



Australian Capital Territory (Electoral) Act 1988

No. 107 of 1988

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Australian Capital Territory (Electoral) Act 1988

No. 107 of 1988

An Act relating to elections for the Legislative Assembly for the Australian Capital Territory

[Assented to 6 December 1988]

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

Short title

1. This Act may be cited as the *Australian Capital Territory (Electoral) Act 1988*.

Commencement

2. This Act commences at the commencement of section 66 of the *Australian Capital Territory (Self-Government) Act 1988*.

Interpretation

3. (1) In this Act, unless the contrary intention appears:

“Electoral Act” means the *Commonwealth Electoral Act 1918* applying as provided by section 16;

“eligible Territory overseas elector” means a person who is entitled to be treated as an eligible Territory overseas elector under section 94 or 95 of the Electoral Act;

“independent candidate” means a candidate in a general election who has not been nominated in the election by a registered party, and, in relation to a general election, means an independent candidate in that election;

“ordinary election” means a general election other than an election held under section 16 or 48 of the Self-Government Act;

“political party” means an organisation the object or activity, or one of the objects or activities, of which is the promotion of the election to the Assembly of a candidate or candidates endorsed by it and which is established on the basis of a written constitution (however described) that sets out the aims of the organisation;

“pre-election period” means a period of 36 days immediately before polling day for a general election, and, in relation to a general election, means the pre-election period immediately before the polling day in that election;

“registered party” means a political party that is registered under section 13;

“Roll for the Territory” means the Roll of electors for the Territory required by section 81 of the *Commonwealth Electoral Act 1918*;

“Self-Government Act” means the *Australian Capital Territory (Self-Government) Act 1988*;

“this Act”, except in section 4, includes the Electoral Act.

(2) Except so far as the contrary intention appears, expressions used in this Act have the same meaning as in the Self-Government Act.

This Act and Electoral Act to be read as one Act

4. Except so far as the contrary intention appears, this Act and the Electoral Act shall be read as if they were one Act.

Available preferences

5. For the purposes of sections 19 and 21, where the next available preference indicated on a ballot-paper cannot be determined because the same number appears in more than one square on the ballot-paper:

- (a) where only one of those squares is opposite the name of a party or an independent candidate, the next available preference shall be taken to be for that party or candidate;
- (b) where 2 or more of those squares are opposite the names of parties or independent candidates, the ballot-paper shall not be taken to indicate a next available preference;
- (c) where all those squares are opposite the names of candidates of the particular party, the next available preference shall be taken to be for that party; and
- (d) where all those squares are opposite the names of candidates of parties and 2 or more of them are opposite the names of candidates of different parties, the ballot-paper shall not be taken to indicate a next available preference.

Jervis Bay Territory excluded

6. Except so far as the contrary intention appears, for the purposes of this Act, the Division that includes the Jervis Bay Territory shall be taken to have that Territory excluded from it.

Act to bind Crown

7. This Act binds the Crown in right of the Territory but nothing in this Act renders the Crown liable to be prosecuted for an offence.

Territory to be single electorate

8. For the purposes of general elections, the whole Territory shall be one electorate.

Electoral Roll

9. (1) The Roll for the Territory shall be the Roll of the electors of the Territory for the purposes of general elections.

(2) For the purposes of this Act, other than section 24, a person's name shall not be taken to be on the Roll for the Territory (including the Rolls for Divisions and Subdivisions forming that Roll) if:

- (a) the person lives in the Jervis Bay Territory;
- (b) the person's name is on the Roll by virtue of section 94 or 95 of the *Commonwealth Electoral Act 1918* but the person is not an eligible Territory overseas elector;
- (c) the person's name is on the Roll by virtue of section 96 of the *Commonwealth Electoral Act 1918*; or
- (d) in relation to a general election, the person's name was added to the Roll because of a claim for enrolment received by a Divisional Returning Officer after 6 p.m. 29 days before the polling day for the election.

Times of general elections

10. (1) In this section:

"year" means a calendar year.

(2) Subject to sections 16 and 48 of the Self-Government Act, the times of general elections shall be as provided by this section.

(3) The first ordinary election shall be held on a day specified by the Commonwealth Minister by notice in writing published in the *Commonwealth Gazette*.

(4) Subject to subsections (6) and (7), the second ordinary election shall be held on the third Saturday in February 1992.

(5) Subject to subsections (6) and (7), each subsequent ordinary election shall be held on the third Saturday in February in the third year after the year in which the last ordinary election was held.

(6) If:

- (a) under subsection (4) or (5), an ordinary election would be required to be held on the third Saturday in February in a particular year; and
- (b) that Saturday is the polling day for an election of the Senate or a general election of the House of Representatives;

the ordinary election shall be held on the first Saturday in April in that year.

(7) Where:

- (a) apart from this subsection, an ordinary election would be due to be held on a day (in this subsection called the "due day") in a particular year (in this subsection called the "due year"); and
- (b) an election is held under section 16 of the Self-Government Act on a day after the third Saturday in August in the preceding year and before the due day;

the following provisions apply:

- (c) an ordinary election shall not be held in the due year;
- (d) subsections (5) and (6) apply in relation to subsequent ordinary elections as if an ordinary election had been held in the due year.

Qualifications of electors

11. At a general election held on a particular day, a person is entitled to vote if:

- (a) the person's name is on the Roll for the Territory on that day; and
- (b) the person would be entitled to vote at an election held on that day to choose a member of the House of Representatives for the Territory.

Functions of Electoral Commission in relation to general elections

12. The Electoral Commission has the following functions in relation to general elections:

- (a) to perform functions that are permitted or required to be performed by or under this Act, not being:
 - (i) functions that a specified person or body, or the holder of a specified office, is expressly permitted or required to perform; or
 - (ii) functions that consist of appointing a person to an office; and
- (b) to promote public awareness of matters relating to general elections and matters relating to the Assembly by means of the conduct of education and information programs and by other means.

Registration of political parties

13. (1) The Electoral Commission shall establish and maintain a register to be known as the Australian Capital Territory Register of Political Parties.

(2) Upon application being made in accordance with this Act by any political party, the Electoral Commission shall register the party.

Australian Capital Territory Electoral Officer

14. (1) The Electoral Commission shall, for the purposes of each general election, appoint an Australian Capital Territory Electoral Officer and the appointment terminates upon the completion of the election.

(2) The Australian Capital Territory Electoral Officer may, subject to any written directions given by the Electoral Commissioner, give written directions to officers with respect to the performance of their functions and the exercise of their powers under this Act.

Divisional Returning Officers

15. (1) The Divisional Returning Officer for each Division in the Territory shall be charged with the duty of giving effect to this Act within his or her Division subject to the directions of the Electoral Commissioner or the Australian Capital Territory Electoral Officer.

(2) A Divisional Returning Officer for a Division in the Territory may, subject to any written directions given by the Electoral Commissioner or the Australian Capital Territory Electoral Officer, give written directions to officers with respect to the performance of their functions and the exercise of their powers under this Act in, or in relation to, the Division.

Application of Commonwealth Electoral Act

16. (1) The *Commonwealth Electoral Act 1918* (in this section called "the Act") applies in relation to general elections as provided by this section.

(2) Parts I, V, VII, XI and XIV to XXIII (inclusive) of the Act apply:

- (a)** as if any amendments of those Parts commencing after 1 October 1988 had not been made; and
- (b)** subject to the modifications set out in Schedule 1.

(3) Parts II, IV, VI, VIII, IX and X of the Act apply only to the extent to which their existence or operation is required for:

- (a)** the performance by the Electoral Commission of its functions under section 12; or
- (b)** the operation of the Parts referred to in subsection (2).

(4) Parts III and XIII of the Act do not apply.

(5) Division 3 of Part XX of the Act only applies in relation to the first general election.

(6) In the Electoral Act:

- (a)** references to the Australian Electoral Officer for a Territory shall be taken to be references to the Australian Capital Territory Electoral Officer;
- (b)** references to a registered political party shall be taken to be references to a registered party;
- (c)** references to the Register of Political Parties shall be taken to be references to the register maintained under section 13; and

- (d) except in the Parts referred to in subsection (3) and in relation to the first general election, references to the *Gazette* shall be taken to be references to the *Territory Gazette*.

(7) In Part II of the Electoral Act, references to electoral matters include references to general elections.

Nominations

17. (1) A person shall not be capable of being elected as a member unless the person has been duly nominated:

- (a) by a registered party; or
- (b) as an independent candidate;

in accordance with Part XIV of the Electoral Act.

(2) Subject to subsection (3), the day for the nomination of candidates for a general election is 22 days before the polling day for the election.

(3) Where a candidate for a general election dies, after being nominated and before 12 o'clock noon on the day for nomination, the day for nomination shall be taken to be the following day.

Voting at general elections

18. Voting at general elections shall be in accordance with the following principles:

- (a) voting shall be compulsory;
- (b) voting shall be by secret ballot;
- (c) at a general election, an elector shall not vote more than once;
- (d) at a general election, an elector shall vote only by:
 - (i) expressing a first preference for one independent candidate;
 - (ii) expressing a first preference for one registered party; or
 - (iii) expressing a first preference for one candidate of one registered party;

and, if the elector wishes to do so, expressing subsequent preferences for candidates or parties for which the elector has not expressed a first preference.

Counting votes: exclusion from distribution of seats

19. (1) The total number (called the "base number") of first preference votes received by each party and by each independent candidate shall be counted, and, for this purpose, where an elector has expressed a first preference for a candidate of a party, the party is treated as receiving one first preference vote.

(2) The sum of the base numbers shall be divided by a number equal to the sum of 1 and the number of members to be elected to the Assembly and the result of that division (disregarding any remainder) shall be increased by 1.

(3) All parties and independent candidates whose base numbers are less than the result of the calculation under subsection (2) shall be excluded from participation in the distribution of seats.

(4) Where a ballot-paper indicates a first preference vote for an excluded party or independent candidate, the vote given by that ballot-paper shall be transferred to, and added to the base number of, the party, the party of the candidate, or the independent candidate, not excluded, for whom the ballot-paper indicates the next available preference (if any).

(5) Where:

- (a) a party is excluded;
- (b) a ballot-paper that indicates a first preference vote for that party or a candidate of that party does not indicate a preference for another party, a candidate of another party, or an independent candidate; and
- (c) that excluded party has a party voting ticket registered for the purposes of the election that indicates a next available preference for a party, a candidate of a party, or an independent candidate, not excluded;

the vote shall be transferred to, and added to the base number of, the party, the party of the candidate, or the independent candidate, with that preference.

Counting votes: provisional election of candidates

20. (1) The provisional distribution of seats among parties and independent candidates shall be determined in accordance with section 23.

(2) If an independent candidate receives a seat under subsection (1), the candidate is provisionally elected.

(3) If the number of seats received by a party under subsection (1) equals the number of candidates of the party, the candidate is, or candidates are, provisionally elected.

(4) If the number of candidates of a party exceeds the number of seats received by the party under subsection (1), the candidate or candidates of the party is or are provisionally elected to those seats by distributing the votes among the candidates as provided by the Electoral Act.

Counting votes: transfer of preferences of provisionally unsuccessful candidates etc.

21. (1) Where a ballot-paper indicates a first preference for:

- (a) a party:
 - (i) that was not excluded under section 19; but
 - (ii) did not receive a seat under subsection 20 (1); or
- (b) a candidate:
 - (i) of a party that was not excluded under section 19; and
 - (ii) who was not provisionally elected under subsection 20 (3) or (4);

the vote given by that ballot-paper shall be transferred to:

- (c) where the ballot-paper indicates a next available preference for another party, or a candidate of another party, not excluded—that other party; or
- (d) where the ballot-paper indicates a next available preference for an independent candidate not excluded—that candidate.

(2) Where a ballot-paper indicates a first preference for an independent candidate who:

- (a) was not excluded under section 19; but
- (b) did not receive a seat under subsection 20 (1);

the vote given by that ballot-paper shall be transferred to:

- (c) where the ballot-paper indicates the next available preference for a party, or a candidate of a party, not excluded—that party; or
- (d) where the ballot-paper indicates the next available preference for another independent candidate not excluded—that candidate.

(3) Where a ballot-paper indicates:

- (a) a first preference for a candidate:
 - (i) of a party that was not excluded under section 19; and
 - (ii) who was not provisionally elected under subsection 20 (3) or (4); and

(b) a next available preference for another candidate of that party;

that next available preference shall be taken to be the first preference.

(4) For the purposes of subsections (1), (2) and (3):

- (a) where a ballot-paper indicates a vote that has been transferred under subsection 19 (4) or (5) because of a next available preference for a party, a candidate of a party or an independent candidate, the ballot-paper shall be taken to indicate the first preference for that party, candidate of that party, or independent candidate, as the case may be; and
- (b) where subsection 19 (5) applies to a ballot-paper, preferences indicated by the party voting ticket shall be taken to be indicated by the ballot-paper.

(5) The base number within the meaning of subsection 19 (1) as increased under subsections 19 (4) and (5) of each party and independent candidate shall be adjusted by:

- (a) adding to the base number the votes transferred to the party or independent candidate under subsections (1) and (2); and
- (b) deducting from the base number the votes for that party or independent candidate that were transferred under subsection (1) or (2) to another party or an independent candidate or to a party or another independent candidate, as the case may be.

Counting votes: election of candidates

22. (1) The distribution of seats among parties and independent candidates shall be determined in accordance with section 23.

(2) If an independent candidate receives a seat under subsection (1), the candidate is elected.

(3) If the number of seats received by a party under subsection (1) equals the number of candidates of the party, the candidate is, or candidates are, elected.

(4) If the number of candidates of a party exceeds the number of seats received by the party under subsection (1), the candidate or candidates of the party is or are elected to those seats by distributing the votes among the candidates as provided by the Electoral Act.

Counting votes: distribution of seats among parties and independent candidates

23. (1) In this section:

“adjusted base number”, in relation to a party or independent candidate, means:

- (a)** in the case of a determination for the purposes of subsection 20 (1)—the base number of the party or candidate as increased under subsections 19 (4) and (5); or
- (b)** in the case of a determination for the purposes of subsection 22 (1)—the base number of the party or candidate as increased under those subsections and adjusted under subsection 21 (5);

“base number” has the same meaning as in subsection 19 (1).

(2) The adjusted base numbers of the parties and independent candidates not excluded under section 19 shall be divided by 1, then by 2, then by 3 and so on.

(3) The numbers worked out by dividing all the adjusted base numbers by 1 are “quotients” on the first and highest “rank” and the numbers worked out by dividing all the adjusted base numbers by 2 (disregarding any remainders) are “quotients” on the second “rank” and so on.

(4) If any 2 quotients on different ranks are equal, the quotient on the higher rank shall be taken to be the higher quotient.

(5) If 2 or more quotients on the same rank are equal, the Australian Capital Territory Electoral Officer shall, by ballot, decide the order in which they shall be treated for the purposes of subsection (6).

(6) The party or independent candidate receiving the highest quotient receives the first seat, the party or independent candidate receiving the next highest quotient receives the next seat, and so on until all the seats to be filled have been distributed.

(7) When the number of seats received by a party is equal to the number of candidates for that party, any further quotient received by that party shall be disregarded.

(8) When an independent candidate receives a seat, any further quotient received by that candidate shall be disregarded.

(9) An example of a distribution under this section is set out in Schedule 2.

Provision of Rolls and habitation indexes to political parties etc.

24. (1) In this section:

“habitation index for the Territory” means a list of the persons whose names are on the Roll for the Territory arranged, in a manner determined by the Electoral Commission, by reference to their respective places of living;

“tape or disk” means, in relation to a Roll or habitation index, a tape or disk from which the information contained in the latest print of that Roll or in that index, as the case may be, and no other information, may be reproduced by mechanical, electrical, electronic or other means.

(2) The Electoral Commission shall, not later than 24 years after each ordinary election and each election held under section 16 of the Self-Government Act, provide to each registered party and each member a copy of the latest print of the Roll for the Territory.

(3) Instead of providing a copy of the latest print of the Roll to a party or member of the Assembly, the Electoral Commission may, if the party or member requests that the copy be provided in a form other than a printed form, provide a tape or disk of the Roll.

(4) So far as practicable, the Electoral Commission shall, after each ordinary election and each election held under section 16 of the Self-Government Act, provide to each registered party a tape or disk of the habitation index for the Territory.

(5) A copy, tape or disk provided to a party or member under this section shall be provided without charge.

(6) The Electoral Commission shall not include on a tape or disk of a habitation index provided under subsection (4) the name of a person whose address has been excluded or deleted from a Roll under section 104 of the Electoral Act.

Election funding

25. The Assembly may, by an enactment, make provision with respect to the funding of a general election other than the first general election.

Report by Electoral Commission

26. (1) The Electoral Commission shall, as soon as practicable after the polling day in the first general election, prepare and give to the Minister a report of the operation of Division 3 of Part XX of the Electoral Act in relation to that election.

(2) The Minister shall cause a copy of the report given under subsection (1) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report.

Staff

27. (1) Staff employed by the Electoral Commission under section 35 of the Electoral Act solely for the purpose of a general election, other than the first general election, shall be taken to be employed on behalf of the Territory.

(2) The terms and conditions of employment of staff referred to in subsection (1) are such as are from time to time determined by the Electoral Commission.

Regulations

28. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Transitional

29. (1) Except so far as the contrary intention appears, anything done for the purposes of the *Commonwealth Electoral Act 1918* that was in effect at the commencement of this Act shall be taken to have been done for the purposes of that Act and of this Act.

(2) Without limiting the generality of subsection (1), delegations under section 16 or 28, and directions under section 18, of the *Commonwealth Electoral Act 1918* that were in effect at the commencement of this Act shall be taken to have been given for the purposes of that Act and of this Act.

(3) Where, at the commencement of this Act, there is an annotation of the Roll for a Subdivision of a Division in the Territory indicating that a person is an eligible overseas elector, there shall be taken to be also an annotation of that Roll indicating that the person is an eligible Territory overseas elector.

SCHEDULE 1

Section 16

MODIFICATIONS OF COMMONWEALTH ELECTORAL ACT

Modifications of Part I—Preliminary

Subsection 4 (1):

- (a) Omit the definitions of “Australian Capital Territory”, “General election”, “Itinerant elector”, “Political party”, “Registered political party”, “Register of Political Parties” and “Territory”.
- (b) Insert the following definitions:
 - “ ‘Ballot-line’ means the line required by paragraph 209 (2) (a) to appear on ballot-papers;
 - ‘Continuing party’ means a party that has not been excluded under section 19 of the Territory Electoral Act;
 - ‘Preference mark’ means the number 1, a tick or a cross;
 - ‘Territory Electoral Act’ means the *Australian Capital Territory (Electoral) Act 1988*;
 - ‘this Act’, except in sections 7 and 32, includes the Territory Electoral Act;”.

After subsection 4 (1):

Insert the following subsection:

“(1A) For the purposes of this Act, a registered party shall be taken to endorse a candidate in a general election if the party nominates the candidate in the election.”.

Subsections 4 (5), (6), (7) and (8):

Omit the subsections.

Paragraph 4 (9) (b):

Omit the paragraph.

Paragraph 4 (9) (c):

Omit “a State or”, substitute “the Commonwealth, a State or a”.

Paragraph 4 (9) (d):

After “State” insert “, of the Assembly”.

Modifications of Part V—Subdivisions and polling places

Section 79:

Omit the section.

Subsections 80 (2) and (3):

Omit the subsections, substitute the following subsections:

SCHEDULE 1—continued

“(2) No polling place shall be abolished during a pre-election period.

“(3) The Electoral Commission shall, on at least one occasion within each pre-election period, if it is practicable to do so, publish in a newspaper circulating generally in the Territory a notice setting out all polling places in the Territory.”.

Modification of Part VII—Qualifications and disqualifications for enrolment and for voting

Subsections 93 (1) and (2):

Omit the subsections.

Subsection 93 (5):

Omit the subsection.

Subsection 93 (8):

Omit “any Senate election or House of Representatives election”, substitute “a general election”.

Subsection 93 (8A):

Omit the subsection.

Section 94:

Omit “eligible overseas elector” (wherever occurring), substitute “eligible Territory overseas elector”.

Paragraph 94 (1) (a):

Omit “and”.

Paragraph 94 (1) (b):

Omit “Australia” (second occurring), substitute “the Territory”.

After paragraph 94 (1) (b):

Add the following word and paragraph:

“; and (c) who has applied to be treated as an eligible overseas elector under section 94 of the *Commonwealth Electoral Act 1918*.”.

Paragraph 94 (5) (c):

Omit “Australia” (first occurring), substitute “the Territory”.

Paragraph 94 (8) (a):

Omit “Australia” (first occurring), substitute “the Territory”.

Paragraph 94 (8) (b):

Omit “Australia”, substitute “the Territory”.

SCHEDULE 1—continued

Paragraph 94 (9) (b):

Omit “Australia”, substitute “the Territory”.

Paragraph 94 (11) (b):

Omit “Australia”, substitute “the Territory”.

Section 95:

Omit “eligible overseas elector” (wherever occurring), substitute “eligible Territory overseas elector”.

Paragraph 95 (1) (e):

Omit “and”.

Paragraph 95 (1) (f):

Omit “Australia”, substitute “the Territory”.

After paragraph 95 (1) (f):

Add the following word and paragraph:

“; and (fa) who has applied to be treated as an eligible overseas elector under section 95 of the *Commonwealth Electoral Act 1918*.”.

Paragraph 95 (6) (b):

Omit “Australia”, substitute “the Territory”.

Subsection 95 (8):

Omit “Australia” (wherever occurring), substitute “the Territory”.

Paragraph 95 (9) (b):

Omit “Australia”, substitute “the Territory”.

Paragraph 95 (11) (b):

Omit “Australia”, substitute “the Territory”.

Sections 96 and 97:

Omit the sections.

Modifications of Part XI—Registration of political parties

Subsection 123 (1) (definition of “Eligible political party”):

Omit the definition, substitute the following definition:

“ ‘Eligible political party’ means a political party which may be registered under section 13 of the *Territory Electoral Act*;”.

Subsection 123 (3):

Omit the subsection.

SCHEDULE 1—continued

Sections 124 and 125:

Omit the sections.

Subsection 126 (1):

Omit all words after “Commission”, substitute “by the secretary of the party.”.

Subsection 126 (2):

Omit “or applicants”.

Paragraph 126 (2) (e):

- (a) Omit “or the names and addresses of the applicants”.
- (b) Omit “or each applicant”.
- (c) Add at the end “and”.

Paragraph 126 (2) (f):

Omit the paragraph.

Paragraph 126 (2) (g):

Omit “(if any) to which paragraph (f) applies”, substitute “of the party”.

Section 127:

Omit all words after “During” and before “no action”, substitute “a pre-election period”.

Section 128:

- (a) Omit “3 months”, substitute “30 days”.
- (b) Omit “this Part”, substitute “the Territory Electoral Act”.
- (c) After “Parliamentary party” insert “at least one member of which is a member of the Parliament of the Commonwealth”.

Section 129:

After “this Act” insert “in its application in relation to general elections”.

Section 130:

Omit the section.

Subsections 131 (1) and (3):

Omit “or applicants” (wherever occurring).

Paragraph 132 (1) (b):

Omit all words after “and in” and before “a notice”, substitute “a newspaper circulating generally in the Territory”.

Paragraph 132 (2) (b):

- (a) Omit “1 month”, substitute “7 days”.
- (b) Omit “in the *Gazette*”.

SCHEDULE 1—continued

Subparagraph 133 (1) (a) (iii):

After “this Act” insert “in its application in relation to general elections”.

Paragraph 133 (1) (b):

Omit “or applicants”.

Subsection 133 (3):

Omit “or applicants”.

Subsection 134 (1):

- (a) Omit “this Part”, substitute “section 13 of the Territory Electoral Act”.
- (b) Omit all words after “Commission” and before “to change”, substitute “by the secretary of the party”.

Paragraph 134 (2) (a):

Omit “or applicants”.

Paragraph 134 (2) (c):

- (a) Omit “or the names and addresses of the applicants”.
- (b) Omit “or each applicant”.

Paragraph 134 (6) (b):

Omit “or applicants”.

Subsection 134 (7):

Omit “or applicants”.

Subsection 135 (1):

- (a) Omit “this Part”, substitute “section 13 of the Territory Electoral Act”.
- (b) Omit all words after “Commission” (second occurring), substitute “by the secretary of the party”.

Paragraph 135 (2) (a):

Omit “or applicants”.

Paragraph 135 (2) (b):

- (a) Omit “or the names and addresses of the applicants”.
- (b) Omit “or each applicant”.

Subsection 135 (3):

Omit “this Part”, substitute “section 13 of the Territory Electoral Act”.

Subsection 136 (1):

- (a) Omit “the elections for the Senate or the House of Representatives”, substitute “a general election”.

SCHEDULE 1—continued

- (b) Omit “this Part”, substitute “section 13 of the Territory Electoral Act”.

Subsection 136 (3):

Omit the subsection.

Subsections 137 (1), (2) and (3):

Omit the subsections, substitute the following subsections:

“(1) If the Commission is satisfied on reasonable grounds that a political party registered under section 13 of the Territory Electoral Act has ceased to exist (whether by amalgamation with another political party or otherwise), the Commission shall:

- (a) give the registered officer of the party notice, in writing, that it is considering de-registering the party under this section setting out its reasons for considering doing so; and
- (b) publish a notice in the *Gazette* that it is considering de-registering the party under this section.

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

Subsection 137 (4):

Omit “(d)”, substitute “(a)”.

Subsection 137 (5):

Omit “(d)”, substitute “(a)”.

Paragraph 140 (1) (a):

Omit “or applicants”.

Subsection 140 (2):

- (a) Omit “, or persons are,”.
- (b) Omit “or persons”.
- (c) Omit all words after “Canberra”.

Subsection 140 (3):

- (a) Omit “, or persons are,”.
- (b) Omit “or persons”.

Subsection 141 (1) (definition of “reviewable decision”):

In paragraphs (a) and (b) of the definition, omit “this Part”, substitute “section 13 of the Territory Electoral Act”.

SCHEDULE 1—continued

Modifications of Part XIV—Nominations

Sections 162 and 163:

Omit the sections.

Section 164:

Omit all words after “member of”, substitute:

“(a) the Parliament of the Commonwealth;

(b) the Parliament of a State; or

(c) the Legislative Assembly of the Northern Territory of Australia;
is not capable of being nominated as a member of the Assembly.”.

Section 165:

Omit the section.

Subsection 166 (1):

Omit “may be in Form C, CA, CB, CC, D or DA in the Schedule, as the case requires,” substitute “shall be in a form approved by the Electoral Commission”.

Paragraph 166 (1) (a):

Omit “and” (last occurring).

Paragraph 166 (1) (b):

Omit the paragraph, substitute the following paragraphs:

“(b) be signed by:

(i) in the case of a candidate being nominated as an independent candidate in the election, 2 persons entitled to vote at the election; or

(ii) in the case of a candidate or candidates being nominated by a registered party, the registered officer of the party;

(c) where there are 2 or more candidates nominated by a particular registered party, specify the order in which their names are to be listed on the ballot-paper; and

(d) in the case of a candidate or candidates nominated by a particular registered party, state whether the full name of the party or an abbreviation of it is to appear on the ballot-paper.”.

Subsection 166 (5):

Omit the subsection.

Subsection 167 (1):

Omit the subsection, substitute the following subsection:

“(1) Nominations of members of the Assembly may be made to the Australian Capital Territory Electoral Officer.”.

SCHEDULE 1—continued

Subsection 167 (2):

Omit “the issue of the writ”, substitute “the commencement of the pre-election period for the election”.

Sections 168 to 169C (inclusive):

Omit the sections.

Subparagraph 170 (a) (ii):

Omit the subparagraph, substitute the following subparagraph:

“(ii) declares that the person is qualified to be elected as a member of the Assembly;”.

Paragraph 170 (b):

Omit “the issue of the writ”, substitute “the commencement of the pre-election period for the election”.

Paragraph 170 (c):

Omit all words after “deposits with” and before “in legal tender”, substitute “the Australian Capital Territory Electoral Officer the sum of \$100”.

Section 171:

Omit “Australian Electoral Officer or Divisional Returning Officer”, substitute “Australian Capital Territory Electoral Officer”.

Section 173:

- (a) Insert at the beginning of the section the following subsection:
“(1) In this section, ‘base number’ has the same meaning as in subsection 19 (1).”.
- (b) Omit “a Senate election or at a House of Representatives election”, substitute “a general election”.
- (c) Omit paragraphs (a) and (b), substitute the following paragraphs:
 - “(a) in the case of an independent candidate, if the base number of the candidate is at least 4% of the total number of formal votes in the election; and
 - (b) in the case of a candidate nominated by a registered party, if the base number of the party is at least 4% of the total number of formal votes in the election;”.
- (d) Omit “to the Commonwealth”, substitute:
“to:
 - (a) in the case of the first general election, the Commonwealth; or
 - (b) in the case of any other general election, the Territory.”.

Subsection 174 (1):

Omit “an election of Senators for a State or Territory the office of the Australian Electoral Officer for that State or Territory”, substitute

SCHEDULE 1—continued

“a general election, the office of the Australian Capital Territory Electoral Officer”.

Subsection 174 (2):

Omit the subsection.

Subsection 176 (1):

Omit “In the case of a Senate election, the Australian Electoral Officer”, substitute “The Australian Capital Territory Electoral Officer”.

Subsection 176 (2):

Omit the subsection.

Section 177:

- (a) Omit all words after “lodging with” and before “a notice”, substitute “the Australian Capital Territory Electoral Officer”.
- (b) Add the following subsection:

“(2) The registered officer of a registered party may cancel the nomination of a candidate of that party at any time before the hour of nomination by lodging with the Australian Capital Territory Electoral Officer a notice of cancellation, and thereupon the nomination shall be cancelled, and the deposit lodged shall be returned to the candidate.”.

Subsection 179 (1):

- (a) Omit “In the case of a Senate election, if”, substitute “If”.
- (b) After “Australian” insert “Capital Territory”.

Subsection 179 (2):

Omit the subsection.

Subsection 180 (1):

- (a) Omit “for the Senate”.
- (b) Omit “and the writ returned”.

Subsection 180 (2):

Omit the subsection.

Subsection 181 (1):

Omit “a new writ shall forthwith be issued”, substitute “, the Commission shall set a day”.

Modifications of Part XV—Voting by post

Subsection 184 (1):

Omit “State or Territory for which he is enrolled” (wherever occurring), substitute “Territory”.

SCHEDULE 1—continued

Subsection 184 (2):

- (a) Omit “or elections” (wherever occurring).
- (b) Omit “as the case may be”.

Paragraph 184 (2) (c):

Omit “after the issue of a writ for the election”, substitute “within the pre-election period for the election”.

Subsection 184 (7):

Omit the subsection.

Subsection 186 (1):

Omit all words before “send an application”, substitute “A Divisional Returning Officer for a Division in the Territory shall, as soon as practicable after the public announcement of the proposed polling day in a general election, other than an ordinary election, and, as soon as practicable after the commencement of the pre-election period for an ordinary election”.

Subsection 186 (2):

- (a) Omit “issue of the writ”, substitute “close of nominations”.
- (b) Omit all words after “1 postal ballot-paper” (first occurring), substitute “for the election”.

Subsection 188 (1):

Omit all words after “1 postal ballot-paper” (first occurring), substitute “for the election”.

Subsection 188 (3):

After “prescribed” insert “or in the form approved by the Electoral Commission”.

Subsection 192 (1):

Omit “sections 93 and 229”, substitute “section 11 of the Territory Electoral Act and section 229”.

Paragraph 200 (4) (a):

Omit “Senate election but no other ballot-paper”, substitute “general election”.

Subparagraph 200 (4) (d) (i):

Omit “State or Territory that includes the relevant Division”, substitute “Territory”.

Subsections 200 (5) and (8):

Omit the subsections.

SCHEDULE 1—continued

Subsection 200 (9):

- (a) Omit “, (4) or (5)”, substitute “or (4)”.
- (b) Omit words in brackets.

Subsection 200 (10):

Omit the subsection.

Modifications of Part XVI—The Polling

Subsections 209 (1) and (2):

Omit the subsections, substitute the following subsections:

“(1) Ballot-papers to be used in a general election shall be in a form approved by the Electoral Commission.

“(2) A form of ballot-papers approved by the Electoral Commission shall be such that:

- (a) there is a horizontal line across each ballot-paper;
- (b) above that line and in order from left to right are the names of each registered party that has nominated a candidate or candidates followed by the names of each independent candidate under the heading ‘Independent Candidates’ or ‘Independent Candidate’, as the case requires; and
- (c) below that line and below the name of each registered party is the name of the candidate, or a list in vertical order of the names of the candidates, nominated by the party.”.

Subsection 209 (3):

Omit all words after “printed on” and before “and shall use”, substitute “white paper”.

Section 210:

Omit “Senate”, substitute “general”.

Paragraph 210 (a):

Omit the paragraph, substitute the following paragraph:

- “(a) where there are 2 or more candidates nominated by a particular registered party, their names shall be printed on ballot-papers in the order requested in their nomination;”.

Paragraph 210 (c):

- (a) Omit “several groups”, substitute “registered parties”.
- (b) After “Australian” insert “Capital Territory”.

Paragraph 210 (d):

- (a) Omit “candidates whose names are not included in any group”, substitute “independent candidates in the election”.
- (b) After “Australian” insert “Capital Territory”.

SCHEDULE 1—continued

Paragraph 210 (f):

Before “each candidate” insert “each registered party above the ballot-line and”.

Subsection 210 (2):

Omit the subsection.

Subsections 210A (1) and (2):

Before “Register” insert “Australian Capital Territory”.

Subsection 210A (3):

- (a) Omit “under section 169”, substitute “in the relevant nomination”.
- (b) Omit “adjacent to the name of a candidate”.

Subsection 210A (4):

Omit “adjacent to the names of candidates”.

Subsection 210A (5):

Omit “adjacent to squares printed, in accordance with subsection 211 (5),”.

Sections 211, 211A and 212:

Omit the sections, substitute the following section:

Party voting tickets

“211. (1) Where a registered party has nominated a candidate or candidates for a general election, the registered officer of the party may, before the expiration of 24 hours after the closing of nominations for the election, lodge with the Australian Capital Territory Electoral Officer a written statement that the party wishes voters in the election who vote for the party to indicate subsequent preferences for some or all of the other parties, candidates of other parties and independent candidates in the election in an order specified in the statement.

“(2) A registered party shall not lodge a statement for the purposes of subsection (1) that indicates equal preferences.

“(3) Without limiting the generality of subsection (1), a statement by a party for the purposes of that subsection may specify an order of preferences by setting out the names of the other parties, the names of the candidates of the other parties, and the names of the independent candidates, in the election in the lists, and in the order, in which they are to be set out on a ballot-paper, with squares opposite each name and with numbers in squares showing that order of preferences.

“(4) Where a party lodges a statement under subsection (1) in relation to an election, that party shall be taken to have a party voting ticket registered for the purposes of the election, being the order of preferences given in that statement.

SCHEDULE 1—continued

“(5) A statement by a party under subsection (1) shall be signed by the registered officer of the party.”.

Subsection 213 (1):

- (a) Omit “or 212”.
- (b) Omit “names of candidates or of groups”, substitute “registered parties or names of independent candidates”.

Subparagraph 213 (1) (a) (i):

Omit “names or groups”, substitute “parties or names”.

Subparagraph 213 (1) (a) (iii):

Omit “candidates or groups”, substitute “parties or independent candidates”.

Subparagraph 213 (1) (a) (v):

After “Australian Public Service” (wherever occurring) insert “, a public servant or a member of the staff of a Territory authority”.

Subparagraph 213 (1) (a) (vi):

Omit “name or group” (wherever occurring), substitute “party or name”.

Subparagraph 213 (1) (a) (ix):

- (a) After “Australian Public Service” (first occurring) insert “, a public servant or a member of the staff of a Territory authority”.
- (b) Omit “another officer of the Australian Public Service”, substitute “another person who is an officer of the Australian Public Service, a public servant or a member of the staff of a Territory authority”.

Subparagraph 213 (1) (a) (xi):

Omit “name or group”, substitute “party or name”.

Paragraph 213 (1) (b):

Omit “names or groups” (wherever occurring), substitute “parties or names”.

Subsection 213 (2):

Omit the subsection.

Section 214:

Omit the section.

Section 216:

Omit the section, substitute the following section:

SCHEDULE 1—continued

Party voting tickets to be displayed

“216. (1) Where a party voting ticket is, or party voting tickets are, registered for the purposes of an election, the Australian Capital Territory Electoral Officer shall cause a poster showing the ticket, or all the tickets, to be prominently displayed at each polling booth.

“(2) A poster for the purposes of subsection (1) shall be so prepared that:

- (a) voting tickets are displayed in vertical columns; and
- (b) the tickets are displayed in the same order from the top of each column as the order on the ballot-papers of the parties by which the tickets were lodged.”.

Subsection 218 (3):

Omit “or of the police force of a State or Territory”.

Subsections 221 (1) and (2):

Omit the subsections.

Subsection 221 (3):

- (a) Omit “For the purposes of this section, the”, substitute “The”.
- (b) Omit “date fixed for the polling”, substitute “polling day”.

Subsection 222 (1):

Omit all words after “within the”, substitute “Territory”.

Paragraph 224 (2) (b):

Omit all words after “is” (first occurring), substitute “an elector of the Territory”.

Paragraph 225 (4) (b):

Omit all words after “is” (first occurring), substitute “an elector of the Territory”.

Subsection 226 (3):

Omit the subsection.

Paragraph 226 (5) (a):

Omit “on the day of the issue of the writ”, substitute “36 days before the polling day”.

Section 227:

Omit the section.

Subsection 228 (2):

Omit “or 227 (10)”.

SCHEDULE 1—continued

Paragraph 228 (4) (a):

Omit “Electoral Officer for the State or Territory that includes that Division”, substitute “Capital Territory Electoral Officer”.

Subsection 228 (7):

Omit “Electoral Officer for the State or Territory that includes that Division”, substitute “Capital Territory Electoral Officer”.

Subsection 229 (1):

Omit “or elections”.

Paragraph 229 (1) (c):

Omit “or Have you voted before in these elections? (as the case requires)”.

Subsection 235 (7):

Omit “Senate election but no other ballot-paper”, substitute “general election”.

Subparagraph 235 (7) (b) (ii):

Omit “State or Territory that includes the relevant Division”, substitute “Territory”.

Subsection 235 (8):

Omit the subsection.

Subsection 235 (10):

Omit the subsection.

Subsection 236 (1):

Omit “sections 93 and 229”, substitute “section 18 of the Territory Electoral Act and section 229”.

Subsections 239 (1) and (2):

Omit the subsections, substitute the following subsections:

“(1) A voter may mark the ballot-paper:

- (a) by placing the number 1 in the square opposite the name of the independent candidate for whom the voter votes;
- (b) by placing the number 1 in the square opposite the name of the registered party for whom the voter votes; or
- (c) by placing the number 1 in the square opposite the name of a candidate in the list of candidates of the registered party for whom the voter votes.

“(2) Where a voter has marked a ballot-paper in accordance with subsection (1), the voter may, if the voter wishes, also mark it by placing the number 2 or the numbers 2, 3 (and so on as the voter wishes) in squares

SCHEDULE 1—continued

opposite the names of the parties or candidates for whom the voter wishes to indicate preferences.”.

Subsection 239 (3):

Omit “in accordance with subsection 211 (5) or 211A (6)”, substitute “opposite the name of a registered party, an independent candidate or a candidate in a list of candidates”.

Paragraph 239 (4) (a):

Add at the end “or”.

Paragraph 239 (4) (b):

Omit “or”.

Paragraph 239 (4) (c):

Omit the paragraph.

Section 240:

Omit the section.

Section 244:

Omit the section.

Subsection 245 (1):

Omit the subsection.

Paragraph 245 (14) (a):

Add at the end “or”.

Paragraph 245 (14) (b):

- (a) Before “overseas” insert “Territory”.
- (b) Omit “or”.

Paragraph 245 (14) (c):

Omit the paragraph.

Modifications of Part XVII—Special provisions relating to the polling in Antarctica

Subsection 248 (1):

Omit “, 239 and 240”, substitute “and 239”.

Subsection 250 (1):

Omit all words before “shall”, substitute:

“(1) If:

(aa) the proceedings stand adjourned to polling day; and

(ab) an Antarctic elector is entitled to vote in the election;

the Australian Capital Territory Electoral Officer”.

SCHEDULE 1—continued

Paragraph 250 (1) (a):

Omit “State”, substitute “Territory”.

Paragraph 250 (1) (b):

Omit “for the State”.

Subsection 250 (2):

Omit the subsection.

Subsection 250 (3):

- (a) Omit “an Australian Electoral Officer or a Divisional Returning Officer”, substitute “the Australian Capital Territory Electoral Officer”.
- (b) Omit “both the Australian Electoral Officer or the Divisional Returning Officer, as the case may be”, substitute “the Australian Capital Territory Electoral Officer”.

Subsection 250 (4):

- (a) Omit “, 212, 213”.
- (b) Omit “, 212”.

Section 254:

Omit “or (2) (b), as the case may be,”.

Subsection 255 (1):

Omit “or elections”.

Paragraph 255 (1) (b):

Omit “or Have you voted in these elections? (as the case requires)”.

Section 256:

- (a) Omit “Division or State, as the case requires, for which the person is enrolled”, substitute “Territory”.
- (b) Omit “or (2) (b), as the case may be,”.

Paragraph 259 (b):

Omit “the Australian Electoral Officer for each State for which there is enrolled an Antarctic elector who has voted in elections held in the State in the poll taken at the station”, substitute “the Australian Capital Territory Electoral Officer”.

Subparagraph 259 (b) (i):

- (a) Omit “such”.
- (b) Omit “so”.

SCHEDULE 1—continued

Subsection 260 (1):

Omit “an Australian”, substitute “the Australian Capital Territory”.

Paragraph 260 (1) (a):

Omit “appropriate for the State or Division for which the vote was cast”.

Subsection 260 (3):

Omit “an Australian”, substitute “the Australian Capital Territory”.

Section 262:

Omit the section.

Modifications of Part XVIII—The scrutiny

Subparagraph 266 (2) (b) (ii):

Omit “each” (second occurring), substitute “the”.

Subsection 266 (3):

Omit “or ballot-papers” (wherever occurring).

Paragraph 266 (4) (a):

Omit “for a Senate election but no other ballot-paper”.

Subparagraph 266 (4) (d) (i):

Omit “State or Territory that includes the relevant Division”, substitute “Territory”.

Subsection 266 (5):

Omit the subsection.

Subsection 266 (10):

Omit the subsection.

Subsection 268 (1):

Omit “by section 239, and”.

Paragraphs 268 (1) (b) and (c):

Omit the paragraphs, substitute the following paragraphs:

“(b) it has no vote indicated on it;

(c) a preference mark has been placed in more than one square above the ballot-line;

(ca) preference marks have been placed in squares below the ballot-line opposite the names of candidates of different parties.”.

Section 269:

Omit the section, substitute the following section:

SCHEDULE 1—continued

Certain marks taken not to be made

“269. (1) Where a formal ballot-paper:

(a) has:

- (i) a preference mark in a square next to the name of a party;
- (ii) no other preference mark in a square above the ballot-line; and
- (iii) a preference mark in a square opposite the name of a candidate of another party; or

(b) has:

- (i) a preference mark in a square next to the name of an independent candidate;
- (ii) no other preference mark in a square above the ballot-line; and
- (iii) a preference mark in a square opposite the name of a candidate of a party;

the ballot-paper shall be taken not to have been marked below the ballot-line.

“(2) Where a formal ballot-paper has:

- (a) a preference mark in a square next to the name of a party;
- (b) no other preference mark in a square above the ballot-line; and
- (c) a preference mark in a square opposite the name of a candidate of that party;

the ballot-paper shall be taken not to have been marked above the ballot-line.”.

Section 270:

Omit the section, substitute the following section:

Indication of preferences

“270. (1) Where a formal ballot-paper:

- (a) has a preference mark in the square opposite the name of a continuing party; and
- (b) does not have any mark in a square below the ballot-line;

the voter shall be taken to have indicated his or her preferences for the candidates of that party in the same order as the order of their names on the ballot-paper.

“(2) Where a vote is transferred to a party under subsection 19 (4) of the Territory Electoral Act because of the expression of a next available preference in a square opposite the name of a party on a ballot-paper, the number expressing that preference shall be taken to be the number 1 and any other preference marks on the ballot-paper shall be taken not to have been made.

SCHEDULE 1—continued

“(3) Where, under subsection 21 (3) of the Territory Electoral Act, a preference indicated for the candidate of a party on a ballot-paper is taken to be a first preference, any other preference marks on the ballot-paper shall be taken not to have been made.

“(4) Where, under subsection 19 (5) of the Territory Electoral Act, a vote is transferred to a party in accordance with a party voting ticket, the voter shall be taken to have indicated his or her preferences for the candidates of the party in the order indicated by that party voting ticket.

“(5) Where a formal ballot-paper:

- (a) has marks expressing preferences for candidates of a particular continuing party; but
- (b) the preferences have not been expressed in strict consecutive numerical sequence;

the preferences shall be allocated in accordance with the general sequence of numbers.

“(6) Where a formal ballot-paper:

- (a) has a mark expressing a preference for a candidate of a particular continuing party; but
- (b) does not have marks expressing a preference in all the squares opposite the names of the other candidates of that party;

then:

- (c) preferences shall be allocated in accordance with the general sequence of numbers indicated; and
- (d) preferences in relation to a candidate or candidates whose square is, or squares are, unmarked shall be allocated in the order in which the names of that candidate or those candidates appear on the ballot-paper.

“(7) Where a formal ballot-paper has the same number in 2 or more squares opposite the names of candidates of a particular continuing party there shall be no allocation of preferences to those candidates, nor any further allocation of preferences.

“(8) For the purposes of this section, a preference mark shall be taken to be the number 1.”.

Section 272:

Omit the section.

Subsection 273 (1):

Omit “Senate”, substitute “general”.

Paragraph 273 (2) (a):

Omit “or 227 (10)”.

SCHEDULE 1—continued

Paragraph 273 (2) (b):

Omit all words after “ballot-papers” (first occurring).

Paragraph 273 (2) (c):

Omit the paragraph, substitute the following paragraphs:

“(c) count:

- (i) the first preference votes received by each party; and
 - (ii) the first preference votes received by each independent candidate;
- (ca) arrange the unrejected ballot-papers under the names of the parties and independent candidates by placing in a separate parcel all those on which a first preference vote has been given for the same party or independent candidate.”.

Paragraph 273 (2) (d):

Omit “votes given for each candidate”, substitute “ votes received by each party and each independent candidate”.

Subparagraph 273 (2) (f) (i):

Omit the subparagraph, substitute the following subparagraph:

“(i) the number of first preference votes received by each party and each independent candidate; and”.

Paragraphs 273 (5) (c) and (d):

Omit the paragraphs, substitute the following paragraphs:

“(c) count:

- (i) the first preference votes received by each party by votes indicated above the ballot-line;
 - (ii) the first preference votes received by each candidate of a party; and
 - (iii) the first preference votes received by each independent candidate;
- (d) transmit the following information to the Australian Capital Territory Electoral Officer:
- (i) the total number of first preference votes received by each political party;
 - (ii) the total number of first preference votes received by each political party by votes indicated above the ballot-line;
 - (iii) the total number of first preference votes received by each candidate of a party;
 - (iv) the total number of first preference votes received by each independent candidate; and
 - (v) the total number of ballot-papers rejected as informal;

SCHEDULE 1—continued

(da) arrange the unrejected ballot-papers scrutinised:

- (i) under the name of each party by placing in a separate parcel all the ballot-papers that indicated a voter's preference for the candidates of the party in the same order as the order of their names on the ballot-papers;
- (ii) under the name of each party by placing in a separate parcel all the ballot-papers on which a first preference vote was given for the party otherwise than in a way referred to in subparagraph (i); and
- (iii) under the name of each independent candidate by placing in a separate parcel all the ballot-papers on which a first preference vote was given for the candidate;".

Paragraph 273 (5) (f):

Omit all words after "parcels" and before " , by telegram", substitute "referred to in paragraph (da) to the Australian Capital Territory Electoral Officer".

Subsections 273 (6), (7) and (8):

Omit the subsections, substitute the following subsections:

"(6) The Australian Capital Territory Electoral Officer shall cause everything necessary to be done for the purpose of:

- (a) the exclusion of parties and independent candidates under section 19 of the Territory Electoral Act;
- (b) the provisional distribution of seats required by subsection 20 (1) of that Act;
- (c) the distribution of votes required by subsection 20 (4) of that Act, being a distribution in accordance with this section;
- (d) ascertaining, and, if necessary, parcelling, the ballot-papers to which section 21 of that Act applies;
- (e) the transfer of votes required by section 21 of that Act;
- (f) the distribution of seats required by subsection 22 (1) of that Act; and
- (g) the distribution of votes required by subsection 22 (4) of that Act, being a distribution in accordance with this section.

"(7) Where, for the purposes of this section:

- (a) the number of votes received by any party or candidate is required to be ascertained; or
- (b) a quota or transfer value is required to be determined;

the Australian Capital Territory Electoral Officer shall ascertain the number, determine the quota or determine the transfer value, as the case may be.

SCHEDULE 1—continued

“(8) For the purposes of the succeeding subsections a candidate of a party shall be taken to have received a first preference vote if he or she receives a higher preference than any other candidate of that party.

“(8A) In the succeeding subsections:

‘elect’, in relation to a count for the purposes of subsection 20 (4) of the Territory Electoral Act, means provisionally elect.

“(8B) A quota shall be determined for each party.

“(8C) A quota for a party shall be determined by dividing:

- (a) in the case of a distribution for the purposes of subsection 20 (4) of the Territory Electoral Act—the base number of that party as increased under subsections 19 (4) and (5) of that Act; or
- (b) in the case of a distribution for the purposes of subsection 22 (4) of that Act—the base number of that party as increased under those subsections and adjusted under subsection 21 (5) of that Act;

by a number equal to the sum of one and the number of seats won by that party and by increasing the result of that division (disregarding any remainder) by 1.

“(8D) Any candidate of a particular party who has received a number of first preference votes (being, in the case of a distribution for the purposes of subsection 22 (4) of the Territory Electoral Act, that number as adjusted by the operation of section 21 of that Act) equal to or greater than the quota for his or her party shall be elected.”.

Subsection 273 (9):

- (a) After “vacancies” insert “for seats won by a particular party”.
- (b) After “quota” insert “for the party”.
- (c) After “candidate” (first occurring) insert “of the party”.
- (d) After “candidates” insert “of the party”.

Subsection 273 (13):

- (a) Omit “be elected”, substitute “fill the vacancies for seats won by the party”.
- (b) After “candidate” (second occurring) insert “of the party”.

Subsection 273 (13C):

After “votes” (first occurring) insert “for his or her party”.

Subsection 273 (14):

After “vacancies” insert “for seats won by the party”.

Subsection 273 (17):

- (a) After “candidates” (first occurring) insert “of a particular party”.

SCHEDULE 1—continued

- (b) Omit “Electoral Officer for the State”, substitute “Capital Territory Electoral Officer”.

Subsection 273 (18):

- (a) After “candidates” (first occurring) insert “of the party”.
(b) After “vacancies” insert “for seats won by the party”.

Subsection 273 (19):

After “Australian” insert “Capital Territory”.

Subsection 273 (20):

Omit “and the *Representation Act 1983*”.

Paragraph 273 (20) (a):

Omit “Senate”, substitute “general”.

Paragraph 273 (20) (b):

Omit “Electoral Officer for the State”, substitute “Capital Territory Electoral Officer”.

Subsection 273 (22):

Omit “Electoral Officer for the State”, substitute “Capital Territory Electoral Officer”.

Subsection 273 (29):

After the definition of “adjusted notional vote” insert the following definition:

“‘base number’ has the same meaning as in subsection 19 (1) of the Territory Electoral Act.”.

Subsection 273 (29) (definition of “leading shortfall”):

- (a) Omit “in a Senate election”, substitute “to determine which candidates of a party are to be elected”.
(b) After “candidate” insert “of the party”.

Subsection 273 (29) (definition of “notional vote”):

After “candidate” (third occurring) insert “of his or her party”.

Subsection 273 (29) (definition of “shortfall”):

Omit “in a Senate election”, substitute “to determine which candidates of a party are to be elected”.

Subsection 273 (29) (definition of “State”):

Omit the definition.

SCHEDULE 1—continued

Subsection 273 (29) (definition of “vacancy shortfall”):

- (a) Omit “in a Senate election”, substitute “to determine which candidates of a party are to be elected”.
- (b) After “candidate” (first occurring) insert “of the party”.

Paragraph 273 (31) (b):

Omit “Electoral Officer for the State”, substitute “Capital Territory Electoral Officer”.

Section 274:

Omit the section.

Section 275:

- (a) Omit all words after “Where” and before “is satisfied”, substitute “the Australian Capital Territory Electoral Officer”.
- (b) Omit paragraph (a).
- (c) Omit “Australian Electoral Officer, in the case of a Senate election, or the Divisional Returning Officer, in the case of a House of Representatives election,”, substitute “Australian Capital Territory Electoral Officer”.

Sections 276 and 277:

Omit the sections.

Subsection 278 (1):

- (a) Omit “Senate”, substitute “general”.
- (b) After “Australian” (wherever occurring) insert “Capital Territory”.
- (c) After “candidate” insert “or the secretary of a registered party whose candidates have contested the election”.

Subsection 278 (2):

- (a) After “Australian” insert “Capital Territory”.
- (b) After “candidate” insert “or secretary of a registered party whose candidates have contested the election”.

Section 279:

Omit the section.

Section 281:

After “Australian” (wherever occurring) insert “Capital Territory”.

Section 282:

Omit the section.

SCHEDULE 1—continued

Modifications of Part XIX—The return of the writs

Part heading:

Omit the heading, substitute the following heading:

“PART XIX—RESULT OF ELECTIONS”.

Section 283:

Omit “elections for the Senate, the Australian”, substitute “a general election, the Australian Capital Territory”.

Paragraph 283 (1) (b):

Omit the paragraph, substitute the following paragraph:

“(b) by instrument notify:

- (i) in the case of the first general election—the Commonwealth Minister; or
- (ii) in the case of other elections—the Presiding Officer; of the names of the candidates elected.”.

Section 284:

Omit the section.

Section 285:

Omit “writ,”.

Section 286:

- (a) Omit “the person causing the writ to be issued”, substitute “the Electoral Commission”.
- (b) Omit “, or for holding the election in a specified Division, or for returning the writ,”.
- (c) Omit “and any date provided for in lieu of a date fixed by the writ shall be deemed to be the date so fixed”.
- (d) Omit “State, Territory or Division for which the election is to be held”, substitute “Territory”.

Modifications of Part XX—Election funding and financial disclosure

Subsection 287 (1) (definitions of “division”, “election”, “election period”, “group”, “registered” and “State branch”):

Omit the definitions, substitute the following definitions:

“‘division’, in relation to a political party, includes a branch of the party;

‘election’ means an election of a member of the Assembly at a general election;

SCHEDULE 1—continued

‘election period’, in relation to an election, means the period commencing 36 days before polling day for the election and ending at the expiration of that day;

‘registered’, in relation to an election, means registered under section 13 of the Territory Electoral Act before the pre-election period for the election;”.

Subsection 287 (1) (paragraph (b) of the definition of “gift”):

- (a) Omit “to a State branch of a political party”.
- (b) Omit “of a State branch”.
- (c) Omit “branch”.

Subsection 287 (1) (definition of “secretary”):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or branch, as the case may be”.

Subsection 287 (3):

- (a) Omit “a State branch of a political party”.
- (b) Omit “State branch of a”.
- (c) Omit “branch” (wherever occurring).

Subsection 287 (4):

Omit “or group”.

Subsection 288 (2):

Omit the subsection.

Subsection 288 (3):

- (a) Omit “or (2)”.
- (b) Omit “or of a State branch of a political party”.
- (c) Omit “or branch” (wherever occurring).

Subsection 289 (1):

Omit “(including a member of a group)”.

Subsection 289 (2):

Omit the subsection.

Subsection 289 (4):

Omit the subsection.

Subparagraph 290 (1) (b) (i):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or branch”.

SCHEDULE 1—continued

Subparagraph 290 (1) (b) (ii):

Omit “, or each member of the group,”.

Subsection 290 (2):

Omit “, of a State branch of a political party, of a candidate or of a group”, substitute “or of a candidate”.

Subsection 291 (1):

- (a) Omit “, a State branch of a political party, a candidate or the members of a group”, substitute “or a candidate”.
- (b) Omit “, branch, candidate or group”, substitute “or candidate”.

Paragraph 291 (2) (a):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or branch”.

Paragraph 291 (2) (b):

Omit “, or each member of the group,”.

Section 292:

Omit the section, substitute the following section:

Resignation or death of agent

“292. If an agent of a political party or a candidate dies or resigns, the party or candidate, as the case may be, shall forthwith give notice in writing to the Electoral Commission of the death or resignation of the agent.”.

Subsection 293 (2):

- (a) Omit “Senate”, substitute “general”.
- (b) Omit “a member of a group” (wherever occurring), substitute “nominated by a registered party”.
- (c) Omit “group”, substitute “party”.

Subsection 293 (3):

- (a) Omit “(not being a member of a group)”.
- (b) Omit all words after “incurred by” (last occurring), substitute “that party”.

Paragraph 293 (4) (a):

Omit the paragraph.

Paragraph 293 (4) (b):

- (a) Omit “State branch of a”.
- (b) Omit “State branch”, substitute “party”.

Subsection 293 (5):

Omit the subsection.

SCHEDULE 1—continued

Subsections 294 (1), (2) and (3):

Omit the subsections, substitute the following subsection:

“(1) Subject to this Division, there is payable in respect of each first preference vote that, for the purposes of subsection 19 (1) of the Territory Electoral Act, is taken to have been received by a registered party, and for each first preference vote that, for those purposes, is taken to have been received by an independent candidate, the amount of 50c.”.

Subsection 294 (4):

Omit “first preference”.

Subsection 295 (2):

Omit the subsection, substitute the following subsection:

“(2) A claim for payment under this Division in respect of the eligible votes given for a registered party may be made only by the agent of that party.”.

Subsections 295 (4), (5), (6) and (7):

Omit the subsections.

Subparagraph 295 (8) (b) (i):

- (a) Omit “State branch of a”.
- (b) Omit “or elections”.
- (c) Omit “branch”, substitute “party”.
- (d) Add “and”.

Subparagraph 295 (8) (b) (ii):

Omit “and”.

Subparagraph 295 (8) (b) (iii):

Omit the subparagraph.

Paragraph 295 (8) (c):

Omit “or elections”.

Subsection 297 (1):

- (a) Omit “a candidate”, substitute “an independent candidate”.
- (b) Omit “in favour of all of the candidates”.

Subsection 297 (2):

- (a) Omit “group” (wherever occurring), substitute “registered party”.
- (b) Omit “in favour of all of the candidates”.

Paragraph 298 (a):

- (a) Omit “State branch of a”.
- (b) Omit “and relates to one election”.
- (c) Omit “branch”, substitute “party”.

SCHEDULE 1—continued

(d) Add “or”.

Paragraph 298 (b):

Omit the paragraph.

Paragraph 298 (c):

Omit “or” (last occurring).

Paragraph 298 (d):

Omit the paragraph.

Subsection 299 (1):

(a) Omit “or elections for a candidate or candidates endorsed by”, substitute “for”.

(b) Omit all words after “agent of”, substitute “that party”.

Subsections 299 (3), (4) and (5):

Omit the subsections.

Section 300:

Omit “not endorsed in the election by a registered political party”, substitute “an independent candidate in the election”.

Section 301:

Omit the section.

Subsection 303 (1):

Omit the definitions, substitute the following definition:
“‘election’ means a general election.”.

Subsections 303 (2) and (3):

Omit the subsections.

Subsection 303 (4):

(a) Omit “State branch of a”.

(b) Omit “State branch”, substitute “party”.

Subsection 304 (1):

(a) Omit “The”, substitute “Subject to subsection (1A), the”.

(b) Omit “and the agent of each State branch of each political party”.

(c) Omit “or branch, as the case may be,”.

After subsection 304 (1):

Insert the following subsection:

“(1A) In relation to the first election, the agent of each political party shall, before the end of 20 weeks after the polling day in the first election, give to the Electoral Commission a return, in an approved form, setting out the total amount or value of all gifts, the number of gifts, and the relevant

SCHEDULE 1—continued

details of each gift, received by the party, during the period that commenced on the commencement of section 66 of the Self-Government Act and ended on the polling day in the first election.”.

Subsection 304 (2):

- (a) Omit “(including a member of a group)”.
- (b) Omit “or by-election”.

Paragraph 304 (2) (a):

- (a) Omit “a general election or a by-election the polling day in which occurred not more than 4 years before the polling day in”, substitute “the general election immediately preceding”.
- (b) Omit “or in a Senate election the polling day in which occurred not more than 7 years before the polling day in the current election.”.
- (c) Omit “nominated”, substitute “was nominated by a registered party”.

Paragraph 304 (2) (b):

Omit “election or by-election in which he was most recently a candidate”, substitute “general election preceding the current election”.

Subsection 304 (3):

Omit the subsection.

Subsection 304 (5):

- (a) Omit “(1), (2) and (3)”, substitute “(1) and (2)”.
- (b) Omit “, of a State branch of a political party”.
- (c) Omit “or group”.
- (d) Omit “(1), (2) or (3)”, substitute “(1) or (2)”.

Paragraph 304 (5) (a):

Omit “or a State branch of a political party”.

Subparagraph 304 (5) (a) (i):

- (a) Omit “or branch” (wherever occurring).
- (b) Omit “or a by-election”.

Paragraph 304 (5) (b):

- (a) Omit “(including a member of a group)”.
- (b) Omit “or” (last occurring).

Subparagraph 304 (5) (b) (i):

Omit “or a by-election”.

Paragraph 304 (5) (c):

Omit the paragraph.

Subsection 304 (6):

- (a) Omit “or paragraph (5) (c)”.

SCHEDULE 1—continued

- (b) Omit “(1), (2) or (3)”, substitute “(1) or (2)”.

Paragraph 304 (6) (a):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or to that State branch, as the case may be”.
- (c) Add “or”.

Paragraph 304 (6) (b):

- (a) Omit “(including a member of a group)”.
- (b) Omit “or” (last occurring).

Paragraph 304 (6) (c):

Omit the paragraph.

Subsection 304 (7):

Omit “or of a State branch of a political party”.

Subsection 305 (1):

- (a) Omit “or a branch”.
- (b) Omit “, a candidate or a member of a group”, substitute “or a candidate”.

Subsection 305 (1A):

Omit the subsection, substitute the following subsection:

“(1A) For the purposes of this section, the disclosure period in relation to an election is the period that:

- (a) in the case of the first election—commenced on the commencement of section 66 of the Self-Government Act and ends on the polling day in the first election; or
- (b) in any other case—commenced on the day after the polling day in the immediately preceding election and ends on the polling day in the first-mentioned election.”.

Subparagraph 305 (3) (a) (iii):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or branch”.
- (c) Omit “or by-election”.

Subparagraph 305 (3) (a) (iv):

Omit “or a group”.

Subsection 306 (1):

- (a) Omit “or a State branch of a political party” (wherever occurring).
- (b) Omit “or branch”.

Paragraph 306 (1) (b):

- (a) Omit “or branch”.

SCHEDULE 1—continued

(b) Omit “or a by-election”.

Subsection 306 (2):

- (a) Omit “or a member of a group”.
- (b) Omit “or group”.
- (c) Omit “or the group, as the case may be,”.

Paragraph 306 (2) (a):

Omit “and”.

Paragraph 306 (2) (b):

Omit the paragraph.

Subsection 306 (3):

Omit “, a State branch of a political party, a candidate or a group”, substitute “or a candidate”.

Subsection 306 (4):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or a by-election”.
- (c) Omit “or by-election”.

Subsection 306 (5):

Omit “Where”, substitute “Subject to subsection (5A), where”.

Paragraph 306 (5) (a):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or branch, as the case may be” (wherever occurring).

Paragraph 306 (5) (b):

- (a) Omit “or a member of the group”.
- (b) Omit “or of the group”.

After subsection 306 (5):

Add the following subsection:

“(5A) For the purposes of the second and subsequent general elections, the references in subsection (5) to the Commonwealth shall be taken to be references to the Territory.”.

Subsection 307 (2):

Omit the subsection.

Subsection 307 (3):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or branch” (wherever occurring).

Subsection 308 (2):

- (a) Omit “State branch of a”.

SCHEDULE 1—continued

- (b) Omit “State branch”, substitute “party”.

Paragraph 308 (3) (a):

- (a) Omit “, a State branch of a political party,” (first occurring), substitute “or”.
- (b) Omit “State branch of a”.

Paragraph 308 (3) (b):

- (a) Omit “, a State branch of a political party,” (first occurring), substitute “or”.
- (b) Omit “State branch of a” (second occurring).

Subsection 309 (1):

- (a) Omit “or a State branch of a political party”.
- (b) Omit “or branch”.

Subsection 309 (2):

Omit “(not being a member of a group)”.

Subsection 309 (3):

Omit the subsection.

Subsection 309 (4):

- (a) Omit “, a State branch of a political party,” substitute “or”.
- (b) Omit “or a member of a group”.

Section 313:

- (a) Omit “or the members of a particular group”.
- (b) Omit “or group”.
- (c) Omit “or the members of the group”.

Section 314:

Omit the section.

Section 315:

Omit “or of a State branch of a political party” (wherever occurring).

Subsection 319 (2):

Omit “or by the agent of any State branch of the political party”.

Subsection 319 (4):

Omit the subsection.

Subsection 320 (1):

Omit “, in the capital city of each State and in Darwin”.

Subsection 321 (1) (definition of “relevant period”):

Omit “1 July 1984”, substitute “1 January 1989”.

SCHEDULE 1—continued

Modifications of Part XXI—Electoral offences

Section 322:

Omit “on the issue of the writ for the election”, substitute “36 days before the polling day for that election”.

Paragraph 326 (1) (c):

Omit “, a group of candidates”.

Paragraph 326 (1) (e):

Omit “to the Senate whose names are included in a group in accordance with section 168”, substitute “by a registered party”.

Paragraph 326 (2) (c):

Omit “, a group of candidates”.

Paragraph 326 (2) (e):

Omit “for election to the Senate whose names are included in a group in accordance with section 168”, substitute “nominated for election by a registered party”.

Subsection 334 (2):

Omit “the writ for that election has not been issued”, substitute “the pre-election period for that election has not commenced”.

Subsection 337 (2):

After “form” insert “and a form approved by the Electoral Commission”.

Paragraph 340 (1) (c):

After “candidate” insert “or registered party”.

Subsection 344 (2):

After “form” insert “and a form approved by the Electoral Commission”.

Subsection 347 (2):

Omit the subsection, substitute the following subsection:

“(2) This section applies to any lawful public political meeting held in relation to any general election after the commencement of the pre-election period and before the declaration of the result of the election.”.

Subsection 347 (3):

Omit “or of the police force of a State or Territory”.

Section 348:

Omit “or of the police force of a State or Territory”.

SCHEDULE 1—continued

Subsection 351 (1):

Omit all words after “it is” and before “that person” (last occurring), substitute:

- “(a) in relation to an independent candidate—without the written authority of the candidate (proof whereof shall lie upon that person):
 - (i) claimed or suggested that the candidate is associated with, or supports the policy or activities of, that association, league, organisation or other body of persons; or
 - (ii) expressly or impliedly advocated or suggested that the candidate is the candidate for whom the vote should be given; or
- (b) in relation to a candidate of a registered party—without the written authority of the secretary of the party (proof whereof shall lie upon that person):
 - (i) claimed or suggested that the candidate is associated with, or supports the policy or activities of, that association, league, organisation or other body of persons; or
 - (ii) expressly or impliedly advocated or suggested that the candidate is the candidate, or the registered party is the registered party, for whom the vote should be given;”.

Subsection 351 (2):

After “candidate” insert “or secretary of a registered party, as the case requires,”.

Modifications of Part XXII—Court of Disputed Returns

Subsection 352 (1):

Insert the following definition:

“‘Supreme Court’ means the Supreme Court of the Australian Capital Territory;”.

Subsection 353 (2):

- (a) Omit all words after “the place of” (first occurring) and before “shall be deemed”, substitute “a member by the Assembly under section 68 of the Self-Government Act”.
- (b) Omit “or appointment”.

Subsections 353 (3) and (4):

Omit the subsections.

Section 354:

Omit the section, substitute the following section:

SCHEDULE 1—continued

The Court of Disputed Returns

“354. (1) The Supreme Court shall be the Court of Disputed Returns, and shall have jurisdiction to try the petition.

“(2) The jurisdiction of the Supreme Court to sit as a court of disputed returns shall be exercised by a single Judge.”.

Paragraph 355 (c):

Omit all words after “thereat”.

Paragraph 355 (e):

- (a) Omit “High”, substitute “Supreme”.
- (b) Omit “return of the writ”, substitute “declaration of the result of the election”.
- (c) Omit “or the appointment of a person to hold the place of a Senator under section 15 of the Constitution”, substitute “of a member by the Assembly under section 68 of the Self-Government Act”.
- (d) Omit “or appointment”.

Section 356:

Omit “High” (wherever occurring), substitute “Supreme”.

Subsection 360 (4):

Omit “the Commonwealth”, substitute:

- “(a) in relation to the first general election—the Commonwealth; or
- (b) in relation to a subsequent election—the Territory;”.

Subsection 361 (2):

Omit “an Australian”, substitute “the Australian Capital Territory”.

Section 363:

- (a) Omit “High”, substitute “Supreme”.
- (b) Omit “to the Minister”, substitute:
 - “to:
 - (a) in the case of a practice relating to the first general election—the Commonwealth Minister; or
 - (b) in any other case—a person authorised by the Assembly to receive documents under this Part.”.

Section 365:

Omit “return of the writ”, substitute “declaration of the result of the election”.

SCHEDULE 1—continued

Paragraph 366 (a):

Omit the paragraph.

Paragraph 366 (b):

- (a) Omit “so printed” (wherever occurring), substitute “printed on a ballot-paper, or ballot-papers,”.
- (b) Add at the end “or”.

Paragraph 366 (c):

Omit the paragraph.

Paragraph 366 (d):

Omit “or 214”.

Section 369:

Omit the section, substitute the following section:

Copies of petition and order of Court to be forwarded

“369. The Registrar of the Supreme Court shall forthwith after the filing of the petition forward to:

- (a) in the case of a petition relating to the first general election—the Commonwealth Minister; or
- (b) in any other case—a person authorised by the Assembly to receive documents under this Part;

a copy of the petition, and after the trial of the petition shall forthwith forward to the person to whom the copy of the petition was sent a copy of the order of the Court.”.

Section 373:

Omit “High Court of Australia” (wherever occurring), substitute “Supreme Court”.

Subparagraph 374 (i):

Omit “Senator or Member of the House of Representatives”, substitute “member”.

Subsection 375 (1):

Omit “Justices of the High Court or a majority”, substitute “Judges of the Supreme Court or 2”.

Section 376:

- (a) Omit “Senator or of a Member of the House of Representatives”, substitute “a member”.
- (b) Omit “either House of the Parliament”, substitute “the Assembly”.
- (c) Omit “House in which the question arises”, substitute “Assembly”.

SCHEDULE 1—continued

Section 377:

- (a) Omit “President if the question arises in the Senate, or the Speaker if the question arises in the House of Representatives,” substitute “Presiding Officer”.
- (b) Omit “House in which the question arises”, substitute “Assembly”.

Section 379:

Omit “Senator or a Member of the House of Representatives” (wherever occurring), substitute “member of the Assembly”.

Paragraph 379 (c):

Omit “Senate or in the House of Representatives”, substitute “Assembly”.

Section 380:

Omit the section, substitute the following section:

Order to be sent to Assembly

“380. After the hearing and determination of any reference under this Part, the Registrar of the Supreme Court shall forthwith forward to a person authorised by the Assembly to receive documents under this Part a copy of the order or declaration of the Court of Disputed Returns.”.

Modifications of Part XXIII—Miscellaneous

Section 383:

- (a) Omit “or any other law of the Commonwealth” (wherever occurring), substitute “, any other law of the Commonwealth or any enactment”.
- (b) Omit “a prescribed court” (wherever occurring), substitute “the Supreme Court”.

Subsection 383 (4):

Omit “A prescribed court”, substitute “The Supreme Court”.

Subsection 383 (8):

Omit the subsection.

Subsection 383 (11):

Omit the subsection.

Section 385:

Omit “, Australian Electoral Officer, or Divisional Returning Officer”, substitute “or Australian Capital Territory Returning Officer”.

Section 386:

Omit “either House of the Parliament”, substitute “the Assembly”.

SCHEDULE 1—continued

Section 391:

Omit the section.

Subsection 392 (1):

Omit “forms in the Schedule”, substitute “prescribed forms and the forms approved by the Electoral Commission”.

Subsections 392 (2), (3), (4) and (5):

Omit the subsections.

Sections 394 and 395:

Omit the sections.

SCHEDULE 2

Section 23

**EXAMPLE OF DISTRIBUTION OF SEATS AMONG PARTIES AND
INDEPENDENT CANDIDATES**

(17 seats to be distributed)

	Party A		Party B		Party C		Independent X		Independent Y	
Base nos. of votes cast	12,000		8,000		5,000		2,800		2,200	
1st rank: base nos. divided by 1	12,000	1st seat	8,000	2nd seat	5,000	4th seat	2,800	8th seat	2,200	12th seat
2nd rank: base nos. divided by 2	6,000	3rd seat	4,000	5th seat	2,500	10th seat	1,400	(see note below)	1,100	
3rd rank: base nos. divided by 3	4,000	6th seat	2,666	9th seat	1,666	16th seat	933	(see note below)	733	
4th rank: base nos. divided by 4	3,000	7th seat	2,000	13th seat	1,250		700		550	
5th rank: base nos. divided by 5	2,400	11th seat	1,600	17th seat	1,000		560		444	
6th rank: base nos. divided by 6	2,000	14th seat	1,333		833		466		366	
7th rank: base nos. divided by 7	1,714	15th seat	1,142		714		400		314	
	7 seats		5 seats		3 seats		1 seat		1 seat	

Note— Independent X can only receive 1 seat, so the quotients on the 2nd and 3rd rank are disregarded.

[Minister's second reading speech made in—
House of Representatives on 19 October 1988
Senate on 7 November 1988]