

1983

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES
COMMONWEALTH ELECTORAL LEGISLATION AMENDMENT BILL 1983
EXPLANATORY MEMORANDUM

(Circulated by Authority of the Special Minister of State,
the Hon. Kim C. Beazley, M.P.)

OUTLINE

The purpose of this Bill is to establish an Australian Electoral Commission, provide for public funding of election campaigns and disclosure of donations and electoral expenditure, amend the existing Commonwealth Electoral Act, and consolidate all relevant existing legislation.

COMMONWEALTH ELECTORAL LEGISLATION AMENDMENT BILL 1983
- CLAUSE NOTES

- Clause 1 - Formal
- Clause 2 - Formal. This clause provides for the Act to come into force on a date to be fixed by Proclamation.
- Clause 3 - This clause amends section 5 of the Act containing definitions and interpretations.
- . New sub-section 5(1) omits the definitions of candidate, officer and registrar, amends the definition of Returning Officer, and provides definitions of abbreviation, Antarctic elector, approved, Australian Capital Territory, compartment, Electoral Commission, Electoral Commissioner, eligible overseas elector, general election, hospital, issuing point, itinerant elector, officer, organisation, part, Permanent Head, political party, polling booth, polling place, registered medical practitioner, registered officer, registered political party, Register of Political Parties, special hospital, and Territory.
 - . New sub-section 5(2) provides an interpretation of endorsing a candidate.
 - . New sub-section 5(3) provides an interpretation of provisional enrolment, as being enrolment under new section 41A.
 - . New sub-section 5(4) provides that where a Division is not divided into Subdivisions a reference to a Subdivision is to be read as a reference to that Division.
 - . New sub-section 5(5) provides that a reference to a Division includes a reference to the Northern Territory and that a reference to a Subdivision includes a reference to a District of the Northern Territory.
- Clause 4 - This clause repeals sections 6 and 7 of the Act relating to the Chief Electoral Officer and Commonwealth Electoral Officers for the States, and makes provision in new sections 6 and 7 for the Australian Electoral Commission and its staff:
- . New section 6 defines various terms for the purposes of the Part - acting Commissioner, appointed Commissioner, Chairman, Chief Judge, Commission, Commissioner, electoral matters, electoral officer, eligible Judge, Judge, non-judicial appointee, and Parliamentary matters.
 - . New sub-section 7(1) establishes the Australian Electoral Commission.
 - . New sub-section 7(2) provides that the Australian Electoral Commission shall consist of a Chairman, the Electoral Commissioner, and a third member.
 - . New sub-section 7(3) provides that the Chairman and the third member shall be appointed by the Governor-General and shall hold office on a part time basis.

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- . New sub-section 7(4) provides that the Chairman shall be a Judge of the Federal Court of at least 3 years standing chosen from a panel of 3 submitted by the Chief Judge of that Court.
- . New sub-section 7(5) provides that the third member shall be a Permanent Head as defined in the Public Service Act or an officer of equivalent status.
- . New sub-section 7(6) provides that one vacancy on the Commission does not affect it in the exercise of its powers and functions.
- . New sub-section 7A(1) provides that the functions of the Commission are as specified elsewhere in the Act or any other law, to report to the Minister on any matter he refers to the Commission or any other matter, to promote public awareness of electoral and parliamentary matters by any means including the conduct of information and education programs, to provide an advisory-consultancy service on electoral matters, to conduct appropriate research, and to publish material that relates to its functions.
- . New sub-section 7A(2) provides that in respect of certain of its functions the Commonwealth may perform them in conjunction with the electoral authorities of the States or the Northern Territory.
- . New sub-section 7A(3) provides that the Commission may do all things necessary or convenient to be done in the performance of its functions.
- . New sub-section 7B(1) provides that the Chairman and third member are appointed for fixed terms, not exceeding 7 years, and that they are eligible for reappointment; new sub-section 7B(2) provides that the Chairman ceases to hold office if he ceases to be a Judge; and new sub-sections (3) and (4) make similar provision in the case of the third member.
- . New sub-section 7B(5) provides that the Governor-General shall determine the terms and conditions of office of the Chairman and the third member.
- . New section 7C provides that the Commission may grant the third member leave of absence from a meeting of the Commission.
- . New section 7D provides that the Chairman or third member may resign.
- . New sub-section 7E(1) provides that members of the Commission shall disclose any pecuniary interests in matters before the Commission.

- . New sub-section 7E(2) provides that any member disclosing such an interest cannot participate in the deliberations of the Commission unless the Minister otherwise directs.
- . New section 7F provides that the third member's appointment shall be terminated if he is absent from 3 consecutive meetings of the Commission without leave, or fails without reasonable excuse to disclose a pecuniary interest as required by new section 7E.
- . New section 7G provides that the Governor-General may appoint an acting Chairman who during a vacancy or while the Chairman is absent shall have all the powers of the Chairman.
- . New section 7H provides that the Governor-General may appoint an acting third member who during a vacancy or while the third member is absent shall have all the powers of the third member.
- . New section 7J provides for the convening and conduct of meetings of the Commission. Meetings are to be convened by the Chairman. Two Commissioners constitute a quorum. Questions arising at a meeting of the Commission are to be determined by a majority vote - in the event of an equality of votes the person presiding at the meeting has a casting vote. If there is a difference of opinion at a meeting at which 2 Commissioners only are present, the determination of that matter shall be postponed to a full meeting of the Commission.
- . New section 7K enables the Commission to delegate all or any of its powers under the Act to any Commissioner, the Deputy Electoral Commissioner, an Australian Electoral Officer for a State or any other member of the staff of the Commission. Within that the Commission will not be able to delegate its powers under Part IIIA dealing with redistributions.
- . New section 7L provides that the Commission shall prepare and furnish to the Minister, for tabling in Parliament, an annual report on the operations of the Commission, and, after a general election or Senate election a report on the operation of Part XVI relating to election funding and financial disclosure.
- . New section 7M provides that there shall be an Electoral Commissioner who shall be the Chief Executive Officer of the Commission.
- . New section 7N provides that there shall be a Deputy Electoral Commissioner who shall assist the Electoral Commissioner as directed by him and who shall, ex officio, act as Electoral Commissioner during all absences of the Electoral Commissioner. The Deputy Electoral Commissioner shall also, ex officio, act as Electoral Commissioner during a vacancy in that office. The Deputy Electoral Commissioner shall not, ex officio, act during a vacancy where another person has been appointed to act under new section 7U.

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- . New section 70 provides that there shall be an Australian Electoral Officer for each State who shall, subject to the directions of the Electoral Commission, be the principal electoral officer in the State.
- . New section 7P provides that the Electoral Commissioner, the Deputy Electoral Commissioner and the Australian Electoral Officers shall be appointed by the Governor-General for terms not exceeding 7 years. They are eligible for reappointment. A person who has attained the age of 65 shall not be appointed and a person's appointment cannot extend beyond age 65. The officers appointed under this section will hold office under such terms and conditions as the Governor-General determines.
- . New sub-section 7Q(1) provides that the Electoral Commissioner, the Deputy Electoral Commissioner and the Australian Electoral Officers for the States shall be paid such remuneration as the Remuneration Tribunal determines - in the absence of such a determination such remuneration as is prescribed.
- . New sub-section 7Q(2) provides that the Electoral Commissioner, the Deputy Electoral Commissioner and the Australian Electoral Officers for the States shall be paid such other allowances, if any, as are prescribed.
- . New section 7R provides that the Commission may grant leave of absence to the Electoral Commissioner, the Deputy Electoral Commissioner and the Australian Electoral Officers.
- . New section 7S provides that the Electoral Commissioner, the Deputy Electoral Commissioner and the Australian Electoral Officers for the States may resign their offices by delivering a signed resignation to the Governor-General.
- . New sub-section 7T(1) provides that the Governor-General may remove the Electoral Commissioner, the Deputy Electoral Commissioner or the Australian Electoral Officers for the States from office by reason of misbehaviour or physical or mental incapacity.
- . New sub-section 7T(2) provides that the Governor-General shall remove the Electoral Commissioner, the Deputy Electoral Commissioner or the Australian Electoral Officers for the States from office if they become bankrupt, absent themselves from duty without leave of the Commission for 14 consecutive days or for 28 days in any 12 months or engage in outside employment without prior approval.
- . New sub-section 7T(3) provides that the Governor-General shall remove the Electoral Commissioner or Deputy Electoral Commissioner from office if the Electoral Commissioner or Deputy Electoral Commissioner while acting as Commissioner fails to disclose without reasonable excuse a pecuniary interest in a matter before the Commission.

- . New section 7U provides that the Governor-General may appoint a person to act as Electoral Commissioner during a vacancy in the office or when the Deputy Electoral Commissioner or Acting Deputy Electoral Commissioner are not acting ex officio during an absence of the Electoral Commissioner.
- . New section 7V provides that the Governor-General may appoint a person to act as Deputy Electoral Commissioner during a vacancy in the office or during absences from duty or Australia of the Deputy Electoral Commissioner.
- . New section 7W enables the Electoral Commissioner to delegate all or any of his powers under the Act to the Deputy Electoral Commissioner or an Australian Electoral Officer. The Electoral Commissioner will not be able to delegate his powers under Part III dealing with representation or Part IIIA dealing with redistributions.
- . New section 7X provides that the staff of the Commission shall consist of (a) persons appointed or employed under the Public Service Act and (b) persons employed or engaged by the Commission. In respect of the Public Service Act staff the Electoral Commissioner shall have the powers of a Permanent Head under the Public Service Act.
- . New section 7Y provides that for the purposes of each election the Commission shall appoint an Australian Electoral Officer for the Australian Capital Territory and the Northern Territory.
- . New section 7Z provides that the Commission shall appoint an Assistant Australian Electoral Officer for each State who shall act as Australian Electoral Officer for the State during a vacancy in the office or during an absence from duty or from Australia of the Australian Electoral Officer.

- Clause 5 - This clause amends section 8 of the Act to provide that Divisional Returning Officers in a State are subject to the directions of the Electoral Commissioner and the Australian Electoral Officer for the State and that Divisional Returning Officers in the Australian Capital Territory and Northern Territory are subject to the directions of the Electoral Commissioner.
- Clause 6 - This clause amends section 9 to provide that Assistant Returning Officers may only be appointed for the purposes of an election or referendum. The appointments are to be made by the Commission.
- Clause 7 - This clause repeals sections 10, 11 and 12 of the Act which provide for the appointment of Electoral Registrars, Acting Divisional Returning Officers, Acting Assistant Returning Officers or Acting Registrars, and which specify the date from which appointments to positions of Divisional Returning Officer, Assistant Returning Officer or Registrar take effect. The clause substitutes the following new sections.

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- . New section 10 provides for the appointment of an Assistant Divisional Returning Officer for a Subdivision who shall, subject to the control of the Divisional Returning Officer in which the Subdivision is located, perform all the duties of a Divisional Returning Officer in respect of the Subdivision for which he is appointed. The appointments in respect of this section are to be made under the Public Service Act.
- . New sub-sections 11(1) and (3) enable the Commission to employ (otherwise than under the Public Service Act) such temporary staff as the Commission thinks necessary for the conduct of an election, referendum, ballot or habitation review, and such senior executive staff as it requires - on terms and conditions as it determines after consultation with the Public Service Board.
- . New sub-sections 11(2) and (4) enable the Commission with the approval of the Public Service Board to engage consultants on terms and conditions to be approved by the Public Service Board.
- . New section 12 provides that for the purposes of the Audit Act the Electoral Commission is deemed to be a Department of which the Electoral Commissioner is the Permanent Head.

Clause 8 - This clause inserts a new section 15 under the Act which provides that the office of the Divisional Returning Officer shall, unless the Commission otherwise directs, be located within the Division.

Clause 9 - This clause repeals the current provisions in Part III relating to the determination of the boundaries of electoral divisions, and inserts (a) a new Part III (sections 16 to 25F), consolidating all legislation relating to representation in the Parliament; and (b) a new Part IIIA (sections 25G to 25ZF), making new provision for the determination of the boundaries of electoral divisions for House of Representatives elections.

- . New section 16 incorporates the provisions of the Senate Elections (Queensland) Act 1982, which prevent the Queensland Parliament from distributing that State into divisions for the purposes of Senate elections.
- . New sections 17 to 21 incorporate the substantial provisions of the Senate (Representation of Territories) Act 1973. New sub-section 21(1), however, provides that in future a joint sitting of the members of the House of Representatives and Senate for the purpose of filling a casual vacancy in the office of a senator for the Australian Capital Territory will be convened by the Governor-General.

- . New sections 25 to 25B incorporate with modifications the provisions of the Representation Act 1905. In particular:
 - New section 25 protects from legal challenge as far as possible the Electoral Commissioner's determination of the representation entitlements in the House of Representatives of the several States.
 - New section 25A provides for a consolidated certification of that determination and of the prior ascertainment of State statistics.
 - New section 25B abolishes the distinction which is currently made between "ordinary general elections" and other general elections, providing instead that the number of members to be chosen in a State at any general election must be in accordance with the most recent determination of that State's representation entitlement.
- . New sections 25C to 25F incorporate the provisions of the Northern Territory Representation Act 1922 and the Australian Capital Territory Representation (House of Representatives) Act 1973, that provide for the number of members of the House to which each Territory is entitled, the powers, immunities and privileges of those members, and the times at which elections for those members are to be held.
- . New section 25G provides that in Part IIIA, "Territory" refers to the Australian Capital Territory, and "average divisional enrolment" means the average number of electors enrolled in the Divisions in a State or Territory, rounded to the nearest whole number, and that for the purposes of the Part, persons provisionally enrolled under section 41A shall not be deemed to be electors until they turn 18.
- . New section 25H provides that each State and the Australian Capital Territory shall be divided into Divisions.
- . New section 25I provides that one member shall be chosen for each Division.
- . New section 25J sets up a mechanism for measuring each month the extent of enrolment inequality within each State and the Australian Capital Territory. The Electoral Commissioner is required at the end of each month to ascertain the enrolment in each division in the States and the Australian Capital Territory; to calculate the average divisional enrolment for each State and the Australian Capital Territory and the extent to which each division's enrolment deviates from the appropriate average; and to publish all of those figures in a Gazette notice.
- . New section 25K provides for the timing of electoral redistributions.
- . New sub-section 25K(1) provides that an electoral redistribution shall commence in a State or the Australian Capital Territory whenever the Electoral Commission so directs by a notice in the Gazette.

- . New sub-section 25K(2) provides that a direction under sub-section (1) shall be made in respect of a State:
 - immediately upon the making of a determination under sub-section 25(1) which changes its representation entitlement;
 - whenever it appears to the Electoral Commission from figures published under section 25J that more than one-third of the divisions within a State deviated from the average divisional enrolment by more than ten per cent in the most recent month for which such figures have been published, and in the two previous months;
 - if seven years have expired since the State was last redistributed by a determination under sub-section 26Z(1),
but not otherwise.
- . New sub-section 25K(3) qualifies sub-section 25K(2) by providing that a direction under the second or third of the grounds set out in sub-section 25K(2) shall not be made if a State is already undergoing redistribution, or within the last twelve months of the life of a House of Representatives.
- . New sub-section 25K(4) provides that a redistribution which would have fallen due in a State in the last twelve months of the life of a House of Representatives on the ground that seven years had elapsed since the last redistribution shall fall due immediately after the first meeting of the next House of Representatives.
- . New sub-section 25K(5) provides that if in the period between the first meeting of a House of Representatives and the making of a determination of State representation entitlements under sub-section 25(1) the Electoral Commission forms the view that the determination will result in an alteration in the number of members to be chosen in that State, it can, by Gazette notice, suspend the operation of sub-section 25K(2) (thus deferring any redistributions) until after the determination.
- . New sub-section 25K(6) provides that where a redistribution is directed in a State because of a change in its representation entitlement, any redistribution already underway in the State is terminated.
- . New sub-section 25K(7) provides that a direction under sub-section (1) shall be made in respect of the Australian Capital Territory:
 - whenever it appears to the Electoral Commission from figures published under section 25J that one of the divisions within the Territory deviated from the average divisional enrolment by more than ten per cent in the most recent month for which such figures have been published, and in the previous two months;

- if seven years have elapsed since the Australian Capital Territory was last redistributed by a determination under sub-section 26Z(1)

but not otherwise.

- . New sub-sections 25K(8) and (9) make similar provision in respect of the Australian Capital Territory to that made in respect of the States by sub-sections (3) and (4).
- . New sub-section 25K(10) defines a "malapportioned Division" as a division whose enrolment differs by more than ten per cent from the average divisional enrolment for the State or Territory in which it is situated.
- . New sub-section 25K(11) formally sets out the circumstances in which a State or Territory is to be taken to be undergoing redistribution.
- . New section 25L establishes for the purposes of a redistribution in a State a Redistribution Committee for the State, to be appointed, by instrument in writing, by the Electoral Commission.
- . New sub-section 25L(2) provides that the Redistribution Committee shall consist of the Electoral Commissioner, the Australian Electoral Officer for the State, the Surveyor-General for the State and the Auditor-General for the State.
- . New sub-sections 25L(3) and (4) qualify sub-section 25L(2) by providing that should either the Surveyor-General or Auditor-General (or both) be unavailable, one of his deputies (or failing that, a senior officer of the Australian Public Service of similar status nominated by the Governor-General) may be appointed instead of him.
- . New sub-section 25L(5) provides that the Redistribution Committee may perform its functions and exercise its powers notwithstanding there being a vacancy, or change or changes, in its membership.
- . New sub-sections 25L(6) and (7) qualify sub-section 25L(5) by providing that should two or more members of a Redistribution Committee die or become unable to serve by reason of physical or mental incapacity, the Commission shall revoke the appointment of the Redistribution Committee, and appoint a new one; and the redistribution shall proceed as if the first Redistribution Committee had never been appointed.
- . New section 25M makes provision for the appointment of a Redistribution Committee for the Australian Capital Territory similar to that made in respect of a State Redistribution Committee by section 25L, except that:

- new sub-section 25M(3) provides for the Redistribution Committee to consist of the Electoral Commissioner, the senior Divisional Returning Officer for the Territory (being the Divisional Returning Officer for an Australian Capital Territory division who is so designated by the Commission), the Commonwealth Surveyor-General, and a senior officer of the Australian Public Service nominated by the Governor-General;
- new sub-section 25M(4) provides for the Commonwealth Surveyor-General's place, if he is unavailable, to be taken by one of his deputies (or failing that, by a senior officer of the Australian Public Service nominated by the Governor-General).
- . New section 25N makes provision for the procedures to be adopted at meetings of a Redistribution Committee.
- . New section 25P provides that a Redistribution Committee may appoint sub-committees of three members to assist it.
- . New section 25Q provides for suggestions and comments.
- . New sub-section 25Q(1) provides that as soon as practicable after its appointment a Redistribution Committee shall by notice published in the Gazette and in two newspapers circulating throughout the State or Territory invite suggestions, to be lodged within 30 days of the Gazette notice, and comments on the suggestions, to be lodged with 14 days of the end of the suggestion period.
- . New sub-section 25Q(2) provides for copies of the suggestions to be made available at the office of the Australian Electoral Officer in the case of a State redistribution, and of the senior Divisional Returning Officer in the case of an Australian Capital Territory redistribution.
- . New section 25R provides for the calculation of a quota, for the purposes of a redistribution in a State or Territory by dividing the number of persons enrolled in the State or Territory (as at the close of the period for the making of comments) by the number of members to be chosen in the State or Territory at a general election, and rounding to the nearest whole number.
- . New section 25S sets out the criteria to be adopted by a Redistribution Committee for a State or Territory.
- . New sub-section 25S(2) provides that the number of proposed divisions must equal the number of members to be chosen in the State or Territory at a general election.
- . New sub-section 25S(3) provides that the Redistribution Committee:

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

and that subject to (a) and (b) the quota of electors for the State or Territory shall be the basis for the proposed redistribution, but the Redistribution Committee may adopt a margin of allowance of ten per cent to be used whenever necessary.

- . New sub-section 25S(4) provides that in the case of the Australian Capital Territory, the whole of the Jervis Bay Territory shall be included in one proposed division.
- . New section 25T provides that a Redistribution Committee shall give reasons in writing for the redistribution it proposes.
- . New section 25U provides for a proposed redistribution to be publicized.
- . New sub-section 25U(1) provides for the public display of maps of the boundaries of each proposed division, setting out the names of those divisions, for copies of any comments which were lodged on earlier suggestions, detailed descriptions of boundaries, and the reasons given under section 25T to be made available for public perusal, and for this display and availability to be advertised in a Gazette notice and in 2 newspapers circulating in the State or Territory.
- . New sub-section 25U(2) provides for the advertisement published under sub-section 25U(1) to include a reference to the right of persons and organisations to lodge objections to the proposed redistribution.
- . New section 25V provides that a person or organization may lodge a written objection against a proposed redistribution with 14 days of the publication of the Gazette notice under section 26U.
- . New section 25W establishes in respect of each State and the Australian Capital Territory a body to be called the augmented Electoral Commission, to consider objections to a proposed redistribution lodged under section 25V in respect of that State or Territory.

- . New sub-section 25W(2) provides that each augmented Electoral Commission consists of the members of the Redistribution Committee for the particular State or Territory, plus the two members of the Electoral Commission who were not on the Redistribution Committee.
- . New sub-section 25W(3) provides that an augmented Electoral Commission may perform its functions, and exercise its powers notwithstanding there being a vacancy or vacancies, or change or changes, in its membership.
- . New sub-section 25W(4) qualifies sub-section 25W(3) by providing that should two or more members of an augmented Electoral Commission die or become unable to serve by reason of physical or mental incapacity, the augmented Electoral Commission shall reconsider all objections that had previously been considered by it, and shall have additional time to complete its work.
- . New section 25X makes provision for the procedures to be adopted at meetings of an augmented Electoral Commission. In particular new sub-section 25X(6) provides that an augmented Electoral Commission shall not make a determination of divisions and their names unless it is supported by not less than 4 of its members, including not less than 2 members of the Electoral Commission.
- . New section 25Y makes special provision for the way in which objections shall be considered by an augmented Electoral Commission.
- . New sub-section 25Y(2) imposes a time limit of 6 weeks on an augmented Electoral Commission's consideration of objections.
- . New sub-section 25Y(3) requires an augmented Electoral Commission to hold an inquiry into an objection unless it is of the opinion that the objection deals with matters which were covered in an earlier submission or comment, and/or is vexatious or frivolous.
- . New sub-section 25Y(4) allows a single inquiry to be held into a number of objections.
- . New sub-section 25Y(5) provides that inquiries shall be held in public.
- . New sub-section 25Y(6) gives the right to the objector and any person who, or organization that, lodged a suggestion or comment to the Redistribution Committee to make submissions to an inquiry.
- . New sub-sections 25Y(8) and (9) give the augmented Electoral Commission power to control the format of submissions and the conduct of inquiries.
- . New section 25Z provides for an augmented Electoral Commission to make a final determination of the boundaries and names of the divisions in a State or Territory, by notice published in the Gazette.

- . New sub-sections 25Z(1) and (2) provide that as soon as practicable after it has considered the objections lodged, an augmented Electoral Commission shall make such a determination, and the divisions so determined shall remain in force until altered or quashed.
- . New sub-sections 25Z(3) and (4) respectively impose on an augmented Electoral Commission the same criteria for the determination as are imposed on a Redistribution Committee by sub-sections 25S(2) and (3).
- . New sub-section 25Z(5) provides that in the case of the Australian Capital Territory, the whole of the Jervis Bay Territory shall be included in one division.
- . New sub-sections 25Z(6) and (7) provide that the divisions existing before the redistribution, and their Rolls, shall have force at by-elections until the first general election after the redistribution.
- . New section 25ZA provides that an augmented Electoral Commission shall give reasons in writing for the determination it makes.
- . New section 25ZB provides for copies of the suggestions and comments lodged with the Redistribution Committee, its proposed redistribution and reasons, objections lodged against the proposed redistribution, and the augmented Electoral Commission's determination and reasons, to be forwarded to the Minister and subsequently tabled in both Houses of Parliament.
- . New section 25ZC provides for a "mini-redistribution" to be held whenever an election is called and the number of divisions into which a State is distributed differs from the number of members to which it is entitled. It is provided that where a State is entitled to more members than the number of divisions in existence, the dichotomous pairs of contiguous divisions with the greatest, second greatest enrolment (etc.) of all such pairs will be redistributed so as to create three divisions where there had been two; on the other hand, where a State is entitled to fewer members than it has divisions, the dichotomous pairs of contiguous divisions with the lowest, second lowest enrolment (etc) of all such pairs will each be redistributed so as to create one division where there had been two.
- . New sub-section 25ZC(2) provides for a "mini-redistribution" to be conducted by a Redistribution Commission consisting of the Electoral Commissioner and the Australian Electoral Officer for the State.
- . New sub-section 25ZC(3) sets out the formulae according to which the pairs of contiguous divisions involved in the "mini-redistribution" are identified.
- . New sub-sections 25ZC(4) and (5) qualify the formulae set out in sub-section 25ZC(3) in the case where two pairs of contiguous divisions have the same enrolment.

- . New sub-sections 25ZC(6) and (7) provide for the names and boundaries of divisions in the State to be determined by instrument in writing as soon as practicable and at most within seven days after the issue of the writ, and for the names and boundaries so determined to have effect until altered by a subsequent redistribution.
- . New sub-section 25ZC(8) provides that divisions not in any of the pairs identified in accordance with sub-section (3) shall not have their names or boundaries changed.
- . New sub-section 25ZC(9) provides that where the number of divisions is to be increased, the new divisions shall be created from existing subdivisions, shall as far as practicable have equal enrolments, and shall have unbroken boundaries except where a division includes an island.
- . New sub-section 25ZC(10) provides for the creation of names for the new divisions from the names of the divisions from which they were formed.
- . New sub-sections 25ZC(11) and (12) provide that where the number of divisions is to be decreased each pair of contiguous divisions involved in the mini-redistribution shall be made into a single division, with a composite name based on the names of the former divisions.
- . New sub-sections 25ZC(13) and (14) provide for the Redistribution Commission's determination to be gazetted, sent to the Minister and tabled in both Houses of the Parliament.
- . New sub-section 25ZC(15) provides that the formulae set out in sub-section 25ZC(3) shall be applied using the most recent enrolment statistics published under section 26J.
- . New sub-section 25ZC(16) formally defines "contiguous divisions".
- . New section 25ZD provides that subject to the Constitution and to the original jurisdiction of the High Court (and the concurrent original jurisdiction of the Federal Court) in respect of matters in which writs of mandamus or prohibition or an injunction are sought against an officer of the Commonwealth, decisions under Part IIIA are not to be subject to legal challenge, and stipulates that the provisions of Part IIIA, other than sections 25H, 25I and 25R, sub-sections 25Z(1) and (3) to (7) (inclusive), sub-sections 25ZC (1) to (6) (inclusive), (8) to (12) (inclusive), (15) and (16), section 25ZD and 25ZE, are directory only, and substantial compliance with them shall suffice.
- . New section 25ZE creates an offence of improperly seeking to influence a member of a Redistribution Committee, augmented Electoral Commission or Redistribution Commission in the performance of his duties under Part IIIA.

- Clause 10(1) - This clause repeals section 26 of the Act relating to Subdivisions and inserts a new provision.
- . New section 26 provides that the Commission may divide Divisions into such Subdivisions (if any) as it determines, and that it may declare a Subdivision to be a Remote Subdivision for the purposes of the Act - that is, for the purposes of enabling electors to register as general postal voters and for mobile polling.
- Clauses 10(2), (3) and (4) - These clauses are transitional provisions to cover existing Subdivisions and the declaration of the 3 northern Subdivisions in the Division of Kalgoorlie as Remote Subdivisions.
- Clause 11(1) - This clause amends section 27 of the Act relating to polling places by substituting a new sub-section (1), re-writing sub-section (2) and inserting a new sub-section (3).
- . New sub-section 27(1) provides that the Electoral Commission may appoint and abolish polling places.
 - . New sub-section 27(3) requires the Electoral Commission to advertise (after the issue of the writ) the location of polling places and, in particular, the abolition of places that were polling places at the last election.
- Clauses 11(2), (3), (4), (5) and (6) - These clauses are transitional provisions to cover the appointment of polling places.
- Clause 12 - This clause repeals section 28 of the Act which provides that where Subdivisional or Divisional boundaries are changed, any necessary changes to the rolls are to be effected in the manner prescribed. This provision and the substance of regulation 16 of the Electoral and Referendum Regulations are now found at new section 33A.
- Clause 13 - This clause amends section 29 of the Act to provide that there shall be an electoral roll for each State and for the Australian Capital Territory and the Northern Territory.
- Clause 14(1) - This clause substitutes a new subsection (4) in section 30 of the Act relating to Subdivisional, Divisional and State Rolls.
- . New sub-section 30(4) provides that all the Divisional Rolls for a State or Territory shall form the Roll for that State or Territory.
- Clauses 14(2) and (3) - These clauses are transitional provisions to cover existing Australian Capital Territory and Northern Territory Rolls.
- Clause 15 - This clause repeals section 30 relating to the form of Rolls and substitutes a new section 31.

16.

- . New sub-section 31(1) provides that the Rolls may be in the prescribed form and shall set out the name and address of each elector.
- . New sub-section 31(2) provides that the Rolls will not set out the address of an eligible overseas elector or an itinerant elector.

Clause 16 - This clause amends section 33 of the Act which provides for the preparation of new Rolls whenever so directed by proclamation. The clause extends the section to the Australian Capital Territory and the Northern Territory. In addition, it provides for the repeal of sub-section 33(2) of the Act which provides that Rolls prepared under the section are to be prepared under a system of compulsory enrolment.

Clause 17 - This clause inserts a new section 33A. This provision replaces section 28 of the Act (which is repealed) and regulation 16 of the Electoral and Referendum Regulations.

- . New section 33A provides that where new Rolls are required as the result of the creation of new Divisions or Subdivisions or a change in boundaries, the new Rolls are to be prepared by transferring names from existing Rolls to the new Rolls. The section also provides for notice of these transfers to be given to the electors concerned - the notice may be by means of a general advertisement addressed to all electors or by individual notices.

Clause 18 - This clause amends section 34 of the Act which provides for additions, alterations and corrections to the Rolls and the removal of names in cases where new Rolls are being prepared. It ensures that the provision applies to new Rolls being prepared under section 33 and the new section 33A. It also provides, following the abolition of the position of Registrar, that the functions of the Registrar under the section are to be carried out by the Divisional Returning Officer or, as appropriate, an Assistant Divisional Returning Officer appointed for a Subdivision.

Clause 19 - This clause amends section 35 of the Act which provides for notices of objection to enrolment and the removal of names from the Rolls in cases where new Rolls are being prepared. The amendment ensures that the provision applies to new Rolls being prepared under section 33 and the new section 33A.

Clause 20 - This clause amends section 36 of the Act which provides that Rolls shall be printed whenever the Minister so directs. The clause substitutes Electoral Commission for Minister.

Clause 21 - This clause repeals section 37 of the Act relating to public inspection of the Rolls and substitutes new sections 37 and 37A.

- . New sub-section 37(1) provides that copies of the printed Rolls shall be available for inspection without fee at the offices of Divisional Returning Officers, such Assistant Divisional Returning Officers for Subdivisions as may be appointed, and at such other places, if any, which the Electoral Commission determines. It also provides that these Rolls will be available for purchase at those offices and such other places, if any, which the Commission determines on payment of a fee determined by the Electoral Commission.

- . New sub-section 37(2) provides that the official Rolls kept by a Divisional Returning Officer or Assistant Divisional Returning Officer shall be available for inspection during ordinary office hours.
- . New sub-section 37A(1) provides that during the life of each Parliament the Electoral Commission shall provide to each registered political party a copy of the latest print of the Rolls for each State and Territory, to each Senator and Member of the House of Representatives a copy of the latest print of the Roll for the appropriate State or Territory or Division, and to such other persons as the Commission may determine a copy of the latest print of such Rolls as the Commission considers appropriate.
- . New sub-section 37A(2) provides that during the life of each Parliament the Electoral Commission shall, as far as practicable, provide a habitation index to each registered political party.

Clause 22 - This clause amends section 38 relating to information to be furnished for the preparation and maintenance of the Rolls by substituting Electoral Commission for Commonwealth Electoral Officer, and inserting new sub-sections (2) - (8).

- . New sub-section 38(2) guarantees that there will be a habitation review at least once in each period of two years.
- . New sub-sections (4) and (5) provide that where 2 or more habitation reviews covered by standing appropriation are to be conducted in a State or Territory during each 2 year period, at least one shall be conducted within 18 months before the expiry of a House of Representatives or within 12 months before an anticipated redistribution in a State or Territory.
- . New sub-sections 38(3), (4), (7) and (8) appropriate consolidated revenue funds to cover the cost of habitation reviews.

Clause 23 - This clause amends section 39 which relates to qualifications and disqualifications for enrolment and voting by making various minor amendments, omitting sub-sections (3) and (4) and substituting new sub-sections (2), (3) (3A), (3B) and (4), and adding new sub-sections (6), (7) and (8).

- . New sub-section 39(2) provides that an elector whose name is on the roll for a Division is, subject to sub-sections 39(3), (3A), (3B) and (4), entitled to vote at elections of Members of the Senate for the State or Territory which includes that Division and at elections of Members of the House of Representatives for that Division.
- . New sub-section 39(3) provides that a person provisionally enrolled under new section 41A cannot vote unless he has turned 18 on the day appointed for polling.
- . New sub-section 39(3A) provides that, in general, a reference to a person enrolled or entitled to enrolment, in relation to an election, shall not include provisional enrollees unless they have turned 18.

- . New sub-section 39(3B) prohibits dual voting.
- . New sub-section 39(4) provides that an elector other than a relevant elector (an Antarctic elector, an eligible overseas elector or an itinerant elector), shall not be entitled to vote as an elector of the Division for which he is enrolled unless his real place of living was, at some time during the three months before polling day, within that Division.
- . New sub-section 39(6) replaces the present sub-section 39(4) relating to disqualifications for enrolment. It clarifies the meaning of 'unsound mind', changes the basis of disqualification on account of conviction for an offence from an offence punishable by imprisonment of one year or more to an offence punishable by imprisonment of 5 years or more, and makes 'convicted' of treason or treachery the basis of disqualification rather than 'attainted' of treason.
- . New sub-section 39(7) defines real place of living and relevant elector.
- . New sub-section 39(8) provides an interpretation relating to treason and treachery.

Clause 24 - This clause repeals sections 39A (which protects the voting rights of unenrolled members of the Defence Force serving outside Australia) and 39B (which is now an anachronism) and substitutes new sections 39A, 39B, 39C and 39D which relate to the enrolment entitlements of enrolled electors leaving Australia, a spouse or child of an overseas elector, and itinerant electors.

- . New section 39A protects the enrolment entitlements of electors who are temporarily living overseas but who intend to return to live in Australia within 3 years of their departure from Australia. At present such an elector loses his entitlement to be enrolled unless he has a fixed intention of returning to live at the address for which he was enrolled immediately prior to his departure.
- . New sub-section 39A(1) provides that an elector who intends to leave Australia to live overseas but who intends to return to live in Australia within 3 years, may apply to his Divisional Returning Officer to be treated as an eligible overseas elector. The Divisional Returning Officer shall make an annotation on the Roll to indicate that the elector is an eligible overseas elector.
- . New sub-section 39A(3) provides that while such a person is entitled to be treated as an eligible overseas elector his name shall be retained on the Roll for the Subdivision in which he was enrolled before leaving Australia and he is entitled to vote as an elector of the Subdivision.
- . New sub-section 39A(4) provides that if the name of an applicant is not on the Roll, the Divisional Returning Officer shall refuse the application and notify the applicant.

- . New sub-section 39A(5) sets out certain events which disqualify a person being treated as an eligible overseas elector and requires a person who has applied to be treated as an eligible overseas elector to notify the Divisional Returning Officer upon the occurrence of any of these events.
- . New sub-section 39A(6) provides that if a person does not leave Australia within one month of making his application to become an eligible overseas elector, he loses his entitlement to be treated as an eligible overseas elector.
- . New sub-section 39A(7) provides that where an eligible overseas elector resumes living in Australia within 3 years after his departure he ceases to be entitled to be treated as an eligible overseas elector one month after he returns to live in Australia.
- . New sub-section 39A(8) enables an eligible overseas elector to apply to the Divisional Returning Officer for a one year extension of the period for which he is to be treated as an eligible overseas elector. The extension is granted automatically.
- . New sub-section 39A(9) enables an eligible overseas elector to apply for further yearly extensions.
- . New sub-section 39A(11) requires a person who has been given an extension to notify the Divisional Returning Officer if he returns to live in Australia or no longer intends to return to live in Australia.
- . New sub-section 39A(12) provides that if an eligible overseas elector returns to live in Australia during a one year extension period, he ceases to be entitled to be treated as an eligible overseas elector one month after he returns to live in Australia.
- . New sub-section 39A(13) sets out the circumstances in which an eligible overseas elector loses his entitlement to be treated as an eligible overseas elector.
- . New sub-section 39A(14) provides for the Divisional Returning Officer to cancel the annotation against the name of the person or to cancel the person's enrolment, as appropriate, where he becomes aware that a person has lost his entitlement to be treated as an eligible overseas elector.
- . New section 39B enables the spouse or child of an eligible overseas elector to apply for enrolment from outside Australia upon turning 18 years of age and to be treated as an eligible overseas elector for a period of 3 years from the day he turned 18.

- . New sub-section 39B(1) provides that the spouse or child of an eligible overseas elector, who is temporarily living outside Australia so as to be with that elector, who was not 18 years of age when he went to live overseas, and who intends to return to live in Australia within 3 years of his 18th birthday, may apply to the Divisional Returning Officer (for the Division which includes the Subdivision in respect of which the eligible overseas elector is enrolled) to be enrolled and to be treated as an eligible overseas elector. The Divisional Returning Officer shall enrol the person and make the appropriate annotation on the Roll.
- . New sub-section 39B(3) provides that while such a person is entitled to be treated as an eligible overseas elector he shall retain his enrolment and voting entitlements.
- . New sub-section 39B(4) provides that if an application under new sub-section 39B(1) is received after the close of the Rolls for an election the enrolment and annotation shall not be effected until after the close of polling at the election.
- . New sub-section 39B(5) provides that the Divisional Returning Officer shall notify an applicant if he grants or refuses an application of if an application is received after the close of the Rolls.
- . New sub-section 39B(6) provides that where an eligible overseas elector resumes living in Australia within 3 years after turning 18, or no longer intends to return to live in Australia within 3 years of turning 18, or ceases to be qualified for enrolment, he is required to notify the Divisional Returning Officer.
- . New sub-section 39B(7) provides that where an eligible overseas elector under this section resumes living in Australia within 3 years of his 18th birthday, he ceases to be entitled to be treated as an eligible overseas elector one month after he returns to live in Australia.
- . New sub-sections 39B(8) and (9) enable an eligible overseas elector under this section to apply for yearly extensions of the period for which he is to be treated as an eligible overseas elector. The extensions are granted automatically.
- . New sub-section 39B(11) requires a person who has been given an extension to notify the Divisional Returning Officer if he returns to live in Australia or no longer intends to return to live in Australia.
- . New sub-section 39B(12) provides that if an eligible overseas elector returns to live in Australia during a one year extension period, he ceases to be entitled to be treated as an eligible overseas elector one month after he returns to live in Australia.
- . New sub-section 39B(13) sets out the circumstances in which a person loses his entitlement to be treated as an eligible overseas elector under this section.

- . New sub-section 39B(14) provides for the Divisional Returning Officer to cancel the annotation against the name of the person or to cancel the person's enrolment, as appropriate, where he becomes aware that a person has lost his entitlement to be treated as an eligible overseas elector.
- . New sub-sections 39B(17) and (18) define child and spouse.
- . New sub-section 39C contains procedures to enable itinerants to be enrolled.
- . New sub-section 39C(1) provides that a person who is not qualified to be enrolled only because he does not satisfy the one-month Subdivisional residence qualification, may apply to the Australian Electoral Officer for a State: (a) to have his name added to the Roll for a Subdivision in the State that is the Subdivision for which his next of kin is enrolled, or the Subdivision for which he last had an enrolment entitlement, or is the Subdivision in which he was born, and (b) to be treated as an itinerant elector. The Australian Electoral Officer shall cause the name of the person to be added to the Roll for that Subdivision and cause the Roll to be annotated so as to indicate that the person is an itinerant elector.
- . New sub-section 39C(3) provides that while such a person is entitled to be treated as an itinerant elector he shall retain his enrolment and voting entitlements.
- . New sub-section 39C(4) provides that if an application under new sub-section 39C(1) is received after the close of the Rolls for an election the enrolment and annotation shall not be effected until after the close of polling at the election.
- . New sub-section 39C(5) provides that the Australian Electoral Officer shall notify an applicant if he grants or refuses an application or if an application is received after the close of the Rolls.
- . New sub-section 39C(6) provides that where an itinerant elector resumes living in a Subdivision for 1 month or longer, or has the intention of leaving Australia and staying overseas for 1 month or longer, or ceases to be entitled to enrolment, he is required to notify the Australian Electoral Officer.
- . New sub-section 39C(7) provides that where an itinerant elector lives in a Subdivision for 1 month or longer he ceases to be eligible to be treated as an itinerant elector at the end of that period of 1 month.
- . New sub-section 39C(8) sets out the circumstances in which a person loses his entitlement to be treated as an itinerant elector.
- . New sub-section 39C(9) provides for the Australian Electoral Officer to cause the annotation against the name of the person to be cancelled or to cause the enrolment to be cancelled, as appropriate, where he becomes aware that a person has lost his entitlement to be treated as an itinerant elector.

- . New section 39D is a general provision which extends the application of this Part of the Act to the Territories, and provides that references to a Divisional Returning Officer are to be read in this Part as references to an Assistant Divisional Returning Officer in relation to a Subdivision for which an Assistant Divisional Returning Officer has been appointed.
- Clause 25 - This clause amends section 40, which deals with the addition of names to Rolls.
- . paragraph (a) amends sub-section (1) to allow names of 17 year olds acquiring provisional enrolment to be added to the Rolls.
 - . paragraph (b) replaces sub-section (2) with new sub-sections 25(2), (3), (4) and (5), which delete the requirement for a prescribed claim form, and make provision for enrolment by persons so physically incapacitated as to be unable to sign a claim form.
- Clause 26 - This clause amends section 41 as a consequence of the provisions of new sections 39A, 39B and 39C, and the new Part XIII A, enabling persons provided for by those sections to be enrolled without having their real places of living as their enrolment addresses.
- Clause 27 - This clause inserts a new section 41A providing for provisional enrolment by otherwise qualified 17 year olds. A person so entitled to provisional enrolment is not to be subject to compulsory enrolment, but once on the Rolls, is to be subject to the compulsory transfer provisions.
- Clause 28 - This clause amends section 42, which provides for compulsory enrolment and transfer of enrolment.
- . paragraph (a) makes an amendment as a consequence of new sections 39A, 39B and 39C, exempting from compulsory enrolment persons catered for by those provisions.
 - . paragraph (b) deletes a reference to the prescribed claim form.
 - . paragraph (c) replaces the requirement to deliver a claim to the Registrar for the subdivision in respect of which enrolment is claimed with a requirement simply to deliver the claim to any Divisional Returning Officer.
 - . paragraph (d) inserts a new sub-section 42(1A) which provides that an enrolment or transfer claim received by the Divisional Returning Officer in respect of a division other than his own is to be sent to the proper Divisional Returning Officer, after the date of its receipt is noted.
 - . paragraph (e) replaces a reference in sub-section 42(2) to the Registrar for a subdivision with a reference to the Divisional Returning Officer for a division.
 - . paragraph (f) deletes from sub-section 42(2) the reference to the prescribed claim form.

- . paragraph (g) inserts a new sub-section 42(3) requiring electors to notify address changes within subdivisions within 21 days.
- . paragraph (h) amends sub-section 42(4) so as to provide for no penalty for a contravention of sub-section 42(3).
- . paragraph (j) deletes sub-section 42(5), which exempted Aboriginals from compulsory enrolment, and substitutes a new sub-section 42(5) which provides that proceedings for non-enrolment shall not be instituted against a person after he has made the necessary claim.

Clause 29 - This clause repeals sections 43, 44 and 45, which deal with the processing of enrolment and transfer claims, and inserts a new section 43.

- . New sub-section 43(1) makes provision for Divisional Returning Officers, on receiving enrolment or transfer claims, to take necessary actions including enrolling and notifying claimants, effecting deletions in their own subdivisional Rolls in the case of a transfer within a Division, giving notice of transfers to other Divisional Returning Officers, notifying claimants that they are already correctly enrolled and notifying claimants that their claims have been rejected.
- . New sub-section 43(2) requires a Divisional Returning Officer, on receiving notice from another Divisional Returning Officer of a transfer of enrolment, to delete the elector involved from the relevant Roll.
- . New sub-section 43(3) requires that a person whose claim is rejected be informed of the reasons for the rejection and his right to have the decision reviewed under Part IX.
- . New sub-section 43(4) provides for claims under section 42 not to be considered between the close of Rolls and the close of polling for an election.
- . New sub-section 43(5) provides that names may be removed from a Roll at any time pursuant to a notification of transfer of enrolment received from another Divisional Returning Officer.

Clause 30 - This clause inserts a new section 46A, which provides that persons, the publication of whose addresses on the Roll would endanger the personal safety of themselves or their families, may have granted a request made to the Divisional Returning Officer that their addresses not appear on, or be deleted from, the Roll. Such a request would have to be accompanied by particulars of the relevant risk, and be verified by statutory declaration by the person making the request, or some other person.

Clause 31 - This clause amends section 47 which provides for the alteration and correction of Rolls.

- . paragraph (a) replaces a reference in sub-section 47(1) to a Registrar by a reference to a Divisional Returning Officer.
- . paragraph (b) amends paragraph 47(1)(b) to delete the reference to the occupations of electors appearing on the Rolls.

- . paragraph (c) replaces paragraph 47(1)(f) with a provision allowing the reinstatement of a name removed from the Rolls by objection action based on a mistake of fact where the elector involved has continuously retained his right to enrolment.
 - . paragraph (d) deletes from paragraph 47(1)(g) the reference to a direction of the Divisional Returning Officer.
 - . paragraph (e) replaces paragraph 47(1)(h) with a new provision enabling changes to be made to a Roll flowing from the renaming of a locality or street, or the renumbering of homes within streets.
 - . paragraph (f) replaced paragraphs 47(2)(a) and (b) with new paragraphs prescribing procedures regarding corrections to Rolls, imposing obligations on Divisional Returning Officers, rather than, as at present, on Registrars acting on the directions of Divisional Returning Officers.
 - . paragraph (g) replaces sub-section 47(3) with a new sub-section 47(3) stipulating that alterations to Rolls under section 47 may be made at any time.
- Clause 32 - This clause amends section 49, which provides for the supply to the Australian Electoral Office of lists of deaths and marriages.
- . paragraphs (a) and (b) replace references to the Chief Electoral Officer and Commonwealth Electoral Officer with references to the Electoral Commissioner and the Australian Electoral Officer.
 - . paragraph (c) amends paragraph 49(a) so as to require notification of the deaths of all persons over 17 (rather than 18) years old.
 - . paragraph (d) replaces paragraph 49(b) with a new paragraph requiring information to be forwarded by the Registrar-General pursuant to an agreement reached between him (or a State Minister) and the Electoral Commission.
- Clause 33 - This clause amends section 50, which provides for the supply to the Australian Electoral Office of lists of prisoners, so as to change a reference to the Commonwealth Electoral Officer to a reference to the Australian Electoral Officer, and so as to only require that information on persons subject to prison terms of more than five years be forwarded to the Australian Electoral Officer.
- Clause 34 - This clause amends section 51 so as to change a reference to the Commonwealth Electoral Officer to a reference to the Australian Electoral Officer, and so as to provide that action to remove a name from the Roll pursuant to a notification under sections 49 and 50 shall, except in the case of a deceased elector, take the form of an objection.
- Clause 35 - This clause inserts new sections in Part VII after section 51.

- New section 51A provides that the roll maintenance functions of a Divisional Returning Officer may be discharged by his recording the relevant particulars, or causing the relevant particulars to be recorded, on a computerised roll maintenance system approved by the Commission; the rights of inspection of the Rolls which would otherwise apply are preserved.
 - New section 51B is a deeming provision in respect of Part VII.
 - New sub-section 51B(1) applies Part VII in relation to a Territory as if references to a State were references to a Territory and references to the Australian Electoral Officer for a State were references to the Electoral Commissioner.
 - New sub-section 51B(2) applies Part VII in respect of a subdivision in respect of which an Assistant Divisional Returning Officer is appointed as if references to the Divisional Returning Officer were references to the Assistant Divisional Returning Officer.
- Clause 36 - This clause amends section 52, which establishes the right to object to an elector's enrolment.
- paragraph (a) increases from 50c to \$2.00 the deposit to be lodged by a person other than an officer when making an objection.
 - paragraph (b) replaces a reference to "the King" with a reference to "the Commonwealth".
 - paragraph (c) changes the ground for the forfeiture of a deposit from the objection's being frivolous to the objection's having been made without a reasonable belief by the objector that grounds for the objection existed.
- Clause 37 - This clause amends section 53 by deleting the reference to objections being signed by the Registrar or other prescribed officer.
- Clause 38 - This clause amends section 54 to delete the references to Registrars and other prescribed officers.
- Clause 39 - This clause amends section 55 by deleting sub-sections 55(2) and 55(3), and inserting new sub-sections.
- New sub-section 55(2) provides that notice of objection, in an approved (rather than prescribed) form, may be sent to a postal address, the abode of the elector (if known), or the place of living shown on the Roll.
 - New sub-section 55(3) allows the Divisional Returning Officer to dismiss a frivolous or vexatious objection without giving notice to the person objected to.
- Clause 40 - This clause amends section 57.
- paragraph (a) of sub-clause (1) deletes a reference to the Registrar in sub-section 57(1).
 - paragraph (b) of sub-clause (1) replaces sub-sections 57(2) and 57(3) with new sub-sections.

- . New sub-section 57(2) provides for notice to be given of the determination of an objection to the person objected to.
- . New sub-section 57(3) provides that such a notice shall be in an approved form and may be sent to the address to which the notice of objection could have been sent.
- . Sub-clause (2) provides that the amendments made by sub-clause (1) apply after its commencement to objections lodged before its commencement.

Clause 41 - This clause inserts a new section 57A in Part VIII, which provides that the provisions of that Part apply to a Subdivision in respect of which an Assistant Divisional Returning Officer is appointed as if the references to the Divisional Returning Officer were references to the Assistant Divisional Returning Officer.

Clause 42 - This clause repeals Part IX, which provides for appeals on enrolment and objection decisions, and replaces it with new Parts IX (Review of Decisions), IXA (Registration of Political Parties) and IXB (Registration of Candidates).

- . New section 58 provides for the review by the Australian Electoral Officer or the Electoral Commissioner of certain enrolment decisions.
- . New sub-section 58(1) provides that a person whose enrolment or transfer claim is rejected or who is removed from the Roll pursuant to an objection may, within 28 days of being so notified, request the Divisional Returning Officer, in writing, to refer the matter to the Australian Electoral Officer for review.
- . New sub-section 58(2) provides similarly in respect of a person who has lodged an unsuccessful objection.
- . New sub-section 58(3) sets out the relevant documents which the Divisional Returning Officer must forward to the Australian Electoral Officer for his consideration.
- . New sub-section 58(4) provides that the Australian Electoral Officer, on receiving the request, shall forthwith review the decision.
- . New sub-section 58(5) provides that for the purpose of the review, the Australian Electoral Officer shall have all the powers and discretions of a Divisional Returning Officer, and shall, in writing, either affirm or set aside the decision.
- . New sub-section 58(6) provides for notification of the decision to be given to the person who made the request, the Divisional Returning Officer, and (as the case may be) the objector or the person objected to.
- . New section 58AA provides for appeals on enrolment decisions to a court of summary jurisdiction.

- . New sub-section 58AA(1) provides that a person whose enrolment or transfer claim is rejected, who is removed from the Roll pursuant to an objection, or whose request for the review under section 58 of a decision has been unsuccessful, may in the prescribed manner appeal within 28 days of being so notified, to a court of summary jurisdiction.
- . New sub-section 58AA(2) provides that a person (not including an officer) who has lodged an objection which has been determined adversely to him by the Divisional Returning Officer or, on review, by the Australian Electoral Officer may in the prescribed manner appeal within 28 days of being so notified to a court of summary jurisdiction.

Part IXA - Registration of Political Parties

- . New section 58A provides definitions of Commission, eligible political party, Parliamentary party, secretary, related political parties and a member of a political party.
- . New section 58B provides that an eligible political party may be registered for the purposes of this Act.
- . New section 58C requires the Electoral Commission to establish and maintain a Register of Political Parties.
- . New section 58D provides procedures for making an application for registration to the Commission by a Parliamentary party or a political party other than a Parliamentary party. In the case of a Parliamentary party, the application is to be made by the secretary of the party or the members (or member) of Parliament who are members of the party. In the case of a party other than a Parliamentary party, the application is to be made by 10 members of the party. An application shall, among other things specified in new sub-section 58D(2), set out the name of the party and an abbreviation of that name if the party wishes to be able to use an abbreviation of that name on ballot papers, the name of the registered officer of the party, and shall state whether or not the party wishes to receive election funds under Part XVI of the Act.
- . New section 58E provides that no action in relation to an application for registration shall be taken in the period between the issue of the writ for an election and the return of the writ. This includes any action by the Administrative Appeals Tribunal under new section 58U.
- . New section 58F provides that in the first 3 months of the operation of Part IXA only Parliamentary parties may be registered.
- . New section 58G provides that the Commission shall refuse an application for registration of a party if the name or abbreviation comprises more than 6 words, is obscene, is the name, abbreviation or acronym of the name of another party that is a Parliamentary party or a registered political party, or is so much like the name or abbreviation or acronym of a Parliamentary party or a registered political party that it is likely to be confused with or mistaken for that name, abbreviation or acronym. The Commission shall also refuse registration of a name which includes the word "independent" in conjunction with the name of an existing parliamentary party or a registered party.

- New section 58H provides that related political parties may be registered. This means, for example, that the national organisation of a party and its several State branches may be separately registered.
- New section 58J provides procedures whereby: (a) the Electoral Commission may notify the applicant(s) that it will have to refuse the application as the application stands, but that it would be prepared to consider further the application if it were varied in a particular manner, and (b) the applicant or applicants may respond to the notice.
- New section 58K requires the Commission to publish a notice of an application in the Gazette and in each State or Territory in a newspaper circulating generally in that State or Territory. The notice shall invite persons to submit particulars if they believe an application should be refused on the ground that it does not relate to an eligible political party as defined in new sub-section 58A(1), that it is not in compliance with new section 58D, that it should not be considered because of new section 58F, or that it should be refused under new section 58G.
- New section 58L sets out the procedures to be followed by the Commission where it determines a party should be registered.
- New sub-section 58L(1) provides that the registration of a party is to be effected by entering in the Register the name and abbreviation of the name of the party (if an abbreviation was set out in the application), the name and address of its registered officer, and, where the party has stated it wishes to receive election funds under Part XVI, a statement to that effect. The Commission is required to give written notice to the applicant(s) and to any person submitting particulars under new section 58K, and to publish in the Gazette notice of the registration of the party.
- New sub-section 58L(2) provides that where there is a statement in the Register indicating that a party wishes to receive election funds under Part XVI, the party shall be taken to be registered for the purposes of public funding.
- New sub-section 58L(3) requires the Commission to notify the applicant(s) in the case where it has refused an application for registration of a political party.
- New section 58M provides procedures whereby an application on behalf of a registered political party may be made to vary the party's entry in the Register. Where an application is made to vary the name of the party, to vary the abbreviation of its name or to enter an abbreviation of its name, the procedures relating to an initial application for registration apply (see new sections 58E, 58G, 58J and 58K). Where an application to substitute a person for the registered officer is not signed by the registered officer, the Commission is required to give

written notice to the registered officer inviting him to submit reasons why the change should not be made. Where the Commission determines that an application to change any entry in the Register should be granted, it is required to effect the change, give written notice to the applicant(s) and to other persons who have submitted particulars in relation to the application, and to publish in the Gazette notice of the change. The Commission is required to give written notice to the applicant(s) in the case where it has refused an application.

- New section 58N provides procedures for a registered party to be de-registered upon an application by the party.
- New section 58P provides that a registered party shall be de-registered if it does not endorse a candidate in a federal election held within 4 years of its registration. In the event of de-registration, that party or a party with a name that is likely to be confused with or mistaken for the name of the de-registered party shall be ineligible for registration until after the next general election following the de-registration.
- New section 58Q provides for de-registration of a registered political party if the Commission is satisfied that the party has ceased to exist, or that, in the case of a party that is not a Parliamentary party, its membership has fallen below 500, or that the registration was obtained by fraud or misrepresentation. The procedures set out require the Commission to give notice in writing to the registered officer and to publish a notice in the Gazette regarding its intention. Where a statement in response to the notice is not lodged by the registered officer or 10 members of the party within one month, the Commission shall de-register the party and publish a notice of the de-registration in the Gazette. Where a statement in response to the notice is received, the Commission shall consider it and determine whether the party should be de-registered. If it determines that the party should be de-registered it shall de-register the party, give written notice to the registered officer and publish a notice of the de-registration in the Gazette. If it determines that the party should not be de-registered it shall give written notice to this effect to the registered officer.
- New section 58R provides that a de-registration shall be effected by cancelling in the Register the particulars relating to the party.
- New section 58S provides for public inspection (without fee) of the Register at the principal office of the Commission in Canberra.
- New section 58T provides procedures for the service of notices by the Commission and for the lodging of applications and documents under this Part of the Act.

- . New section 58U provides for review of a decision to register a political party, to refuse an application for registration, to grant or refuse an application to vary an entry in the Register, or to de-register a party under new section 58Q. Where a reviewable decision is made by a delegate of the Commission, a person affected by the decision may apply to the Commission for review of the decision. Where a reviewable decision is made by the Commission or where the Commission reviews a decision made by a delegate of the Commission, a person affected by the decision may apply to the Administrative Appeals Tribunal for review of the decision.

Part IXB - Registration of Candidates

- . New sub-section 58V(1) provides definitions of candidate, Commission, Register and registered name.
- . New sub-section 58V(2) provides for the purposes of this Part that if a candidate is endorsed by 2 registered parties he shall be taken to be endorsed by only one of those parties, that being the one he specifies in his notification of candidacy.
- . New section 58W requires the Commission to establish and maintain a Register of Candidates.
- . New section 58X provides procedures for a candidate to notify the Commission of his candidacy for the purposes of:
 - (a) in the case of a candidate endorsed by a registered political party, having a registered party name adjacent to his name on the ballot paper;
 - (b) in the case of a candidate who has not been endorsed by a registered political party:
 - having the word 'Independent' adjacent to his name on the ballot paper, and/or
 - receiving election funds under Part XVI.
- . New section 58Y provides procedures for candidates in groups to notify the Commission of their candidacy for the purposes of:
 - (a) in the case of a group each member of which has been endorsed by a registered political party:
 - having a registered party name adjacent to the name of each candidate on the ballot paper, and
 - where the candidates have, or propose to have, a group voting ticket registered for an election, having a registered party name or combination of registered party names adjacent to the square printed in relation to their group in accordance with new section 106C.
 - (b) in the case of a group the members of which have not been endorsed by a registered political party, receiving election funds under Part XVI.

- . New section 58Z provides that the registration of a candidate or a group is to be effected by entering in the Register particulars required to be set out in the notification under new section 58X or 58Y, and:

(a) for a candidate:

- in the case of a candidate who is endorsed by a registered political party and who wishes to have a registered party name adjacent to his name on the ballot paper, the name that he has notified,
- in the case of a candidate who wishes to receive election funds under Part XVI, a statement to that effect, and
- in the case of a candidate who wishes to have 'Independent' adjacent to his name on the ballot paper, the word 'Independent';

(b) for a group:

- in the case of candidates in a group each of whom wishes to have a registered party name adjacent to his name on the ballot paper, the name he has notified,
- in the case of candidates in a group who have, or propose to have, a registered group voting ticket and who wish to have a registered party name or composite name adjacent to the square printed in relation to the group, the name or composite name,
- in the case of candidates in a group wishing to receive funds under Part XVI, a statement to that effect,

and an indication that the candidates constitute a group.

- . New sub-section 58Z(4) provides that a candidate shall not be taken to be endorsed as a candidate by a registered political party, and thus entitled to have a party label on the ballot paper unless:
 - the notification given under new section 58X or 58Y was signed by the registered officer of the party, or
 - the candidate's name is included in a statement setting out the names of endorsed candidates, lodged with the Commission by the registered officer of the party before the close of nominations, or
 - the registered officer has otherwise verified that the candidate is endorsed by the party.
- . New sub-section 58Z(5) provides that where there is a statement in the Register indicating that a candidate or group wishes to receive election funds under Part XVI, the candidate or group shall be taken to have been registered for the purposes of public funding.
- . New section 58ZA provides that the Commission shall alter certain particulars in the Register (name or address, the statement relating to election funding, or the word 'Independent') if an application by a candidate is lodged with the Commission.

- . New sub-sections 58ZB (1), (2) and (3) provide for the de-registration by the Commission of a candidate or a group upon an application signed by the candidate or each candidate in the case of a group.
 - . New sub-sections 58ZB (4) and (5) provide, that in the event of the death of a candidate, the Commission shall delete the particulars in the Register relating to the candidate.
 - . New sub-sections 58ZB (6) and (7) provide for the Commission to de-register a candidate (including a candidate in a group) who is registered for the purpose of having a registered party name shown on the ballot paper, upon an application by the registered officer of the party made at any time before the close of nominations for an election.
 - . New sub-section 58ZB (8) requires the Commission to notify the registered officer of a party if the Commission de-registers a candidate who has been endorsed by a registered political party, unless the action has been in response to an application by the registered officer under new sub-section 58ZB (6) or 58ZB (7).
 - . New section 58ZC provides for public inspection (without fee) of the Register at the principal office of the Commission in Canberra.
 - . New section 58ZD provides procedures for the service of notices by the Commission and for the lodging of notifications and applications under this Part of the Act.
- Clause 43 - This clause inserts new section 59AA to provide for the issue of writs for elections of Senators for Territories.
- Clause 44 - This clause amends section 59 relating to the form of writs to extend its operation to the Territories and to require the date of the close of the Rolls to be fixed by a writ in addition to the date for nominations, polling and return of the writ.
- Clause 45 - This clause repeals sections 60 and 61 relating to whom writs are to be addressed and substitutes new sections 60, 61 and 61A.
- . New section 60 provides that a writ for the election of Senators shall be addressed to the Australian Electoral Officer for the State or Territory who shall advertise its particulars in at least 2 newspapers circulating in the State or Territory, advise each Divisional Returning Officer of the dates fixed by the writ and give such directions as appropriate to each Divisional Returning Officer in relation to the conduct of the election.
 - . New section 61 provides that a writ for the election of a Member of the House of Representatives or for a general election for the House of Representatives shall be addressed to the Electoral Commissioner. Only eight writs will be issued for each general election for the House of Representatives - a writ for each of the 6 States and the 2 Territories in respect of the members to be elected from those States and Territories. All eight writs will be issued on the same day. At present, for a general

election, a writ is issued in respect of the election in each House of Representatives Division. The Commissioner will be required to advertise the particulars of a writ in at least 2 newspapers circulating in the State or Territory, advise each Divisional Returning Officer of the dates fixed by the writ and give such directions as he considers appropriate to each Divisional Returning Officer in relation to the conduct of the election.

- . New section 61A provides that the date fixed for the close of the Rolls shall be 7 days after the date of the writ.

- Clause 46 - This clause amends section 62 so that nominations shall close not less than 11 days (at present, not less than 7 days) and not more than 28 days (at present, not more than 21 days) after the issue of the writ, and provides that in the event of the death of a nominated candidate before the close of nominations the nomination period shall be extended by a day.
- Clause 47 - This clause amends section 63 so that polling day shall be not less than 22 days (at present, not less than 7 days) and not more than 30 days (the same as at present) after the close of nominations.
- Clause 48 - This clause repeals section 67 which is made redundant by new sections 60 and 61, and substitutes new section 67 which contains a general provision that references in this Part to a Divisional Returning Officer are to be read as references to an Assistant Divisional Returning Officer where an Assistant Divisional Officer has been appointed for a Subdivision.
- Clause 49 - This clause amends section 69 relating to the qualifications of a Member of the House of Representatives by deleting the requirement that he must have resided within the Commonwealth for at least 3 years.
- Clause 50 - This clause repeals section 70 which requires a member of a State Parliament wishing to nominate for the Commonwealth Parliament to resign 14 days before the date of nomination, and replaces it with a new section 70 which requires a member of a State Parliament or a Territory Assembly wishing to nominate for the Commonwealth Parliament to resign before the hour of nomination (12 noon on nomination day).
- Clause 51 - This clause inserts a new section 70A which prohibits a person standing as a candidate for two or more elections held on the same day.
- Clause 52 - This clause amends section 71 relating to the form of nomination by adding new sub-sections (2) and (3) which specify the name under which a person may nominate as a candidate.
- Clause 53 - This clause amends section 72 which specifies to whom nominations may be made by omitting the reference to the Commonwealth Electoral Officer for the State and substituting the Australian Electoral Officer for the State or Territory.

- Clause 54 - This clause amends section 72A relating to grouping of candidates by changing Commonwealth Electoral Officer to Australian Electoral Officer and by omitting the now obsolete sub-section 72A(6) (relating to elections to fill casual vacancies in the Senate).
- Clause 55 - This clause amends section 73 relating to the requisites for nomination by requiring the person nominated to declare that he has not consented, nor does he intend to consent, to act if elected in relation to a nomination for another election to be held on the same day (this amendment is related to new section 70A), and by raising a candidate's deposit from \$200 to \$500 in the case of a Senate candidate, and from \$100 to \$250 in the case of a House of Representatives candidate.
- Clause 56 - This clause makes a minor consequential amendment to section 74.
- Clause 57 - This clause repeals section 75 relating to rejection of nominations and substitutes a new section which provides that the officer to whom a nomination is made shall not consider the qualifications of the person nominated but shall only consider whether the nomination is in substantial compliance with amended sections 71, 72, 73, 74.
- Clause 58 - This clause amends section 76 relating to the return of a candidate's deposit by basing the formulae on the total number of first preference votes polled by all the candidates in the election instead of, as at present, on the number of votes polled by the successful candidate(s) in the election.
- . New paragraph 76(a) provides that a Senate candidate will have his deposit refunded if he or the group of which he is a member receives more than 4% of the total first preference votes received by all the candidates in the election.
 - . New paragraph 76(b) provides that a House of Representatives candidate will have his deposit refunded if he receives more than 4% of the total first preference votes received by all the candidates in the election.
- Clause 59 - This clause omits sub-section 77(1) which provides that the place of nomination for a Senate election shall be stated in the writ, and substitutes a new sub-section which provides that the office of the Australian Electoral Officer for the State or Territory shall be the place of nomination.
- Clause 60 - This clause inserts new sections in Part XII.
- . New section 85AA defines a "postal voting officer", for the purposes of Part XII, as an Assistant Divisional Returning Officer or a person so appointed under section 85AB.
 - . New section 85AB provides for the appointment by the Electoral Commission of postal voting officers for the purposes of Part XII.

Clause 61 - This clause amends section 85, which deals with applications for postal votes.

- paragraph (a) substitutes "8 kilometres" for "five miles" in paragraph 85(1)(b).
- paragraph (b) inserts new provisions to allow postal voting by persons caring for the seriously ill, for the infirm, and for persons approaching maternity, and also to allow postal voting by hospital patients unable to vote at the hospital.
- paragraph (d) deletes the current paragraph 85(1)(e) which allows postal voting by persons covered by the current section 39A provisions, and inserts in its place a provision for postal voting by persons in prison or otherwise in lawful custody.
- paragraph (e) amends sub-section 85(1) to allow for postal vote applications to be made either orally, or in writing.
- paragraph (f) deletes the current sub-sections 85(2) and (2A), and replaces them with new sub-sections.
- New sub-section 85(2) provides that written applications, which may be in the approved form for the election or elections, shall:
 - (a) contain a declaration that the applicant is an elector entitled to a postal vote;
 - (b) be signed by the elector in the presence of an elector, (or if outside Australia, in the presence of a person in one of the categories set out in sub-section 91B(1A)); and
 - (c) be made after the issue of a writ to a Divisional Returning Officer, (or, outside Australia, to an Assistant Returning Officer).
- New sub-section 85(2A) provides that oral applications:
 - (a) shall contain a statement specifying the grounds for the application, the Division for which the applicant is enrolled, and any other prescribed particulars;
 - (b) may be made, after the close of nominations to a Divisional Returning Officer at his Office, to a postal voting officer at an appointed place and during hours declared by notice in the Gazette, or to an Assistant Returning Officer appointed for a place outside Australia, at his Office.
- New sub-sections 85(2B) and (2C) provide that to be duly made, a written application must reach the officer to whom it is to be made before 6 p.m. on the day before polling day, while an oral application must be made before the close of the polls at the election.
- paragraph (g) adds a new sub-section 85(5) which provides for the Electoral Commission to declare a place to be an appointed place for the purposes of Part XII.

Clause 62 - This clause inserts new sections 86 and 86A.

- . New section 86 provides for the registration of general postal voters.
- . New sub-section 86(1) defines a prescribed elector, for the purposes of the section, to be:
 - (a) an elector enrolled for an appointed remote Subdivision, who lives more than 20 kilometres, by the nearest practicable route, from a polling place;
 - (b) an elector who is a patient at a hospital which is not a polling place or a special hospital within the meaning of section 113C;
 - (c) an elector who though not a hospital patient is because of serious illness or infirmity unable to travel from his residence;
 - (d) an elector in prison or otherwise in lawful custody;
 - (e) a person enrolled pursuant to a claim made under sub-section 40(3); or
 - (f) an elector certified by a doctor to be so physically incapacitated as to be unable to sign his name.
- . New sub-section 86(2) provides that a prescribed elector may apply to the Divisional Returning Officer for his division for registration as a general postal voter.
- . New sub-section 86(3) provides for another person to make an application on behalf of a person who is a prescribed elector defined by paragraphs 86(1)(e) or (f).
- . New sub-section 86(4) provides that the doctor's certificate mentioned in paragraph (1)(f) shall be lodged with the application to which it relates.
- . New sub-section 86(5) provides for applications to be made in writing in an approved form.
- . New sub-section 86(6) provides for the Divisional Returning Officer to register an applicant by entering his name on the Register of General Postal Voters, when he is satisfied that the applicant is a prescribed elector enrolled for the division.
- . New sub-section 86(7) provides for automatic registration of a person who makes a successful claim for enrolment or transfer of enrolment under sub-section 40(3), and indicates with the claim that he seeks registration as a general postal voter.
- . New sub-section 86(8) provides for the Divisional Returning Officer to advise a successful applicant, in writing, of his registration.

- . New sub-section 86(9) provides for the Divisional Returning Officer, if he is not satisfied that the applicant is enrolled for the division, to so advise him in writing.
- . New sub-section 86(10) provides for the Divisional Returning Officer, if he is not satisfied that the applicant is a prescribed elector, to so advise him in writing.
- . New sub-section 86(11) establishes the Register of General Postal Voters, on which is to be shown, in respect of each registered general postal voter, his name, his real place of living as shown on the roll, and such other particulars as the Electoral Commission determines.
- . New sub-section 86(12) provides for the Register to be available for free public inspection at the Divisional Returning Officer's Office, during ordinary office hours.
- . New sub-section 86(13) empowers the Divisional Returning Officer to cancel a registration in prescribed circumstances.
- . New sub-section 86(14) prohibits the making or inducement of false statements in, or in connection with, an application made under sub-section 86(2), or an associated declaration.
- . New sub-section 86(15) provides that except for electors covered by paragraphs 86(1)(e) and (f), registration shall not be prima facie evidence of an entitlement, upon application, to a postal vote.
- . New sub-section 86(16) provides that when a registered general postal voter transfers his enrolment to another division, the Divisional Returning Officer for his original division shall notify the Divisional Returning Officer for his new division that the elector was a registered general postal voter; whereupon the Divisional Returning Officer for his new division shall register him as a general postal voter for that division, unless that Divisional Returning Officer is satisfied that the elector would not be entitled to such registration if he made a fresh application.
- . New sub-section 86(17) provides for the Divisional Returning Officer to review his Register when so directed by the Electoral Commission, and to make such consequent alterations as are necessary to ensure its accuracy.
- . New section 86A provides for the despatch of postal voting materials to registered general postal voters.
- . New sub-section 86A(1) requires the Divisional Returning Officer, as soon as practicable after the issue of the writ, to despatch to registered general postal voters (other than those provided for by sub-section 86A(2)) a postal vote application form and an envelope addressed to the Divisional Returning Officer.

- . New sub-section 86A(2) requires the Divisional Returning Officer, as soon as practicable after the issue of the writ, to despatch to registered general postal voters who became so registered pursuant to a claim made under sub-section 40(3), or who when applying for registration qualified as prescribed electors under paragraphs 86(1)(e) or (f), a postal vote certificate addressed to him, and the appropriate postal ballot-papers.

Clause 63 - This clause amends section 87, which imposes duties on persons witnessing postal vote applications, to make it refer only to written applications, so as to delete the reference in paragraph 87(1)(b) to the applicant's own handwriting and so as to add two new sub-sections.

- . New sub-section 87(3) makes it an offence, with a penalty of \$1000, to visit any elector for the purpose of witnessing a postal vote application, or to witness a postal vote application at any other place than the ordinary residence or place of business of the witness.
- . New sub-section 87(4) qualifies sub-section 87(3) by allowing a witness, if previously so requested in writing, to visit an incapacitated or seriously ill elector, or an elector approaching maternity, for the purpose of witnessing the elector's application.

Clause 64 - This clause repeals section 87A, which proscribes the inducing of postal vote applications.

Clause 65 - This clause amends section 88, which relates to the issue of postal votes.

- . Sub-clause (1) makes new provision for the processing of applications.
- . paragraphs (a) and (d) replace the references in sub-sections 88(1) and (1A) to the Registrar and Returning Officer by references to the postal voting officer.
- . paragraph (b) amends sub-section 88(1) so as to make separate provision for the Divisional Returning Officer to deliver or post a certificate and ballot-paper(s) to an elector pursuant to a written application, or to give them to an elector pursuant to an oral application.
- . paragraph (c) amends sub-section 88(1A) so as to provide that a postal vote certificate and ballot-paper(s) shall not be posted to an elector after the last mail clearance at the nearest post office on the Thursday immediately preceding polling day.
- . paragraph (e) deletes sub-sections 88(1B) and (2), and inserts a new sub-section 88(2) providing for there to be a prescribed form for postal vote certificates and ballot papers.
- . Sub-clause (2) is a saving provision giving continued effect to the current regulations prescribing those forms.

Clause 66 - This clause amends section 89, which provides for the inspection of postal vote applications.

- . paragraph (a) replaces sub-sections 89(1) and (2) with new sub-sections.
- . New sub-section 89(1) provides that where a Divisional Returning Officer receives a postal vote application in respect of his own division he shall note the date of issue of the certificate and ballot-paper(s) on the application form or, in the case of an oral application, make a record of the issue, date of issue, and the number of the certificate so issued.
- . New sub-section 89(2) provides that where an application is received by an issuing official other than the Divisional Returning Officer for the division to which the application relates, he shall in the case of a written application note the date of issue of the certificate and ballot paper(s) on the application form, and send it to the appropriate Divisional Returning Officer, or in the case of an oral application, notify the appropriate Divisional Returning Officer of the issue of the certificate and ballot paper(s), the date of issue, and the number of the certificate.
- . paragraph (b) amends sub-section 89(3) so as to make it refer only to written applications.
- . paragraph (c) amends sub-section 89(3) so as to make provision for the availability for inspection of records of the issue of certificates and ballot-papers.

Clause 67 - This clause amends section 90, which provides for the numbering of applications and certificates.

- . paragraphs (a) and (d) replace the references in sub-sections 90(1) and (2) to the Registrar and Returning Officer by references to the postal voting officer.
- . paragraph (b) amends sub-section 90(1) so as to make it refer only to written applications.
- . paragraph (c) inserts a new section 90(1A) which provides for the Divisional Returning Officer, postal voting officer or Assistant Returning Officer who receives an oral application to make a record of and allocate a number to each such application, and to place that number on the relevant postal vote certificate.
- . paragraph (e) deletes from sub-section 90(2) the requirement that initials on a postal ballot-paper be placed in such a position as to be easily seen when the ballot-paper is folded.

- Clause 68 - This clause amends section 91, which obliges the Divisional Returning Officer to notify the presiding officer of the issue of postal votes.
- . paragraph (a) deletes from sub-section 91(1) the reference to electors who are electors by virtue of section 39A.
 - . paragraph (b) replaces the obligation on the Divisional Returning Officer to inform presiding officers immediately of the issue of a postal vote by an obligation on the Divisional Returning Officer to take such steps as he considers reasonable to so inform presiding officers.
- Clause 69 - This clause inserts in section 91A, which provides for voting by persons who have not received their postal ballot papers, new sub-sections 91A(3) and 91A(4).
- . New sub-section 91A(3) provides that when a person votes under the section, no postal ballot paper that is or purports to be from that person shall be admitted to the scrutiny.
 - . New sub-section 91A(4) provides that for the purposes of Part XIV, any action taken under the section in relation to an election shall be deemed a part of the scrutiny.
- Clause 70 - This clause amends section 91B so as to enable any Australian citizen to witness a postal vote application made outside Australia.
- Clause 71 - This clause amends section 92, which sets out the directions for recording a postal vote.
- . paragraph (a) amends sub-section 92(1) to make it subject to new sub-section 92(3).
 - . paragraph (b) amends paragraph 92(1)(b) so as to exclude, from electors required to sign a postal vote certificate, registered general postal voters who became so registered pursuant to a claim made under sub-section 40(3), or who when applying for registration qualified as prescribed electors under paragraphs 86(1)(e) or (f).
 - . paragraph (c) amends paragraph 92(1)(b) to delete the requirement for a certificate to be signed in the elector's own handwriting.
 - . paragraph (d) amends paragraph 92(1)(f) to extend its operation to physically incapacitated and illiterate electors.
 - . paragraph (e) amends paragraph 92(1)(g) so as to allow the authorised witness to see the elector's vote in cases where the witness has been appointed by the elector to mark the ballot-paper pursuant to paragraph 92(1)(f).
 - . paragraph (f) inserts a new sub-section 92(1A) which provides that where the authorised witness has been appointed to mark the ballot-paper pursuant to paragraph 92(1)(f), the elector may give written instructions, which may be or include a how-to-vote card, as to the way in which he wishes to vote.

- . paragraph (g) inserts new sub-sections 92(3) and (4).
- . New paragraph 92(3)(a) provides for an elector who has made an oral application to deliver his certificate and ballot paper to the issuing officer forthwith after voting, rather than posting it.
- . New paragraphs 92(3)(b) and (c) provide that in the case of a postal vote following an oral application, sub-section 92(1) has effect subject to paragraph (a), but sub-section 92(2) does not have effect.
- . New sub-section 92(4) provides that subject to the regulations, a ballot paper delivered under paragraph 92(3)(a) shall be handled as if it were an absent vote.

Clause 72 - This clause amends section 95, as a consequence of the broader provisions for assistance to postal voters under new paragraph 92(1)(f), to delete the reference in paragraph 95(b) to the case of persons whose sight is impaired.

Clause 73 - This clause amends section 96, which deals with the preliminary scrutiny of postal votes.

- . paragraph (b) deletes paragraph 96(ba), which relates to the current section 39A.
- . paragraph (c) inserts new sub-sections which provide for the admission of a postal vote where the elector's name has been omitted from the Rolls in error, for the admission of a Senate vote where the elector has voted by post in respect of the right State but the wrong division, for the prima facie exclusion of votes postmarked after the close of the polls, for the modification of the provisions of the section by regulations, and which deem actions under the section to be part of the scrutiny.

Clause 74 - This clause inserts a new section 96A, which makes provision for an officer to correct formal defects or errors in a postal vote application or certificate.

Clause 75 - This clause amends section 98, which relates to arrangements for polling.

- . paragraph (a) amends sub-section 98(1) to make it refer to the Divisional Returning Officer rather than the Returning Officer.
- . paragraph (b) deletes paragraph 98(1)(a), which obliges the Divisional Returning Officer to appoint presiding officers, assistant presiding officers, poll clerks and doorkeepers.
- . paragraph (c) inserts a new sub-section 98(1A) which obliges the Electoral Commission to appoint presiding officers, assistant presiding officers, and poll clerks.

- . paragraph (d) amends sub-section 98(2) to delete references to doorkeepers.
 - . paragraph (e) amends sub-section 98(2) to provide for the Electoral Commission, rather than the Divisional Returning Officer to retrospectively ratify emergency appointments of assistant presiding officers or poll clerks.
 - . paragraph (f) amends sub-section 98(3) to lower the minimum age for a presiding officer or assistant presiding officer from 21 years to 18 years.
- Clause 76 - This clause amends section 102 to delete the requirement for ballot-boxes to be constructed and fitted as prescribed.
- Clause 77 - This clause amends section 103, which makes provision for the certified lists of voters.
- . paragraph (a) effects an amendment to provide for the certified list of electors to include provisional enrolees who will have attained the age of 18 by the day fixed for polling.
 - . paragraph (b) effects an amendment to provide for certified lists to be compiled on a divisional rather than sub-divisional basis.
 - . paragraph (c) replaces a reference to prescribed polling places with a reference to appointed polling places.
- Clause 78 - This clause repeals sections 104 and 105, which provide for the format of ballot-papers, and substitutes a new section 104, which provides that Senate and House of Representatives ballot-papers shall respectively be in Forms E and F in the Schedule, and that ballot-papers shall, at elections held after a date to be fixed by the Electoral Commission by Gazette notice, be printed using white paper and a black type face of a kind ordinarily used in Government publications.
- Clause 79 - This clause amends section 105A so as to provide that the order of groups on the Senate ballot paper, the order of ungrouped candidates, and the order of candidates within a group when those candidates have not themselves specified an order, shall be determined by lot in accordance with section 106B.
- Clause 80 - This clause repeals sections 105B and 106, and inserts new sections 106, 106A, 106B and 106C.
- . New section 106 provides for groups of candidates at Senate elections to lodge group voting tickets.
 - . New sub-section 106(1) provides that within 48 hours of the close of nominations, a Senate group may lodge with the Australian Electoral Office for the State or Territory a written statement, signed by all members of the group, setting out a preference ordering of all candidates in the election, which they desire voters to adopt.

- . New sub-section 106(2) provides that a group may instead lodge two such tickets, provided that the preference orderings which they show are the same for the members of the group.
- . New sub-section 106(3) provides that the preference ordering may be specified in the format of a how-to-vote card.
- . New sub-section 106(4) provides that where such statements are lodged, a group shall be taken to have a group voting ticket, or group voting tickets for the purposes of the election, and that (those) ticket(s) shall be the preference ordering(s) specified.
- . New sub-section 106(5) provides that where a group voting ticket or tickets are lodged, a square shall be printed above the group on the ballot-paper, with the same letter beside it as is beside the members of the group.
- . New section 106A makes provision for House of Representatives ballot-papers.
- . New paragraph 106A(a) provides for the order of candidates on the ballot-paper to be determined by lot in accordance with section 106B.
- . New paragraph 106A(b) provides for additional descriptions to be printed on the ballot-paper in the case of candidates whose names are so similar as to be likely to cause confusion.
- . New paragraph 106(c) provides for a square to be printed opposite the name of each candidate, unless otherwise provided by the regulations.
- . New section 106B provides for a system of "double randomization" to be used for determining orders of candidates or groups on Senate and House of Representatives ballot-papers. The system provides for identical numbered balls to be drawn from a large spherical container twice - the first time to place the candidates in a random order, and the second time to allocate positions on the ballot-paper to the candidates or groups.
- . New section 106C provides for the printing of political affiliations on ballot-papers.
- . New sub-section 106C(1) provides that a candidate registered under sub-section 58Z(1) who has the name of a registered political party entered in his particulars on the Register of Candidates shall have the name of that party printed adjacent to his name on the ballot-paper.
- . New sub-section 106C(2) makes provision for grouped candidates.

- New paragraphs 106C(2)(a), (b), (c) and (d) provide that where a group of candidates is registered under sub-section 58Z(2), and each member of the group has the name of a registered political party (not necessarily the same party for each candidate) entered in his particulars on the Register, then in the case where the party is the same for each candidate, its name shall be printed adjacent to the group on the ballot-paper, and in the case of differing parties, the appropriate party name shall be printed adjacent to each candidate.
- New paragraph 106C(2)(e) provides that where a group is to have one party name printed adjacent to it on the ballot-paper, and has a group voting ticket, the party name shall also be printed adjacent to the square printed above the group pursuant to sub-section 106(5).
- New paragraph 106C(2)(f) provides that where a composite name has been entered in the Register in respect of a group that has a group voting ticket, that composite name shall also be printed adjacent to the square printed above the group pursuant to sub-section 106(5).
- New sub-section 106C(3) provides that where the word "Independent" is entered in the Register in the particulars of a registered candidate, that word shall be printed adjacent to his name.
- New sub-section 106C(4) gives definitions of "name" and "Register of Candidates" for the purposes of the section.

- Clause 81 - This clause amends section 107 to delete the requirement for the initials on ballot-papers to be placed in such a position as to allow them to be clearly seen when the ballot-paper is folded.
- Clause 82 - This clause inserts a new section 107A requiring the Australian Electoral Officer for a State or Territory to cause to be displayed in each polling booth a poster setting out copies of group voting tickets which have been lodged by Senate groups.
- Clause 83 - This clause amends section 108 so as to delete the reference to a subdivision of a polling booth and to allow each candidate to have one scrutineer at each issuing point at a polling booth.
- Clause 84 - This clause amends section 109, which relates to scrutineers.
- paragraph (a) replaces the reference in sub-section 109(2) to a subdivision of a polling booth by a reference to an issuing point at a polling booth.
 - paragraph (b) replaces the reference in subsection 109(3) to a constable by a reference to a member of the Australian Federal Police or the police force of a State or Territory.

- Clause 85 - This clause amends section 110 to delete the reference to doorkeepers.
- Clause 86 - This clause amends section 111 to provide for the close of the polls at 6 p.m. rather than 8 p.m.
- Clause 87 - This clause amends section 112, which provides for the entitlement of electors to vote.
- . paragraph (a) amends sub-section 112(1) to extend its operation to the Territories.
 - . paragraph (b) amends sub-section 112(3) to exclude provisional enrollees who have not attained the age of 18 years by the day fixed for polling from the operation of the general right of persons on the Rolls to vote.
- Clause 88 - This clause amends section 113, which makes provision for the places at which electors may vote.
- . paragraph (a) deletes from sub-section 113(1) the reference to persons who are electors by virtue of section 39A.
 - . paragraph (b) amends sub-section 113(1) to provide for ordinary voting to be possible within the division, rather than the subdivision, of the elector's enrolment.
 - . paragraph (c) amends sub-section 113(1) to extend its operation to the Territories.
 - . paragraph (d) inserts a new sub-section 113(1A) to provide for fixed polling booths in hospitals to be available only to patients and their genuine visitors, and to persons performing functions or duties in the hospital.
- Clause 89 - This clause repeals sections 114 and 115 and substitutes new sections 113A, 113B, 113C and 113D which provide for mobile polling booths for the purpose of taking votes of patients in hospitals (and similar institutions), new section 114 which provides for mobile polling booths for the purpose of taking votes of electors in remote Subdivisions, and new section 115 which revises the questions to be put to voters by the presiding officer.
- . New section 113A defines a 'patient' in a hospital so as to exclude an out-patient.
 - . New section 113B provides for mobile polling booths in hospitals that are polling places.

At the present time, bed patients at hospitals must make prior application for a postal vote. Under new section 113B, polling officials will take the ballot-boxes and necessary voting equipment to patients in the rooms and wards of the hospital during polling hours on polling day in accordance with arrangements made with the hospital staff. The polling officials will be able to issue ordinary and absent votes (only ordinary in a by-election). The fixed booth provided at the hospital will continue to be manned at all times when the polling officials are taking the votes of patients in the wards.

- New section 113C provides for mobile polling booths to operate in hospitals that are not polling places but that have been declared by the Electoral Commission to be special hospitals.

Under this new section, electoral visitors, appointed by the Electoral Commission, will provide mobile polling facilities for patients in the special hospitals between 8 a.m. and 6 p.m. on polling day or on any of the 5 days preceding polling day at times determined by the Commission.

- New section 113D makes provision for voting under new sections 113B and 113C.
- New sub-section 113D(1) provides that a visit to a patient shall not be made if it is forbidden on medical grounds.
- New sub-section 113D(2) provides that campaign literature may be left at the general office of a hospital to be supplied on request to patients who are entitled to vote under new section 113B or 113C.
- New sub-section 113D(3) provides for group voting tickets registered for a Senate election to be displayed to patients voting under new section 113B or 113C.
- New sub-section 113D(4) provides that votes shall be taken, so far as is practicable, as if they were taken under the other provisions of the Act, and modifies certain other sections in their application to new sections 113B and 113C.
- New sub-section 113D(5) applies and interprets sub-section 171(1) relating to canvassing in the vicinity of a polling booth.
- New sub-section 113D(6) provides that where an elector has voted under new section 113B or 113C, a postal ballot-paper of that voter shall not be admitted to the scrutiny.
- New section 114 provides for mobile polling teams, appointed by the Electoral Commission, to visit places in declared remote Subdivisions, for the purpose of taking votes (ordinary and absent - only ordinary in a by-election) of electors at those places.
- New sub-sections 114(4) and (5) provide that the Commission shall determine and publicise the places, days and times of the visits which may take place in the period beginning 12 days before polling day and ending on polling day.
- New sub-section 114(6) enables the mobile team leader to vary the itinerary in certain circumstances.
- New sub-section 114(7) provides that any failure by a team to make a visit in accordance with new section 114 does not invalidate the result of the election.

- . New sub-section 114 (8) provides that a team shall have ballot-boxes, ballot-papers, group voting tickets registered for a Senate election, other necessary equipment and 'how-to-vote' cards (if any) supplied to it by the candidates; and makes other provisions for the conduct of polling.
 - . New sub-section 114 (11) provides that where an elector has voted under new section 114, a postal ballot-paper of that voter shall not be admitted to the scrutiny.
 - . New section 115, which relates to the questions to be put to a person claiming to vote at a polling booth, combines and simplifies existing sections 114 and 115 of the Act.
- Clause 90 - This clause amends section 116 to replace a reference to a Christian name with a reference to a Christian or given name, and to delete a reference to occupations shown on the Roll or certified list.
- Clause 91 - This clause amends section 117 so as to provide for ballot-papers to be given to a person who establishes a right to vote through his answers to the prescribed questions, or who claims an absent vote and complies with the absent voting regulations.
- Clause 92 - This clause amends section 119, which provides for the way in which an elector is to mark and cast his vote.
- . paragraph (a) amends paragraph 119(a) to delete the obligation on the voter to mark his vote on the ballot-paper "in the manner "hereinafter described".
 - . paragraph (b) amends paragraph 119(b) to delete the obligation on the voter to exhibit the initials on the ballot-paper to the presiding officer.
- Clause 93 - This clause amends section 120, which provides for assistance to certain electors.
- . paragraph (a) amends sub-section 120(1) to extend the operation of the sub-section to illiterate electors.
 - . paragraph (b) amends sub-section 120(2) to delete the specific reference to illiterate electors.
 - . paragraph (c) inserts a new sub-section 120(3) which provides for an elector being assisted under sub-section 120(2) by a presiding officer to be able to present to that presiding officer written instructions, which may be or include a how-to-vote card, as to the way in which he wishes to vote.
- Clause 94 - This clause amends section 121, which provides for voting by persons not on the Roll.
- . paragraph (a) replaces sub-section 121(1) with new sub-sections 121(1) and (1A).
 - . New sub-section 121(1) provides that a person who claims a vote and whose name is not on, or cannot be found on, the certified list, may cast a provisional vote on signing a declaration in the approved form on an envelope.

- . New sub-section 121(1A) provides for a person whose name is not on, or cannot be found on, the certified list, to be handed a written statement, in the approved form, setting out his rights under the section and the steps that would be taken if he voted under the section.
- . paragraph (b) amends sub-section 121(2) to replace a reference to an elector's claiming to vote under the section by a reference to an elector's voting under the section.
- . paragraph (c) amends sub-section 121(3) to replace a reference to a Returning Officer with a reference to a Divisional Returning Officer.
- . paragraphs (d) and (e) amend sub-section 121(5) so as to provide for the Divisional Returning Officer, if satisfied that the elector at the time of voting was entitled to be enrolled and either was on the Roll or was not because of an error or mistake by an officer, to deal with the ballot-paper as if it were an absent vote, and to make such correction to the Roll as is necessary.
- . paragraph (f) replaces sub-section 121(6) with new sub-sections 121(6), (7) and (8).
- . New sub-section 121(6) provides that where a provisional vote envelope contains only a Senate ballot-paper, the Divisional Returning Officer is satisfied that the voter was enrolled for some other division in the State or Territory and that the vote would be otherwise eligible for admission to the further scrutiny he may admit that ballot-paper to the further scrutiny.
- . New sub-section 121(7) makes similar provision in respect of a similar provisional vote envelope containing both a Senate and a House of Representatives ballot-paper but obliges the Divisional Returning Officer to separate the ballot-papers while preserving as far as practicable the secrecy of the vote, and to admit the Senate ballot-paper and disallow that for the House of Representatives.
- . New sub-section 121(8) provides for a provisional voter to be informed if it is decided that he was not entitled to be enrolled for the division in respect of which he cast the provisional vote.

Clause 95 - This clause amends section 121A, which provides for voting by a person who appears from the certified list to have already voted.

- . paragraph (a) amends sub-section 121A(1) to replace a reference to a polling place prescribed for a Subdivision by a reference to a polling place appointed for a division.
- . paragraph (b) inserts a new sub-section 121A(3) which provides that for the purposes of Part XIV, any processing of ballot-papers under the section shall be deemed to be a part of the scrutiny.

- Clause 96 - This clause inserts a new section 121B, to provide for voting by persons with "silent" enrolments.
- . New sub-section 121B(1) provides that electors whose addresses, pursuant to section 46A, are not shown on the Roll may vote on making a declaration of address before the presiding officer, in the approved form on an envelope.
 - . New sub-section 121B(2) provides that a vote cast under the section shall be marked and folded in the manner prescribed in the Act, and returned to the presiding officer.
 - . New sub-section 121B(3) provides that the presiding officer shall then, in front of scrutineers, place the ballot-paper in the declaration envelope, seal the envelope and place it in the ballot-box.
 - . New sub-section 121B(4) provides that the Assistant Returning Officer who opens the ballot-box shall transmit the envelope unopened to the Divisional Returning Officer for the division for which the elector is enrolled.
 - . New sub-section 121B(5) provides that the Divisional Returning Officer if satisfied that the declared address is the same as that on the elector's section 46A declaration, shall deal with the ballot-paper as if it were an absent vote.
- Clause 97 - This clause amends section 122 by adding a new sub-section 122(2), which provides for the replacement of a ballot-paper spoilt by an elector recording any type of vote which involves the placing of the ballot-paper in an envelope.
- Clause 98 - This clause amends section 123, which provides for the marking of Senate votes.
- . paragraph (a) amends sub-section 123(1) to make its provisions subject to new sub-section 123A(1A).
 - . paragraph (b) inserts a new sub-section 123(1A) which provides that where a group in a Senate election has a registered group voting ticket, or tickets, the elector may vote by placing the figure 1 in the square printed for that purpose above the group. It also inserts a new sub-section 123(1B) which provides that the vote recorded under sub-section 123(1A) is not informal if the elector uses a tick or a cross instead of the figure 1.
- Clause 99 - This clause amends section 128A which provides for compulsory voting.
- . paragraph (a) amends sub-section 128A(4) to delete the reference to sub-section 128A(1).
 - . paragraph (b) amends sub-section 128A(4) so as to require the Divisional Returning Officer to state in the non-voter's notice that it is an offence to fail to vote without a valid and sufficient reason.
 - . paragraph (c) amends sub-section 128A(4) so that a non-voter rather than being asked "to give a valid truthful and sufficient" reason for failing to vote, will be asked "to show cause why proceedings for failing to vote at the election without a valid and sufficient reason should not be instituted" against him.

- . paragraph (d) amends sub-section 128A(6) to oblige a non-voter to state the reasons why proceedings should not be instituted rather than the true reason why he failed to vote.
- . paragraph (e) amends sub-section 128A(8) to oblige the Divisional Returning Officer to render a decision on the cause shown, rather than the reasons stated.
- . paragraph (f) inserts a new sub-section 128A(8A) which makes provision for the Divisional Returning Officer to be able to conclude that the elector did, in fact, vote at the election.
- . paragraph (g) replaces paragraph 128A(12)(c) with a new paragraph which provides that it is an offence to knowingly make a statement in a non-voter's response form that is false or misleading in a material particular.
- . paragraph (b) replaces sub-section 128A(14) with a new sub-section excluding from the operation of compulsory voting Antarctic electors, eligible overseas electors, and itinerant electors.

Clause 100 - This clause inserts a new Part XIII A which makes special provisions for polling in Antarctica.

- . New section 128B defines Antarctica, Antarctic elector, station, and transmit.
- . New section 128C provides for the appointment by the Electoral Commission of an Antarctic Returning Officer and an Assistant Antarctic Returning Officer for each station, and for the appointment by the person in charge of a station of a person to act as the Antarctic Returning Officer or of a person to act as the Assistant Antarctic Returning Officer. While a person is acting as the Antarctic Returning Officer or as the Assistant Antarctic Returning Officer he has and may exercise all the powers and functions of the Antarctic Returning Officer or the Assistant Antarctic Returning Officer as the case requires.
- . New section 128D applies certain provisions in Part XIII of the Act (The Polling) to the polling in Antarctica.
- . New section 128E enables an elector who is going to work in Antarctica to give notice to the Divisional Returning Officer requesting that he be treated as an Antarctic elector while he is in Antarctica. A notice must be received before the close of nominations for an election. When he receives such a request the Divisional Returning Officer shall annotate the Roll for the Subdivision for which the elector is enrolled, and shall annotate the certified list of voters for an election held while the elector is in Antarctica, so as to indicate that he is an Antarctic elector. The Divisional Returning Officer shall delete an annotation when he becomes aware that the elector has ceased to be in Antarctica.

- . New section 128F makes arrangements for the polling in Antarctica. In the case of a Senate election, an Australian Electoral Officer for a State, on the Roll for which there is an Antarctic elector, shall cause to be transmitted to the Antarctic Returning Officer at whose station the elector is based, directions for preparing ballot-papers and the name of the elector and other details on the Roll. In the case of a House of Representatives election, a Divisional Returning Officer, on whose Roll there is an Antarctic elector, shall transmit to the Antarctic Returning Officer at whose station the elector is based, directions for preparing ballot-papers and the name of the elector and other details on the Roll. The Antarctic Returning Officer shall prepare a statement of the information received from the Australian Electoral Officer or Divisional Returning Officer, as the case may be, and the Australian Electoral Officer or the Divisional Returning Officer, as the case may be, shall prepare a statement of the information transmitted to the Antarctic Returning Officer.
- . New section 128G applies section 107 relating to the initialling of ballot-papers.
- . New section 128H prohibits a candidate from taking part in the polling in Antarctica.
- . New section 128J provides procedures for the conduct of the poll and provides that polling shall cease at 6 p.m. by standard time in the Australian Capital Territory on the day of polling for the election.
- . New section 128K provides that an Antarctic elector whose name has been transmitted to the Antarctic Returning Officer is entitled to vote at the station.
- . New section 128L contains the questions to be put to a person claiming to vote at the station.
- . New section 128M provides that the elector shall be handed a ballot-paper if his name has been transmitted to the Antarctic Returning Officer and his claim to vote has not been rejected.
- . New section 128N requires the Antarctic Returning Officer or Assistant Antarctic Returning Officer to record on the statement that he has prepared under section 128F that the elector has received the ballot-paper.
- . New section 128P applies sections 119 (recording a vote) and 120 (assistance to voters) to polling at an Antarctic station.
- . New section 128Q outlines the procedures to be followed by the Antarctic Returning Officer, in the presence of the Assistant Antarctic Returning Officer, at the close of the poll. The Antarctic Returning Officer is required to transmit to the Australian Electoral Officer for each State for which there is enrolled an Antarctic elector who has voted in Antarctica, particulars of each elector who has voted and particulars of the marking of each ballot-paper, and is required to prepare a statement of the information he has transmitted.

- . New section 128R outlines the procedures to be followed by an Australian Electoral Officer upon receipt of the particulars transmitted by an Antarctic Returning Officer. The Australian Electoral Officer is required to transcribe the particulars relating to the marking of a ballot-paper onto a postal ballot-paper which he has initialled, seal the postal ballot-paper in an envelope, indorse the envelope with his signature, and send it to the appropriate Divisional Returning Officer. Scrutineers may be present during these proceedings. The Australian Electoral Officer is also required to prepare a statement of the information he has received from an Antarctic Returning Officer and to send to each Divisional Returning Officer for a Division to which a ballot-paper relates, particulars of the Antarctic electors who have voted in the election in relation to the Division.
- . New section 128S requires an Antarctic Returning Officer to forward to the Electoral Commission statements he has been required to prepare under new sections 128F and 128Q and ballot-papers prepared by him and used for voting in Antarctica. The section also requires all the statements required to be prepared under this Part, the ballot-papers prepared by an Antarctic Returning Officer and used for voting in Antarctica, and the postal ballot-papers filled in by an Australian Electoral Officer, to be preserved until the election can no longer be questioned or the expiration of the period of 6 months from the declaration of the poll, whichever is the later date.
- . New section 128T extends this Part to the Territories by providing that a reference to a State includes a reference to a Territory.

Clause 101 - This clause amends section 130, which provides for the presence of scrutineers at the scrutiny.

- . paragraph (a) replaces sub-sections 130(2) and (3) with a new sub-section 130(2), which provides that a candidate is not entitled to have more scrutineers at a counting centre than the number of officers counting ballot-papers at that counting centre.
- . paragraph (b) amends sub-section 130(4) to replace references to polling booths by references to counting centres.
- . paragraph (c) replaces sub-section 130(5) with a new sub-section 130(5) which defines a "counting centre", for the purposes of the section, as any premises at which a scrutiny or counting of ballot-papers is to be, or is being, conducted.

Clause 102 - This clause amends section 133, which provides criteria for the formality of votes.

- . paragraph (a) amends paragraph 133(1)(a) to make it subject to new sub-section 133(1A).
- . paragraph (b) amends paragraph 133(1)(b) to make it subject to new sections 133A and 133B.

- paragraph (c) deletes from paragraph 133(1)(b) the proviso that a final blank square on an otherwise correctly numbered Senate ballot-paper shall be taken to express the last preference of the voter.
- paragraph (d) amends paragraph 133(1)(c) to make it subject to new section 133B.
- paragraph (e) amends the second proviso to paragraph 133(1)(c) so as to provide that where there are only two candidates on a House of Representatives ballot-paper, one square has a figure 1 in it, and the second square is either blank or has a figure other than 2 in it, the vote shall be formal.
- paragraph (f) amends paragraph 133(1)(d) to change a reference to the Returning Officer to a reference to the Divisional Returning Officer.
- paragraph (g) inserts a new sub-section 133(1A) which provides that a ballot-paper which is uninitialled and lacks the official mark shall not be informal if in the Divisional Returning Officer's opinion it is an authentic ballot-paper.

Clause 103 - This clause inserts new sections 133A and 133B.

- New section 133A provides for ballot-papers marked by indicating support for a group voting ticket in accordance with sub-section 123(1A).
- New sub-section 133A(1) provides that a vote correctly marked in accordance with sub-section 123(1A) shall not be informal by virtue of paragraph 133(1)(b).
- New sub-section 133A(2) provides that where the elector records both a formal "ticket" vote and a formal "normal" preferential vote on his ballot-paper, the formal "normal" preferential vote shall be taken as the elector's vote.
- New sub-section 133A(3) provides that a voter shall not be taken to have voted in accordance with sub-section 123(1A) if he places a first preference mark (defined in new sub-section 133A(4) as a tick, cross or figure 1) in two or more group voting ticket squares.
- New section 133B provides for ballot-papers to be included in the scrutiny as formal, and counted until preferences become unclear, provided that they show at least a first preference, and (a) in the case of a House of Representatives ballot-paper, have numbers in all but one square; or (b) in the case of a Senate ballot-paper, have numbers in at least 90% of squares, or in all but one square when there are fewer than 10 candidates.

- Clause 104 - This clause inserts a new section 134A, dealing with the way in which votes marked in accordance with new sub-section 123(1A) are to be handled.
- . New sub-section 134A(1) provides that where a group has a single group voting ticket, a vote marked for it in accordance with sub-section 123(1A) shall be taken as equivalent to a vote numbered exhaustively in accordance with that ticket.
 - . New sub-section 134A(2) provides that where a group has two group voting tickets, half of its sub-section 123(1A) votes shall be taken to follow one of the tickets, the other half shall be taken to follow the other, and if there is an odd vote, the Australian Electoral Officer for the State or Territory shall decide by lot which ticket it follows.
 - . New sub-sections 134A(3) and (4) provide that if, and only if, effect cannot be given to new sub-section 134A(2), votes cast for a group with two group voting tickets shall be taken as showing the preferences common to the two tickets, and no other preferences.
- Clause 105 - This clause amends section 135 to introduce for Senate elections, with modifications, the Hare-Clark system of scrutiny used at Tasmanian State elections. That system involves transferring the surplus votes of an elected candidate by distributing all his ballot-papers to the next available candidate, but treating each ballot-paper as representing only a fraction of a vote. This contrasts with the current Senate system in which only some of the elected candidate's ballot-papers, selected at random, are distributed further, but with each representing a full vote. Two significant modifications of the Tasmanian scheme are made. The first is that when a candidate is elected on a count later than the first, all of his ballot-papers, not just those he received on the transfer that elected him, are to be available for further distribution. The second is that when votes are set aside as exhausted, the quota is to be adjusted downwards to reflect the smaller total number of votes in the count.
- The section is also amended to delete reference to the indorsement of copies of the writ.
- Clause 106 - This clause amends section 136 relating to the scrutiny of votes in House of Representatives elections.
- . paragraph (a) inserts in paragraph 136(1)(a) a reference to ballot-boxes sent to an Assistant Returning Officer from mobile polling teams and electoral visitors.
 - . paragraphs (b) and (c) delete from paragraphs 136(1)(d) and 136(1)(h) the reference to the indorsement of the copy of the writ.
 - . paragraph (d) amends sub-section 136(4) to replace a reference to copies of the writ forwarded to the Divisional Returning Officer by a reference to statements transmitted to the Divisional Returning Officer.
 - . paragraph (e) inserts a new sub-section 136(6A) to provide for a ballot-paper to be set aside as exhausted when it is found to express no preference for any unexcluded candidate.

- . paragraph (f) amends sub-section 136(8) to make it subject to new sub-section 136(8A).
- . paragraph (g) inserts a new sub-section 136(8A) which provides that when votes are set aside as exhausted, the number of votes which are required for a candidate to be elected shall be reduced.

Clause 107 - This clause inserts new sections 136B and 136C.

- . New section 136B provides for the Divisional Returning Officer in certain circumstances, to be able to conduct under the directions of the Australian Electoral Officer a scrutiny of second and later preferences in a House of Representatives election before the expiration of the period for the receipt of postal votes.
- . New section 136C provides for the Electoral Commission after the election of a member of the House of Representatives to be able to direct the Divisional Returning Officer to carry out for information purposes a scrutiny of the second and later preferences of the candidates in a manner specified in the directions.

Clause 108 - This clause amends section 137, which deals with Senate recounts, to change a reference to the Commonwealth Electoral Officer to a reference to the Australian Electoral Officer, and to allow a recount of Senate ballot-papers in any category determined by the Australian Electoral Officer.

Clause 109 - This clause inserts a new section 140A in Part XIV to provide that after a double dissolution there shall be a recount based on the quota which would have applied had it been a periodical half Senate election, that sections 139 and 140 shall not apply to such a recount, and that such a recount shall not affect the result of the election.

Clause 110 - This clause amends section 141 to delete sub-section 141(2), which provides for the declaration of a Senate result before all votes are received.

Clause 111 - This clause amends section 142, which provides for the return of House of Representatives writs.

- . paragraph (a) replaces paragraph 142(1)(b) with a new paragraph 142(1)(b) obliging the Divisional Returning Officer to make out a statement of the result of the election and transmit it to the Electoral Commissioner.
- . paragraph (b) amends paragraph 142(2)(b) to insert a reference to inquiries under sub-section 96(2), sections 121 and 121B and the regulations relating to absent voting.
- . paragraph (c) replaces a reference to the Chief Electoral Officer by a reference to the Electoral Commissioner.
- . paragraph (d) deletes from sub-section 142(2) a reference to returning the writ, and replaces it with a reference to making out a statement pursuant to paragraph 142(1)(b).

- . paragraph (d) replaces a reference to the Chief Electoral Officer with a reference to the Electoral Commissioner.
- . paragraph (e) inserts a new sub-section (3) which provides for the Electoral Commissioner to return the writ, appropriately indorsed, after he has received a statement under paragraph (1)(b) from the Divisional Returning Officer (or, in the case of a general election, from all Divisional Returning Officers).

Clause 112 - This clause amends section 144 so as to provide for notice to be published in the Gazette of an extension of the time for the election or the return of the writ, and to specify that any variation so made of a date fixed in the writ shall have effect as if the date specified in the variation had been specified in the original writ.

Clause 113(1) - This clause repeals Part XVI of the Act and substitutes a new Part XVI concerning election funding and financial disclosure.

Division 1 - Preliminary

- . New sub-section 145(1) provides definitions of broadcast, broadcaster, disposition of property, division, election, election period, eligible vote, gift, group, journal, polling day, property, registered, secretary, and State branch.
- . New sub-section 145(2) provides that a document required to be lodged, given or furnished to the Electoral Commission shall be deemed to be lodged, given or furnished if it is posted to the Commission in Canberra.
- . New sub-section 145(3) provides that anything done by or with the authority of a political party, a State branch of a political party or a division of a State branch of a political party (if the party, branch or division is not a body corporate), is deemed to be done by or with the authority of members or officers of the party, branch or division.
- . New sub-section 145(4) provides that a reference to a political party, other than a reference to the endorsement of a candidate or group, does not include a reference to a part of the party. This means that for parties organised at the national, State, electorate and branch levels, a reference to a political party is a reference to the national level of the organisation.
- . New sub-section 145(5) provides that the value of gifts in kind will be determined in accordance with principles set out in the regulations.
- . New sub-section 145(6) provides that two related bodies corporate (as determined under the Companies Act 1981) are deemed to be the same person.

Division 2 - Agents

- . New section 146 provides that a political party may appoint an agent and that a State branch of a political party may appoint an agent for the purposes of this Part. Where a political party or a State branch does not have an appointed agent, the secretary of the party or branch is deemed to be the agent of the party or branch.
- . New section 147 provides that a candidate (including a member of a group) may appoint an agent and that the members of a group may appoint an agent for the purposes of this Part. Where a candidate or group does not have an appointed agent, the candidate or, in the case of a group, the candidate whose name appears first in the group, is deemed to be the agent.
- . New sub-section 148(1) provides procedures for appointing agents.
- . New sub-section 148(2) provides that if a person who is an agent is convicted of an offence against this Part in relation to an election, he is not eligible to be appointed or to hold office as an agent for the purposes of any subsequent election.
- . New section 149 enables the appointment of an agent to be revoked.
- . New section 150 requires notification of the death or resignation of an agent to be given to the Commission.

Division 3 - Election Funding

- . New sub-section 151(1) defines electoral expenditure for the purpose of lodging claims for public funds, as expenditure incurred in connection with an election campaign.
- . New sub-section 151(2) provides that votes given for a candidate in a group are deemed to be votes given to the group.
- . New sub-sections 151(3), (4) and (5) provide that electoral expenditure incurred by a candidate endorsed by a registered political party, or by a political party (national level) in relation to a particular State or Territory, or by a division of a State branch of a political party, or by a group endorsed by a registered party, is deemed to be expenditure incurred by the State branch for the purpose of submitting claims for election funds. In the case of a group endorsed by 2 registered parties, provision is made for the agents of the State branches of both parties to decide how the expenditure incurred by the group will be divided between the 2 State branches. In the absence of agreement the Electoral Commission will decide.

- . New section 152 provides that 60 cents shall be payable in respect of each formal first preference vote given for an eligible candidate in a House of Representatives election, 30 cents in respect of each formal first preference vote given for an eligible candidate or an eligible group in a Senate election held together with a House of Representatives election, and 45 cents in respect of each formal first preference vote given for an eligible candidate or eligible group in a separate Senate election. Eligible candidate means a registered candidate (that is, a candidate who is registered in the Register of Candidates for the purpose of receiving election funds) or a candidate endorsed by a registered political party. Eligible group means a registered group (that is, a group that is registered in the Register of Candidates for the purpose of receiving election funds) or a group endorsed by a registered political party or by 2 registered political parties.
- . New section 153 provides for the making of claims to the Electoral Commission by the agent of a State branch of a registered political party for payment in respect of eligible votes (formal first preference votes) received by the candidate(s) and/or group endorsed by the party for that State or Territory, and by the agent of a registered candidate or registered group in respect of eligible votes received by that candidate or group. Provision is made for the agents of the State branches of both parties to make a claim in respect of eligible votes received by a group endorsed by 2 registered parties. The new section also provides that a claim shall be in an approved form, that it shall be accompanied by such information as the Commission requires concerning total electoral expenditure incurred by the State branch, candidate or group in relation to the election(s), as the case requires, and that the claim shall be lodged with the Commission within 20 weeks after polling day.
- . New section 153A provides that the Commission shall determine claims for payment.
- . New section 153B provides that a payment shall not be made in respect of votes received by a candidate or group unless the total number of formal first preference votes received by the candidate or group is at least 4% of the total number of formal first preference votes received by all the candidates in the election (see clause 58 relating to the retention of a candidate's deposit).
- . New section 153C provides that a payment made in relation to a claim by an agent shall not exceed the electoral expenditure incurred in the election(s) by the State branch of a registered political party or by the candidate or by the group, as the case may be.

- . New section 153D provides that where the Electoral Commission is satisfied in relation to a claim that an amount is payable, payments shall be made to the agent of the State branch of a registered political party, or to the agent of a candidate or the agent of a group, as the case may be. In the case of payments in respect of a group endorsed by 2 registered parties, provision is made for payments to be made to the agents of the State branches of both parties, in such shares as are agreed upon between the agents. In the absence of agreement the Commission will determine the respective shares. Provision is also made for payments to be recovered by the Commonwealth if a recipient is not entitled to receive the whole or part of an amount paid.
- . New section 153E provides that if a candidate dies, a payment may still be made in respect of eligible votes he received.
- . New section 153F provides that if a member of a group dies, a payment may still be made in respect of eligible votes received by the group.
- . New section 153G provides for appropriation from the Consolidated Revenue Fund of the amounts payable under this Division.

Division 4 - Disclosure of donations

- . New sub-section 153H(1) provides definitions for the purpose of this Division of "by-election" and "election".
- . New sub-sections 153H(2) and (3) distinguish gifts received by a candidate within a group from those received by the group.
- . New sub-section 153H(4) provides that gifts received by or on behalf of a division of a State branch of a political party are deemed to have been received by or on behalf of that State branch.
- . New sub-section 153J(1) provides that the agent of each political party and the agent of each State branch of each political party shall, within 20 weeks after polling day, furnish to the Electoral Commission a return setting out the total amount or value of all gifts, the number of gifts and the relevant details of each gift received by the party or branch during the period that commenced on the day after the polling day in the election immediately preceding the current election and that ended on polling day in the current election. This means that national organisations and State branches are required to furnish returns of donations.

- . New sub-section 153J(2) provides that the agent of each candidate (including a candidate in a group) shall, within 15 weeks after polling day, furnish to the Commission a return setting out the total amount or value of all gifts, the number of gifts and the relevant details of each gift received by the candidate during the period that commenced -

- (a) where the candidate was not a candidate in a general election or a by-election within 4 years before polling day in the current election, or in a Senate election within 7 years before polling day in the current election - on the day he announced he would be a candidate in the current election or on the day he nominated as a candidate in the current election, whichever first occurred; or

- (b) in any other case - on the day after the polling day in the election or by-election in which he was most recently a candidate,

and that ended on the polling day in the current election.

- . New sub-section 153J(3) provides that the agent of each group shall, within 15 weeks after polling day, furnish to the Commission a return setting out the total amount or value of all gifts, the number of gifts and the relevant details of each gift received by the group during the period that commenced -

- (a) in the case of a registered group - on the day on which the members of the group gave a notification to be registered as a group under proposed new section 58Y; or

- (b) in any other case - on the day on which the members of the group claimed to have their names grouped on the ballot papers under section 72A,

and that ended on the polling day in the current election.

- . New sub-section 153J(4) defines the relevant details to be disclosed in relation to a gift as the amount or value of the gift, the date on which the gift was made and the name and address of the person who made the gift.

- . New sub-section 153J(5) provides that a return does not have to disclose the relevant details of a gift if, in the case of a gift to a party or State branch, the gift was made on the condition that it be used for a purpose other than a purpose related to a federal election (e.g. for administrative purposes or for the purpose of a State election) and the party or branch has used the gift for this other purpose, or, if the amount or value of a gift to a party or State Branch or a group is less than \$1 000 or to a candidate is less than \$200.

- New sub-section 153J(6) provides that 2 or more gifts made by one person during the disclosure period are required to be disclosed if in the aggregate they are equal to or exceed \$1000 in the case of gifts to a party, State branch or a group, or are equal to or exceed \$200 in the case of gifts to a candidate.
- New sub-section 153J(7) provides that a return by the agent of a political party or State branch of a political party is not required to set out the total amount or value of, or the number of, gifts which were made on the condition that they be used for a purpose other than a purpose related to a federal election and the party or branch has used these gifts for that other purpose.
- New sub-section 153K(1) provides that where a person (not being a political party or branch or division of a political party, a candidate or a member of a group) during an election period incurs expenditure for a political purpose in relation to the election, the person shall, within 15 weeks after polling day, furnish a return to the Electoral Commission setting out the relevant details of each gift (equal to or above \$1000) received by the person during that election period and the whole or part of which was used by the person to enable him to incur expenditure for a political purpose or to reimburse him for incurring expenditure for a political purpose in relation to the election.
- New sub-section 153K(2) provides that a return under sub-section 153K(1) is not required if the total amount of expenditure incurred by the person for political purposes was less than \$1 000.
- New sub-section 153K(3) interprets expenditure incurred for a political purpose and defines relevant details:
- New paragraph 153K(3)(a) interprets expenditure incurred for a political purpose in relation to an election as expenditure incurred for:
 - (i) campaigning in the election in support of, or in opposition to, a political party or a branch or division of a political party, a candidate or a group,
 - (ii) publicly expressing views on an issue in the election,
 - (iii) the making of a gift to a political party or a State branch of a political party (not being a gift made on the condition that it be used by the party or branch for a purpose other than a federal election),
 - (iv) the making of a gift to a candidate or a group; or
 - (v) the making of a gift to a person on the understanding that that person or another person will use, either directly or indirectly, the whole or a part of the gift as mentioned in sub-paragraph (i), (ii), (iii) or (iv).

- New paragraph 153K(3)(b) defines relevant details as the amount or value of the gift, the date on which the gift was made and the name and address of the person who made the gift.
- New sub-section 153K(4) provides that for this section, 2 or more gifts made by the same person during the relevant period in an election shall be taken to be one gift.
- New sub-section 153L(1) provides that it is unlawful for a political party or a State branch of a political party or a person acting on behalf of the party or branch to receive a gift which is equal to or exceeds \$1,000 unless (a) the name and address of the person making the gift are known to the person receiving the gift, or the person making the gift gives his name and address and the person receiving the gift has no grounds to believe that the name and address are not the true name and address of the person making the gift, or (b) the person receiving the gift does so on the condition that it be used by the party or branch for a purpose other than a purpose related to a federal election.
- New sub-section 153L(2) provides that it is unlawful for a candidate or a group or a person acting on behalf of the candidate or group to receive a gift which is equal to or exceeds \$200 in the case of a gift to a candidate, equal to or exceeds \$1000 in the case of a gift to a group, unless the name and address of the person making the gift are known to the person receiving the gift, or the person making the gift gives his name and address and the person receiving the gift has no grounds to believe that the name and address are not the true name and address of the person making the gift.
- New sub-section 153L(3) provides that for this section, 2 or more gifts made by the same person shall be deemed to be one gift.
- New sub-section 153L(4) provides that, for the purposes of new sub-section 153L(1), a gift is not taken to be received on condition that it be used by the political party or State branch of a political party for a purpose other than a purpose related to a federal election if the gift or any part of it is subsequently used for a purpose related to a federal election.
- New sub-section 153L(5) provides that where a person receives a gift that it is unlawful for the person to receive, an amount equal to the amount or value of the gift is to be paid by that person to the Commonwealth and may be recovered by the Commonwealth as a debt due to the Commonwealth by action in a court of competent jurisdiction.
- New section 153M requires candidates and groups to submit nil returns. A political party or a State branch may submit a nil return.

Division 5 - Disclosure of electoral expenditure

- New sub-section 153N(1) defines electoral expenditure in relation to an election for the purposes of this Division.

- . New sub-section 153N(2) provides that electoral expenditure incurred by or with the authority of a division of a State branch of a political party shall be deemed to have been incurred by that State branch.
- . New sub-section 153N(3) provides a definition of a participant in an election.
- . New section 153P provides for a return of electoral expenditure by the agent of a political party, a State branch, a candidate (not being a member of a group) or a group if electoral expenditure in relation to an election has been incurred by or with the authority of the political party, State branch, candidate or group. It also provides for a return of electoral expenditure by a person who, without the written authority of a political party, a State branch of a political party, a candidate or a member of a group, has incurred or authorised electoral expenditure in excess of \$200. The deadline for furnishing returns to the Electoral Commission is 20 weeks after polling day for returns by parties and State branches and 15 weeks after polling day for other returns.
- . New section 153Q requires broadcasters to furnish returns to the Electoral Commission within 15 weeks after polling day setting out particulars of election advertisements broadcast during the election period with the authority of a participant in the election. The particulars include details of the amounts charged and time provided free of charge or at less than normal commercial rates.
- . New section 153R requires publishers of journals to furnish returns to the Electoral Commission within 15 weeks after polling day setting out particulars of election advertisements published during the election period with the authority of a participant in the election. The particulars include details of the amounts charged and space provided free of charge or at less than normal commercial rates. A return is not required if the total amount charged by a publisher of a journal for all election advertisements published in the journal during the election period does not exceed \$1000.
- . New section 153S requires a printer who, during the election period, produced any prescribed electoral matter relating to the election with the authority of a participant in the election, to furnish a return to the Electoral Commission within 15 weeks after polling day setting out particulars of the prescribed electoral matter. Prescribed electoral matter means a printed electoral advertisement, handbill, pamphlet or notice (other than an advertisement in a journal). A return is not required if the total amount charged by a printer for all electoral matter printed by him during the election period does not exceed \$1000.
- . New section 153T requires candidates and groups to submit nil returns.

- . New section 153U provides that where 2 or more elections are held on the same day, a person required to furnish returns of electoral expenditure relating to those elections may furnish one return setting out the particulars relating to those elections, and that it is sufficient compliance with the Act if the return sets out the details of the expenditure without showing the extent to which it relates to any particular election.

Division 6 - Miscellaneous

- . New section 153V creates offences and provides penalties for those offences.
- . New sub-section 153V(1) creates the offence of failing to furnish a return, and provides a penalty of \$5000 in the case of the agent of a political party or of a State branch of a political party, and \$1000 in any other case.
- . New sub-section 153V(2) creates the offences of furnishing an incomplete return and failing to retain records as required under new section 153X, and provides a penalty of \$1000.
- . New sub-sections 153V(3) and (4) create the offence of knowingly furnishing a false claim or return, and provide a penalty of \$10,000 in the case of the agent of a political party or of a State branch of a political party, and \$5000 in any other case.
- . New sub-section 153V(5) provides that in addition to imposing a penalty, the court may order a person convicted of an offence against new sub-section 153V(3) or (4) to refund to the Commonwealth the amount of any payment wrongfully obtained by the person under Division 3 relating to election funding.
- . New sub-section 153V(6) provides that a certificate signed by the appropriate officer of the court specifying the amount ordered to be refunded and the person by whom the amount is payable may be filed in a court having civil jurisdiction to the extent of that amount and is enforceable in all respects as a final judgement of that court.
- . New sub-section 153V(7) creates the offence of knowingly furnishing false information to a person required to furnish a return and provides a penalty of \$1000.
- . New sub-section 153V(8) provides for additional maximum daily penalties of \$100 dating from the day of conviction for failure to furnish a return within the prescribed period.
- . New section 153W contains provisions enabling the Commission to investigate contraventions or possible contraventions of section 153V, or matters set out, or required to be set out, in a claim or return.
- . New sub-sections 153W(1) and (2) provide for the Electoral Commission to authorise a person (the 'authorised officer') to perform duties under this new section.

- . New sub-section 153W(3) provides that an authorised officer may serve a notice on a person requiring that person to produce documents or to give evidence relating to a contravention or possible contravention of 153V, or to matters set out in a claim or return.
- . New sub-section 153W(4) provides that the authorised officer may require evidence to be given on oath or affirmation.
- . New sub-section 153W(5) creates the offence of refusing or failing to comply with a notice under new sub-section 153W(3) and provides a penalty of \$1000.
- . New sub-section 153W(6) creates the offence of knowingly giving false evidence in compliance with a notice under new sub-section 153W(3) and provides a penalty of \$1000 or 6 months' imprisonment, or both.
- . New sub-sections 153W(7)-(12) make provision for the issue to an authorised officer of a search warrant to seize things that may afford evidence relating to a contravention of new section 153V, and make provision for the circumstances in which the warrant may be issued, the matters that are to be stated in a warrant, and for the return of items seized under a warrant.
- . New section 153X requires all records relating to claims and returns to be kept for a period of 12 months from polling day.
- . New section 153Y provides that where a person responsible for furnishing a return is unable to get such particulars as are necessary for him to complete the return he shall prepare the return to the extent possible without those particulars, furnish it to the Commission and notify the Commission that he is unable to obtain those particulars. He shall then not be taken to have furnished an incomplete return. The Commission shall then require the person withholding the particulars to furnish a return.
- . New section 153Z provides that a failure to comply with a provision of Part XVI does not invalidate the election.
- . New section 153ZA provides for public inspection (without charge) and for copies to be obtained (for a fee to cover cost of copying) of claims and returns at offices of the Electoral Commission in Canberra, the State capitals and Darwin.
- . New section 153ZB relating to indexation contains procedures for twice yearly adjustments of the amounts payable under new section 152 in respect of eligible votes received by candidates in elections. The amounts payable are to be adjusted in accordance with movements in the All Groups Consumer Price Index.

Clause 113 (2) - This clause provides that the proposed new Division 4 (disclosure of donations) of Part XVI does not apply to gifts made before the commencement of Part XVI.

Clause 114 - This clause repeals sections 154 to 162 and inserts new sections 154 to 162.

- . New section 154 provides that in Part XVII "relevant period" means in relation to an election or referendum the period commencing on the issue of the writ and expiring at the latest time on polling day at which an elector in Australia could enter a polling booth to cast his vote.
- . New section 155 provides that a person who is, or has been, an officer or a scrutineer shall not except for the purposes of Part XIII A, either directly or indirectly, divulge or communicate any information with respect to the vote of an elector acquired by him in the performance of his functions, or in the exercise of his powers, in a manner that is likely to enable the identification of the elector. The penalty specified is a fine of \$1000, 6 month's imprisonment, or both
- . New section 156 provides that an officer who contravenes -
 - (a) a provision of the Act for which no other penalty is provided; or
 - (b) a direction given to him under the Act,is guilty of an offence punishable by a fine not exceeding \$1,000.
- . New section 157 provides that:
 - (1) A person who, being an officer (other than an Antarctic officer), does any act or thing for the purpose of influencing the vote of another person is guilty of an offence punishable by a fine not exceeding \$1,000, or, imprisonment for 6 months, or both.
 - (2) A person who, being an Antarctic officer, during the relevant period in relation to an election or referendum, does any act or thing for the purpose of influencing the vote of another person, is guilty of an offence punishable by a fine not exceeding \$1,000 or imprisonment for a period not exceeding 6 months, or both.

"Antarctic officer" is defined for the purposes of the section as an Antarctic Returning Officer, an Assistant Antarctic Returning officer, or a person appointed to act in either position.

- . New section 158 provides that:
 - (1) A person shall not ask for, receive or obtain, or offer or agree to ask for, or receive or obtain, any property or benefit of any kind for himself or any other person, on an understanding that -
 - (a) any vote of the first-mentioned person;
 - (b) any candidature of the first-mentioned person;

- (c) any support of, or opposition to, a candidate, a group of candidates or a political party by the first-mentioned person;
- (d) the doing of any act or thing by the first-mentioned person the purpose of which is, or the effect of which is likely to be, to influence the preferences set out in the vote of an elector; or
- (e) the order in which the names of candidates nominated for election to the Senate whose names are included in a group in accordance with section 72A appear on a ballot paper,

will in any manner be influenced or affected.

(2) A person shall not, in order to influence or affect -

- (a) any vote of another person;
- (b) any candidature of another person;
- (c) any support of, or opposition to, a candidate, a group of candidates or a political party by another person;
- (d) the doing of any act or thing by another person the purpose of which is, or the effect of which is likely to be, to influence the preferences set out in the vote of an elector; or
- (e) the order in which the names of candidates for election to the Senate whose names are included in a group in accordance with section 72A appear on a ballot paper,

give or confer, or promise or offer to give or confer, any property or benefit of any kind to that other person or to a third person.

The penalty stipulated for each offence is a fine of \$5000, 2 years' imprisonment, or both. It is stipulated that the section does not apply in relation to a declaration of public policy or a promise of public action.

- . New section 159 provides that a person shall not hinder or interfere with the free exercise or performance, by any other person, of any political right or duty that is relevant to an election under the Act.

The penalty stipulated is a fine of \$1000, 6 months' imprisonment, or both.

- . New section 160 provides for the authorisation of electoral material.

- . New sub-section 160(1) provides that a person shall not print, publish or distribute or cause, permit or authorise to be printed, published or distributed, an electoral advertisement, handbill, pamphlet or notice unless -

- (a) the name and address (not being a post-office box) of the person who authorised the advertisement, handbill, pamphlet or notice appears at the end; and

- (b) in the case of an electoral advertisement, handbill, pamphlet or notice that is printed otherwise than in a newspaper - the name and place of business of the printer appears at the end.
- New sub-section 160(2) provides that a person who contravenes new sub-section 160(1) is guilty of an offence punishable -
 - (a) if the offender is a natural person - by a fine not exceeding \$1000; or
 - (b) if the offender is a body corporate - by a fine not exceeding \$5000.
- New sub-section 160(3) provides that sub-section 160(1) does not apply in relation to a car sticker, T-shirt, lapel button, lapel badge, pen, pencil, balloon or an article included in a prescribed class of articles.
- New sub-section 160(4) makes explicit reference to the generality of the classes of articles which may be prescribed under sub-section 160(3).
- New sub-section 160(5) defines "electoral advertisement, handbill, pamphlet or notice" as an advertisement, handbill, pamphlet or notice that is intended or calculated to affect the result of an election, but excludes from the definition an advertisement in a newspaper announcing the holding of a meeting.
- New section 161 makes provision with regard to misleading advertising and publications. It stipulates that:
 - (1) A person shall not, during the relevant period in relation to an election, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of his vote.
 - (2) A person shall not, during the relevant period in relation to an election, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any electoral advertisement containing a statement of fact -
 - (a) that is untrue; and
 - (b) that is, or is likely to be, misleading or deceptive.
 - (3) A person who contravenes sub-section 161(1) or (2) is guilty of an offence punishable -
 - (a) if the offender is a natural person - by a fine not exceeding \$1000 or imprisonment for a period not exceeding 6 months, or both; or
 - (b) if the offender is a body corporate - by a fine not exceeding \$5000.

(4) In a prosecution of a person for an offence against sub-section (1) it is a defence if the person proves that he did not know, nor could reasonably be expected to have known, that the matter or thing was likely to mislead an elector in or in relation to the casting of his vote.

(5) In a prosecution of a person for an offence against sub-section 161(2) it is a defence if the person proves that he did not know, nor could reasonably be expected to have known, that the electoral advertisement contained a statement of fact of the kind referred to in that sub-section.

(6) For the purposes of the section 'electoral advertisement' means an advertisement that is intended or calculated to affect the result of an election, and "publish" includes publication by radio or television.

- . New section 162 provides that a person who, on polling day, makes a statement to an elector, either orally or in writing, with respect to the enrolment of the elector that, to the knowledge of the first-mentioned person is false or misleading in a material respect, is guilty of an offence punishable on conviction by a fine not exceeding \$1000 or imprisonment for 6 months, or both.

Clause 115 - This clause amends section 163, which deals with headings on electoral advertisements, so as to make sub-section 163(2) refer to "an election" rather than "the election".

Clause 116 - This clause amends section 164, which requires the identification of the authors of electoral material.

- . paragraph (a) replaces sub-section 164(1) with a new sub-section 164(1), which provides that a person shall not, during the relevant period in relation to an election or a referendum, print, publish or distribute, or cause, permit or authorise to be printed, published or distributed a newspaper, circular, pamphlet or 'dodger' containing an article, report, letter or other matter commenting on any candidate, political party or the issues being submitted to the electors unless the author's name and address, or the authors' names and addresses, as the case may be, are set out at the end of the article, report, letter or other matter, or where part only of the article, report, letter or matter appears in any issue of a newspaper, circular, pamphlet or 'dodger', at the end of that part.

The penalty specified is a fine of \$500 for a natural person, and a fine of \$2500 for a body corporate.

- . paragraph (b) deletes sub-section 164(2).
- . paragraph (c) inserts a new sub-section 164(4) which provides that for the purposes of the section "address" does not include a post-office box.

Clause 117 - This clause amends section 164A, which deals with electoral broadcasts.

- paragraph (a) recasts sub-section 164A(1) in terms of a prohibition on broadcasting, televising, or causing, permitting or authorising to be broadcast or televised, during the relevant period in relation to an election or referendum, political matter which does not include a statement of the names and addresses of the authors.
- paragraphs (b) and (c) extend sub-section 164A(2) so as to make it explicitly cover television.
- paragraph (d) replaces the current sub-section 164A(4) with a new sub-section 164A(4) which provides that for the purposes of the section "address" does not include a post-office box, and defines "broadcasting station" and "television station".

Clause 118 - This clause amends section 164B to delete the size limit on campaign posters.

Clause 119 - This clause repeals sections 164BA and 164BB, which provide for actions to be taken in respect of excessively large posters.

Clause 120 - This clause amends section 165, which prohibits leaving how-to-vote cards in polling booths, so as to insert the element of volition in the offence created by the section.

Clause 121 - This clause amends section 169, which deals with unauthorised marking of ballot-papers, to make a specific reference to marking a vote, as well as making a mark or writing on a ballot-paper.

Clause 122 - This clause repeals section 170, which creates a number of miscellaneous offences, and replaces it with a new section providing that a person shall not:

- (1)(a) personate any person for the purpose of securing a ballot-paper to which the personator is not entitled;
- (b) personate any person for the purpose of voting;
- (c) fraudulently destroy or deface any nomination paper or ballot paper;
- (d) fraudulently put any ballot-paper or other paper into the ballot box;
- (e) fraudulently take any ballot-paper out of any polling booth or counting centre;
- (f) forge any nomination paper or ballot-paper or utter any nomination paper or ballot-paper knowing it to be forged;
- (g) supply ballot-papers without authority;
- (h) unlawfully destroy, take, open or otherwise interfere with, ballot-boxes or ballot-papers;
- (j) wilfully vote more than once at the same election; or
- (k) make a statement in any claim, application, return or declaration (other than Part XVI), or in an answer to a question, under the Act or the regulations that, to his knowledge, is false or misleading in a material respect.

(Penalty: \$1000 or imprisonment for 6 months, or both.)

or (2) wilfully deface, mutilate, destroy or remove any notice, list or other document affixed by any Divisional Returning Officer or by his authority

(Penalty: \$500.)

- Clause 123 - This clause amends section 171, which prohibits canvassing near polling booths, by converting the distance referred to in the section from twenty feet to 6 metres, and by giving to the Divisional Returning Officer rather than the presiding officer the discretion to define the limits of a polling booth.
- Clause 124 - This clause amends section 172, which imposes duties on witnesses, so as to ensure that the obligation on the part of a witness to satisfy himself as to the truth of statements contained in an enrolment claim extends to witnessing of claims for provisional enrolment.
- Clause 125 - This clause amends section 173, which creates an offence of failing to transmit enrolment claims, so as to ensure that the offence of failing to transmit enrolment claims extends to a failure to transmit claims for provisional enrolment.
- Clause 126 - This clause amends section 176, which protects the official mark, to change a reference to forfeiture to the King to a reference to forfeiture to the Commonwealth, and so as to make reference to a member of the Australian Federal Police, or a member of the police force of a State or Territory.
- Clause 127 - This clause amends section 177, which deals with disorderly behaviour at meetings, so as to make reference to a member of the Australian Federal Police, or a member of the police force of a State or Territory.
- Clause 128 - This clause inserts a new section 182 in Part XVIII.
- . New sub-section 182(1) provides definitions for the purposes of Part XVIII of "bribery", "corruption", "illegal practice" and "undue influence".
 - . New sub-section 182(2) provides that for the purposes of Part XVIII any person who aids, abets, counsels or procures, or by act or omission is in any way directly or indirectly knowingly concerned in, or party to, the contravention of a provision of the Act, the Crimes Act 1914 or the Regulations, shall be deemed to have contravened that provision.
- Clause 129 - This clause amends section 183, which deals with disputed returns, so as to define the filling of a casual vacancy in the place of a Territory senator as an election for the purposes of the section, and to apply the provisions of Division 1 of Part XVIII, as far as practicable, to such a case.
- Clause 130 - This clause amends section 184 so as to allow the Court of Disputed Returns to remit a petition for trial to the Supreme Court of a Territory on the same basis as in the case of a State.
- Clause 131 - This clause amends section 185, which sets out the formal requisites of a petition.
- . paragraph (a) amends the section to make it subject to section 186A.
 - . paragraphs (b) and (c) amend paragraph 185(c) so as to cover the case of the filling of a casual vacancy in the place of a Territory senator.

- Clause 132 - This clause inserts a new section 186A empowering the Electoral Commission to file a petition disputing an election.
- Clause 133 - This clause amends section 188 so as to make it refer to the Electoral Commission rather than to the Chief Electoral Officer.
- Clause 134 - This clause amends section 189 to give the Court of Disputed Returns the power to order that costs be paid by the Commonwealth.
- Clause 135 - This clause amends section 190 by inserting a new sub-section 190(2) which provides that where the Court makes inquiries in relation to ballot papers marked in Antarctica under Part XIII A, a statement of the particulars of the marking of those ballot-papers prepared by an Australian Electoral Officer under sub-section 128R(3) shall, unless the Court otherwise orders, be conclusive evidence of the particulars stated.
- Clause 136 - This clause amends section 191 by adding a new sub-section 191(4) which provides that an election shall not be overturned on the grounds of any contravention of sub-section 161(2) that was not also a contravention of sub-section 161(1).
- Clause 137 - This clause inserts a new section 194AA which provides that an election shall not be overturned on the basis of an error, omission or mistake in a party affiliation printed on one or more ballot papers.
- Clause 138 - This clause inserts new sections 209A and 209B.
- . New section 209A makes extensive provision for candidates or the Electoral Commission to be able to seek injunctions from the Supreme Court of a State or Territory to restrain breaches or anticipated breaches of any Commonwealth law relating to elections. Provision is made for appeal from the relevant Supreme Court to the Federal Court of Australia.
 - . New section 209B provides for certain offences to be indictable.
 - . New sub-section 209B(1) provides that subject to new sub-section 209B(2), an offence against sub-section 153V(3) or section 158 is an indictable offence.
 - . New sub-section 209B(2) provides for offences referred to in new sub-section 209B(1) to be dealt with by a court of summary jurisdiction if that court thinks it proper, and the defendant and prosecutor consent.
 - . New sub-section 209B(3) sets out the penalties which can be imposed by a court of summary jurisdiction acting under new sub-section 209B(2).
- Clause 139 - This clause amends section 211 to provide for the disqualification from candidature for and membership of the Parliament of any person convicted of an offence against section 158 or 159, or section 28 of the Crimes Act, or an offence (in relation to such an offence) against section 7 of the Crimes Act, or found by the Court of Disputed Returns to have committed, or attempted to commit either bribery, or undue influence within the meaning of Part XVIII.

Clause 140 - This clause amends section 213.

- . paragraph (a) inserts a specific reference to the fact that mail sent free of charge under the section is only free of charge to the elector (or person claiming to be an elector).
- . paragraphs (b) and (c) amend the section to limit the extent of its deeming provision regarding the time of despatch of electoral matter to matter sent to electors.

Clause 141 - This clause repeals section 214 relating to despatch of information by telegraph.

Clause 142 - This clause amends section 218 to allow ballot-papers, certified lists and declarations to be preserved for the purposes of research by the Commission.

Clause 143 - This clause amends section 218A to extend its operation to cover Northern Territory elections and referendums.

Clause 144 - This clause amends section 219 to specifically empower the Governor-General to make regulations requiring registered general postal voters to notify the Divisional Returning Officer of address changes and other relevant details.

Clause 145 - This clause repeals the Schedule to the Principal Act which prescribes the forms of writs, nominating forms and ballot papers, and replaces it with Schedule 1.

Clause 146 - This clause makes the amendments relating to offences and penalties, set out in Schedule 2.

Clause 147 - This clause makes consequential amendments, flowing from the abolition of the positions of Chief Electoral Officer, Chief Australian Electoral Officer, Commonwealth Electoral Officer, and Registrar, set out in Schedule 3.

Clause 148 - This clause makes formal amendments set out in Schedule 4.

Clause 149 - This clause makes consequential amendments to the Conciliation and Arbitration Act 1904, as set out in Schedule 5.

Clause 150 - This clause repeals the Australian Electoral Office Act 1973, makes saving provision in respect of the application of Commonwealth or Territory laws, or orders or instruments under such laws, which still refer to the Australian Electoral Officer, the Chief Australian Electoral Officer, the Commonwealth Electoral Officer or Australian Electoral Officer for a State, and preserves the positions and employment of Australian Electoral Office staff employed under section 82 of the Public Service Act 1922.

Clause 151 - This clause makes a number of provisions as a consequence of the consolidation of legislation relating to representation in the Parliament.

- . Sub-Clause (1) repeals the Acts which formerly provided for the parliamentary representation of the Territories and the determination of State representation entitlements in the House of Representatives, and also repeals the Senate Elections (Queensland) Act 1982.

- . Sub-clause (2) preserves the positions of Territory senators on the repeal of the Senate (Representation of Territories) Act 1973.
- . Sub-clause (3) makes contingent provision for any casual vacancy in the office of a Territory senator which may arise before the commencement of the Act.
- . Sub-clauses (4), (5) and (6) preserve the positions of Territory representatives on the repeal of the legislation providing for their membership of the House of Representatives, and the names and boundaries of the Australian Capital Territory divisions on the repeal of the relevant legislation.

Clause 152 - This clause makes transitional provision for the next determination of State representation entitlements.

- . Sub-clause (1) enables the representation provisions inserted in the Act as section 23 to apply to the current House of Representatives.
- . Sub-clause (2) makes provision for a determination to be made before the expiration of 11 months from the first meeting of the current House of Representatives.
- . Sub-clause (3) extends the time for the making of the next determination in the event of the commencement of these provisions after the current House of Representatives has sat for 11 months.

Clause 153 - This clause provides that a redistribution shall be directed in all States immediately after the making of the next determination.

Clause 154 - This clause provides that at the same time, a redistribution shall be directed in the Australian Capital Territory.

Clause 155 - This clause makes amendments to the Administrative Decisions (Judicial Review) Act 1977, as set out in Schedule 6.

Clause 156 - This clause makes provision for the continuation of the conduct of industrial elections which were initiated before the commencement of the Act.

Schedule 1 - This Schedule contains the new Schedule to the Act which specifies the form for writs, nominations, and ballot papers.

Schedule 2 - This Schedule makes amendments to provisions relating to offences and penalties.

- . Sub-section 42(4) is amended to increase the penalty for failing to enrol or transfer enrolment from the current fines of from \$1-\$10, to a fine not exceeding \$50.
- . Section 46 is amended to increase the penalty for an officer's failing to process an enrolment or transfer claim from a fine of \$20 to a fine of \$1,000.

- . Sub-section 85(3) is amended to increase the penalty for making or inducing a false statement in a postal vote application from \$100 or a month's imprisonment, to \$1000, 6 months' imprisonment or both.
- . Sub-section 87(1) is amended to increase the penalty for falsely witnessing a postal vote application from \$100 or a month's imprisonment, to \$500.
- . Section 93 is amended to omit sub-section (2), which proscribes the influencing of a vote by an authorised witness, and to increase the penalty for transgressions by an authorised witness from \$200 or 6 months' imprisonment, to \$1000.
- . Section 93A is repealed, since it is encompassed by new section 169.
- . Section 93B is amended to increase the penalty for unlawfully opening a postal vote certificate envelope from \$100 to \$500.
- . Section 94 is amended to increase the penalty for failing to deliver a completed application or postal ballot-paper, from \$100 or a month's imprisonment, to \$1000.
- . Section 94A is amended to increase the penalty for inducing an elector to hand over a completed postal ballot-paper, from \$100 or a month's imprisonment, to \$1000.
- . Section 95 is amended to increase the penalty for transgressions by persons present when someone is voting by post, from \$200 or 3 months' imprisonment, to \$1000.
- . Sub-section 109(1) is amended to increase the penalty for misconduct by a scrutineer from \$10, to \$1000 or 6 months' imprisonment, or both.
- . Sub-section 128A(12) is amended to increase the penalty for failure to vote without a valid and sufficient reason from \$2-10 to \$50.
- . Section 134 is amended so as to increase the penalty for an officer's marking a ballot-paper so as to identify the voter, from \$20 to \$1000.
- . Sub-section 163(1) is amended so as to increase the penalty for publishing an electoral advertisement not labelled as such from \$100, to \$500 for a person and \$2500 for a body corporate.
- . Sub-section 164A(1) increases the penalty for making unattributed electoral broadcasts from \$100, to \$500 for a person and \$2500 for a body corporate.
- . Sub-section 164A(2) is amended to increase the penalty for supplying unattributed electoral material to a broadcasting station from \$100, to \$500 for a person and \$2500 for a body corporate.

- . Sub-section 164B(2) is amended to increase the penalty for writing, drawing or depicting electoral matter on a roadway, footpath, building, vehicle, vessel, hoarding or place, from \$200 to \$1000.
- . Sub-section 165(1) is amended to increase the penalty for wilfully leaving a how-to-vote card in a polling booth from \$40 to \$500.
- . Section 166 is repealed, being covered by new section 170.
- . Sub-section 167(3) is amended to increase the penalty for forging a signature on an electoral paper from \$100 to \$1000.
- . Sub-section 168(1) is amended to increase the penalty for falsely witnessing an electoral paper from \$100 to \$1000.
- . Section 169 is amended to increase the penalty for making an unauthorised mark on a ballot paper from \$100, to \$1000 or imprisonment for 6 months, or both.
- . Sub-section 171(1) is amended to increase the penalty for canvassing in the vicinity of a polling booth from \$50 to \$500.
- . Section 171A is amended to increase the penalty for an officer's or scrutineer's wearing a political badge or emblem in a polling booth from \$50 to \$1000.
- . Section 172 is amended to increase the penalty for falsely attesting the truth of a statement in an enrolment or transfer claim, from \$100 to \$1000.
- . Section 173 is amended to increase the penalty imposed on a person who accepts an enrolment or transfer claim but fails to transmit it to the Divisional Returning Officer, from \$100 to \$1000.
- . Section 174(1) is amended to increase the penalty for forging, or knowingly uttering forged, electoral papers, from 2 years' imprisonment, to \$1000 or 6 months' imprisonment, or both.
- . Section 175 is amended to increase the penalty on employers denying employees leave to vote, and on employees falsely claiming such leave, from \$10, to \$500 for a person and \$2500 for a body corporate.
- . Section 176(1) is amended to increase the penalty for unlawful use of the official mark from \$200 to \$1000.
- . Sub-section 177(1) is amended to increase the penalty for misconduct at an election meeting from \$10 or a month's imprisonment, to \$500.
- . Sub-section 177(4) increases the penalty imposed on a person who re-enters a meeting from which he has been removed, from \$20 or a month's imprisonment, to \$1000, or 6 months' imprisonment, or both.

- . Sub-section 177(5), which covers the same ground as provisions of the Crimes Act, is deleted.
- . Section 178, which covers ground now covered by new section 156, is deleted.
- . Section 179 is amended to stipulate a penalty of a fine not exceeding \$500 for misbehaviour in a polling booth.
- . Section 180 is amended to stipulate a penalty of a fine not exceeding \$1000, imprisonment not exceeding 6 months or both, for persons who commit the offence of re-entering a polling booth from which they have been removed.
- . Sub-section 181(1) is amended to increase the penalty for defaming a candidate from \$200 or 6 months' imprisonment, to a penalty of \$1000 or 6 month's imprisonment or both in the case of a person, and \$5000 in the case of a body corporate.
- . Sub-section 181A(1) is amended to increase the penalty for falsely claiming an association with, or endorsing without permission, a candidate, from \$100 or 3 months' imprisonment, to \$1000 in the case of a person, and \$5000 in the case of a body corporate.
- . Section 182, which makes persons liable for indirect acts, is repealed, being covered by other provisions.
- . Paragraph 219(a) increases the maximum fine which may be prescribed by the Regulations from \$4 to \$500.

Schedule 3 - This Schedule makes amendments to the Act consequential upon the abolition of certain offices. References to Chief Electoral Officer or Chief Australian Electoral Officer are changed to Electoral Commissioner. References to Commonwealth Electoral Officer for a State are changed to Australian Electoral Officer. A reference to a Registrar is replaced by Divisional Returning Officer or Assistant Divisional Returning Officer, as appropriate.

Schedule 4 - This Schedule makes minor formal amendments of a drafting nature.

Schedule 5 - This Schedule amends the Conciliation and Arbitration Act to provide that arrangements for industrial ballots and elections will be made with the Electoral Commissioner, and the ballots and elections are to be conducted by an Australian Electoral Officer appointed under the Commonwealth Electoral Act, or by a member of the staff of the Australian Electoral Commission. At present, arrangements are made with the Chief Australian Electoral Officer and the ballots and elections are conducted by an Australian Electoral Officer appointed under the Australian Electoral Office Act or by a member of the staff of the Office.

Schedule 6 - This Schedule amends the Administrative Decisions (Judicial Review) Act to exclude from the operation of that Act decisions made under new section 25(1) (relating to the determination of State representation entitlements in the House of Representatives), and new Part IIIA (relating to redistributions), of the Commonwealth Electoral Act.

