

2010-2011-2012

The Parliament of the  
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*Presented and read a first time*

**Electoral and Referendum Amendment  
(Improving Electoral Procedure) Bill  
2012**

**No.     , 2012**

*(Special Minister of State)*

**A Bill for an Act to amend the law relating to  
elections and referendums, and for related  
purposes**



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1     **A Bill for an Act to amend the law relating to**  
2     **elections and referendums, and for related**  
3     **purposes**

4     The Parliament of Australia enacts:

5     **1 Short title**

6                     This Act may be cited as the *Electoral and Referendum*  
7                     *Amendment (Improving Electoral Procedure) Act 2012*.

8     **2 Commencement**

9                     This Act commences on the day this Act receives the Royal  
10                    Assent.

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### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

1 **Schedule 1—Postal voting**

2 **Part 1—Amendments**

3 *Commonwealth Electoral Act 1918*

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

5 Omit “subsection 28(2)”, substitute “section 28”.

6 **2 Section 28**

7 Repeal the section, substitute:

8 **28 Delegation by Electoral Commissioner**

9 (1) The Electoral Commissioner may, in writing, delegate all or any of  
10 his or her powers or functions under this Act, other than the powers  
11 and functions conferred by Parts III and IV, to any of the  
12 following:

13 (a) any officer;

14 (b) any other member of the staff of the Electoral Commission.

15 Note: The definition of *officer* covers Australian Electoral Officers and  
16 Divisional Returning Officers, as well as various other people.

17 (2) In exercising powers or performing functions delegated under  
18 subsection (1), the delegate must comply with any directions of the  
19 Electoral Commissioner.

20 **3 Subsection 182(1) (definition of *appropriate DRO*)**

21 Repeal the definition.

22 **4 Subsection 182(2)**

23 Repeal the subsection, substitute:

24 (2) In this Part (other than in sections 184A to 186) and in Schedule 2,  
25 a reference to the Division for which a person is enrolled includes:

26 (a) in the case of a person who is provisionally enrolled—a  
27 reference to the Division for which the person is  
28 provisionally enrolled; and

1 (b) in the case of a person who is not enrolled—a reference to  
2 the Division for which the person would be enrolled if the  
3 person were an elector.

4 **5 Section 183**

5 Repeal the section, substitute:

6 **183 Grounds of application for postal vote**

7 A person may apply for a postal vote on any of the grounds set out  
8 in Schedule 2.

9 **6 Subsection 184(1)**

10 Omit “an elector”.

11 **7 Subsections 184(2) and (3)**

12 Omit “a DRO”, substitute “the Electoral Commissioner”.

13 **8 Subsection 184(5)**

14 Omit “the DRO or Assistant Returning Officer to whom it is directed”,  
15 substitute “the Electoral Commissioner or the Assistant Returning  
16 Officer”.

17 **9 Subsection 184(6)**

18 Omit “the DRO or Assistant Returning Officer to whom the application  
19 was directed”, substitute “the Electoral Commissioner or the Assistant  
20 Returning Officer”.

21 **10 At the end of section 184**

22 Add:

23 (7) The Electoral Commissioner must cause a number to be allocated  
24 to each application for a postal vote.

25 **11 Subsection 186(1)**

26 Repeal the subsection, substitute:

27 (1) As soon as ballot papers for an election for a Division are  
28 available, the Electoral Commissioner must send or arrange for the

1 delivery of postal voting papers to each registered general postal  
2 voter for the Division.

3 **12 Before subsection 188(1)**

4 Insert:

5 *Material to be sent to postal vote applicant*

6 **13 Subsection 188(1)**

7 Omit “A DRO or Assistant Returning Officer who”, substitute “If the  
8 Electoral Commissioner or an Assistant Returning Officer”.

9 **14 Subsection 188(1)**

10 After “subsection 184(1)”, insert “, he or she”.

11 **15 Subparagraphs 188(1)(c)(i) and (ii)**

12 Omit “declares that he or she”.

13 **16 After subsection 188(1)**

14 Insert:

15 *Dealing with certificates and ballot papers before sending*

16 (1A) Before a postal vote certificate and postal ballot paper are sent to  
17 an applicant under subsection (1):

- 18 (a) the date of issue of the certificate and ballot paper must be  
19 recorded; and  
20 (b) the certificate must be numbered with the same number  
21 allocated to the application under subsection 184(7); and  
22 (c) the top of the front of the ballot paper must be marked with  
23 the initials of the officer who issued the ballot paper, or  
24 caused it to be issued.

25 *How material is to be sent*

26 **17 Subsections 188(2), (3) and (4)**

27 Omit “the DRO” (wherever occurring), substitute “the Electoral  
28 Commissioner”.

29 **18 After section 188**

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1           Insert:

2       **188A Dealing with application after issue of certificate and ballot**  
3                                   **paper**

- 4           (1) This section applies if a postal vote certificate and postal ballot  
5                                   paper are sent to an applicant for a postal vote under subsection  
6                                   188(1).
- 7           (2) If the application for the postal vote is made to the Electoral  
8                                   Commissioner, the Electoral Commissioner must send, or arrange  
9                                   for the sending of, the application to the DRO for the Division for  
10                                  which the applicant is enrolled.
- 11          (3) If the application for the postal vote is made to an Assistant  
12                                   Returning Officer, the application must be dealt with in accordance  
13                                   with subsection 228(8).

14       **19 Section 189**

15           Repeal the section, substitute:

16       **189 Inspection of applications**

- 17           (1) A list of applications for postal votes for a Division must be  
18                                   available for public inspection at the office of the DRO for the  
19                                   Division.
- 20          (2) The list must:
- 21                                  (a) be available during ordinary office hours from and including  
22                                   the third day after polling day until the election can no longer  
23                                   be questioned; and
- 24                                  (b) set out, for each applicant:
- 25                                   (i) the applicant's full name; and
- 26                                   (ii) except in the case of an applicant whose address has  
27                                   been excluded from the Roll under section 104—the  
28                                   address of the applicant; and
- 29                                   (iii) such other particulars (if any) as the Electoral  
30                                   Commissioner determines.
- 31          (3) The list may be kept in electronic or other form.

1 (4) A right of inspection under this section does not include the right to  
2 copy or record by electronic means the list of applications (in  
3 whole or in part).

4 (5) If the Electoral Commissioner determines particulars under  
5 subparagraph (2)(b)(iii) in writing, the instrument is not a  
6 legislative instrument.

7 **20 Subsections 189A(1) and (2)**

8 Omit “Electoral Commission”, substitute “Electoral Commissioner”.

9 **21 Subsection 189A(3)**

10 Repeal the subsection, substitute:

11 (3) The list may include the name, date of birth and address of a postal  
12 vote applicant.

13 **22 Subsection 189A(4)**

14 Omit “Electoral Commission”, substitute “Electoral Commissioner”.

15 **23 Paragraphs 189B(1)(a), (2)(b) and (3)(b)**

16 Omit “Electoral Commission”, substitute “Electoral Commissioner  
17 under section 189A”.

18 **24 Subsections 189B(4) and (5)**

19 Omit “Electoral Commission”, substitute “Electoral Commissioner”.

20 **25 Section 190**

21 Repeal the section.

22 **26 Paragraph 194(1)(a)**

23 Omit “the elector shall”, substitute “the person voting must”.

24 **27 Paragraph 194(1)(b)**

25 Omit “an elector”, substitute “a person”.

26 **28 Paragraphs 194(1)(b) and (d)**

27 Omit “the elector shall”, substitute “the person must”.

28 **29 Paragraph 194(1)(da)**

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1 Omit “the elector must”, substitute “the person must”.

2 **30 Paragraphs 194(1)(e) and (f)**

3 Repeal the paragraphs, substitute:

4 (e) the person must post or deliver the envelope to the DRO for  
5 the Division for which the person is enrolled;

6 (f) if the person (the *elector*) cannot read or is so disabled as to  
7 be unable to vote without assistance, another person chosen  
8 by the elector may, according to the directions of the elector,  
9 complete the postal vote certificate and do for the elector any  
10 act required by paragraph (d) or (e);

11 **31 Subsection 194(1A)**

12 Omit “an elector”, substitute “a person”.

13 **32 Subsection 194(1A)**

14 Omit “the elector” (wherever occurring), substitute “the person”.

15 **33 Subsection 194(1A)**

16 Omit “the elector’s” (wherever occurring), substitute “the person’s”.

17 **34 Paragraphs 194(2)(a) and (b)**

18 Omit “appropriate DRO”, substitute “DRO for the Division for which  
19 the person is enrolled”.

20 **35 Section 195**

21 Omit “the elector”, substitute “a person voting (the *elector*)”.

22 **36 Paragraphs 195(a) and (b)**

23 Omit “an elector”, substitute “the elector”.

24 **37 Section 197**

25 Omit “an elector”, substitute “another person”.

26 **38 Section 198 (heading)**

27 Repeal the heading, substitute:

1 **198 Inducing person to hand over marked ballot paper**

2 **39 Section 198**

3 Omit “an elector”, substitute “another person”.

4 **40 Subsection 209(8)**

5 Omit “a DRO or Assistant Returning Officer shall”, substitute “an  
6 officer must”.

7 **41 Paragraph 1 of Schedule 2**

8 Omit “the elector” (wherever occurring), substitute “the person”.

9 **42 Paragraph 2 of Schedule 2**

10 Omit “The elector”, substitute “The person”.

11 **43 Paragraphs 2, 3 and 3A of Schedule 2**

12 Omit “the elector” (wherever occurring), substitute “the person”.

13 **44 Paragraph 4 of Schedule 2**

14 Omit “The elector”, substitute “The person”.

15 **45 Paragraph 4 of Schedule 2**

16 Omit “an elector”, substitute “a person”.

17 **46 Paragraphs 5 and 6 of Schedule 2**

18 Omit “the elector” (wherever occurring), substitute “the person”.

19 **47 Paragraph 7A of Schedule 2**

20 Omit “The elector”, substitute “The person”.

21 **48 Paragraph 8 of Schedule 2**

22 Omit “the elector’s”, substitute “the person’s”.

23 **49 Paragraphs 8 and 9 of Schedule 2**

24 Omit “the elector”, substitute “the person”.

25 **50 Paragraph 10 of Schedule 2**

26 Omit “The elector’s”, substitute “The person’s”.

1 **51 Paragraph 11 of Schedule 2**

2 Omit “the elector” (wherever occurring), substitute “the person”.

3 ***Referendum (Machinery Provisions) Act 1984***

4 **52 Subsection 3(1) (definition of *officer*)**

5 Omit “subsection 138(2)”, substitute “section 138”.

6 **53 Subsection 25(6)**

7 Omit “a DRO or Assistant Returning Officer shall”, substitute “an  
8 officer must”.

9 **54 Subsection 53(1) (definition of *appropriate DRO*)**

10 Repeal the definition.

11 **55 Subsection 53(2)**

12 Repeal the subsection, substitute:

13 (2) In this Part and in Schedule 3, a reference to the Division for which  
14 a person is enrolled includes:

15 (a) in the case of a person who is provisionally enrolled—a  
16 reference to the Division for which the person is  
17 provisionally enrolled; and

18 (b) in the case of a person who is not enrolled—a reference to  
19 the Division for which the person would be enrolled if the  
20 person were an elector.

21 **56 Section 54**

22 Repeal the section, substitute:

23 **54 Grounds of application for postal vote**

24 A person may apply for a postal vote on any of the grounds set out  
25 in Schedule 3.

26 **57 Subsection 55(1)**

27 Omit “an elector”.

28 **58 Subsections 55(2) and (3)**

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1 Omit “a DRO”, substitute “the Electoral Commissioner”.

2 **59 Subsection 55(5)**

3 Omit “the DRO or Assistant Returning Officer to whom it is directed”,  
4 substitute “the Electoral Commissioner or the Assistant Returning  
5 Officer”.

6 **60 Subsection 55(6)**

7 Omit “the DRO or Assistant Returning Officer to whom the application  
8 was directed”, substitute “the Electoral Commissioner or the Assistant  
9 Returning Officer”.

10 **61 At the end of section 55**

11 Add:

12 (7) The Electoral Commissioner must cause a number to be allocated  
13 to each application for a postal vote.

14 **62 Subsection 58(1)**

15 Omit “the DRO for a Division shall”, substitute “the Electoral  
16 Commissioner must”.

17 **63 Subsection 58(1)**

18 Omit “for the Division”.

19 **64 Before subsection 61(1)**

20 Insert:

21 *Material to be sent to postal vote applicant*

22 **65 Subsection 61(1)**

23 Omit “A DRO or Assistant Returning Officer who”, substitute “If the  
24 Electoral Commissioner or an Assistant Returning Officer”.

25 **66 Subsection 61(1)**

26 After “subsection 55(1)”, insert “, he or she”.

27 **67 Subparagraphs 61(1)(a)(i) and (ii)**

28 Omit “declares that he or she”.

1 **68 After subsection 61(1)**

2 Insert:

3 *Dealing with certificates and ballot-papers before sending*

4 (1A) Before a postal vote certificate and postal ballot-paper are sent to  
5 an applicant under subsection (1):

- 6 (a) the date of issue of the certificate and ballot-paper must be  
7 recorded; and  
8 (b) the certificate must be numbered with the same number  
9 allocated to the application under subsection 55(7); and  
10 (c) the top of the front of the ballot-paper must be marked with  
11 the initials of the officer who issued the ballot-paper, or  
12 caused it to be issued.

13 *How material is to be sent*

14 **69 Subsections 61(2), (2A) and (2B)**

15 Omit “the DRO” (wherever occurring), substitute “the Electoral  
16 Commissioner”.

17 **70 After section 61**

18 Insert:

19 **61A Dealing with application after issue of certificate and  
20 ballot-paper**

- 21 (1) This section applies if a postal vote certificate and postal  
22 ballot-paper are sent to an applicant for a postal vote under  
23 subsection 61(1).  
24 (2) If the application for the postal vote is made to the Electoral  
25 Commissioner, the Electoral Commissioner must send, or arrange  
26 for the sending of, the application to the DRO for the Division for  
27 which the applicant is enrolled.  
28 (3) If the application for the postal vote is made to an Assistant  
29 Returning Officer, the application must be dealt with in accordance  
30 with subsection 46A(8).

31 **71 Section 62**

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1 Repeal the section, substitute:

2 **62 Inspection of applications**

3 (1) A list of applications for postal votes for a Division must be  
4 available for public inspection at the office of the DRO for the  
5 Division.

6 (2) The list must:

7 (a) be available during ordinary office hours from and including  
8 the third day after polling day until the referendum can no  
9 longer be questioned; and

10 (b) set out, for each applicant:

11 (i) the applicant's full name; and

12 (ii) except in the case of an applicant whose address has  
13 been excluded from the Roll under section 104 of the  
14 *Commonwealth Electoral Act 1918*—the address of the  
15 applicant; and

16 (iii) such other particulars (if any) as the Electoral  
17 Commissioner determines.

18 (3) The list may be kept in electronic or other form.

19 (4) A right of inspection under this section does not include the right to  
20 copy or record by electronic means the list of applications (in  
21 whole or in part).

22 (5) If the Electoral Commissioner determines particulars under  
23 subparagraph (2)(b)(iii) in writing, the instrument is not a  
24 legislative instrument.

25 **72 Subsections 62A(2) and (3)**

26 Omit "Electoral Commission", substitute "Electoral Commissioner".

27 **73 Subsection 62A(4)**

28 Repeal the subsection, substitute:

29 (4) The list may include the name, date of birth and address of a postal  
30 vote applicant.

31 **74 Subsection 62A(5)**

---

1 Omit “Electoral Commission”, substitute “Electoral Commissioner”.

2 **75 Paragraphs 62B(1)(a), (2)(b) and (3)(b)**

3 Omit “Electoral Commission”, substitute “Electoral Commissioner  
4 under section 62A”.

5 **76 Subsections 62B(4) and (5)**

6 Omit “Electoral Commission”, substitute “Electoral Commissioner”.

7 **77 Section 63**

8 Repeal the section.

9 **78 Paragraph 65(1)(a)**

10 Omit “the elector shall”, substitute “the person voting must”.

11 **79 Paragraphs 65(1)(b) and (d)**

12 Omit “the elector shall”, substitute “the person must”.

13 **80 Paragraph 65(1)(da)**

14 Omit “the elector must”, substitute “the person must”.

15 **81 Paragraphs 65(1)(e) and (f)**

16 Repeal the paragraphs, substitute:

17 (e) the person must post or deliver the envelope to the DRO for  
18 the Division for which the person is enrolled;

19 (f) if the person (the *elector*) cannot read or is so disabled as to  
20 be unable to vote without assistance, another person chosen  
21 by the elector may, according to the directions of the elector,  
22 complete the postal vote certificate and do for the elector any  
23 act required by paragraph (d) or (e);

24 **82 Subsection 65(1A)**

25 Omit “an elector”, substitute “a person”.

26 **83 Subsection 65(1A)**

27 Omit “the elector” (wherever occurring), substitute “the person”.

28 **84 Subsection 65(1A)**

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1 Omit “the elector’s” (wherever occurring), substitute “the person’s”.

2 **85 Paragraphs 65(2)(a) and (b)**

3 Omit “appropriate DRO”, substitute “DRO for the Division for which  
4 the person is enrolled”.

5 **86 Section 66**

6 Omit “the elector”, substitute “a person voting (the *elector*)”.

7 **87 Paragraphs 66(a) and (b)**

8 Omit “an elector”, substitute “the elector”.

9 **88 Section 69**

10 Omit “an elector”, substitute “another person”.

11 **89 Section 70 (heading)**

12 Repeal the heading, substitute:

13 **70 Inducing person to hand over marked ballot-paper**

14 **90 Section 70**

15 Omit “an elector”, substitute “another person”.

16 **91 Section 138**

17 Repeal the section, substitute:

18 **138 Delegation by Electoral Commissioner**

19 (1) The Electoral Commissioner may, in writing, delegate all or any of  
20 his or her powers or functions under this Act to any of the  
21 following:

22 (a) any officer;

23 (b) any other member of the staff of the Electoral Commission.

24 Note: The definition of *officer* covers Australian Electoral Officers and  
25 Divisional Returning Officers, as well as various other people.

26 (2) In exercising powers or performing functions delegated under  
27 subsection (1), the delegate must comply with any directions of the  
28 Electoral Commissioner.

1 **92 Paragraph 1 of Schedule 3**

2 Omit “the elector” (wherever occurring), substitute “the person”.

3 **93 Paragraph 2 of Schedule 3**

4 Omit “The elector”, substitute “The person”.

5 **94 Paragraphs 2, 3 and 3A of Schedule 3**

6 Omit “the elector” (wherever occurring), substitute “the person”.

7 **95 Paragraph 4 of Schedule 3**

8 Omit “The elector”, substitute “The person”.

9 **96 Paragraph 4 of Schedule 3**

10 Omit “an elector”, substitute “a person”.

11 **97 Paragraphs 5 and 6 of Schedule 3**

12 Omit “the elector” (wherever occurring), substitute “the person”.

13 **98 Paragraph 7A of Schedule 3**

14 Omit “The elector”, substitute “The person”.

15 **99 Paragraph 8 of Schedule 3**

16 Omit “the elector’s”, substitute “the person’s”.

17 **100 Paragraphs 8 and 9 of Schedule 3**

18 Omit “the elector”, substitute “the person”.

19 **101 Paragraph 10 of Schedule 3**

20 Omit “The elector’s”, substitute “The person’s”.

21 **102 Paragraph 11 of Schedule 3**

22 Omit “the elector” (wherever occurring), substitute “the person”.

23

1 **Part 2—Application and savings provisions**

2 **103 Application of amendments**

3 The amendments made by this Schedule apply in relation to elections  
4 and referendums the writs for which are issued on or after the  
5 commencement of this Schedule.

6 **104 Savings provisions**

7 (1) A delegation in force under section 28 of the *Commonwealth Electoral*  
8 *Act 1918* immediately before the commencement of item 2 continues to  
9 have effect after that commencement as if it were a delegation under  
10 that section as amended by that item.

11 (2) A delegation in force under section 138 of the *Referendum (Machinery*  
12 *Provisions) Act 1984* immediately before the commencement of item 91  
13 continues to have effect after that commencement as if it were a  
14 delegation under that section as amended by that item.  
15

1 **Schedule 2—Nominations for election**

2 **Part 1—Amendments**

3 *Commonwealth Electoral Act 1918*

4 **1 Subsection 166(1)**

5 Repeal the subsection, substitute:

6 *Nominations of single candidates as Senators or members*

7 (1) Subject to subsections (1A), (1AA), (1B) and (1C), a nomination  
8 may be in Form C, CA, D or DA in Schedule 1, as the case  
9 requires, and must:

- 10 (a) set out the name, place of residence and occupation of the  
11 candidate; and  
12 (b) be signed by:  
13 (i) not less than 100 electors entitled to vote at the election  
14 for which the candidate is nominated; or  
15 (ii) the registered officer of the registered political party by  
16 which the candidate has been endorsed for that election.

17 (1AAAA) If:

- 18 (a) 2 or more candidates in a Senate election make a joint request  
19 under section 168; and  
20 (b) a person signs, under subparagraph (1)(b)(i), a nomination  
21 for more than one of the candidates;  
22 the person's signature must not be counted for any of the  
23 candidates for the purposes of that subparagraph.

24 *Nominations of 2 or more candidates as Senators*

25 (1AAA) Subject to subsections (1A), (1AA) and (1B), a nomination may be  
26 in Form CC in Schedule 1, and must:

- 27 (a) set out the name, place of residence and occupation of each  
28 candidate; and  
29 (b) be signed by the registered officer of the registered political  
30 party by which the candidates have been endorsed for that  
31 election.

1 *Other matters relating to nominations*

2 **2 Subsection 166(1C)**

3 Omit “, or the candidates are,”.

4 **3 Subsection 166(1C)**

5 Omit “or each candidate”.

6 **4 Paragraph 170(3)(a)**

7 Omit “\$1,000”, substitute “\$2,000”.

8 **5 Paragraph 170(3)(b)**

9 Omit “\$500”, substitute “\$1,000”.

10 **6 Form CB in Schedule 1**

11 Repeal the Form.

12

1 **Part 2—Application provision**

2 **7 Application of amendments**

3           The amendments made by this Schedule apply in relation to elections  
4           the writs for which are issued on or after the commencement of this  
5           Schedule.  
6

1 **Schedule 3—Other amendments**

2 **Part 1—Amendments**

3 *Commonwealth Electoral Act 1918*

4 **1 Subsection 4(1) (definition of *pre-poll voting office*)**

5 Omit “Electoral Commission”, substitute “Electoral Commissioner”.

6 **2 Section 33**

7 Repeal the section, substitute:

8 **33 Assistant Returning Officers**

9 (1) The Electoral Commissioner may, for the purposes of a particular  
10 election, appoint a person to be an Assistant Returning Officer.

11 (2) A person appointed to be an Assistant Returning Officer may,  
12 subject to the control of the Electoral Commissioner, perform such  
13 functions and exercise such powers as are conferred on the person  
14 by this Act.

15 (3) An appointment under subsection (1) terminates upon completion  
16 of the election.

17 **3 Paragraph 93(8)(a)**

18 Omit “by reason of being of unsound mind,”, substitute “in the opinion  
19 of a qualified person,”

20 **4 At the end of section 93**

21 Add:

22 (11) In this section:

23 *qualified person* means a person who carries on, and is entitled to  
24 carry on, an occupation that involves the provision of care for the  
25 physical or mental health of people or for their well-being, and  
26 includes any of the following:

27 (a) a medical practitioner;

28 (b) a psychiatrist;

**Schedule 3** Other amendments

**Part 1** Amendments

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- 1 (c) a psychologist;  
2 (d) a social worker.

3 **5 Paragraph 98(2)(a)**

4 Omit “the approved form”, substitute “an approved form”.

5 **6 Subsection 98(4)**

6 Omit “the form”, substitute “a form”.

7 **7 Paragraph 100(1)(a)**

8 Repeal the paragraph, substitute:

- 9 (a) has turned 16, but is under 18, years of age; and

10 **8 Subsection 104(1)**

11 Omit “or transfer of enrolment”.

12 **9 After subsection 104(4)**

13 Insert:

14 (4A) If:

15 (a) the address of an elector is not shown on the Roll for a  
16 Subdivision because of this section; and

17 (b) the elector’s name is transferred to a Roll for another  
18 Subdivision;

19 the Electoral Commissioner must not enter the elector’s address on  
20 the Roll for the other Subdivision.

21 **10 Paragraph 116(4)(b)**

22 Omit “certificate of a medical practitioner”, substitute “statement from a  
23 qualified person (within the meaning of subsection 93(11))”.

24 **11 Subsection 118(4)**

25 Omit “certificate of a medical practitioner stating that, in the opinion of  
26 the medical practitioner, the elector, because of unsoundness of mind,”,  
27 substitute “statement from a qualified person (within the meaning of  
28 subsection 93(11)), that, in the opinion of the qualified person, the  
29 elector”.

30 **12 Subsection 120(2) (after table item 1)**

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**Schedule 3** Other amendments

**Part 1** Amendments

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- 1 (1A) If the Electoral Commission makes a determination under  
2 subsection (1) that a political party should be registered, the  
3 Electoral Commissioner:  
4 (a) must publish notice of the registration of the party on the  
5 Electoral Commission’s website; and  
6 (b) may publish notice of the registration in any other way the  
7 Electoral Commissioner considers appropriate.

8 **21 Paragraph 134(6)(d)**

9 Omit “; and”, substitute “.”.

10 **22 Paragraph 134(6)(e)**

11 Repeal the paragraph.

12 **23 After subsection 134(6)**

13 Insert:

- 14 (6A) If the Register is changed in accordance with paragraph (6)(a), the  
15 Electoral Commissioner:  
16 (a) must publish notice of the change on the Electoral  
17 Commission’s website; and  
18 (b) may publish notice of the change in any other way the  
19 Electoral Commissioner considers appropriate.

20 **24 Paragraph 136(1A)(b)**

21 Omit “; and”, substitute “.”.

22 **25 Paragraph 136(1A)(c)**

23 Repeal the paragraph.

24 **26 After subsection 136(1A)**

25 Insert:

- 26 (1B) If a political party is deregistered under subsection (1A), the  
27 Electoral Commissioner:  
28 (a) must publish notice of the deregistration on the Electoral  
29 Commission’s website; and  
30 (b) may publish notice of the deregistration in any other way the  
31 Electoral Commissioner considers appropriate.

1 **27 Subsection 137(1)**

2 Omit all the words after “the Commission”, substitute “must give the  
3 registered officer of the party notice, in writing, that it is considering  
4 deregistering the party under this section, setting out its reasons for  
5 considering doing so and the terms of the provisions of subsections (2),  
6 (3), (4) and (5)”.

7 **28 After subsection 137(1)**

8 Insert:

9 (1A) If the Electoral Commission gives a notice under subsection (1),  
10 the Electoral Commissioner:

11 (a) must publish a notice, on the Electoral Commission’s  
12 website:

13 (i) stating that the Commission is considering deregistering  
14 the party under this section; and

15 (ii) specifying the paragraph of subsection (1) by reason of  
16 which it is considering doing so; and

17 (b) may publish a notice covered by paragraph (a) of this  
18 subsection in any other way the Electoral Commissioner  
19 considers appropriate.

20 **29 Subsections 137(2) and (4)**

21 Omit “paragraph (1)(d)”, substitute “subsection (1)”.

22 **30 Subsection 137(4)**

23 Omit all the words after “deregister the party”.

24 **31 Subsection 137(5)**

25 Omit “paragraph (1)(d)”, substitute “subsection (1)”.

26 **32 Paragraph 137(6)(b)**

27 Omit “; and”, substitute “.”.

28 **33 Paragraph 137(6)(c)**

29 Repeal the paragraph.

30 **34 After subsection 137(6)**

31 Insert:

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- 1 (6A) If the Electoral Commission deregisters a party under  
2 subsection (4) or (6), the Electoral Commissioner:  
3 (a) must publish a notice of the deregistration on the Electoral  
4 Commission's website; and  
5 (b) may publish a notice of the deregistration in any other way  
6 the Electoral Commissioner considers appropriate.

7 **35 Subsection 174(2)**

8 Omit "therein".

9 **36 Paragraph 184A(2)(a)**

10 Repeal the paragraph, substitute:

- 11 (a) the applicant's real place of living is not within 20  
12 kilometres, by the shortest practicable route, of any polling  
13 place;

14 **37 Paragraph 235(1)(d)**

15 Repeal the paragraph, substitute:

- 16 (d) a mark on the certified list of voters, or a record against an  
17 approved list of voters, for the Division indicates that the  
18 voter has already voted; or

19 **38 After section 238**

20 Insert:

21 **238A Discarded ballot papers**

- 22 (1) This section applies if:  
23 (a) a ballot paper has been issued to a voter; and  
24 (b) an officer is satisfied that the ballot paper has been discarded  
25 by the voter.
- 26 (2) The officer must:  
27 (a) immediately cancel the ballot paper; and  
28 (b) write "discarded" on the back of the ballot paper; and  
29 (c) place the ballot paper in an envelope, seal the envelope and  
30 write on the envelope an indication of the type of ballot paper  
31 enclosed and that it is discarded; and  
32 (d) sign the envelope.

- 1 (3) The envelopes containing discarded ballot papers that have been  
2 cancelled under this section must be:  
3 (a) sealed up in a parcel; and  
4 (b) given to the Divisional Returning Officer for the Division  
5 after the close of the poll.

6 **39 Subsection 248(1)**

7 After “238,” insert “238A,”.

8 **40 After paragraph 7A of Schedule 3**

9 Insert:

- 10 7B. Paragraphs 7 and 7A do not apply to a vote marked on a postal  
11 ballot paper if:  
12 (a) the envelope purporting to contain the postal ballot paper is  
13 endorsed with the date and time of receipt under paragraph  
14 195A(2)(c); and  
15 (b) the date and time is before the close of the poll.

16 ***Referendum (Machinery Provisions) Act 1984***

17 **41 Subsection 3(1) (definition of *pre-poll voting office*)**

18 Omit “Electoral Commission”, substitute “Electoral Commissioner”.

19 **42 Subsections 6(1), (2) and (3)**

20 Repeal the subsections, substitute:

- 21 (1) The Electoral Commissioner may, for the purposes of a  
22 referendum, appoint a person to be an Assistant Returning Officer.
- 23 (2) A person appointed to be an Assistant Returning Officer may,  
24 subject to the control of the Electoral Commissioner, perform such  
25 functions and exercise such powers as are conferred on the person  
26 by this Act.
- 27 (3) An appointment under subsection (1) terminates upon completion  
28 of the referendum.

29 **43 Paragraph 37(1)(d)**

30 Repeal the paragraph, substitute:

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**Schedule 3** Other amendments

**Part 1** Amendments

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- 1 (d) a mark on the certified list of voters, or a record against an  
2 approved list of voters, for the Division indicates that the  
3 person has already voted; or

4 **44 After section 41**

5 Insert:

6 **41AA Discarded ballot-papers**

- 7 (1) This section applies if:  
8 (a) a ballot-paper has been issued to a voter; and  
9 (b) an officer is satisfied that the ballot-paper has been discarded  
10 by the voter.
- 11 (2) The officer must:  
12 (a) immediately cancel the ballot-paper; and  
13 (b) write “discarded” on the back of the ballot-paper; and  
14 (c) place the ballot-paper in an envelope, seal the envelope and  
15 write on the envelope an indication of the type of  
16 ballot-paper enclosed and that it is discarded; and  
17 (d) sign the envelope.
- 18 (3) The envelopes containing discarded ballot-papers that have been  
19 cancelled under this section must be:  
20 (a) sealed up in a parcel; and  
21 (b) given to the DRO for the Division after the close of voting.

22 **45 Subsection 75(1)**

23 Omit “and 41”, substitute “, 41 and 41AA”.

24 **46 After paragraph 7A of Schedule 4**

25 Insert:

- 26 7B. Paragraphs 7 and 7A do not apply to a vote marked on a postal  
27 ballot-paper if:  
28 (a) the envelope purporting to contain the postal ballot-paper is  
29 endorsed with the date and time of receipt under paragraph  
30 67(2)(c); and  
31 (b) the date and time is before the close of voting.  
32

1 **Part 2—Application provisions**

2 **47 Application of amendments**

- 3 (1) The amendments made by items 1, 2, 35 and 37 to 46 apply in relation  
4 to elections and referendums the writs for which are issued on or after  
5 the commencement of this Schedule.
- 6 (2) The amendments made by items 5 and 6 apply in relation to claims  
7 made on or after the commencement of this Schedule.
- 8 (3) The amendment made by item 7 applies in relation to claims made  
9 before, on or after the commencement of this Schedule.
- 10 (4) The amendments made by items 8 and 9 apply in relation to transfers of  
11 enrolment occurring on or after the commencement of this Schedule.
- 12 (5) The amendments made by items 12 and 13 apply in relation to decisions  
13 made on or after the commencement of this Schedule, whether the  
14 applications to which the decisions relate were made before, on or after  
15 that commencement.
- 16 (6) The amendment made by item 14 applies for the purposes of working  
17 out, on or after the commencement of this Schedule, who is a member  
18 of a political party for the purposes of Part XI of the *Commonwealth*  
19 *Electoral Act 1918*, as amended by this Act.
- 20 (7) The amendments made by items 15 to 34 apply to the publication of  
21 notices on or after the commencement of this Schedule, even if the  
22 circumstances to which the notice relates arose wholly or partly before  
23 that commencement.
- 24 (8) The amendment made by item 36 applies in relation to applications  
25 made on or after the commencement of this Schedule.