarctica who are not already on the Roll

- (4) Subsection (5) applies if:
- (a) a person is, under section 93, entitled to enrolment; and
 - (b) the person is, in the course of the person’s employment:
 - (i) in Antarctica; or
 - (ii) on a ship at sea in transit to or from Antarctica; and
 - (c) the person was not enrolled when the person began to be in Antarctica or on the ship.
- (5) The person is entitled to be enrolled:

- (a) for the Subdivision for which the person last had an entitlement to be enrolled; or
- (b) if the person has never had such an entitlement—for a Subdivision for which any of the person’s next of kin is enrolled; or
- (c) if neither paragraph (a) nor (b) applies—for the Subdivision in which the person was born; or
- (d) if none of paragraphs (a), (b) and (c) applies—for the Subdivision with which the person has the closest connection.

Annotating the Roll

- (6) The Electoral Commissioner must annotate the Roll for the Subdivision for which a person is enrolled so as to indicate that the person is an Antarctic elector if:
 - (a) the person gives a notice under subsection (3); or
 - (b) the Electoral Commissioner adds the person’s name to the Roll in accordance with subsection (5); or
 - (c) the Electoral Commissioner is otherwise satisfied that the person is an Antarctic elector.
- (7) The Electoral Commissioner must delete the annotation immediately after the Commissioner becomes aware that the elector has ceased to be an Antarctic elector.

41 Paragraph 96(2A)(d)

Before “the Subdivision”, insert “for”.

42 Subsection 99(3)

Omit “and 96A and Part XVII”, substitute “, 96A and 96B”.

43 Section 113 (definition of *Antarctic elector*)

Repeal the definition.

44 Paragraph 114(1B)(c)

Repeal the paragraph, substitute:

- (c) the other person is not:
 - (i) an Antarctic elector; or

- (ii) entitled to remain enrolled under section 96A (enrolment of prisoners).

45 Paragraph 114(4)(c)

Repeal the paragraph, substitute:

- (c) the person is not:
 - (i) an Antarctic elector; or
 - (ii) entitled to remain enrolled under section 96A (enrolment of prisoners).

46 Paragraph 118(4A)(c)

Repeal the paragraph, substitute:

- (c) the challenged elector is not:
 - (i) an Antarctic elector; or
 - (ii) entitled to remain enrolled under section 96A (enrolment of prisoners);

47 Subsection 188(1)

Omit “in accordance with whichever of subsections (2), (3) and (4) of this section applies”, substitute “, as provided under subsection (2) of this section”.

48 Subsections 188(2), (3) and (4)

Repeal the subsections (not including the note), substitute:

How material to be sent

- (2) If the Electoral Commissioner or Assistant Returning Officer receives the application for a postal vote at or before 6 pm on the Wednesday that is 3 days before polling day in the election, the material required by subsection (1) must be sent to the applicant by a means that the Electoral Commissioner or Assistant Returning Officer considers to be the most reasonable and practicable in the circumstances.

49 Subsection 200BA(1A) (note)

Omit “or in the office of the DRO for the Division”.

50 Paragraph 200C(1)(a)

Repeal the paragraph.

51 Subsection 200D(1)

Repeal the subsection.

52 Section 200DC (definition of *voting officer*)

Omit “a DRO, or a pre-poll voting officer,”, substitute “a pre-poll voting officer”.

53 Paragraph 200DD(1)(b)

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

54 Paragraph 200DD(1)(c)

Repeal the paragraph.

55 Section 200DE

Omit “There must be a pencil in each compartment for use by voters.”, substitute “Each compartment must have an implement or method for voters to mark their ballot papers.”.

56 Subparagraph 200DG(2)(b)(ii)

Repeal the subparagraph, substitute:

- (ii) answers a question under subsection 200DI(1) so as to indicate that the person has voted before in the relevant election or elections (as the case requires); or

57 Subsection 200DI(1)

Repeal the subsection, substitute:

- (1) A voting officer must put to each person attending before the voting officer, and claiming to vote in an election or elections (as the case requires), questions in order to ascertain:
 - (a) the person’s full name; and
 - (b) the person’s place of living; and
 - (c) whether the person has voted before in the election or elections (as the case requires).

58 Subsection 200DI(2)

Omit “in paragraphs (1)(a) and (b)”, substitute “under subsection (1)”.

59 Subsection 200DJ(3)

Omit “Immediately after giving the ballot paper to the voter, the voting officer”, substitute “If a ballot paper has been, or is to be, given to a voter, a voting officer”.

60 Paragraph 200DJ(3)(b)

After “has been”, insert “, or is to be,”.

61 Subsection 200G(1)

Repeal the subsection.

62 Paragraph 200G(2)(a)

Repeal the paragraph.

63 Subsection 200G(3)

Omit “made by a DRO under subsection (1) and records”.

64 Part XVB (heading)

Repeal the heading, substitute:

Part XVB—Electronically assisted voting

65 Section 202AB (heading)

Omit “Regulations may provide”, substitute “Providing”.

66 Subsection 202AB(1)

Omit “sight-impaired people to vote by an electronically assisted voting method”, substitute “an electronically assisted voting method to be used by sight-impaired people to vote”.

67 After subsection 202AB(1)

Insert:

(1A) The regulations must provide for an electronically assisted voting method to be used by Antarctic electors to vote at general elections, Senate elections and by-elections.

68 Subsection 202AB(2)

Omit “the generality of subsection (1)”, substitute “subsection (1) or (1A)”.

69 At the end of section 202AB

Add:

(6) Without limiting subsection 33(3A) of the *Acts Interpretation Act 1901*, regulations made for the purposes of this Part may make different provision in relation to sight-impaired persons and Antarctic electors.

70 Section 202AF (heading)

Omit “used”, substitute “used by sight-impaired persons”.

71 Subsection 202AF(1)

After “used”, insert “by sight-impaired persons”.

72 Paragraphs 202A(2)(h) and (j)

Repeal the paragraphs.

73 Section 202B

Repeal the section.

74 Section 206

Omit “booths shall”, substitute “booths must”.

75 Section 206

Omit “shall be furnished with a pencil for the use of voters”, substitute “must have an implement or method for voters to mark their ballot papers”.

76 After section 209A

Insert:

209B Administrative markings

- (1) The Electoral Commissioner may also provide for a ballot paper to be marked with any other mark that the Electoral Commissioner thinks fit to assist in the administration of the election.
- (2) A mark under subsection (1) does not need to be printed in black typeface.
- (3) To avoid doubt, this section does not authorise a mark to be made that enables the identification of an elector or that identifies the personal information (within the meaning of the *Privacy Act 1988*) of an elector.

Note: An officer who marks a ballot paper enabling an elector to be identified may commit an offence under section 271.

77 Subparagraph 210(1)(f)(i)

Repeal the subparagraph, substitute:

- (i) a square must be printed to correspond with the name of each candidate; and

78 Subparagraph 210(1)(f)(ii)

Omit “opposite”, substitute “to correspond with”.

79 Subsection 221(3)

Omit “prescribed by”, substitute “under”.

80 Subsection 228(1)

After “the presiding officer”, insert “or a polling official”.

81 Subsection 228(5A) (note)

Omit “202B”, substitute “37”.

82 Subsection 229(1)

Repeal the subsection, substitute:

- (1) The presiding officer or a polling official must put to each person attending before the officer or official, and claiming to vote in an election or elections (as the case requires), questions in order to ascertain:

- (a) the person's full name; and
- (b) the person's place of living; and
- (c) whether the person has voted before in the election or elections (as the case requires).

83 Subsection 229(2)

Omit "the presiding officer shall", substitute "the officer or official must".

84 Subsection 229(4)

Omit "in paragraphs (1)(a) and (b) do not satisfy the presiding officer", substitute "under subsection (1) do not satisfy the officer or official".

85 Subsection 229(4)

After "the officer", insert "or official".

86 Subsection 229(5)

Repeal the subsection, substitute:

- (5) A person's claim to vote must (subject to section 235) be rejected if:
 - (a) questions are put to the person under subsection (1) and the person:
 - (i) refuses to answer fully any of the questions; or
 - (ii) answers a question so as to indicate that the person has voted before in the relevant election or elections (as the case requires); and
 - (b) the presiding officer is satisfied that subparagraph (a)(i) or (ii) applies in relation to the person.

Note: Section 235 deals with provisional votes.

87 Section 230

After "the presiding officer," insert "a polling official,".

88 Subsection 231(1)

Omit "by the presiding officer", substitute "by the officer or official".

89 Paragraph 231(1)(a)

Omit “the prescribed questions”, substitute “questions put to the person”.

90 Subsection 231(2)

After “The presiding officer”, insert “or a polling official”.

91 Subsection 232(1)

Omit “Immediately after handing a ballot paper”, substitute “If a ballot paper has been, or is to be, given”.

92 Paragraph 232(1)(b)

After “the person has been”, insert “, or is to be,”.

93 Subsection 232(2)

Omit “at a polling place shall”, substitute “or a polling official at a polling place must”.

94 Subsection 232(2)

Omit “and shall”, substitute “and must”.

95 Subparagraph 233(1)(b)(ii)

After “presiding officer”, insert “or a polling official”.

96 Subsection 233(2)

Omit “shall enclose each ballot paper of an absent voter returned to the presiding officer”, substitute “or polling official must enclose each ballot paper of an absent voter returned to the officer or official”.

97 Subsection 234(2)

After “presiding officer”, insert “or a polling official”.

98 Paragraph 234(2)(a)

Repeal the paragraph, substitute:

- (a) another person who is either the presiding officer or a polling official; or

99 Paragraph 234(2)(b)

Before “a polling official”, insert “the presiding officer or”.

100 Subsection 234(3)

After “presiding officer” (first occurring), insert “or polling official”.

101 Subsection 234(3)

Omit “presiding officer” (second and third occurring), substitute “officer or official”.

102 Subsection 234(4)

After “presiding officer”, insert “or a polling official”.

103 Paragraph 234(4)(d)

Before “a polling official”, insert “another person who is either the presiding officer or”.

104 Paragraph 234A(3)(a)

Before “a polling official”, insert “the presiding officer or”.

105 Paragraph 234A(3)(b)

Omit “the polling official”, substitute “the officer or official”.

106 Subsection 234A(4)

Before “polling official”, insert “presiding officer or”.

107 Subsection 234A(5)

Omit “allow a polling official to mark and fold”, substitute “mark and fold, or allow a polling official to mark and fold,”.

108 Subsection 234A(6)

Omit “polling official how the voter wishes the polling official”, substitute “presiding officer or polling official how the voter wishes the officer or official”.

109 Subsection 234A(7)

Before “polling official”, insert “presiding officer or”.

110 Subsection 234A(8)

Before “polling official” (first occurring), insert “presiding officer or”.

111 Paragraph 234A(8)(d)

Before “a polling official”, insert “another person who is either the presiding officer or”.

112 Paragraph 235(1)(c)

After “the presiding officer”, insert “or a polling official”.

113 Subparagraph 235(1)(c)(ii)

After “the officer”, insert “or official”.

114 Subsection 235(3)

After “presence of”, insert “the presiding officer or”.

115 Subsection 235(4)

After “The”, insert “presiding officer or”.

116 Subsection 235(5)

After “the person,”, insert “the presiding officer or”.

117 Subsections 235(6) and (7)

Before “polling official”, insert “presiding officer or”.

118 Subsection 238(1)

Omit “or a voting officer within the meaning of Division 3 of Part XVA,”, substitute “a voting officer within the meaning of Division 3 of Part XVA, or a polling official,”.

119 Subsection 238(1)

Omit “presiding officer or voting officer”, substitute “officer or official”.

120 Subsection 238(2)

After “officer” (wherever occurring), insert “or official”.

121 Subsection 238(3)

After “officer”, insert “or official”.

122 Paragraphs 239(4)(b) and (c)

Omit “opposite”, substitute “in a square corresponding with”.

123 Part XVII

Repeal the Part.

124 Paragraph 268(1)(a)

After “the presiding officer”, insert “, a polling official,”.

125 Paragraph 268(1)(c)

Omit “opposite” (wherever occurring), substitute “corresponding with”.

126 Subsection 273(27)

Omit “opposite”, substitute “in a square corresponding with”.

127 Section 323

Omit “, except for the purposes of Part XVII,”.

128 Subsection 325(1)

Omit “(1) A person who, being an officer other than an Antarctic officer,”, substitute “An officer who”.

129 Subsections 325(2) and (3)

Repeal the subsections.

130 Subparagraphs 340(1)(b)(ii) and (c)(ii) and (1A)(b)(ii) and (ba)(ii)

Omit “or office of a DRO”.

131 Subparagraphs 340(1A)(d)(i), (ii) and (iii)

Omit “, pre-poll voting office or office of the DRO (as the case requires)”, substitute “or pre-poll voting office (as the case requires)”.

132 Paragraph 340(2)(a)

Omit “, pre-poll voting office or office of a DRO”, substitute “or pre-poll voting office”.

133 Subsection 340(2)

Omit “, pre-poll voting office or office of the DRO (as the case requires)” (wherever occurring), substitute “or pre-poll voting office (as the case requires)”.

134 Paragraph 348(4)(c)

Repeal the paragraph, substitute:

- (c) in the case of premises at which an application may be made for a pre-poll vote—any pre-poll voting officer at those premises.

135 Subparagraph 351(1)(b)(i)

Omit “opposite”, substitute “corresponding with”.

136 Subsection 361(1)

Omit “(1) The”, substitute “The”.

137 Subsection 361(2)

Repeal the subsection.

138 Subsection 382(1) (paragraph (b) of the definition of enrolment-related claim or notice)

Omit “section 184A;”, substitute “section 184A.”.

139 Subsection 382(1) (paragraph (c) of the definition of enrolment-related claim or notice)

Repeal the paragraph.

140 Subsection 391(1)

Repeal the subsection, substitute:

- (1) A claim for enrolment (including a provisional claim for enrolment) or transfer of enrolment under this Act may, with the approval of the Electoral Commissioner, be destroyed if a record of the particulars contained in the claim is made and kept in any

permanent form approved, in writing, by the Electoral
Commissioner.

141 Schedule 1 (Form E)



Repeal the form, substitute:

Schedule 1 Amendments relating to gifts, voting and scrutiny processes

Part 2 Amendments relating to voting and scrutiny processes

Note: See section 209.

FORM E

|  | | SENATE BALLOT PAPER (5) ELECTION OF (6) SENATORS | | | | | | | |
|--|--|--|--|--|--|--|--|--|---|
|  | | | | | | | | | |
| <p>You may vote in one of two ways</p> | | | | | | | | | |
| <p>either</p> <p>By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice)*</p> | (7) A <input type="checkbox"/> (2) | (7) B <input type="checkbox"/> (2) | (7) C <input type="checkbox"/> (2) | (7) D <input type="checkbox"/> (2) | (7) E <input type="checkbox"/> (2) | (7) F <input type="checkbox"/> (2) | (7) G <input type="checkbox"/> (2) | (7) H <input type="checkbox"/> (2) | |
| | | | | | | | | | |
| <p>or</p> <p>By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice)**</p> | A (2) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) | B (2) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) | C (2) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) | D (2) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) | E (2) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) | F (2) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) | G (2) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) | H (2) <input type="checkbox"/> (1) <input type="checkbox"/> (3) <input type="checkbox"/> (1) <input type="checkbox"/> (3) | Ungrouped <input type="checkbox"/> (1) <input type="checkbox"/> (4) <input type="checkbox"/> (1) <input type="checkbox"/> (4) |

- (1) Here, or below the square, 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, or below the square, insert the name of a registered political party if to be printed.
- (4) Here, or below the square, insert name of a registered political party or word 'Independent' if to be printed.
- (5) Here insert name of State or Territory and year of election.

(6) Here insert number of vacancies.

(7) Here insert the logo of a registered political party if to be printed.

* If the ballot paper has 6 or fewer squares above the line, replace the instruction with “By numbering these boxes in the order of your choice (with number 1 as your first choice)”.

** If the ballot paper has 12 or fewer squares below the line, replace the instruction with “By numbering these boxes in the order of your choice (with number 1 as your first choice)”.

142 Paragraph 6(d) of Schedule 3

Repeal the paragraph.

Referendum (Machinery Provisions) Act 1984

143 Subsection 3(1) (definition of *Antarctic elector*)

Repeal the definition, substitute:

Antarctic elector means an elector who is, in the course of the elector's employment:

- (a) in Antarctica; or
- (b) on a ship at sea in transit to or from Antarctica.

144 Subsection 3(1)

Repeal the following definitions:

- (a) the definition of *Antarctic Returning Officer*;
- (b) the definition of *Assistant Antarctic Returning Officer*.

145 Subsection 3(1) (definition of *officer*)

Omit "an Antarctic Returning Officer, an Assistant Antarctic Returning Officer,".

146 Subsection 3(1)

Repeal the following definitions:

- (a) the definition of *research personnel*;
- (b) the definition of *station*.

147 Subsections 3(6) and (7)

Repeal the subsections.

148 At the end of Part I

Add:

6A AEC staff may act as Divisional Returning Officers or Assistant Divisional Returning Officers

- (1) The Electoral Commissioner may, in writing, authorise one or more persons who are members of the staff of the Electoral Commission to exercise or perform:
 - (a) in relation to one or more specified Divisions, powers, functions or duties that are conferred on a Divisional Returning Officer for those Divisions; or
 - (b) in relation to one or more specified Subdivisions, powers, functions or duties that are conferred on an Assistant Divisional Returning Officer for those Subdivisions.
- (2) An authorisation:
 - (a) may be made subject to conditions or limitations specified in the authorisation; and
 - (b) does not limit the power of a Divisional Returning Officer or Assistant Divisional Returning Officer (as the case requires) to act in any matter.

Effect of authorisation relating to DROs

- (3) If an authorisation is given in relation to the powers, functions or duties of a Divisional Returning Officer for a specified Division:
 - (a) the person authorised in relation to the Division may exercise or perform any power, function or duty of a Divisional Returning Officer for the Division, subject to:
 - (i) any condition or limitation under paragraph (2)(a); and
 - (ii) any direction of a Divisional Returning Officer for the Division; and
 - (b) a reference to a Divisional Returning Officer or DRO in this Act is taken to include a reference to the person.

Effect of authorisation relating to Assistant Divisional Returning Officers

- (4) If an authorisation is given in relation to the powers, functions or duties of an Assistant Divisional Returning Officer for a specified Subdivision:
 - (a) the person authorised in relation to the Subdivision may exercise or perform any power, function or duty of an

Assistant Divisional Returning Officer for the Subdivision,
subject to:

- (i) any condition or limitation under paragraph (2)(a); and
 - (ii) any direction of an Assistant Divisional Returning Officer for the Subdivision, or of a Divisional Returning Officer for the Division in which the Subdivision is situated; and
- (b) a reference to an Assistant Divisional Returning Officer in this Act is taken to include a reference to the person.

Note: As a result of subsection 6(4), the person authorised may also exercise or perform, in relation to the Subdivision, any power, function or duty of the Divisional Returning Officer for the Division in which the Subdivision is situated.

149 Paragraphs 16A(2)(h) and (j)

Repeal the paragraphs.

150 Section 16B

Repeal the section.

151 Section 20

Omit “booths shall”, substitute “booths must”.

152 Section 20

Omit “shall be furnished with a pencil for the use of voters”, substitute “must have an implement or method for voters to mark their ballot-papers”.

153 Paragraph 25(3)(a)

Omit “an officer”, substitute “a presiding officer or polling official”.

154 After section 25A

Insert:

25B Administrative markings

- (1) The Electoral Commissioner may also provide for a ballot-paper to be marked with any other mark that the Electoral Commissioner thinks fit to assist in the administration of the referendum.

- (2) A mark under subsection (1) does not need to be printed in black typeface.
- (3) To avoid doubt, this section does not authorise a mark to be made that enables the identification of an elector or that identifies the personal information (within the meaning of the *Privacy Act 1988*) of an elector.

Note: An officer who marks a ballot paper enabling an elector to be identified may commit an offence under subsection 93(7).

155 Subsection 26(1)

Omit “officer shall”, substitute “officer or polling official must”.

156 Subsection 30(1)

Repeal the subsection, substitute:

- (1) The presiding officer or a polling official must put to each person attending before the officer or official, and claiming to vote in a referendum or referendums (as the case requires), questions in order to ascertain:
 - (a) the person’s full name; and
 - (b) the person’s place of living; and
 - (c) whether the person has voted before at the referendum or referendums (as the case requires).

157 Subsection 30(2)

Omit “the presiding officer shall”, substitute “the officer or official must”.

158 Subsection 30(4)

Omit “in paragraphs (1)(a) and (b) do not satisfy the presiding officer”, substitute “under subsection (1) do not satisfy the officer or official”.

159 Subsection 30(4)

After “the officer”, insert “or official”.

160 Subsection 30(5)

Repeal the subsection, substitute:

- (5) A person's claim to vote at a referendum must (subject to section 37) be rejected if:
- (a) questions are put to the person under subsection (1) and the person:
 - (i) refuses to answer fully any of the questions; or
 - (ii) answers a question so as to indicate that the person has voted before in the relevant referendum or referendums (as the case requires); and
 - (b) the presiding officer is satisfied that subparagraph (a)(i) or (ii) applies in relation to the person.

Note: Section 37 deals with provisional votes.

161 Subsections 31(2) and (3)

Repeal the subsections, substitute:

- (2) If the presiding officer or a polling official accepts under subsection (1) the answers by a person as sufficient to enable the person to vote at a referendum, the officer or official may, if the officer or official thinks fit, put to the person questions in order to ascertain whether the person has voted before in the referendum or referendums.
- (3) If the person answers so as to indicate that the person has voted before in the referendum or referendums or does not answer, the person's claim to vote must be rejected if the presiding officer is satisfied that this subsection applies.

162 Subsection 32(1)

After "presiding officer," insert "a polling official,".

163 Subsection 33(1)

Omit "by the presiding officer", substitute "by the officer or official".

164 Subsection 33(2)

After "A presiding officer", insert "or polling official".

165 Subsection 34(1)

Omit "Immediately after handing a ballot paper", substitute "If a ballot paper has been, or is to be, given".

166 Paragraph 34(1)(b)

After “the person has been”, insert “, or is to be,”.

167 Subsection 34(2)

Omit “at a polling place shall”, substitute “or a polling official at a polling place must”.

168 Subsection 34(2)

Omit “and shall”, substitute “and must”.

169 Subsection 36(2)

After “presiding officer”, insert “or a polling official”.

170 Paragraph 36(2)(a)

Repeal the paragraph, substitute:

- (a) another person who is either the presiding officer or a polling official; or

171 Subsection 36(3)

After “presiding officer” (first occurring), insert “or polling official”.

172 Subsection 36(3)

Omit “presiding officer” (second and third occurring), substitute “officer or official”.

173 Subsection 36(4)

After “presiding officer”, insert “or a polling official”.

174 Paragraph 36(4)(d)

Before “a polling official”, insert “another person who is either the presiding officer or”.

175 Paragraph 36A(3)(a)

Before “a polling official”, insert “the presiding officer or”.

176 Paragraph 36A(3)(b)

Omit “the polling official”, substitute “the officer or official”.

177 Subsection 36A(4)

Before “polling official”, insert “presiding officer or”.

178 Subsection 36A(5)

Omit “allow a polling official to mark and fold”, substitute “mark and fold, or allow a polling official to mark and fold.”.

179 Subsection 36A(6)

Omit “polling official how the voter wishes the polling official”, substitute “presiding officer or polling official how the voter wishes the officer or official”.

180 Subsection 36A(7)

Before “polling official”, insert “presiding officer or”.

181 Subsection 36A(8)

Before “polling official” (first occurring), insert “presiding officer or”.

182 Paragraph 36A(8)(d)

Before “a polling official”, insert “another person who is either the presiding officer or”.

183 Paragraph 37(1)(c)

After “presiding officer”, insert “or a polling official”.

184 Subparagraph 37(1)(c)(ii)

After “officer”, insert “or official”.

185 Subsection 37(3)

After “presence of”, insert “the presiding officer or”.

186 Subsection 37(4)

After “The”, insert “presiding officer or”.

187 Subsection 37(5)

After “the person,”, insert “the presiding officer or”.

188 Subsections 37(6) and (7)

Before “polling official”, insert “presiding officer or”.

189 Subsection 41(1)

Omit “at the polling booth at which the person is voting, or a voting officer within the meaning of Division 3 of Part IVA,”, substitute “, a voting officer within the meaning of Division 3 of Part IVA, or a polling official,”.

190 Subsection 41(1)

Omit “presiding officer or voting officer”, substitute “officer or official”.

191 Subsection 41(2)

After “officer” (wherever occurring), insert “or official”.

192 Subsection 41(3)

After “officer”, insert “or official”.

193 Subsection 46(4)

After “presiding officer”, insert “or a polling official”.

194 Subsection 46(5)

After “presiding officer”, insert “or polling official”.

195 Subsection 46A(1)

After “the presiding officer”, insert “or a polling official”.

196 Subsection 46A(5A) (note)

Omit “16B”, substitute “6A”.

197 Subsection 61(1)

Omit “in accordance with whichever of subsections (2), (2A) and (2B) of this section applies”, substitute “, as provided under subsection (2)”.

198 Subsections 61(2), (2A) and (2B)

Repeal the subsections (not including the note), substitute:

How material to be sent

- (2) If the Electoral Commissioner or Assistant Returning Officer receives the application for a postal vote at or before 6 pm on the Wednesday that is 3 days before voting day in the referendum, the material required by subsection (1) must be sent to the applicant by a means that the Electoral Commissioner or Assistant Returning Officer considers to be the most reasonable and practicable in the circumstances.

199 Subsection 73AA(1A) (note)

Omit “or in the office of the DRO for the Division”.

200 Paragraph 73A(1)(a)

Repeal the paragraph.

201 Subsection 73B(1)

Repeal the subsection.

202 Section 73CC (definition of voting officer)

Omit “a DRO, or a pre-poll voting officer,”, substitute “a pre-poll voting officer”.

203 Paragraph 73CD(1)(b)

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

204 Paragraph 73CD(1)(c)

Repeal the paragraph.

205 Section 73CE

Omit “There must be a pencil in each compartment for use by voters.”, substitute “Each compartment must have an implement or method for voters to mark their ballot-papers.”.

206 Subparagraph 73CG(2)(b)(ii)

Repeal the subparagraph, substitute:

- (ii) answers a question under subsection 73CI(1) so as to indicate that the person has voted before in the relevant referendum or referendums (as the case requires); or

207 Subsection 73CI(1)

Repeal the subsection, substitute:

- (1) A voting officer must put to each person attending before the voting officer, and claiming to vote in a referendum or referendums (as the case requires), questions in order to ascertain:
- (a) the person's full name; and
 - (b) the person's place of living; and
 - (c) whether the person has voted before in the referendum or referendums (as the case requires).

208 Subsection 73CI(2)

Omit "in paragraphs (1)(a) and (b)", substitute "under subsection (1)".

209 Subsection 73CI(4)

Omit "the following question, namely, Have you already voted, either here or elsewhere, at this referendum (or these referendums, as the case requires)?"", substitute "questions in order to ascertain whether the person has voted before in the referendum or referendums (as the case requires).".

210 Subsection 73CJ(3)

Omit "Immediately after giving the ballot-paper to the voter, the voting officer", substitute "If a ballot-paper has been, or is to be, given to a voter, a voting officer".

211 Paragraph 73CJ(3)(b)

After "has been", insert ", or is to be,".

212 Subsection 73F(1)

Repeal the subsection.

213 Paragraph 73F(2)(a)

Repeal the paragraph.

214 Subsection 73F(3)

Omit "made by a DRO under subsection (1) and records".

215 Part IVB (heading)

Repeal the heading, substitute:

Part IVB—Electronically assisted voting

216 After section 73L

Insert:

73LA Entitlement of Antarctic electors to vote

An Antarctic elector is entitled to vote in accordance with this Part.

217 Section 73M (heading)

Omit “Regulations may provide”, substitute “Providing”.

218 Subsection 73M(1)

Omit “sight-impaired people to vote by an electronically assisted voting method”, substitute “an electronically assisted voting method to be used by sight-impaired people to vote”.

219 After subsection 73M(1)

Insert:

(1A) The regulations must provide for an electronically assisted voting method to be used by Antarctic electors to vote at referendums.

220 Subsection 73M(3)

Omit “the generality of subsection (1)”, substitute “subsection (1) or (1A)”.

221 At the end of section 73M

Add:

(7) Without limiting subsection 33(3A) of the *Acts Interpretation Act 1901*, regulations made for the purposes of this Part may make different provision in relation to sight-impaired persons and Antarctic electors.

222 Section 73QA (heading)

Omit “used”, substitute “used by sight-impaired persons”.

223 Subsection 73QA(1)

After “used”, insert “by sight-impaired persons”.

224 Part V

Repeal the Part.

225 Paragraph 93(1)(a)

After “a presiding officer”, insert “, a polling official,”.

226 Subsection 104(1)

Omit “(1) In hearing”, substitute “In hearing”.

227 Subsection 104(2)

Repeal the subsection.

228 Section 116

Omit “, except for the purposes of Part V,”.

229 Subsection 118(1)

Omit “(1) A person who, being an officer other than an Antarctic officer,”, substitute “An officer who”.

230 Subsections 118(2) and (3)

Repeal the subsections.

231 Subparagraphs 131(1)(b)(ii) and (c)(ii) and (1A)(b)(ii) and (ba)(ii)

Omit “or office of a DRO”.

232 Subparagraphs 131(1A)(d)(i), (ii) and (iii)

Omit “, pre-poll voting office or office of the DRO (as the case requires)”, substitute “or pre-poll voting office (as the case requires)”.

233 Paragraph 131(2)(a)

Omit “, pre-poll voting office or office of a DRO”, substitute “or pre-poll voting office”.

234 Subsection 131(2)

Omit “, pre-poll voting office or office of the DRO (as the case requires)” (wherever occurring), substitute “or pre-poll voting office (as the case requires)”.

235 Paragraph 135(4)(c)

Repeal the paragraph, substitute:

- (c) in the case of premises at which an application may be made for a pre-poll vote—any pre-poll voting officer at those premises.

236 Paragraph 6(d) of Schedule 4

Repeal the paragraph.

237 Application of this Part

The amendments of the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984* made by this Part apply on and after the commencement of this item.

Schedule 2—Amendments relating to a Redistribution Committee for the Australian Capital Territory

Part 1—Amendments

Commonwealth Electoral Act 1918

1 Paragraph 60(7A)(b)

Repeal the paragraph, substitute:

- (b) the reference in paragraph (2)(b) to “the Australian Electoral Officer for the State” were a reference to “the member of the staff of the Electoral Commission appointed under subsection (7B)”.

2 Subsection 60(7B)

Repeal the subsection, substitute:

- (7B) For the purposes of a redistribution for the Australian Capital Territory, the Electoral Commission must appoint, in writing, a member of the staff of the Electoral Commission to act as a member of the Redistribution Committee for that Territory.

3 Subsection 62(4)

Omit “the senior Divisional Returning Officer for the Territory shall preside”, substitute “the member of the Redistribution Committee appointed under subsection 60(7B) is to preside”.

4 At the end of subsection 64(1)

Add:

- ; and (c) stating that the suggestions and comments may be (but are not required to be) lodged at an office specified in the notice.

5 Paragraph 64(3)(b)

Repeal the paragraph, substitute:

- (b) in the case of a redistribution of the Australian Capital Territory—the office specified in the notice under subsection (1).
-

6 Paragraph 69(5)(b)

Repeal the paragraph, substitute:

- (b) in the case of a redistribution of the Australian Capital Territory—the office specified in the notice under subsection 64(1).

7 Paragraph 76(16A)(c)

Repeal the paragraph, substitute:

- (c) subsection (2) were omitted and the following subsection substituted:

“(2) For the purposes of the redistribution, the Electoral Commissioner and a member of the staff of the Electoral Commission appointed under subsection 60(7B) are to be the Redistribution Commissioners for the Australian Capital Territory.”.

Part 2—Application and transitional provisions

8 Application and transitional provisions

- (1) The amendments made by this Schedule to Part IV of the *Commonwealth Electoral Act 1918* apply in relation to:
 - (a) a redistribution for the Australian Capital Territory that commences on or after the commencement of this Schedule; and
 - (b) a redistribution for the Australian Capital Territory that has commenced but has not been completed before the commencement of this Schedule (a ***pre-commencement redistribution for the Australian Capital Territory***).
- (2) The amendments made by this Schedule do not affect anything done before the commencement of this Schedule under Part IV of the *Commonwealth Electoral Act 1918* in relation to a pre-commencement redistribution for the Australian Capital Territory.
- (3) A person nominated under subsection 60(7B) of the *Commonwealth Electoral Act 1918* on or after the commencement of this Schedule for a pre-commencement redistribution for the Australian Capital Territory becomes a member of the Redistribution Committee for the Australian Capital Territory at the time that the nomination is made.

[*Minister's second reading speech made in—
Senate on 11 June 2020
House of Representatives on 29 October 2020*]

(77/20)
