



Electoral and Referendum Amendment Act 1989

No. 24 of 1990

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Electoral and Referendum Amendment Act 1989

No. 24 of 1990

**An Act to amend the *Commonwealth Electoral Act 1918* and
the *Referendum (Machinery Provisions) Act 1984*, and for
related purposes**

[Assented to 23 January 1990]

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

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Electoral and Referendum Amendment Act 1989*.

Commencement

2. (1) Sections 1, 2 and 3, paragraph 4 (d), and sections 5 to 30 (inclusive), 36, 40, 43, 50 and 117 commence on the day on which this Act receives the Royal Assent.

(2) Subject to subsection (3), the remaining provisions of this Act commence on a day or days to be fixed by Proclamation.

(3) If a provision referred to in subsection (2) does not commence under that subsection before 30 September 1990, it commences on that day.

PART II—AMENDMENTS OF THE COMMONWEALTH ELECTORAL ACT 1918

Principal Act

3. In this Part, “Principal Act” means the *Commonwealth Electoral Act 1918*.

Interpretation

4. Section 4 of the Principal Act is amended:

- (a) by inserting in the definition of “Controller-General of Prisons” in subsection (1) “or Territory” after “State” (wherever occurring);
- (b) by omitting from subsection (1) the definitions of “declaration vote” and “officer” and substituting respectively the following definitions:

“‘declaration vote’ means:

- (a) a postal vote;
- (b) a pre-poll vote;
- (c) an absent vote; or
- (d) a provisional vote;

‘officer’ includes the Electoral Commissioner, the Deputy Electoral Commissioner, the Australian Electoral Officer for a State or Territory, a Divisional Returning Officer, an Assistant Returning Officer, an Assistant Divisional Returning Officer, an Antarctic Returning Officer, an Assistant Antarctic Returning Officer, a presiding officer, a deputy presiding officer, a substitute presiding officer, an assistant presiding officer, a pre-poll voting officer, an electoral visitor, a mobile polling team leader and a mobile polling team member;”;

- (c) by inserting in subsection (1) the following definitions:

“‘courier service’ means a service that provides for the collection, at the request of a person using the service, of an article from a place specified by or on behalf of that person and the delivery of the article to another place so specified, being a service approved by an Australian Electoral Officer or by the Electoral Commissioner;

‘DRO’ means Divisional Returning Officer;

‘House of Representatives election’ means an election of a member of the House of Representatives;

‘nursing home’ means an institution (other than a hospital) in which infirm, ill or disabled persons needing continuing nursing care are provided with accommodation and nursing care;

‘police officer’ means a member of the Australian Federal Police or of the police force of a State or Territory;

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‘polling official’ means a deputy presiding officer or an assistant presiding officer;

‘pre-poll voting officer’ means:

(a) an Assistant Divisional Returning Officer; or

(b) an officer appointed under section 200B;

‘provisional vote’ means a vote cast under section 235;

‘Senate election’ means an election of Senators for a State or Territory;

‘substitute presiding officer’ means a person holding an appointment under section 204;”;

(d) by inserting after subsection (5) the following subsection:

“(5A) If Part IV commences to apply to the Northern Territory in accordance with section 55A, subsection (5) shall, on and from the day of the first determination in relation to the Northern Territory under section 73 or 76 after that commencement, have effect as if:

(a) paragraph (a) were omitted; and

(b) the words ‘of that Territory’ were omitted from paragraph (b).”;

(e) by adding at the end the following subsection:

“(10) In this Act, a reference to the principal office of the Electoral Commission in a place is a reference to the office for the time being declared by the Electoral Commissioner, by notice published in the *Gazette*, to be the principal office of the Commission in that place.”.

Interpretation

5. Section 5 of the Principal Act is amended by omitting the definition of “Chairman” and substituting the following definition:

“ ‘Chairperson’ means the Chairperson of the Commission;”.

6. After section 5 of the Principal Act the following section is inserted in Division 1 of Part II:

Application of Part in relation to Northern Territory

“5A. This Part has effect as if a reference to a State included a reference to the Northern Territory.”.

Establishment of Commission

7. (1) Section 6 of the Principal Act is amended:

(a) by omitting from subsections (2), (3) and (4) “Chairman” and substituting “Chairperson”;

(b) by omitting subsection (5) and substituting the following subsection:

“(5) A person shall not be appointed as the non-judicial appointee unless the person is the holder of:

(a) an office referred to in paragraph (a) of the definition of ‘office of Secretary’ in subsection 7 (1) of the *Public Service Act 1922*; or

(b) an office established by or under an Act and having, in the opinion of the Governor-General, a status equivalent to that of an office referred to in paragraph (a).”.

(2) The person who, immediately before the commencement of this section, held office as the Chairman holds office, after the commencement of this section, as Chairperson as if:

(a) this section had been in operation when the person was appointed as Chairman; and

(b) the person had then been appointed as Chairperson.

8. After section 14 of the Principal Act the following section is inserted:

Remuneration of acting Commissioners

“14A. (1) A person acting as Chairperson or as the non-judicial appointee shall be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, the person shall be paid such remuneration as is prescribed.

“(2) The person shall be paid such allowances as are prescribed.

“(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.”.

9. (1) Section 16 of the Principal Act is repealed and the following section is substituted:

Delegation by Commission

“16. (1) The Commission may by resolution delegate to an appointed Commissioner, an electoral officer or a member of the staff of the Commission all or any of its powers under this Act, other than its powers under Part IV.

“(2) A certificate signed by the Chairperson stating any matter with respect to a delegation of a power under this section is *prima facie* evidence of that matter.

“(3) A document purporting to be a certificate under subsection (2) shall, unless the contrary is established, be taken to be such a certificate.”.

(2) A delegation in force under section 16 of the Principal Act immediately before the commencement of this section continues in force as if it had been made under section 16 of the Principal Act as amended by this Act.

10. (1) Section 28 of the Principal Act is repealed and the following section is substituted:

Delegation by Electoral Commissioner

“28. The Electoral Commissioner may by signed instrument delegate to the Deputy Electoral Commissioner or an Australian Electoral Officer for a State or Territory all or any of the powers of the Electoral Commissioner under this Act, other than the powers conferred by Parts III and IV.”.

(2) A delegation in force under section 28 of the Principal Act immediately before the commencement of this section continues in force as if it had been made under section 28 of the Principal Act as amended by this Act.

Australian Electoral Officer for the Australian Capital Territory

11. Section 30 of the Principal Act is amended:

- (a) by omitting from subsection (1) “each Territory” and substituting “the Australian Capital Territory”;
- (b) by omitting from subsections (2) and (3) “a Territory” and substituting “the Australian Capital Territory”;
- (c) by omitting from subsection (4) “While a person is acting as Australian Electoral Officer for a Territory, he” and substituting “A person acting as Australian Electoral Officer for the Australian Capital Territory”.

Divisional Returning Officers

12. Section 32 of the Principal Act is amended by omitting from subsection (1) “a Territory” and substituting “the Australian Capital Territory”.

13. The Principal Act is amended by inserting before Division 1 of Part III the following Division:

“Division 1AA—Interpretation

Interpretation

“38A. In this Part, unless the contrary intention appears:

‘Northern Territory’ does not include the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island;

‘Territory’ means the Australian Capital Territory, the Northern Territory or an external territory other than Norfolk Island.”.

Representation of the Territories in the Senate

14. Section 40 of the Principal Act is amended:

- (a) by omitting “The” and substituting “Subject to subsection (2), the”;
- (b) by adding at the end the following subsections:

“(2) Where the number of members of the House of Representatives to be chosen in the Australian Capital Territory or

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the Northern Territory at a general election is 6 or more, that Territory shall, on and from the day of the general election, be represented in the Senate by one senator for every 2 members of the House of Representatives to be chosen in that Territory.

“(3) Where the number of members of the House of Representatives to be chosen in the Australian Capital Territory or the Northern Territory at a general election is an odd number, subsection (2) applies as if the number were reduced by one.

“(4) Subject to subsection (5), a Territory (other than the Australian Capital Territory and the Northern Territory) is not entitled to separate representation in the Senate.

“(5) Where 2 or more members of the House of Representatives are to be chosen in a Territory (other than the Australian Capital Territory or the Northern Territory) at a general election, that Territory shall, on and from the day of the general election, be represented in the Senate by one senator for every 2 members of the House of Representatives to be chosen in that Territory.

“(6) Where the number of members of the House of Representatives to be chosen in a Territory (other than the Australian Capital Territory or the Northern Territory) at a general election is an odd number, subsection (5) applies as if the number were reduced by one.

“(7) Until the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island becomes entitled to separate representation in the Senate under subsection (5), this section has effect as if the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island, as the case may be, were a part of the Northern Territory.”.

Casual vacancies in places of senators for Territories

15. Section 44 of the Principal Act is amended:

(a) by inserting after subsection (2) the following subsection:

“(2A) If the place of a senator for a Territory other than the Northern Territory or the Australian Capital Territory becomes vacant before the expiration of his or her term of service, the members of the Senate and the House of Representatives, sitting and voting together at a joint sitting convened by the Governor-General, shall choose a person to hold the place until the expiration of the term, but if the Parliament is not in session when the vacancy is notified, the Governor-General may appoint a person to hold the place until the expiration of 14 days from the beginning of the next session of the Parliament or the expiration of the term, whichever first happens.”;

(b) by omitting from paragraph (5) (a) “and”;

(c) by adding at the end of subsection (5) the following paragraph:

“; and (c) in the case of a senator for a Territory other than the Northern Territory or the Australian Capital Territory—the President of the Senate shall notify the Governor-General of the vacancy.”;

(d) by inserting after subsection (6) the following subsection:

“(6A) The name of any senator chosen by the members of the Senate and the House of Representatives under subsection (2A) shall be certified by the President of the Senate to the Governor-General.”.

Heading to Division 3

16. The heading to Division 3 of Part III of the Principal Act is amended by inserting “*and Territories*” after “*States*”.

Ascertainment of numbers of people of Commonwealth, States and Territories

17. Section 46 of the Principal Act is amended by inserting “*and Territories*” after “*States*”.

Determination of number of members of House of Representatives to be chosen in States and Territories

18. Section 48 of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsection:

“(1) The Electoral Commissioner shall, as soon as possible after he or she has ascertained, in accordance with section 46, the numbers of the people of the Commonwealth and of the several States and Territories:

- (a) determine, in accordance with subsection (2), the number of members of the House of Representatives to be chosen in the several States at a general election; and
- (b) determine, in accordance with subsections (2A) and (2B), the number of members (if any) of the House of Representatives to be chosen in the several Territories at a general election.”;

(b) by inserting after subsection (2) the following subsections:

“(2A) The Electoral Commissioner shall divide the number of people of each Territory, as ascertained in accordance with section 46, by the quota ascertained under paragraph (2) (a) and, subject to subsection (2B), shall determine:

- (a) if the result of the division is less than or equal to 0.5—that no member of the House of Representatives be chosen in the Territory at a general election;
- (b) if the result of the division is greater than 0.5 and less than or equal to 1.5—that one member of the House of

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Representatives be chosen in the Territory at a general election; or

- (c) in any other case—that the number of members of the House of Representatives to be chosen in the Territory at a general election is the number ascertained by the division or, if there is a remainder greater than one-half of the quota, that number increased by one.

“(2B) At least one member of the House of Representatives shall be chosen in the Australian Capital Territory and in the Northern Territory at a general election.

“(2C) If the Electoral Commissioner determines that, at a general election, no member of the House of Representatives is to be chosen in either or both of the following Territories:

- (a) the Territory of Cocos (Keeling) Islands;
 - (b) the Territory of Christmas Island;
- the following provisions shall have effect:
- (c) the ascertainment under section 46, and the determinations under this section, in respect of that Territory or those Territories, as the case may be, and in respect of the Northern Territory shall be deemed never to have been made;
 - (d) that Territory, or those Territories, as the case may be, shall be taken to be part of the Northern Territory;
 - (e) the Electoral Commissioner shall, as soon as possible:
 - (i) ascertain, under section 46, the number of the people of the Northern Territory; and
 - (ii) determine, under this section, the number of members of the House of Representatives to be chosen in the Northern Territory at a general election.”.

Notification of determination

19. Section 49 of the Principal Act is amended by inserting in subsection (1) “and Territories” after “States” (wherever occurring).

Number of members of House of Representatives to be chosen in States and Territories

20. Section 50 of the Principal Act is amended by inserting “and Territory” after “State”.

Heading to Division 4, Part III

21. The heading to Division 4 of Part III of the Principal Act is omitted.

22. (1) Sections 51 and 52 of the Principal Act are repealed and the following section is substituted:

Choice of member for Territory

“51. A member of the House of Representatives representing a Territory shall be directly chosen by the people of the Territory.”.

(2) In spite of the repeal of sections 51 and 52 of the Principal Act, those sections continue to apply until the expiration or dissolution of the House of Representatives next following the making of the first determination under paragraph 48 (1) (b) of the Principal Act as amended by this Act.

23. After section 55 of the Principal Act the following section is inserted:

Application to Northern Territory

“55A. If, under subsection 48 (2A), the Electoral Commissioner determines that the number of members of the House of Representatives to be chosen in the Northern Territory at a general election is 2 or a greater number, this Part shall, on and from the making of the determination, apply to the Northern Territory as if:

- (a) a reference to a State included a reference to the Northern Territory; and
- (b) a reference to a determination under subsection 48 (1) were a reference to a determination under subsection 48 (2A).”.

24. After section 56 of the Principal Act the following section is inserted:

Certain Territories to be included in same Division

“56A. Until the Electoral Commissioner, under subsection 48 (2A), determines that a member of the House of Representatives be chosen in the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island at a general election, any distribution or redistribution of the Northern Territory into electoral divisions under this Act shall be such that those territories are included in the same Division.”.

Mini-redistribution

25. Section 76 of the Principal Act is amended by inserting after subsection (16) the following subsection:

“(16A) This section applies to the Australian Capital Territory as if:

- (a) a reference to a State were a reference to the Australian Capital Territory;
- (b) except in subsection (2), a reference to the Australian Electoral Officer for a State were a reference to the Electoral Commissioner; and

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

‘(2) For the purposes of the redistribution, the Electoral Commissioner and the senior Divisional Returning Officer for the Territory shall be the Redistribution Commissioners for the Territory.

‘(2A) In this section, “senior Divisional Returning Officer for the Territory” has the same meaning as in section 61.’.”.

26. After section 76 of the Principal Act the following section is inserted:

Application of section 76 to Northern Territory

“76A. If:

- (a) this Part applies to the Northern Territory because of section 55A;
- (b) the Northern Territory constitutes a single Division; and
- (c) a redistribution of the Territory is required by subsection 76 (1);

section 76 has effect, in its application to the Northern Territory, as if:

- (d) subsections (3), (4) and (5) were omitted;
- (e) subsections (6) to (12) (inclusive) were omitted and the following subsections substituted:

‘(6) The Redistribution Commissioners shall, by instrument in writing, determine the names and boundaries of the Electoral Divisions into which the State is to be distributed, and those Electoral Divisions shall, until altered by a determination under this subsection or subsection 73 (1), be the Divisions in the State.

‘(7) The Redistribution Commissioners shall make a determination under subsection (6) as soon as practicable and, in any event, within 7 days after the relevant day.

‘(8) In making a redistribution under subsection (6), the Redistribution Commissioners shall observe the following requirements:

- (a) the Population Census Collection Districts in the State, or the parts of such districts that are within the State, shall be the basis for the distribution;
- (b) each Electoral Division shall, as far as practicable, contain the same number of electors enrolled;
- (c) except where discontinuous or separate boundaries are necessary for the purpose of including an island in an Electoral Division, the boundaries of each Electoral Division shall form an unbroken line.

‘(9) The name to be given to each Electoral Division is within the discretion of the Redistribution Commissioners.’; and

- (f) subsections (15) and (16) were omitted.”.

Decisions under Part final etc.

27. Section 77 of the Principal Act is amended by inserting in subsection (1) "or the Australian Capital Territory" after "Redistribution Commissioners for a State".

Improper influence

28. Section 78 of the Principal Act is amended by inserting "or the Australian Capital Territory" after "Redistribution Commissioner for a State".

Subdivisions

29. Section 79 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

"(3) If the Northern Territory is distributed into Electoral Divisions under section 73 or under section 76, as it has effect by virtue of section 76A, this section shall have effect, after the distribution, as if:

- (a) a reference in paragraph (1) (a) to a Division were a reference to a Division other than a Division in the Northern Territory;
- (b) the words "the Northern Territory" were omitted from paragraph (1) (b) and the words "each Division in the Northern Territory" were substituted; and
- (c) subsection (2) were omitted and the following subsection substituted:

'(2) The Territory of Christmas Island and the Territory of Cocos (Keeling) Islands shall each be a District of the Division in which they are included.'."

New Rolls on creation of new Divisions etc.

30. Section 86 of the Principal Act is amended:

- (a) by inserting "or the Northern Territory" in paragraph (4) (a) after "State" (wherever occurring);
- (b) by omitting from paragraph (4) (b) "a Territory" and substituting "the Australian Capital Territory".

Inspection etc. of Rolls

31. Section 90 of the Principal Act is amended by adding at the end the following subsections:

"(3) The Electoral Commission shall, at each capital city office of the Commission, keep available for inspection by members of the public, the latest microfiche of:

- (a) the Roll for each State and Territory; and
- (b) any other Roll specified in a direction given by the Electoral Commissioner for the purpose of this paragraph.

"(4) The capital city offices of the Electoral Commission are:

- (a) the principal office of the Commission in Canberra;

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- (b) the principal office of the Commission in the capital city of each State; and
- (c) the principal office of the Commission in Darwin.

“(5) The Divisional Returning Officer for a Division shall keep available, at his or her office, for inspection by members of the public, the latest microfiche of:

- (a) the Roll for the Division; and
- (b) any other Roll specified in a direction given by the Electoral Commissioner for the purpose of this paragraph.

“(6) A microfiche of a Roll shall be made whenever the Electoral Commissioner so directs.

“(7) A microfiche referred to in subsection (3) or (5) shall be available for inspection during ordinary office hours without fee.”.

32. Section 91 of the Principal Act is repealed and the following sections are substituted:

Provision of Rolls and habitation indexes to political parties etc.

“91. (1) In this section:

‘habitation index’, in relation to a Division, means a list of electors for the Division arranged, in a manner determined by the Electoral Commission, by reference to the respective places of living of the electors whose names are on the Roll for the Division;

‘Secretary of a Department’ has the same meaning as in the *Public Service Act 1922*;

‘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, after each general election:

- (a) provide to each registered political party a copy of the latest print of the Roll for each State and Territory;
- (b) provide to each Senator for a State or Territory 5 copies of the latest print of the Roll for that State or Territory;
- (c) provide to each member of the House of Representatives 5 copies of the latest print of the Roll for the Division for which the member was elected; and
- (d) provide to such other persons or organisations (if any) as the Electoral Commission determines are appropriate a copy of the latest print of such Rolls as the Electoral Commission considers appropriate.

“(3) Instead of providing a copy or copies of the latest print of a Roll to a party or person referred to in paragraph (2) (a), (b) or (c), the

Electoral Commission may, if the party or person requests that the copy or copies be provided in a form other than a printed form, provide a tape or disk of the Roll.

“(4) Instead of providing a copy of the latest print of a Roll to a person or organisation referred to in paragraph (2) (d), the Electoral Commission may, at its discretion, provide a tape or disk of the Roll.

“(5) So far as practicable, the Electoral Commission shall, after each general election, provide to each registered political party a tape or disk of the habitation index for each Division.

“(6) A copy, tape or disk provided to a party or person under this section shall be provided:

- (a) without charge; and
- (b) not later than 2 years after the commencement of the first session of the Parliament after the last general election.

“(7) In spite of subsections (2) and (5), the Electoral Commission is not required by this section to provide a registered political party with:

- (a) a copy of the latest print of the Roll for a State or Territory;
- (b) a tape or disk of such a Roll; or
- (c) a tape or disk of the habitation index for a Division in a State or Territory;

unless a branch or division of the party is organised on the basis of that State or Territory.

“(8) The Electoral Commission shall not include on a tape or disk of a habitation index provided under subsection (5) the name of a person whose address has been excluded or deleted from a Roll under section 104.

“(9) Except as otherwise provided by this Act, the Electoral Commission shall not provide any person with any information which discloses particulars of the occupations, sex or dates of birth of electors.

“(10) The Electoral Commission may provide a prescribed authority with a microfiche of a Roll or with information referred to in subsection (9) if the provision of the microfiche or information is authorised by the regulations.

“(11) In subsection (10), ‘prescribed authority’ means:

- (a) the Secretary of a Department that is specified in the regulations for the purposes of this subsection; or
- (b) the chief executive officer of an authority of the Commonwealth that is so specified.

Use of information from habitation index

“91A. (1) Where a tape or disk has been provided to a political party under subsection 91 (5), a person shall not use information obtained by means of the tape or disk except for a purpose that is a permitted purpose in relation to that party.

Penalty: \$1,000.

“(2) The permitted purposes in relation to a political party are:

- (a) any purpose in connection with an election or referendum;
- (b) monitoring the accuracy of information contained in a Roll; and
- (c) the performance by a senator or member of the House of Representatives who is a member of the party of his or her functions as a senator or member in relation to a person or persons enrolled for the Division to which the index relates.

“(3) In subsection (2):

‘election’ means:

- (a) a Senate election;
- (b) a House of Representatives election;
- (c) a State election;
- (d) a Territory election; or
- (e) a local government election;

‘referendum’ means a referendum conducted under a law of the Commonwealth or of a State or Territory.

Prohibition of disclosure or commercial use of habitation index

“91B. (1) For the purposes of this section, information is protected information in relation to a person if the person knows, or has reasonable grounds for believing, that the information has been obtained by means of a tape or disk provided under subsection 91 (5).

“(2) A person shall not disclose protected information except to the extent that disclosure is a necessary part of the use of the information for a purpose that is a permitted purpose in relation to the political party to which the tape or disk was provided.

Penalty: \$1,000.

“(3) A person shall not use protected information for a commercial purpose.

Penalty: \$1,000.”.

Enrolled voters leaving Australia

33. Section 94 of the Principal Act is amended:

(a) by omitting subsection (5) and substituting the following subsection:

“(5) A person who has applied under subsection (1) shall, as soon as practicable, give written notice to the Divisional Returning Officer to whom the application was made of the occurrence of any of the following circumstances:

- (a) the person does not cease to reside in Australia within one month after the day on which the application was made;
- (b) within 3 years after ceasing to reside in Australia, the person again becomes resident in Australia;

- (c) the person abandons the intention to become resident again in Australia within 3 years after ceasing to reside in Australia;
 - (d) the person ceases to be entitled to enrolment.”;
 - (b) by omitting subsection (7) and substituting the following subsection:
 - “(7) Where:
 - (a) a person who is an eligible overseas elector ceases to reside in Australia within one month after the day on which he or she made an application under subsection (1); and
 - (b) within 3 years after ceasing to reside in Australia, the person becomes resident in Australia;
- the person ceases to be entitled to be treated as an eligible overseas elector at the end of one month after the day on which he or she again became resident in Australia.”.

Itinerant electors

34. (1) Section 96 of the Principal Act is amended:

- (a) by omitting subsections (1) and (2) and substituting the following subsections:

“(1) A person who:

- (a) is in Australia; and
- (b) because the person does not reside in any Subdivision, is not entitled to be enrolled for any Subdivision;

may apply to the Australian Electoral Officer for a State for enrolment under this section for a Subdivision in that State.

“(2) An application shall be in writing.

“(2A) The Australian Electoral Officer shall cause the name of the applicant to be added to the Roll:

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

“(2B) The Australian Electoral Officer shall also annotate the Roll so as to indicate that the person is an itinerant elector.

“(2C) Until an annotation under subsection (2B) is cancelled, the person to whom the annotation relates is entitled to be treated as an itinerant elector.”;

- (b) by omitting from subsections (3) and (4) “subsection (1)” and substituting “subsection (2B)”;

- (c) by omitting paragraph (10) (a) and substituting the following paragraph:

“(a) if the person ceases to be entitled otherwise than because of paragraph (9) (b) and the Australian Electoral Officer is aware that the person resides in the Division—cause the annotation made in relation to the person under subsection (2B) to be cancelled; or”;

- (d) by omitting from subsection (11) “subsection (1)” and substituting “subsection (2B)”.

(2) Where, at the commencement of this section, an application had been made under section 96 of the Principal Act but a decision had not been made on the application, section 96 of the Principal Act, as amended by this Act, applies as if the application had been made under that section as so amended.

35. After section 96 of the Principal Act the following section is inserted:

Enrolment of prisoners

“96A. (1) A person who is serving a sentence of imprisonment is entitled to remain enrolled for the Subdivision (if any) for which the person was enrolled when he or she began serving the sentence.

“(2) An eligible person who is serving a sentence of imprisonment but who was not enrolled when he or she began serving the sentence is entitled to be enrolled for:

- (a) the Subdivision for which the person was entitled to be enrolled at that time;
- (b) if the person was not so entitled, a Subdivision for which any of the person’s next of kin is enrolled;
- (c) if neither of paragraphs (a) and (b) is applicable, the Subdivision in which the person was born; and
- (d) if none of the preceding paragraphs is applicable, the Subdivision with which the person has the closest connection.

“(3) In subsection (2), ‘eligible person’ means a person who, under section 93, is entitled to enrolment.”.

Application of Part

36. Section 97 of the Principal Act is amended:

- (a) by omitting from subsection (1) “a Territory” (wherever occurring) and substituting “the Australian Capital Territory”;
- (b) by inserting after subsection (1) the following subsection:

“(1A) This Part applies to the Northern Territory as if the Territory were a State.”.

Claims for enrolment or transfer of enrolment

37. Section 99 of the Principal Act is amended by omitting subsections (3) and (4) and substituting the following subsections:

“(3) Subject to sections 94, 95, 96 and 96A and Part XVII, a person is not entitled to have his or her name placed on the Roll:

- (a) for more than one Subdivision;
- (b) for a Subdivision other than the Subdivision in which the person lives; or
- (c) in respect of an address other than the address at which the person is living when the claim is lodged.

“(4) In spite of any other provision of this Act:

- (a) a Senator is entitled to have his or her name placed on the Roll for any Subdivision of any Division in the State or Territory the Senator represents instead of the Subdivision in which the Senator lives;
- (b) a member of the House of Representatives is entitled to have his or her name placed on the Roll for any Subdivision of the Division the member represents instead of the Subdivision in which the member lives; and
- (c) a Senator or member whose name is enrolled under this subsection may vote as an elector of the Subdivision for which he or she is so enrolled.”.

Action on receipt of claim

38. Section 102 of the Principal Act is amended:

- (a) by omitting from paragraph (1) (c) “forthwith”;
- (b) by inserting after subsection (1) the following subsection:

“(1A) Before dealing with a claim under paragraph (1) (b) or (c), a Divisional Returning Officer may make any inquiries the officer thinks necessary.”;

- (c) by inserting after subsection (4) the following subsections:

“(4A) This subsection applies to a claim under section 101 if:

- (a) the claim is received during the period referred to in subsection (4);
- (b) the Australian Postal Commission has notified the Electoral Commission in writing that:
 - (i) the delivery of mail identified in the notification was delayed by an industrial dispute affecting a specified post office or mail exchange; and
 - (ii) but for the industrial dispute, that mail would, in the ordinary course of post, have been delivered before the commencement of the period referred to in subsection (4); and
- (c) the claim is included in the mail identified in the notification.

“(4B) In spite of subsection (4):

- (a) a claim to which subsection (4A) applies shall be regarded as having been received before the commencement of the period referred to in subsection (4); and
- (b) if the claimant’s name is entered on the Roll in accordance with the claim, the enrolment shall, in relation to any vote recorded by the claimant in an election, be regarded as having been effected before the commencement of the period referred to in subsection (4).”.

Alteration of Rolls

39. Section 105 of the Principal Act is amended by adding at the end the following subsection:

“(4) Where, at a preliminary scrutiny of declaration votes, a vote is admitted to further scrutiny because of paragraph 12 of Schedule 3, the Divisional Returning Officer shall, as soon as practicable, enter the name of the elector on the Roll for the Subdivision for which, but for an error or mistake, the name would have appeared unless, since the close of the Rolls for the election, the person has been enrolled for another Subdivision.

“(5) Where, at a preliminary scrutiny conducted under section 89A of the *Referendum (Machinery Provisions) Act 1984*, a vote is admitted to further scrutiny because of paragraph 11 of Schedule 4 to that Act, the Divisional Returning Officer shall, as soon as practicable, enter the name of the elector on the Roll for the Subdivision for which, but for an error or mistake, the name would have appeared unless, since the close of the Rolls for the referendum, the person has been enrolled for another Subdivision.”.

Application of Part

40. Section 112 of the Principal Act is amended:

- (a) by omitting from subsection (1) “a Territory” (wherever occurring) and substituting “the Australian Capital Territory”;
- (b) by inserting after subsection (1) the following subsection:

“(1A) This Part applies to the Northern Territory as if the Territory were a State.”.

41. Part IX of the Principal Act is repealed and the following Part is substituted:

“PART IX—OBJECTIONS

Interpretation

“113. (1) In this Part:

‘appropriate DRO’ means the DRO for the Division for which the challenged elector is enrolled;

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‘challenged elector’ means the person to whose enrolment an objection relates;

‘challenged enrolment’ means the enrolment to which an objection relates;

‘official objection’ means an objection by a DRO under subsection 114 (2);

‘private objection’ means an objection under subsection 114 (1);

‘relevant Subdivision’ means the Subdivision for which the challenged elector is enrolled.

“(2) Where there is an Assistant Divisional Returning Officer for a Subdivision, a reference in this Part to the DRO for the Division that includes the Subdivision shall be read as a reference to the Assistant Divisional Returning Officer.

Objection to enrolment

“114. (1) A person enrolled for a Subdivision may object to the enrolment of another person for that Subdivision on the ground that the other person is not entitled to be enrolled for that Subdivision.

“(2) The DRO for a Division shall object to the enrolment of a person for a Subdivision of that Division if there are reasonable grounds for believing that the person is not entitled to be enrolled for that Subdivision.

“(3) A DRO shall not object on the ground set out in paragraph 93 (8) (a).

Form and manner of objection

“115. (1) An objection shall be in writing in the approved form.

“(2) A private objection shall be lodged with the appropriate DRO together with an amount of \$2.

“(3) An objection on the ground that the challenged elector does not live in a Subdivision is not sufficient unless it also states that, at the date of the objection, the elector has not lived in the Subdivision for at least one month.

Notice of objection

“116. (1) The DRO shall give notice of an objection to the challenged elector.

“(2) A notice under subsection (1):

(a) shall be in the approved form;

(b) shall:

(i) in the case of a private objection—set out the name and address of the objector;

(ii) in the case of an official objection—set out the official title of the objector;

(iii) set out the ground or grounds of the objection; and

- (iv) set out the steps to be taken by the elector if the elector wishes to answer the objection; and
- (c) may be given to the challenged elector by posting it to that elector at:
 - (i) a place notified by that elector to the DRO as the place to which notices under this Act may be sent;
 - (ii) if there is no such place, the place at which the DRO believes the elector to be living; or
 - (iii) if neither of subparagraphs (i) and (ii) applies, the place shown on the Roll as the elector's place of residence.

“(3) If the DRO is satisfied that an objection is frivolous or vexatious, the DRO may dismiss the objection without giving notice to the challenged elector.

“(4) If:

- (a) an objection is made on the ground specified in paragraph 93 (8) (a); and
- (b) the objection is not supported by a certificate of a medical practitioner;

the DRO shall dismiss the objection without giving notice to the challenged elector.

Answer to objection

“117. The challenged elector may answer an objection:

- (a) orally to the DRO at the office of the DRO or by telephone to the DRO; or
- (b) in writing.

Determination of objection

“118. (1) A DRO shall determine an objection as soon as practicable after:

- (a) the receipt by the officer of the answer of the challenged elector; or
- (b) the end of 20 days after the giving of the notice;

whichever is the earlier.

“(2) Before determining an objection, a DRO may make any inquiries the officer considers necessary to ascertain the facts in relation to the objection.

“(3) If it appears to the DRO that the challenged elector is not entitled to be enrolled for the relevant Subdivision, the DRO shall remove the elector's name from the Roll for that Subdivision.

“(4) The DRO shall not remove an elector's name from the Roll on the ground specified in paragraph 93 (8) (a) unless the objection is accompanied by a certificate of a medical practitioner stating that, in the opinion of the

medical practitioner, the elector, because of unsoundness of mind, is incapable of understanding the nature and significance of enrolment and voting.

“(5) The DRO shall not remove an elector’s name from the Roll for a Subdivision during the period between the issue of the writ for an election in the Subdivision and the close of the polling at the election.

“(6) The DRO shall give to the objector and to the challenged elector written notice in the approved form of the decision of the DRO on an objection.

“(7) Notice under subsection (6) may be given to the challenged elector by posting it to the elector at the address to which notice of the objection was posted.

“(8) Where, as a result of a private objection, an elector’s name is removed from the Roll, the amount of \$2 lodged with the objection shall be repaid to the objector.”.

Review by Australian Electoral Officer

42. Section 120 of the Principal Act is amended:

- (a) by omitting from paragraph (3) (c) “or”;
- (b) by inserting after paragraph (3) (c) the following paragraph:

“(ca) notifies a person under subsection 185C (2) that the registration of the person as a general postal voter has been cancelled; or”;
- (c) by omitting from paragraph (3) (f) “or” (second occurring);
- (d) by inserting after paragraph (3) (g) the following paragraph:

“or (h) the cancellation of the person’s registration as a general postal voter;”;
- (e) by omitting from paragraph (4) (j) “and”;
- (f) by inserting after paragraph (4) (j) the following paragraph:

“(ja) if the request relates to the cancellation of the registration of a person as a general postal voter, a written statement of the reasons for the cancellation; and”;
- (g) by omitting subsection (5) and substituting the following subsection:

“(5) Where an Australian Electoral Officer receives a copy of a request under subsection (4) in relation to a claim, objection, application or request or in relation to the cancellation of registration under subsection 185C (1), the Australian Electoral Officer shall, without delay, review the decision of the Divisional Returning Officer.”.

Application of Part

43. Section 122 of the Principal Act is amended:

- (a) by omitting from subsection (1) “a Territory” (wherever occurring) and substituting “the Australian Capital Territory”;

- (b) by inserting after subsection (1) the following subsection:

“(1A) This Part applies to the Northern Territory as if the Territory were a State.”.

Interpretation

- 44.** Section 123 of the Principal Act is amended:

- (a) by omitting from subsection (1) the definition of “eligible political party” and substituting the following definition:

“‘eligible political party’ means a political party that:

- (a) either:

(i) is a Parliamentary party; or

(ii) has at least 500 members; and

(b) is established on the basis of a written constitution (however described) that sets out the aims of the party;”;

- (b) by inserting in subsection (1) the following definition:

“‘address’ does not include a postal address that consists of a post office box number;”;

- (c) by omitting subsection (3) and inserting the following subsection:

“(3) A reference in this Part to a member of a political party is a reference to a person who is both:

(a) a member of the political party or a related political party; and

(b) entitled to enrolment under this Act.”.

Application for registration

- 45. (1)** Section 126 of the Principal Act is amended:

- (a) by adding at the end of paragraph (1) (c) “, of whom one is the secretary of the party”;

- (b) by inserting in subsection (2) “and by the person who is to be the registered officer of the party” after “applicants” (first occurring);

- (c) by omitting paragraphs (2) (f) and (g) and substituting the following paragraph:

“and (f) be accompanied by a copy of the constitution of the party.”.

(2) Where, at the commencement of this section, an application had been made under section 126 of the Principal Act but the Electoral Commission had not made a determination on the application, Part XI of the Principal Act, as in force immediately before the commencement of this section, continues to apply in relation to the application.

Procedure for dealing with application

46. Section 132 of the Principal Act is amended:

- (a) by adding at the end of subparagraph (2) (b) (ii) “or”;
- (b) by omitting subparagraph (2) (b) (iii);
- (c) by omitting subsection (4) and substituting the following subsections:

“(4) Particulars submitted under paragraph (2) (b) shall, as soon as practicable, be made available at the principal office of the Commission in Canberra for inspection by members of the public.

“(5) The Commission shall:

- (a) give a copy of all of the particulars (if any) submitted under paragraph (2) (b) to the person who is to be the registered officer of the party concerned; and
- (b) at the same time, give to the person a notice inviting the person to submit a reply to the particulars to the Commission within the time specified in the notice.

“(6) A reply submitted under subsection (5) shall, as soon as practicable, be made available at the principal office of the Commission in Canberra for inspection by members of the public.

“(7) The Commission shall not register a political party unless:

- (a) it has published notice of the application for registration in accordance with this section;
- (b) a period of at least one month has elapsed after the date of publication of notice of the application in the *Gazette*;
- (c) where particulars have been submitted under paragraph (2) (b), either:
 - (i) the time specified in a notice under subsection (5) has expired; or
 - (ii) a reply to the particulars has been received; and
- (d) the Commission has considered those particulars (if any) and any reply to the particulars.”.

Changes to Register

47. Section 134 of the Principal Act is amended:

- (a) by adding at the end of paragraph (1) (f) “or”;
- (b) by omitting from paragraph (1) (g) “or”;
- (c) by omitting paragraph (1) (h);
- (d) by inserting after subsection (1) the following subsection:

“(1A) Where a political party is registered under this Part, the registered officer of the party may apply to the Commission to change the Register by substituting for the address of the registered officer entered in the Register the address specified in the application.”;

- (e) by inserting in paragraph (2) (b) “shall be signed by that person and” after “party,”;
- (f) by inserting after subsection (2) the following subsection:

“(2A) An application under subsection (1A) shall be signed by the applicant.”;
- (g) by inserting in subsection (3) “or (1A)” after “subsection (1)”;
- (h) by omitting subsection (4) and substituting the following subsection:

“(4) In respect of an application under subsection (1) for a change referred to in paragraph (1) (c), (d) or (e), sections 127, 129, 131 and 132 apply in relation to the application as if:

 - (a) a reference in those sections to an application for registration were a reference to an application for that change;
 - (b) subparagraph (2) (b) (i) were omitted from section 132; and
 - (c) a reference in subparagraph 132 (2) (b) (ii) to section 126 were a reference to this section.”;
- (j) by inserting in subsection (6) “or (1A)” after “subsection (1)”;
- (k) by inserting in subsection (7) “or (1A)” after “subsection (1)”.

Deregistration of party failing to endorse candidates or ceasing to be Parliamentary party

48. Section 136 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsections:

“(1) A registered political party is liable to deregistration if:

 - (a) a period of 4 years has elapsed since the polling day in the last election for which the party endorsed a candidate; or
 - (b) in the case of a party that was a Parliamentary party when it was registered:
 - (i) the party has ceased to be a Parliamentary party; and
 - (ii) the party has fewer than 500 members.

“(1A) If a party becomes liable to deregistration, the Commission shall:

 - (a) deregister the party;
 - (b) give written notice of the deregistration to the person who was the registered officer of the party immediately before the deregistration; and
 - (c) cause notice of the deregistration to be published in the *Gazette*.”;
- (b) by omitting from subsection (2) “subsection (1)” and substituting “subsection (1A)”.

Forms of writs

49. Section 152 of the Principal Act is amended by omitting from subsection (1) “the Schedule,” and substituting “Schedule 1, shall be signed by the Governor of a State, the Governor-General or the Speaker, as the case requires,”.

Writs for election of members of House of Representatives

50. Section 154 of the Principal Act is amended by inserting after subsection (2) the following subsection:

“(2A) If, under subsection 48 (2A), the Electoral Commissioner makes a determination that the number of members of the House of Representatives to be chosen in the Northern Territory at a general election is 2 or a greater number, subsection (2) of this section shall have effect, after the making of that determination, as if the word ‘member’ were omitted from paragraph (2) (h) and the word ‘members’ substituted.”.

51. Section 163 of the Principal Act is repealed and the following section is substituted:

Qualifications for nomination

“163. (1) A person who:

- (a) has reached the age of 18 years;
- (b) is an Australian citizen; and
- (c) is either:

- (i) an elector entitled to vote at a House of Representatives election; or

- (ii) a person qualified to become such an elector;

is qualified to be elected as a Senator or a member of the House of Representatives.

“(2) A person is not entitled to be nominated for election as a Senator or a member of the House of Representatives unless the person is qualified under subsection (1).”.

52. Part XV of the Principal Act is repealed and the following Parts are substituted:

“PART XV—POSTAL VOTING

Interpretation

“182. In this Part:

‘appropriate DRO’, in relation to an application or anything to be done by an elector, means the DRO for the Division for which the elector is enrolled;

‘Register’, in relation to a Division, means the Register of General Postal Voters for the Division.

Grounds of application for postal vote

“183. An elector may apply for a postal vote on any of the grounds set out in Schedule 2.

Application for postal vote

“184. (1) An application shall be in writing in the approved form and shall:

- (a) contain a declaration by the applicant that he or she is an elector entitled to apply for a postal vote; and
- (b) be signed by the applicant in the presence of an authorised witness.

“(2) An application made in Australia shall be made to a DRO.

“(3) An application made outside Australia shall be made to an Assistant Returning Officer.

“(4) An application for a postal vote may not be made until after the issue of the writ for the election in relation to which a postal vote is sought or the public announcement of the proposed date for the polling, whichever is the earlier.

“(5) An application shall be regarded as not having been made if it reaches the officer to whom it is directed after 6 p.m. on the day before polling day in the election.

“(6) An elector shall not make a false statement:

- (a) in an application for a postal vote; or
- (b) in any declaration relating to such an application.

Penalty: \$1,000 or imprisonment for 6 months, or both.

“(7) A person shall not induce an elector to make a false statement:

- (a) in an application for a postal vote; or
- (b) in any declaration relating to such an application.

Penalty: \$1,000 or imprisonment for 6 months, or both.

Application for registration as general postal voter

“184A. (1) An elector may apply to the appropriate DRO for registration as a general postal voter.

“(2) An application shall be made on one of the following grounds:

- (a) the applicant's real place of living is not within 20 kilometres, by the nearest practicable route, of a polling place;
- (b) the applicant:
 - (i) is a patient at a hospital (other than a special hospital or a hospital that is a polling place); and
 - (ii) because of serious illness or infirmity, is unable to travel from the hospital to a polling place;
- (c) because of serious illness or infirmity, the applicant is unable to travel from the place where he or she lives to a polling place;

- (d) the applicant is detained in custody;
- (e) the enrolment of the applicant was obtained by means of a claim signed under subsection 98 (3);
- (f) a registered medical practitioner has certified, in writing, that the applicant is so physically incapacitated as to be incapable of signing his or her name;
- (g) the applicant's address has been excluded from the Roll under section 104;
- (h) because of the applicant's religious beliefs or membership of a religious order, the applicant:
 - (i) is precluded from attending a polling booth; or
 - (ii) for the greater part of the hours of polling on polling day, is precluded from attending a polling booth.

“(3) An application in respect of an elector to whom paragraph (2) (e) or (f) applies may be made by another person on behalf of the elector.

“(4) The certificate referred to in paragraph (2) (f) shall be lodged with an application made on the ground set out in that paragraph.

“(5) An elector shall not make a false statement:

- (a) in an application under this section; or
 - (b) in any declaration relating to such an application.
- Penalty: \$1,000 or imprisonment for 6 months, or both.

“(6) A person shall not induce an elector to make a false statement:

- (a) in an application under this section; or
 - (b) in any declaration relating to such an application.
- Penalty: \$1,000 or imprisonment for 6 months, or both.

Register of General Postal Voters

“184B. (1) The DRO for a Division shall keep a Register of General Postal Voters in respect of the Division.

“(2) The Register shall be available at the office of the DRO during ordinary office hours for inspection, without fee, by members of the public.

Registration as general postal voter

“185. (1) If the DRO to whom an application has been made is satisfied that the application has been made in accordance with section 184A, the DRO shall register the applicant as a general postal voter.

“(2) Where:

- (a) a claim for enrolment or transfer of enrolment is made to the appropriate DRO;
- (b) the claim is signed under subsection 98 (3); and
- (c) the claim indicates that the claimant wishes to be registered as a general postal voter;

the DRO shall register the claimant as a general postal voter.

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“(3) Where an elector who is registered as a general postal voter for a Division (in this subsection called the ‘original Division’) makes a claim for transfer of enrolment to another Division (the ‘new Division’), the matter shall be dealt with as follows:

- (a) when notified of the transfer of enrolment, the DRO for the original Division shall notify the DRO for the new Division that the elector was so registered;
- (b) the DRO for the original Division shall cancel the registration of the elector; and
- (c) except in the case of an elector whose address has been excluded from the Roll under section 104, the DRO for the new Division shall register the elector unless the DRO is satisfied that the elector would not be entitled to registration on application under subsection 184A (1).

“(4) Registration of an elector as a general postal voter for a Division is effected by entering in the Register the following particulars of the elector:

- (a) full name;
- (b) except in the case of an elector whose address has been excluded from the Roll under section 104, the address shown in the Roll as the real place of living of the elector;
- (c) such other particulars (if any) as the Electoral Commission determines.

“(5) A DRO who registers an elector as a general postal voter shall notify the elector in writing of the registration.

“(6) A DRO who decides not to register an elector as a general postal voter shall notify the elector in writing of the decision and of the reasons for it.

Limitation on effect of registration

“185A. Except in the case of an elector registered on the ground set out in paragraph 184A (2) (e) or (f), registration under section 185 is not sufficient to entitle an elector to the issue of a postal vote certificate and postal ballot-paper.

Review of Registers

“185B. The DRO for a Division shall, when so directed by the Electoral Commission, examine the Register for the Division and make such alterations to the Register as are necessary to ensure that:

- (a) only electors entitled to be registered as general postal voters for the Division are so registered; and
- (b) the particulars entered in the Register are accurate.

Cancellation of registration

“185C. (1) The DRO for a Division may cancel the registration of an elector as a general postal voter for the Division if the DRO is satisfied that the ground on which the elector applied for registration no longer exists.

“(2) The DRO shall give to the elector, personally or by post, written notice of the cancellation and of the elector’s right to request the DRO to refer the cancellation to the Australian Electoral Officer for the State for which the elector is enrolled for review under section 120.

Dispatch of electoral materials to registered general postal voters

“186. (1) As soon as practicable after the issue of the writ for an election in a Division or the public announcement of the proposed date for the polling, whichever is the earlier, the DRO for the Division shall send postal voting papers to each registered general postal voter for the Division.

“(2) The postal voting papers to be sent are:

- (a) in the case of an elector registered as a general postal voter for the Division on the ground set out in paragraph 184A (2) (e) or (f)—a postal vote certificate printed on an envelope addressed to the DRO and one postal ballot-paper for a Senate election or one postal ballot-paper for a House of Representatives election, or both, as the case requires; and
- (b) in any other case—a form of application for a postal vote and an envelope addressed to the DRO.

Duty of witness

“187. (1) A person shall not witness the signature of another person (in this section called the ‘elector’) on an application for a postal vote unless:

- (a) the person is satisfied of the identity of the elector;
- (b) the person has seen the elector sign the application; and
- (c) either:
 - (i) the person knows that the statements in the application are true; or
 - (ii) the person is satisfied, on the basis of inquiries of the elector or otherwise, that the statements in the application are true.

Penalty: \$500.

“(2) The person who witnesses the signature of the elector to the application shall sign the application in his or her own handwriting and write on the application the date of signature.

Issue of certificate and ballot-papers

“188. (1) A DRO or Assistant Returning Officer who receives an application, properly signed and witnessed, for a postal vote shall post to the applicant:

- (a) a postal vote certificate printed on an envelope addressed to the DRO for the Division for which the applicant is enrolled; and

- (b) one postal ballot-paper for a Senate election or one postal ballot-paper for a House of Representatives election, or both, as the case requires.

“(2) In spite of subsection (1), where the application is received after the last mail clearance at the nearest post office on the last Thursday before polling day, the DRO or Assistant Returning Officer shall not post to the applicant a postal vote certificate or ballot-paper.

Inspection of applications

“189. (1) A DRO who issues a postal vote certificate and postal ballot-paper shall:

- (a) write on the application the date of issue of the certificate and ballot-paper; and
- (b) if the DRO is not the appropriate DRO, send the application to the appropriate DRO.

“(2) An Assistant Returning Officer who issues a postal vote certificate and postal ballot-paper shall:

- (a) write on the application the date of issue of the certificate and ballot-paper; and
- (b) deal with the application in accordance with subsection 228 (8).

“(3) All applications for postal votes in relation to which a DRO is the appropriate DRO shall be open to public inspection at the office of the DRO during ordinary office hours from and including the third day after polling day until the election can no longer be questioned.

Numbering of applications and certificates

“190. (1) A DRO or Assistant Returning Officer shall allocate a number to each application for a postal vote and shall number each postal vote certificate with a number corresponding to the number of the application.

“(2) The DRO or Assistant Returning Officer who issues a ballot-paper shall initial the back of the paper.

Certified lists of voters to be noted

“191. (1) As far as is reasonably practicable, the issue of a postal vote certificate and postal ballot-paper to an elector shall be noted on the relevant certified list of voters.

“(2) If a certified list of voters is not so noted, the DRO for the Division shall take such steps as he or she thinks reasonable to inform the presiding officer to whom the list was given of the issue of the certificates and ballot-papers.

Form of postal vote certificate

“192. A postal vote certificate shall be in the approved form.

Authorised witnesses

“193. (1) An elector whose name appears on a Roll is an authorised witness.

“(2) Outside Australia, the following persons are authorised witnesses:

- (a) an officer of the Defence Force or of the naval, military or air forces of another part of the Queen’s dominions;
- (b) a member of the Australian Public Service;
- (c) a member of the civil or public service of a Territory or of another part of the Queen’s dominions;
- (d) a Justice of the Peace for a State or Territory or another part of the Queen’s dominions;
- (e) a minister of religion or medical practitioner resident in a State or Territory or another part of the Queen’s dominions;
- (f) an Australian citizen.

“(3) A person who is a candidate at an election is not an authorised witness in relation to the casting of a postal vote in that election.

Postal voting

“194. (1) The following requirements for postal voting shall be substantially observed:

- (a) the elector shall show the unsigned postal vote certificate and the unmarked postal ballot-paper to an authorised witness;
- (b) except in the case of an elector registered as a general postal voter on the ground set out in paragraph 184A (2) (e) or (f), the elector shall sign the postal vote certificate in the presence of the authorised witness;
- (c) the authorised witness shall sign the certificate as witness, adding the date and an indication of the capacity in which the witness acts;
- (d) the elector shall then, in the presence of the authorised witness but so that the witness cannot see the vote, mark his or her vote on the ballot-paper, fold the ballot-paper, place it in the envelope addressed to the appropriate DRO and fasten the envelope;
- (e) the elector shall post or deliver the envelope to the appropriate DRO;
- (f) if the elector cannot read or is so disabled as to be unable to vote without assistance, a person chosen by the elector may, according to the directions of the elector, complete the postal vote certificate and do for the elector any act required by paragraph (d) or (e);
- (g) directions under paragraph (f) may be given by reference to a how-to-vote card.

“(2) In spite of paragraph (1) (e), where:

- (a) a ballot-paper, if posted before the close of the poll, would be unlikely to reach the appropriate DRO within 13 days after polling day; or

(b) a ballot-paper, if it were to be delivered to the appropriate DRO, would be unlikely to reach the DRO before the close of the poll;
the envelope containing the ballot-paper may:

- (c) before the close of the poll be addressed to, and posted or delivered to, any other DRO or to an Assistant Returning Officer at a place outside Australia;
- (d) be handed to a pre-poll voting officer; or
- (e) be delivered, on polling day and before the close of the poll, to any presiding officer.

“(3) A DRO, Assistant Returning Officer, presiding officer or pre-poll voting officer to whom an envelope containing a ballot-paper is posted or delivered under subsection (2) shall deal with the envelope and ballot-paper according to sections 195A and 228.

Duty of authorised witnesses etc.

“195. Except at the request of the elector, a person shall not:

- (a) interfere with an elector in relation to the marking of a postal ballot-paper; or
- (b) do anything that would enable the person or any other person to find out how an elector marked a postal ballot-paper.

Penalty: \$1,000.

Procedure for dealing with postal vote certificates etc.

“195A. (1) In this section, ‘officer’ means:

- (a) a pre-poll voting officer;
- (b) a presiding officer; or
- (c) an Assistant Returning Officer at a place outside Australia.

“(2) Where:

- (a) a DRO receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper issued in respect of a Division other than the Division for which the DRO is appointed; or
- (b) an officer receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper;

the DRO or officer shall:

- (c) endorse on the envelope ‘Received by me’ and the date and time of receipt;
- (d) sign the endorsement, adding the words ‘Divisional Returning Officer’, ‘Pre-poll Voting Officer’, ‘Presiding Officer’ or ‘Assistant Returning Officer’, as the case may be;
- (e) make a record of the name of the voter and the name of the Division as shown in the postal vote certificate;
- (f) deal with the envelope in accordance with section 228; and

- (g) until the envelope is so dealt with, keep the envelope in a ballot-box.

Opening of postal ballot-paper

“196. A person other than:

- (a) the DRO for the Division in respect of which a postal ballot-paper has been issued; or
- (b) an officer acting at the direction of the DRO;

shall not open an envelope that purports to contain a postal ballot-paper on which a vote has been recorded.

Penalty: \$500.

Failure to post or deliver postal vote application etc.

“197. A person to whom an elector entrusts:

- (a) an application for a postal vote; or
- (b) an envelope apparently containing a postal ballot-paper;

for posting or delivery to an officer shall post or deliver the application or envelope, as the case may be, as soon as practicable.

Penalty: \$1,000.

Inducing elector to hand over marked ballot-paper

“198. A person shall not induce an elector to hand over to the person a postal ballot-paper on which a vote has been recorded.

Penalty: \$1,000.

Correction of formal errors

“199. If an officer who receives:

- (a) an application for a postal vote; or
- (b) a postal vote certificate;

is satisfied that the application or certificate contains a formal error, the officer may amend the application or certificate to correct the error.

Mistakes

“200. (1) A postal vote shall not be rejected because only the surname of a candidate has been written on the ballot-paper if no other candidate has the same surname.

“(2) A postal vote shall not be rejected because of a mistake in spelling if the elector’s intention is clear.

“PART XVA—PRE-POLL VOTING

Grounds of application for pre-poll vote

“200A. An elector may apply for a pre-poll vote on any of the grounds set out in Schedule 2.

Pre-poll voting officers

“200B. The Electoral Commission may appoint a person to be a pre-poll voting officer for the purposes of this Act.

Application for pre-poll vote

“200C. (1) An application for a pre-poll vote may be made to:

- (a) any Divisional Returning Officer;
- (b) any pre-poll voting officer; or
- (c) an Assistant Returning Officer at a place outside Australia.

“(2) The application must be made by the elector in person.

“(3) The elector making the application shall inform the officer to whom the application is made of:

- (a) the Division for which the elector is enrolled; and
- (b) any matters prescribed by the regulations.

Place and time of application

“200D. (1) An application to a DRO shall be made at the office of the DRO during ordinary office hours or during the hours of polling on polling day.

“(2) An application to a pre-poll voting officer shall be made:

- (a) at a place declared by the Electoral Commission, by notice published in the *Gazette*, to be a pre-poll voting office; and
- (b) on a day, and during the hours, fixed by the Electoral Commission, by notice published in the *Gazette*, for such applications.

“(3) An application to an Assistant Returning Officer shall be made:

- (a) at the office of the Assistant Returning Officer; and
- (b) during ordinary office hours or during such other hours as the Assistant Returning Officer fixes.

“(4) An application that relates to:

- (a) a Senate election; or
- (b) a Senate election and a House of Representatives election to be held on the same day;

cannot be made earlier than the second day after the day on which nominations for the Senate election close.

“(5) An application that relates to a House of Representatives election that is not to be held on the same day as a Senate election cannot be made earlier than the day after the day on which nominations for the election close.

“(6) An elector may not make an application after the close of the poll in the State or Territory for which the elector is enrolled.

Pre-poll voting

“200E. (1) The officer to whom an application for a pre-poll vote is made (in this section called ‘the issuing officer’) shall issue to the elector:

- (a) a pre-poll vote certificate; and
- (b) one ballot-paper for a Senate election or one ballot-paper for a House of Representatives election, or both, as the case requires.

“(2) Before issuing the ballot-paper, the officer shall initial the back of the paper.

“(3) The elector shall sign the pre-poll vote certificate in the presence of the issuing officer.

“(4) The issuing officer shall then sign the pre-poll vote certificate as witness, adding the date.

“(5) The elector shall then, in the presence of the issuing officer but so that the officer cannot see the vote, mark his or her vote on the ballot-paper, fold the ballot-paper and return it to the issuing officer.

“(6) The issuing officer shall immediately place the ballot-paper in the envelope bearing the pre-poll vote certificate, fasten the envelope and, until the envelope is dealt with under section 228, keep the envelope in a ballot-box.

“(7) If the elector satisfies the officer that the elector cannot read or is so disabled as to be unable to vote without assistance, a person chosen by the elector may, according to the directions of the elector, do any of the following acts:

- (a) fill in the pre-poll vote certificate with the required particulars;
- (b) read the certificate to the voter;
- (c) complete the certificate;
- (d) mark the elector’s vote on the ballot-paper;
- (e) fold the ballot-paper and return it to the officer.

“(8) Directions under subsection (7) may be given by reference to a how-to-vote card.

“(9) An elector to whom a pre-poll vote certificate and ballot-paper have been issued is not entitled:

- (a) to vote at a polling booth; or
- (b) to remove the certificate or ballot-paper from the office of the officer who issued it.

Form of pre-poll vote certificate

“200F. A pre-poll vote certificate shall:

- (a) be in the approved form;
- (b) carry a distinguishing number that is the same as the number allocated to the record of the application for the certificate; and

- (c) be printed on an envelope addressed to the DRO for the Division for which the elector is enrolled.

Record of issue of pre-poll voting papers

“200G. (1) Where the DRO for a Division issues a pre-poll vote certificate and ballot-paper to a person enrolled for the Division, the DRO shall make a record of the date of issue of the certificate and ballot-paper and the name of the person and shall allocate a number to the record.

“(2) Where:

- (a) any other DRO;
- (b) a pre-poll voting officer; or
- (c) an Assistant Returning Officer at a place outside Australia;

issues a pre-poll vote certificate and ballot-paper, he or she shall:

- (d) make a record of the date of issue of the certificate and ballot-paper, the name of the person to whom the certificate and ballot-paper were issued and the name of the Division for which the person is enrolled and shall allocate a number to the record; and
- (e) deal with the record of the issue of the certificate and ballot-paper in accordance with section 228.

“(3) Records made by a DRO under subsection (1) and records forwarded to the DRO under section 228 shall be open to public inspection at the office of the DRO during ordinary office hours from and including the third day after polling day until the election can no longer be questioned.

Certified lists of voters to be noted

“200H. (1) As far as is reasonably practicable, the issue of a pre-poll vote certificate and ballot-paper to an elector shall be noted on the relevant certified list of voters.

“(2) If a certified list of voters is not so noted, the DRO for the Division shall take such steps as he or she thinks reasonable to inform the presiding officer to whom the list was given of the issue of pre-poll vote certificates and ballot-papers.

Opening of pre-poll voting envelope

“200J. A person other than:

- (a) the DRO for the Division in respect of which a pre-poll vote ballot-paper has been issued; or
- (b) an officer acting at the direction of the DRO;

shall not open an envelope containing a ballot-paper given to an officer under subsection 200E (5) or (7).

Penalty: \$500.

Obligations of persons present when pre-poll vote cast

“200K. A person who is present when an elector signs a pre-poll vote certificate or marks a ballot-paper in the presence of an officer:

- (a) shall obey all directions of the officer; and
- (b) except at the request of the elector:
 - (i) shall not make any communication to the elector in relation to the elector’s vote;
 - (ii) shall not assist the elector or in any way interfere with the elector in relation to the elector’s vote; and
 - (iii) shall not do anything that would enable the person to find out how the elector marked the ballot-paper.

Penalty: \$1,000.

Correction of formal errors

“201. If an officer who receives a pre-poll vote certificate under subsection 200E (5) is satisfied that the certificate contains a formal error, the officer may amend the certificate to correct the error.

Mistakes

“202. (1) A pre-poll vote shall not be rejected because only the surname of a candidate has been written on the ballot-paper if no other candidate has the same surname.

“(2) A pre-poll vote shall not be rejected because of a mistake in spelling if the elector’s intention is clear.”.

53. Before section 203 of the Principal Act the following section is inserted in Part XVI:

Undertaking by officers and scrutineers

“202A. (1) An officer to whom this subsection applies shall not begin the performance of his or her duties in relation to an election unless the officer has signed an undertaking in the approved form relating to that election.

“(2) Subsection (1) applies to the following officers:

- (a) a Divisional Returning Officer;
- (b) an Assistant Returning Officer;
- (c) an Assistant Divisional Returning Officer;
- (d) a presiding officer;
- (e) a deputy presiding officer;
- (f) an assistant presiding officer;
- (g) a substitute presiding officer;
- (h) an Antarctic Returning Officer;
- (j) an Assistant Antarctic Returning Officer;
- (k) an electoral visitor;

- (m) a mobile polling team leader;
- (n) a mobile polling team member;
- (o) a pre-poll voting officer.

“(3) A scrutineer shall not begin the performance of his or her duties unless the scrutineer has signed an undertaking in the approved form.

“(4) A person employed by the Electoral Commission to perform duties in connection with the conduct of an election or a referendum held on the same day as an election, shall not begin the performance of his or her duties unless the person has signed an undertaking in the approved form.

“(5) The failure of a person to sign an undertaking is not a ground for setting aside the result of an election or referendum.”.

Certified lists of voters

54. Section 208 of the Principal Act is amended by omitting “Divisional Returning Officer” and substituting “Electoral Commissioner”.

Ballot-papers

55. Section 209 of the Principal Act is amended:

- (a) by omitting from subsections (1) and (2) “the Schedule” and substituting “Schedule 1”;
- (b) by omitting subsection (4);
- (c) by adding at the end the following subsections:

“(6) Before issuing a ballot-paper for a Senate election, an officer shall, if the particulars are not already printed on the ballot-paper, write on the ballot-paper:

- (a) the name of the State or Territory in which the election is to be held;
- (b) the number of candidates to be elected;
- (c) the numbers required to complete the ‘Directions’ on the ballot-paper;
- (d) the full names of all candidates arranged in the same way as would be required if the names were being printed on the ballot-paper; and
- (e) the information that would be required by section 214 to be printed on the ballot-paper if the ballot-paper were being printed.

“(7) Before issuing a ballot-paper for a House of Representatives election, an officer shall, if the particulars are not already printed on the ballot-paper, write on the ballot-paper:

- (a) the name of the State or Territory, and the name of the Division, in which the election is to be held;
- (b) the numbers required to complete the ‘Directions’ on the ballot-paper;

- (c) the full names of all candidates for the Division in the same order as would be required if the ballot-paper were being printed; and
- (d) the information that would be required by section 214 to be printed on the ballot-paper if the ballot-paper were being printed.

“(8) Before issuing a ballot-paper that is to be used for postal voting, a DRO or Assistant Returning Officer shall ensure that the words and directions required by subsection (5) are printed or written on the ballot-paper.”.

56. After section 209 of the Principal Act the following section is inserted:

Official mark

“209A. The official mark for the authentication of ballot-papers is a water mark consisting of a representation of a shield having within it the letters ‘CA’ intertwined.”.

Printing of Senate ballot-papers

57. Section 210 of the Principal Act is amended by adding at the end the following subsection:

“(3) The names of candidates not included in a group shall be printed on the ballot-papers according to the following rules:

- (a) unless paragraph (b) applies, the names of the candidates must be printed in a single column;
- (b) if a single column would be longer than the longest column containing the names of candidates included in groups, the names of the candidates may be printed in 2 or more columns;
- (c) if the names of the candidates are printed in 2 or more columns, none of the columns may be longer than the longest column containing the names of candidates included in groups.”.

Determination of order of names

58. Section 213 of the Principal Act is amended:

- (a) by omitting from subparagraph (1) (a) (v) “an officer of the Australian Public Service” and “another officer of the Australian Public Service” and substituting “a person” and “another person” respectively;
- (b) by omitting from subparagraph (1) (a) (ix) “an officer of the Australian Public Service” and “another officer of the Australian Public Service” and substituting “a person” and “another person” respectively;

(c) by adding at the end the following subsections:

“(3) A reference in subparagraph (1) (a) (v) or (ix) to a person is a reference to a person employed by the Commonwealth or a State or by an authority of the Commonwealth or a State.

“(4) The requirement of subparagraph (1) (a) (v) or (ix) that a person be blindfolded need not be observed if the container being used is an approved container.

“(5) An approved container is a container in respect of which the Electoral Commissioner has certified in writing that the container is so constructed that when it is rotated no control can be exercised over the order in which balls come out of the container.”.

Provisions relating to scrutineers

59. Section 218 of the Principal Act is amended by inserting after subsection (2) the following subsection:

“(2A) A person who is in a polling booth in the capacity of a scrutineer shall wear a badge, supplied by the Electoral Commission, that identifies the person as a scrutineer.”.

60. Section 219 of the Principal Act is repealed and the following section is substituted:

Participation by candidates in conduct of election

“219. A candidate shall not in any way take part in the conduct of an election.”.

61. Section 224 of the Principal Act is repealed and the following section is substituted:

Mobile booths—hospitals that are polling places

“224. (1) In this section, ‘hospital’ means a hospital that is a polling place.

“(2) Where:

(a) a patient in a hospital is:

(i) in the case of a by-election—entitled to vote in that election;
or

(ii) in any other case—an elector for the State or Territory in which the hospital is situated; and

(b) the patient wishes to vote at the hospital;

the presiding officer shall visit the patient for the purpose of taking the patient’s vote.

“(3) When visiting the patient, the presiding officer shall:

(a) take to the patient a ballot-box, a ballot-paper, and anything else necessary to enable the patient to vote; and

- (b) be accompanied by a polling official and such scrutineers (if any) as wish to attend.

“(4) The visit to the patient shall be made between 8 a.m. and 6 p.m. on polling day or a day to which polling is adjourned.

“(5) While the presiding officer is in the same room, ward or other place as the patient, this Act applies in relation to the taking of the vote of the patient as if the room, ward or place were part of a polling booth at a polling place.

“(6) A polling booth at a hospital shall be attended by a polling official at all times when the presiding officer is absent from the booth for the purpose of visiting a patient.”.

Mobile booths—other hospitals

62. Section 225 of the Principal Act is amended:

- (a) by omitting subsections (2) to (4) (inclusive) and substituting the following subsections:

“(2) The Electoral Commission may appoint electoral visitors for the purposes of this section in relation to a specified election.

“(3) Where:

- (a) a patient at a special hospital wishes to vote at the hospital; and

(b) the patient is:

- (i) in the case of a by-election—entitled to vote in that election; or

- (ii) in any other case—an elector for the State or Territory in which the hospital is situated;

an electoral visitor shall visit the patient for the purpose of taking the patient's vote.

“(4) When visiting the patient, the electoral visitor shall:

- (a) take to the patient a ballot-box, a ballot-paper, and anything else necessary to enable the patient to vote; and
- (b) be accompanied by a polling official and such scrutineers (if any) as wish to attend.

“(4A) While the electoral visitor is in the same room, ward or other place as the patient, this Act applies in relation to the taking of the patient's vote as if the room, ward or other place were part of a polling booth at a polling place.”;

- (b) by omitting from subsection (5) “in accordance with subsection (4)”;
- (c) by omitting from subsection (8) “poll clerk” and substituting “polling official”.

Provisions related to sections 224 and 225

63. Section 226 of the Principal Act is amended:

(a) by inserting after subsection (2) the following subsection:

“(2A) A presiding officer or electoral visitor who visits a patient under section 224 or 225 may, at the request of the patient, give the patient literature, including how-to-vote cards, made available for the purpose by candidates in the election.”;

(b) by omitting from subsection (4) “224(2) or 225(4)” and substituting “224(5) or 225(4A)”;

(c) by omitting from subsection (5) “Subsection 340 (1)” and substituting “Subject to subsection (2A) of this section, subsection 340 (1)”;

(d) by omitting subsection (7) and substituting the following subsections:

“(7) The Divisional Returning Officer for a Division shall, not later than 4 p.m. on the day before polling day, display prominently in his or her office a notice specifying the hospitals in the Division that are polling places and indicating the periods during which votes will be taken under section 224 at each hospital.

“(7A) The Divisional Returning Officer for a Division shall, at least 7 days before the day, or the first day, on which votes are to be taken under section 225 at a hospital in the Division, display prominently in his or her office a notice specifying:

(a) the hospitals in the Division at which votes are to be taken under section 225; and

(b) the days on which, and the times at which, votes will be taken at each of those hospitals.

“(7B) If it is not practicable for votes to be taken under section 225 on a day, or a time, specified in a notice under subsection (7A), the electoral visitor shall inform the Divisional Returning Officer accordingly.

“(7C) On being so informed, the Divisional Returning Officer shall:

(a) take such steps as he or she thinks fit to give public notice of another day on which, or another time at which, the votes will be taken; and

(b) take such steps as are reasonably practicable to inform:

(i) in the case of a House of Representatives election—
all of the candidates; and

(ii) in the case of a Senate election—such of the candidates
as have requested that they be so notified;

of the substituted day or time.”;

(e) by inserting in subsection (8) “, (7A) or (7C)” after “(7)”.

64. After section 226 of the Principal Act the following section is inserted:

Mobile booths—prisons

“226A. (1) The Electoral Commission may make arrangements with the Controller-General of Prisons for a State or Territory for the taking of the votes of persons confined in prisons in the State or Territory.

“(2) The Electoral Commission may appoint electoral visitors for the purposes of this section.

“(3) Where arrangements in force under subsection (1) are applicable to a prison, an electoral visitor shall visit the prison for the purpose of taking the votes of persons confined in the prison.

“(4) When visiting a prison, an electoral visitor shall:

- (a) take to the prison a ballot-box, ballot-papers and anything else necessary for the taking of votes at the prison; and
- (b) subject to subsection (5), be accompanied by a polling official and such scrutineers (if any) as wish to attend.

“(5) A visit to a prison shall be made:

- (a) on such day;
- (b) at such time; and
- (c) in accordance with such conditions;

as are fixed by or under the arrangements applicable to the prison.

“(6) In spite of arrangements in force under subsection (1), a visit to a prison may not be made if the electoral visitor is informed by the officer in charge of the prison or a member of the staff of the prison that the visit is forbidden by the officer in charge because of circumstances related to the security of the prison.

“(7) At the end of a visit by an electoral visitor to a prison, the visitor shall, in the presence of the polling official and any scrutineers who are in attendance at the prison, close, fasten, seal and take charge of each ballot-box used in the visit and, without delay, forward it to the Assistant Returning Officer designated for the purposes of this subsection by the DRO.

“(8) An electoral visitor who visits a prison may, at the request of an elector confined in the prison, give the elector literature including how-to-vote cards, made available for the purpose by candidates in the election.”.

Mobile booths—Remote Divisions

65. Section 227 of the Principal Act is amended:

- (a) by omitting from subsection (3) “remote Subdivision declared under subsection 79 (3)” and substituting “Division declared by the Electoral Commission, by notice published in the *Gazette*, to be a remote Division”;

- (b) by omitting from paragraph (8) (d) “and” (last occurring);
- (c) by inserting after paragraph (8) (d) the following paragraph:
 - “(da) section 220 applies as if, for paragraph 220 (b), there were substituted the following paragraph:
 - ‘(b) the polling may be conducted:
 - (i) at any time on a day before polling day; and
 - (ii) on polling day, until all electors present in the polling booth at 6 p.m., and desiring to vote, have voted;’; and”.

Forwarding of declaration votes

66. Section 228 of the Principal Act is amended:

- (a) by omitting from subsection (1) “declarations” and substituting “certificates or declarations”;
- (b) by adding at the end of subsection (1) “, together with records that the presiding officer has made in accordance with paragraph 195A (2) (e) and subsection 232 (2)”;
- (c) by inserting after subsection (1) the following subsections:

“(1A) A pre-poll voting officer who:

- (a) receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper; or
- (b) places a ballot-paper in an envelope under subsection 200E (6);

shall forward the envelope, together with the record made under paragraph 195A (2) (e) or subsection 200G (2), as the case may be, in relation to the receipt or issue of the envelope, to the Divisional Returning Officer for the Division for which the pre-poll voting officer is appointed.

“(1B) Envelopes and records required to be forwarded under subsection (1A) shall be so forwarded according to the instructions of the Divisional Returning Officer.”;

- (d) by omitting from subsection (2) “225 (8) or 227 (10)” and substituting “225 (8), 226A (7) or 227 (10)”;
- (e) by omitting from paragraph (2) (a) “particulars of the envelopes” and substituting “particulars on the envelopes”;
- (f) by omitting from paragraph (2) (c) “declarations” and substituting “certificates or declarations”;
- (g) by omitting from paragraph (3) (a) “declarations” and substituting “certificates or declarations”;
- (h) by adding at the end of paragraph (3) (a) “and pre-poll voting officer”;
- (j) by inserting in paragraph (3) (b) “and pre-poll voting officers” after “Assistant Returning Officers”;

- (k) by omitting from subsection (4) “declarations” (wherever occurring) and substituting “certificates or declarations”;
- (m) by inserting in paragraph (4) (a) “and records relating to that Division” after “particular Division”;
- (n) by omitting paragraph (5) (a) and substituting the following paragraph:
 - “(a) maintain a record of the particulars of the advices, and of the number of envelopes bearing certificates or declarations, received from other Divisional Returning Officers or from persons referred to in subsection (7) or (9);”;
- (o) by omitting from paragraph (5) (c) “declaration” (first occurring) and substituting “certificate or declaration”;
- (p) by omitting from subparagraph (5) (c) (ii) “subsection (7) or (8)” and “person appointed under section 183” and substituting respectively “subsection (7) or (9)” and “pre-poll voting officer”;
- (q) by omitting from subsection (7) “declaration vote ballot-papers or envelopes bearing declarations” and substituting “envelopes bearing certificates or declarations, or records,”;
- (r) by omitting subsection (8) and substituting the following subsection:
 - “(8) An Assistant Returning Officer at a place outside Australia shall, in accordance with the written instructions of the Electoral Commissioner, forward envelopes bearing certificates or declarations, together with the relevant applications and the records made by the officer under paragraph 195A (2) (e) or subsection 200G (2), to such person as is specified in those instructions.”;
- (s) by inserting in subsection (9) “and records” after “envelopes”.

Voters to be recorded

67. Section 232 of the Principal Act is amended:

- (a) by omitting from subsection (1) “poll clerk” and substituting “polling official”;
- (b) by omitting from subsection (2) all words after “certified by him,” and substituting “in accordance with section 228”.

Assistance to certain voters

68. Section 234 of the Principal Act is amended:

- (a) by omitting from subsection (2) “the poll clerk” (wherever occurring) and substituting “a polling official”;
- (b) by inserting in subsection (4) “or provisional” after “absent”;
- (c) by inserting in paragraph (4) (a) “or 235 (2), as the case may be,” after “222 (1)”;
- (d) by omitting from paragraph (4) (d) “the poll clerk” and substituting “a polling official”.

69. Sections 235, 236 and 237 of the Principal Act are repealed and the following section is substituted:

Provisional votes

“235. (1) This section applies to a person claiming to vote if:

- (a) the person’s name cannot be found on the certified list of voters for the Division for which the person claims to vote;
- (b) the person’s name is on the certified list of voters for the Division but his or her address does not appear on the list;
- (c) a mark on the certified list of voters indicates that a postal ballot-paper has already been issued to the person but the person has not surrendered any ballot-paper for cancellation; or
- (d) a mark on the certified list of voters used at the polling place indicates that the person has already voted at that polling place.

“(2) A person to whom this section applies may cast a provisional vote if the person signs a declaration in the approved form on an envelope addressed to the DRO for the Division for which the voter is, or claims to be, enrolled.

“(3) The person shall sign the declaration in the presence of a polling official.

“(4) The polling official shall then sign the declaration as witness, adding the date.

“(5) Before issuing a ballot-paper to the person, a polling official shall give the person a statement in writing in the approved form explaining the effect of this section and indicating the steps that will be taken if the person casts a provisional vote.

“(6) A person who casts a provisional vote shall fold the ballot-paper and hand it to the polling official who issued it.

“(7) The polling official shall, in the presence of the voter, without unfolding the ballot-paper, place it in the envelope bearing the voter’s declaration, fasten the envelope and place the envelope in the ballot-box.

“(8) The Assistant Returning Officer who opens the ballot-box shall deal with the envelope according to section 228.”.

Spoilt ballot-papers

70. Section 238 of the Principal Act is amended:

- (a) by omitting from subsection (1) “, and deal with it as prescribed”;
- (b) by omitting from subsection (2) “and deal with it as prescribed”;
- (c) by adding at the end the following subsections:

“(3) An officer who has cancelled a spoilt ballot-paper shall:

- (a) write ‘spoilt’ on the back of the ballot-paper;

- (b) place the ballot-paper in an envelope, seal the envelope and write on the envelope an indication of the type of ballot-paper enclosed and that it is spoilt; and
- (c) sign the envelope.

“(4) The envelopes containing spoilt ballot-papers cancelled at a polling place shall be sealed up in a parcel which shall be given to the Divisional Returning Officer for the Division after the close of the poll.”.

Marking of votes in Senate election

71. Section 239 of the Principal Act is amended by omitting subsections (1), (2) and (3) and substituting the following subsections:

“(1) Subject to subsection (2), in a Senate election a person shall mark his or her vote on the ballot-paper by:

- (a) writing the number 1 in the square opposite the name of the candidate for whom the person votes as his or her first preference; and
- (b) writing the numbers 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the person’s preference for them.

“(2) A vote may be marked on a ballot-paper by writing the number 1 in a square (if any) printed on the ballot-paper under subsection 211 (5) or 211A (6).

“(3) Where a voter has marked a tick or cross in a square printed on a ballot-paper under subsection 211 (5) or 211A (6), the voter shall be regarded as having written the number 1 in the square.”.

72. Section 240 of the Principal Act is repealed and the following section is substituted:

Marking of votes in House of Representatives election

“240. In a House of Representatives election a person shall mark his or her vote on the ballot-paper by:

- (a) writing the number 1 in the square opposite the name of the candidate for whom the person votes as his or her first preference; and
- (b) writing the numbers 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the person’s preference for them.”.

Compulsory voting

73. Section 245 of the Principal Act is amended:

- (a) by omitting from subsection (2) “have not” and substituting “appear not to have”;

- (b) by omitting from subsection (11) paragraphs (a), (b) and (c) and the words before paragraph (a) and substituting “The list prepared and indorsed under this section by the Divisional Returning Officer”;
- (c) by inserting after subsection (13) the following subsection:

“(13A) Without limiting the circumstances that may constitute a valid and sufficient reason for not voting, the fact that an elector believes it to be part of his or her religious duty to abstain from voting constitutes a valid and sufficient reason for the failure of the elector to vote.”.

Interpretation

74. Section 246 of the Principal Act is amended:

- (a) by omitting the definition of “station” and substituting the following definitions:

“‘research personnel’ means personnel who are to be, or have been, engaged in the work of a research station in Antarctica operated, whether continuously or otherwise, by the Commonwealth;

‘station’ means:

- (a) a research station in Antarctica that is operated by the Commonwealth and has been declared by the Electoral Commissioner, by written instrument, to be a permanent research station; or
- (b) in relation to a particular election, a ship that has been declared by the Electoral Commissioner, by written instrument, to be a station for the purposes of this Part in relation to that election;”;

- (b) by adding at the end the following subsection:

“(2) The Electoral Commissioner shall not make a declaration under paragraph (b) of the definition of ‘station’ in subsection (1) in relation to a ship unless the Electoral Commissioner is satisfied that, on polling day in the election, the ship is likely to be at sea transporting research personnel to or from Antarctica.”.

75. Section 255 of the Principal Act is repealed and the following section is substituted:

Questions to be put to voter at Antarctic station

“255. (1) The Antarctic Returning Officer for a station shall put to each person claiming to vote at the station such questions as the officer thinks necessary to enable the person’s identity and place of living to be established.

“(2) If a person claiming to vote refuses to answer fully a question put to him or her under this section, the person’s claim to vote at the station shall be rejected.”.

Proceedings by Antarctic Returning Officer on close of poll

76. Section 259 of the Principal Act is amended by omitting from paragraph (b) all words before subparagraph (ii) and substituting “transmit to the Australian Electoral Officer designated by the Electoral Commissioner for the purpose of this paragraph:

- (i) particulars of each elector enrolled for a State who has voted in elections held in the State in the poll taken at the station;”.

Scrutineers at scrutiny

77. Section 264 of the Principal Act is amended by inserting after subsection (3) the following subsection:

“(3A) A person who is present at the scrutiny in the capacity of a scrutineer shall wear a badge, supplied by the Electoral Commission, that identifies the person as a scrutineer.”.

78. Section 266 of the Principal Act is repealed and the following section is substituted:

Preliminary scrutiny of declaration votes

“266. (1) After the close of the poll for a Division, the DRO shall conduct such preliminary scrutines as he or she considers necessary until:

- (a) all written applications for postal votes have been produced;
- (b) all envelopes received by the DRO before the end of 13 days after the close of the poll and purporting to contain postal ballot-papers have been dealt with under this section; and
- (c) all other envelopes received by officers prior to the close of the poll and purporting to contain ballot-papers bearing declaration votes have been dealt with under this section.

“(2) The DRO shall give notice of the commencement of a preliminary scrutiny as follows:

- (a) a notice specifying the date, time and place of commencement shall be displayed in a prominent place in the DRO’s office;
- (b) the notice shall be displayed not later than 4 p.m. on the day before the day of commencement.

“(3) A preliminary scrutiny for a Division shall be conducted according to the rules set out in Schedule 3.

“(4) The DRO may, from time to time, adjourn a preliminary scrutiny to a specified date, time and place.

“(5) For the purposes of this Part, anything done under this section in relation to an election shall be taken to be part of the scrutiny in relation to the election.”.

Informal ballot-papers

79. Section 268 of the Principal Act is amended by omitting from paragraph (1) (a) “, or by an official mark as prescribed” and substituting “or by the presence of the official mark”.

Scrutiny of votes in Senate elections

80. Section 273 of the Principal Act is amended:

- (a) by omitting from subsection (1) “sections 192, 200, 235, 236 and 237, the provisions relating to absent voting and the regulations relating to voting by post” and substituting “section 266”;
- (b) by omitting from subsection (2) “an Assistant Presiding Officer or a Poll Clerk” (wherever occurring) and substituting “a polling official”;
- (c) by omitting paragraph (2) (a) and substituting the following paragraphs:
 - “(a) exhibit for the inspection of the scrutineers each ballot-box received from a presiding officer, electoral visitor or mobile polling team leader;
 - (aa) record the condition of the ballot-box when it was received;
 - (ab) check the accuracy of the statement forwarded with the ballot-box by the presiding officer, electoral visitor or mobile polling team leader by:
 - (i) removing the ballot-papers from the box;
 - (ii) counting, but not inspecting, them; and
 - (iii) recording the number of ballot-papers removed from the box;”;
- (d) by omitting from subsection (4) all words after “used for” and substituting “casting declaration votes”;
- (e) by adding at the end the following subsection:

“(32) When the last vacancy is filled, the scrutiny shall immediately cease and any exclusion in progress shall not be completed.”.

Scrutiny of votes in House of Representatives elections

81. Section 274 of the Principal Act is amended:

- (a) by omitting from subsection (1) “sections 192, 200, 235, 236 and 237, the provisions relating to absent voting and the regulations relating to voting by post” and substituting “section 266”;
- (b) by omitting from subsection (2) “an Assistant Presiding Officer or a Poll Clerk” (wherever occurring) and substituting “a polling official”;

- (c) by omitting paragraph (2) (a) and substituting the following paragraphs:
 - “(a) exhibit for the inspection of the scrutineers each ballot-box received from a presiding officer, electoral visitor, or mobile polling team leader;
 - (aa) record the condition of the ballot-box when it was received;
 - (ab) check the accuracy of the statement of the presiding officer, electoral visitor or mobile polling team leader by:
 - (i) removing the ballot-papers from the box;
 - (ii) counting, but not inspecting, them; and
 - (iii) recording the number of ballot-papers removed from the box;”;
- (d) by omitting from subsection (4) all words after “used for” and substituting “casting declaration votes”;
- (e) by omitting subsections (5) and (6);
- (f) by omitting from subsection (7) “If no candidate has received an absolute majority of first preference votes, the” and substituting “The;”;
- (g) by omitting from subparagraph (7) (d) (ii) “if no candidate then has an absolute majority of votes,”;
- (h) by omitting from subparagraph (7) (d) (ii) “1 candidate has received an absolute majority of votes” and substituting “only 2 candidates remain in the count”;
- (j) by omitting subparagraph (7) (d) (iii) and substituting the following subparagraph:
 - “(iii) if, following the ascertainment of the first preference votes given for each candidate or the exclusion of candidates under this paragraph, a candidate has an absolute majority of votes, that candidate shall be elected.”;
- (k) by omitting subsection (9) and substituting the following subsections:
 - “(9) If, on any count, 2 or more candidates have an equal number of votes and one of them has to be excluded, the Divisional Returning Officer shall decide which of them shall be excluded.
 - “(9A) If, in the final count, 2 or more candidates have an equal number of votes, the Divisional Returning Officer shall make a fresh scrutiny of the votes scrutinised under subsection (7) and a fresh scrutiny of all declaration ballot-papers rejected at the preliminary scrutiny.
 - “(9B) If, after the fresh scrutinies referred to in subsection (9A), a candidate has received an absolute majority of votes, that candidate shall be elected.
 - “(9C) If, after the fresh scrutinies referred to in subsection (9A), 2 or more candidates have an equal number of votes, the Divisional

Returning Officer shall give to the Electoral Commission written notice that the election cannot be decided.”;

(m) by omitting the second sentence of subsection (10);

(n) by adding at the end the following subsection:

“(13) The Divisional Returning Officer for a Division shall not vote in a House of Representatives election for the Division.”.

Scrutiny prior to receipt of declaration ballot-papers

82. Section 275 of the Principal Act is amended by omitting paragraphs (b), (c) and (d) and substituting the following paragraph:

“(b) on ballot-papers used for casting declaration votes and not dealt with under section 266;”.

83. After section 279 of the Principal Act the following sections are inserted:

Notice of re-count

“279A. Before re-counting any ballot-papers, the DRO shall send to each candidate notice of the date, time and place fixed for the re-count.

Conduct of re-count

“279B. (1) At the time and place fixed for the re-count and in the presence of any scrutineers who attend and of an officer of the Australian Public Service, the DRO shall open every sealed parcel of ballot-papers to be re-counted and count the votes in the parcel.

“(2) A parcel containing ballot-papers to be re-counted shall be opened without destroying or rendering illegible any writing on the parcel and the contents of the parcel shall not be allowed to become mixed with ballot-papers from any other parcel.

“(3) After the votes in a parcel have been counted, the DRO shall replace the ballot-papers in their original cover, reseal and refasten the cover, place the resealed parcel in a new cover, and seal and fasten the new cover.

“(4) The DRO shall write on the new cover a statement of the fact and date of the re-count of the votes in the cover and, along with such of the persons present who choose to add their signatures, shall sign the statement.

“(5) The DRO shall place any ballot-papers reserved for the decision of the Australian Electoral Officer in a sealed and fastened parcel bearing the signatures of the DRO and the scrutineers who choose to add their signatures and a note of the number of ballot-papers in the parcel, the name of the Division and the date.

“(6) The DRO shall place the parcel in a sealed and fastened outer cover addressed to the Australian Electoral Officer and, without delay, send the parcel to the Australian Electoral Officer by hand, registered post or courier service.

“(7) The Australian Electoral Officer shall open the parcel in the presence of an officer of the Australian Public Service and of any scrutineer who attends and shall:

- (a) scrutinise the ballot-papers; and
- (b) mark each ballot-paper ‘admitted’ or ‘rejected’ according to his or her decision.

“(8) After scrutinising all the ballot-papers, the Australian Electoral Officer shall restore them to their original cover, refasten and reseal the cover, and write on the cover:

- (a) the number of ballot-papers contained in the cover; and
- (b) a statement that all ballot-papers have been the subject of decisions by him or her.

“(9) The Australian Electoral Officer shall sign the cover, along with such other persons present when the ballot-papers were scrutinised as choose to add their signatures.

“(10) The Australian Electoral Officer shall then enclose the parcel in a new cover, fasten and seal the cover and send the parcel to the DRO by hand, registered post or courier service.

“(11) The Australian Electoral Officer shall inform the DRO in writing of the numbers of ballot-papers admitted or rejected by him or her, and the DRO shall complete the re-count on the basis of the Australian Electoral Officer’s decision.

“(12) The receipt of a parcel of ballot-papers by the DRO or the Australian Electoral Officer shall be acknowledged in writing.”.

Re-count of Senate votes to determine order of election in other circumstances

84. Section 282 of the Principal Act is amended by adding at the end the following subsection:

“(4) Where, in a Senate election:

- (a) an elector has marked a ballot-paper according to subsection 239 (2); and
- (b) the elector has also marked the ballot-paper in such a way that, had it not been marked according to subsection 239 (2), the ballot-paper would have been informal;

the ballot-paper shall be treated, for the purposes of this section, as if the only marking on the ballot-paper were the marking according to subsection 239 (2).”.

Declaration of poll and return of writs for House of Representatives

85. Section 284 of the Principal Act is amended:

- (a) by omitting subsection (1) and substituting the following subsection:

“(1) As soon as practicable after it has been ascertained that a candidate in a House of Representatives election has been elected,

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- the Divisional Returning Officer shall, at the place of nomination, publicly declare the name of the candidate.”;
- (b) by omitting from paragraph (2) (a) “or required to be posted or delivered to a Divisional Returning Officer, Assistant Returning Officer or presiding officer under section 194”;
 - (c) by omitting from paragraph (2) (b) “subsection 200 (3), section 235 or 237 or the provisions relating to absent voting or his inquiries into the facts set out in the declarations received by him in pursuance of the provisions of section 192 or 236,” and substituting “section 266”;
 - (d) by omitting from subsection (2) “and make out and transmit a statement in pursuance of paragraph (1) (b)”;
 - (e) by inserting after subsection (2) the following subsection:

“(2A) As soon as practicable after all votes cast in a House of Representatives election have been dealt with, the Divisional Returning Officer shall send to the Electoral Commission a written statement setting out the number of votes received by each candidate in the election.”;
 - (f) by omitting paragraphs (3) (a) and (b) and substituting the following paragraphs:
 - “(a) in the case of a general election—the Electoral Commissioner has received statements under subsection (2A) from all Divisional Returning Officers for a State or Territory; and
 - (b) in any other case—the Electoral Commissioner has received a statement under subsection (2A) from the Divisional Returning Officer for the Division in which an election was held;”.

Interpretation

86. Section 287 of the Principal Act is amended:

- (a) by omitting “expiration of the polling day in the election” from the definition of “election period” in subsection (1) and substituting “latest time on polling day at which an elector in Australia could enter a polling booth for the purpose of casting a vote in the election”;
- (b) by omitting from subsection (1) the definition of “Secretary”;
- (c) by inserting in subsection (1) the following definition:

“‘disclosure period’, in relation to an election, means the period that commenced:

 - (a) in the case of a political party—at the end of 30 days after polling day in the last preceding election;
 - (b) in the case of a candidate in the election (including a member of a group) who had been a candidate in a general election or by-election the polling day in which was within 4 years before polling day in the election

or in a Senate election the polling day in which was within 7 years before polling day in the election—at the end of 30 days after polling day in the last such general election, by-election or Senate election in which the person was a candidate;

- (c) in the case of a candidate in the election (including a member of a group) who had not been a candidate in a general election or by-election the polling day in which was within 4 years before polling day in the relevant election or in a Senate election the polling day in which was within 7 years before polling day in the relevant election—on the day on which the person announced that he or she would be a candidate in the election or on the day on which the person nominated as a candidate, whichever was the earlier;
- (d) in the case of a person who, when he or she became a candidate in the relevant election, was a Senator holding office under section 15 of the Constitution but was not a person who had been a candidate in a general election or by-election the polling day in which was within 4 years before polling day in the relevant election or in a Senate election the polling day in which was within 7 years before polling day in the relevant election—on the day on which the person was chosen or appointed under section 15;
- (e) in the case of a group—on the day on which the members made a request under section 168; and
- (f) in the case of a person to whom subsection 305 (1) applies—at the end of 30 days after polling day in the last preceding election;

and ended 30 days after polling day in the election;”;

- (d) by omitting from subsection (2) “posted to the Electoral Commission at the address” and substituting “lodged at the principal office”;
- (e) by inserting after subsection (4) the following subsection:

“(4A) In relation to a political party that does not have State branches or that only carries on activities in one State or Territory:

- (a) a reference in another Division of this Part (other than Division 2) to a State branch of a political party is a reference to the party; and
- (b) a reference to the agent of a State branch of a political party is:
 - (i) a reference to the agent of the party in respect of the relevant State or Territory; or

- (ii) if the party does not have an agent in respect of that State or Territory—a reference to the agent of the party.”.

87. After section 287 of the Principal Act the following section is inserted in Division 1 of Part XX:

Campaign committee to be treated as part of State branch of party

“287A. (1) Divisions 4 and 5 apply as if a campaign committee of an endorsed candidate or endorsed group were a division of the relevant State branch of the political party that endorsed the candidate or the members of the group.

“(2) In subsection (1):

‘campaign committee’, in relation to a candidate or group, means a body of persons appointed or engaged to form a committee to assist the campaign of the candidate or group in an election;

‘endorsed candidate’ means a candidate who is endorsed by a registered political party;

‘endorsed group’ means a group all of the members of which are endorsed by the same registered political party;

‘relevant State branch’, in relation to a political party, means:

- (a) if the party has 2 or more State branches—the State branch of the party for the State or Territory in which the election is held; and
- (b) in any other case—the party.”.

88. Section 288 of the Principal Act is repealed and the following section is substituted:

Agents of political parties

“288. (1) A political party shall have an agent for the purposes of this Part.

“(2) A political party that carries on activities in 2 or more States or Territories shall also have an agent for the purposes of this Part in respect of each of those States or Territories.

“(3) The agent of a political party in respect of a State or Territory in which the party has a State branch shall be appointed by the State branch.”.

Appointment of agents by candidates and groups

89. Section 289 of the Principal Act is amended:

- (a) by omitting subsections (1) and (2) and substituting the following subsections:

“(1) A candidate in an election (including a member of a group of candidates) may appoint a person to be the agent of the candidate, for the purposes of this Part, in relation to the election.

“(2) Subject to subsection (2A), the members of a group of candidates in an election may appoint a person to be the agent of the group, for the purposes of this Part, in relation to the election.

“(2A) Where all the members of a group of candidates in a Senate election have been endorsed by the same registered political party, the agent of the State branch of the party organised on the basis of the State or Territory in which the election is to be held is the agent of the group, for the purposes of this Part, in relation to the election.”;

- (b) by omitting from subsections (3) and (4) “, subject to subsection 290 (2),”.

Requisites for appointment

90. Section 290 of the Principal Act is amended:

- (a) by omitting paragraph (1) (b) and substituting the following paragraph:

“(b) written notice of the appointment is given to the Electoral Commission:

- (i) where the appointment is made by a political party or a State branch of a political party—by the party or branch, as the case may be; and
- (ii) in any other case—by the candidate, or each member of the group, making the appointment;

- (b) by omitting from paragraph (1) (c) “name, address and age” and substituting “name and address”;

- (c) by omitting paragraph (1) (d) and substituting the following paragraph:

“(d) the person appointed:

- (i) has signed a form of consent to the appointment; and
- (ii) has signed a declaration that he or she is eligible for appointment.”;

- (d) by inserting after subsection (1) the following subsection:

“(1A) A consent or declaration under subsection (1) may be incorporated in, or written on the same paper as, a notice under that subsection.”;

- (e) by omitting from subsection (2) “of a State branch of a political party,”;

- (f) by adding at the end the following subsection:

“(3) An appointment (other than an appointment by a political party or a State branch of a political party) is not effective in relation to anything required by this Part to be done:

- (a) in respect of a claim or return under this Part in relation to an election; or

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(b) during a specified period after polling day in an election; if notice of the appointment was given to the Commission after the close of nominations for the election.”.

91. (1) Sections 291 and 292 of the Principal Act are repealed and the following sections are substituted:

Register of Party Agents

“291. (1) The Electoral Commission shall keep a register called the Register of Party Agents.

“(2) There shall be entered in the Register the name and address of every person appointed to be an agent of a political party for the purposes of this Part.

Effect of registration etc.

“292. (1) The appointment of an agent by a political party:

- (a) takes effect on the entry of the name and address of the agent in the Register of Party Agents; and
- (b) ceases to have effect if the name and address of the agent are removed from the Register.

“(2) The name and address of a person shall not be removed from the Register unless:

- (a) the person gives to the Electoral Commission written notice that he or she has resigned the appointment as agent;
- (b) the political party or State branch that appointed the person gives to the Electoral Commission written notice that the person has ceased to be an agent of the party and also gives notice under subsection 290 (1) of the appointment of another person as agent of the party; or
- (c) the person is convicted of an offence against this Part.

“(3) If a person who is an agent of a political party dies, the party or the State branch by which the person was appointed shall, within 28 days after the death of the person, give to the Electoral Commission:

- (a) written notice of the death; and
- (b) notice under subsection 290 (1) of the appointment of a person as agent in place of the first-mentioned person.

“(4) Where a person who is an agent of a political party is convicted of an offence against this Part, the party or State branch that appointed the person shall give notice under subsection 290 (1) of a fresh appointment within 28 days after the conviction or, if an appeal against the conviction is instituted and the conviction is affirmed, within 28 days after the appeal is determined.

Evidence of appointment

“292A. An entry in the Register of Party Agents is, for all purposes, conclusive evidence that the person described in the entry is the agent, for the purposes of this Part, of the political party named in the entry.”.

Responsibility for action when agent of party or branch dead or appointment vacant

“292B. Where:

(a) Division 4 or 5 imposes an obligation on the agent of a political party or of a State branch of the party; and

(b) there is no agent of the party or branch, as the case may be;

the obligation rests upon each member of the executive committee of the party or branch, and this Act applies to each such member as if the obligation rested upon that member alone.

Revocation of appointment of agent of candidate or group

“292C. (1) A candidate or the members of a group may, by giving written notice to the Electoral Commission, revoke the appointment of a person as the agent of the candidate or group, as the case may be.

“(2) A notice under subsection (1) has no effect unless it is signed by the candidate or by each member of the group, as the case requires.

Notice of death or resignation of agent of candidate or group

“292D. If the agent of a candidate or group dies or resigns, the candidate or a member of the group shall, without delay, give to the Electoral Commission notice in writing of the death or resignation.”.

(2) Subsection 292 (1) of the Principal Act, as amended by this Act, does not apply to an appointment if, before the commencement of this section, notice of the appointment was given to the Electoral Commission in accordance with section 290 of the Principal Act.

Claims for payment

92. Section 295 of the Principal Act is amended:

(a) by omitting from paragraph (8) (c) all words after “of” and substituting “the claims period”;

(b) by adding at the end the following subsections:

“(9) The claims period, in relation to a particular claim is:

(a) the period of 20 weeks after the polling day in the election or elections to which the claim relates; or

(b) such longer period as the Electoral Commission, before the end of the period specified in paragraph (a), fixes.

“(10) The Electoral Commission shall not fix a longer period for the purpose of paragraph (9) (b) unless it is satisfied that the circumstances of the case justify the fixing of a longer period.”.

Payment not to be made in certain circumstances

93. Section 297 of the Principal Act is amended by omitting from subsection (2) “eligible votes polled in favour of all of the candidates in the election” and substituting “formal first preference votes cast in the election”.

94. After section 299 of the Principal Act the following section is inserted:

Revocation of determination regarding payment

“299A. (1) Where the Electoral Commission is satisfied that the amount of a payment determined under section 296 exceeds, or is less than, the amount payable to the claimant, the Commission may revoke the determination and make a fresh determination.

“(2) Where:

- (a) the amount payable under the revoked determination was paid to one person; and
- (b) the amount payable under the fresh determination is less than the amount paid under the revoked determination;

the difference between the amounts fixed by the determinations is a debt due to the Commonwealth by the person referred to in paragraph (a).

“(3) Where:

- (a) a payment has been divided into shares and the shares have been paid;
- (b) the determination relating to the payment is revoked and a fresh determination made; and
- (c) the payment fixed by the fresh determination is less than that fixed by the revoked determination;

each person to whom a share was paid owes to the Commonwealth a debt the amount of which is calculated according to the formula:

$$\frac{S}{RD} \times (RD - FD)$$

where:

S is the amount of the share paid to the person;

RD is the amount payable under the revoked determination;

FD is the amount payable under the fresh determination.”.

Disclosure of gifts

95. (1) Section 304 of the Principal Act is amended:

- (a) by omitting subsections (1), (2) and (3) and substituting the following subsections:

“(1) The agent of each political party and the agent of each State branch of a political party shall, within 20 weeks after the polling day in an election, furnish to the Electoral Commission a return, in an approved form, setting out the total amount or value

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of all gifts, the number of persons who made gifts, and the relevant details of each gift, received by the political party or branch, as the case requires, during the disclosure period for the election.

“(2) The agent of each person (including a member of a group) who was a candidate in an election or by-election shall, within 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form, setting out the total amount or value of all gifts, the number of persons who made gifts, and the relevant details of each gift, received by the person during the disclosure period for the election.

“(3) Subject to subsection (3A), the agent of each group shall, within 15 weeks after the polling day in the election in relation to which the members of the group had their names grouped in the ballot-papers, furnish to the Electoral Commission a return, in an approved form, setting out the total amount or value of all gifts, the number of persons who made gifts, and the relevant details of each gift, received by the group during the disclosure period for the election.

“(3A) In the case of a group all of whose members were endorsed by the same registered political party, a gift received by the group shall be taken to have been received:

- (a) if the party has 2 or more State branches—by the relevant State branch of the party; and
- (b) in any other case—by the party.”;
- (b) by omitting from subsection (4) all words after “made” (first occurring) and substituting:
 - “and:
 - (a) in the case of a gift made on behalf of the members of an unincorporated association:
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association;
 - (b) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation:
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
 - (c) in any other case—the name and address of the person who made the gift.”;
- (c) by inserting in subsections (7) and (8) “persons who made” after “number of”.

(2) This subsection applies to a person who was a candidate in the general election or Senate election the polling day in which was 11 July 1987 but who was not a candidate in any election or by-election the polling day in which was after 11 July 1987 but before the commencement of this section.

(3) In the case of the first return required by section 304 of the Principal Act, as amended by this Act, after the commencement of this section by a political party or by a person to whom subsection (2) applies, subsection 287 (1) of the Principal Act, as so amended, has effect as if, for paragraphs (a) to (c) (inclusive) of the definition of “disclosure period” in that subsection, there were substituted the following paragraphs:

- “(a) in the case of a political party—on 12 July 1987;
- (b) in the case of a person, other than a person referred to in any of paragraphs (d) to (f) (inclusive)—on 12 July 1987;”.

Expenditure incurred for political purposes

96. (1) Section 305 of the Principal Act is amended:

- (a) by omitting subsection (1A);
- (b) by omitting paragraph (3) (b) and substituting the following paragraph:

“(b) the reference to the relevant details, in relation to a gift, is a reference to the amount or value of the gift, the date on which the gift was made and:

- (i) in the case of a gift made on behalf of the members of an unincorporated association:
 - (A) the name of the association; and
 - (B) the names and addresses of the members of the executive committee (however described) of the association;
- (ii) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation:
 - (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (B) the title or other description of the trust fund or the name of the foundation, as the case requires; and
- (iii) in any other case—the name and address of the person who made the gift.”.

(2) In the case of the first return required by section 305 of the Principal Act, as amended by this Act, to be furnished after the commencement of this section, subsection 287 (1) of the Principal Act, as amended by this Act, has effect as if, for paragraph (f) of the definition of “disclosure period” in that subsection, there were substituted the following paragraph:

- “(f) in the case of a person to whom subsection 305 (1) applies—on 12 July 1987;”.

Certain gifts not to be received

97. Section 306 of the Principal Act is amended by inserting after subsection (2) the following subsections:

“(2A) The references in subsections (1) and (2) to a gift made by a person includes a reference to a gift made on behalf of the members of an unincorporated association.

“(2B) A reference in subsection (1) or (2) to the name and address of a person making a gift is:

(a) in the case of a gift made on behalf of the members of an unincorporated association—a reference to:

- (i) the name of the association; and
- (ii) the names and addresses of the members of the executive committee (however described) of the association; and

(b) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation—a reference to:

- (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and
- (ii) the title or other description of the trust fund or the name of the foundation, as the case requires.

“(2C) For the purpose of subsection (2), a person who is a candidate in an election shall be taken to remain a candidate for 30 days after the polling day in the election.

“(2D) For the purpose of subsection (2), persons who constituted a group in an election shall be taken to continue to constitute the same group for 30 days after the polling day in the election.”.

Nil returns

98. Section 307 of the Principal Act is amended by omitting subsection (3) and substituting the following subsection:

“(3) Where no details are required to be included in a return under this Division in respect of a registered political party or a State branch of a registered political party, the return shall nevertheless be lodged and shall include a statement to the effect that no gifts of a kind required to be disclosed were received.”.

Returns of electoral expenditure

99. Section 309 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) Where electoral expenditure in relation to an election is incurred by or with the authority of members of a group all the members of which are endorsed by the same registered political party, this section applies as if the expenditure had been incurred by or with the authority of:

- (a) if the party has 2 or more State branches—the relevant State branch of the party; and

- (b) in any other case—the party.”.

Returns by broadcasters

100. Section 310 of the Principal Act is amended:

- (a) by omitting from subsection (1) “15” and substituting “8”;
- (b) by inserting after paragraph (1) (a) the following paragraph:
 - “(aa) identifying the person at whose request the advertisement or each of those advertisements was broadcast;”;
- (c) by adding at the end the following subsection:

“(4) A broadcaster who is required to make a return under this section in respect of an advertisement shall, in spite of subsection 117A (2) of the *Broadcasting Act 1942*, retain the record of the advertisement made for the purpose of subsection 117A (1) of that Act until the end of the period of one month commencing on the day on which the return is furnished to the Electoral Commission.”.

Returns by publishers

101. Section 311 of the Principal Act is amended:

- (a) by omitting from subsection (1) “15” and substituting “8”;
- (b) by inserting after paragraph (1) (a) the following paragraph:
 - “(aa) identifying the person at whose request the advertisement or each of those advertisements was published;”.

Nil returns

102. Section 313 of the Principal Act is amended by adding at the end the following subsection:

“(2) Where no electoral expenditure in relation to an election was incurred by or with the authority of a registered political party or a State branch of a registered political party, a return under this Division in respect of the party or branch shall nevertheless be lodged and shall include a statement to the effect that no electoral expenditure was incurred in relation to the election by or with the authority of the party or branch.”.

103. Before section 315 of the Principal Act the following section is inserted in Division 6 of Part XX:

Interpretation

“314A. Except in section 318, a reference in this Division to a return under Division 4 or 5 or to a return under this Part includes a reference to particulars under subsection 318 (2).”.

Offences

104. Section 315 of the Principal Act is amended:

- (a) by omitting from subsections (1), (2), (3), (4), (7) and (8) “or under subsection 318 (2)”;

- (b) by inserting after subsection (6) the following subsection:

“(6A) A person shall not give to another person, for the purpose of the making by that other person of a claim under Division 3, information that is, to the knowledge of the first-mentioned person, false or misleading in a material particular.

Penalty: \$1,000.”.

105. After section 315 of the Principal Act the following section is inserted:

Recovery of payments

“315A. (1) An action in a court to recover an amount due to the Commonwealth under subsection 299 (6) or 306 (5) may be brought in the name of the Commonwealth by the Electoral Commissioner.

“(2) Any process in the action required to be served on the Commonwealth may be served on the Electoral Commissioner.

“(3) Nothing in this section is intended to limit the operation of section 61 or 63 of the *Judiciary Act 1903*.”.

Inability to complete returns

106. Section 318 of the Principal Act is amended:

- (a) by omitting subparagraph (1) (c) (v) and substituting the following subparagraph:

“(v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief and the reasons for it and the name and address of that other person;”;

- (b) by omitting from subsection (2) “the notice, a return, in an approved form, setting out particulars of that matter” and substituting “the notice and in writing, those particulars”;

- (c) by omitting subsection (3) and substituting the following subsections:

“(3) If a person who is required to furnish particulars under subsection (2) considers that he or she is unable to obtain some or all of the particulars, the person shall give to the Electoral Commission a written notice:

- (a) setting out the particulars (if any) that the person is able to give;
- (b) stating that the person is unable to obtain some or all of the particulars;
- (c) identifying the particulars the person is unable to obtain;
- (d) setting out the reasons why the person considers he or she is unable to obtain those particulars; and
- (e) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give

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those particulars—setting out the name and address of that other person and the reasons why he or she believes that that other person is able to give those particulars.

“(3A) A person who complies with subsection (3) shall not, because of the omission of particulars required under subsection (2), be taken, for the purpose of subsection 315 (2), to have furnished a return that is incomplete.”.

Inspection and supply of copies of claims and returns

107. Section 320 of the Principal Act is amended:

(a) by omitting subsections (1) and (2) and substituting the following subsections:

“(1) The Electoral Commission shall keep, at its principal office in Canberra, a copy of:

- (a) each claim under Division 3; and
- (b) each return under Division 4 or 5.

“(2) Any person is entitled to peruse, at the principal office of the Electoral Commission in Canberra, a copy of a claim or return referred to in subsection (1).

“(2A) The Electoral Commission shall, on request, make a copy of a claim or return referred to in subsection (1) available for inspection by a person at the principal office of the Commission in the capital city of a State or in Darwin.”;

- (b) by omitting from subsection (3) all words after “subsection (1)”;
- (c) by inserting in subsection (4) “, (2A)” after “subsection (2)”.

Indexation

108. Section 321 of the Principal Act is amended:

- (a) by omitting from subsection (4) “calculated” and substituting “, calculated to 3 decimal places, ascertained”;
- (b) by omitting subsection (6) and substituting the following subsection:

“(6) Where an amount or factor, if calculated to 4 decimal places, would end with a number greater than 4, the amount or factor shall be taken to be the amount or factor calculated to 3 decimal places and increased by 0.001.”.

109. After section 325 of the Principal Act the following section is inserted:

Influencing votes of hospital patients etc.

“325A. (1) A person who is the proprietor of, or an employee of the proprietor of, a hospital or nursing home shall not do anything for the purpose of influencing the vote of a patient in, or resident at, the hospital or nursing home.

Penalty: \$1,000 or imprisonment for 6 months, or both.

“(2) The reference in subsection (1) to the proprietor of a hospital or nursing home includes a reference to a person who is a member or officer of a body corporate that is the proprietor of a hospital or nursing home.”.

110. Sections 348 and 349 of the Principal Act are repealed and the following section is substituted:

Control of behaviour at polling booths etc.

“348. (1) A person shall not:

- (a) commit misconduct in premises to which this section applies;
- (b) while in such premises, disobey a lawful direction given by the person in charge of the premises; or
- (c) enter or remain in such premises without the permission of the person in charge of the premises.

Penalty: \$500.

“(2) This section applies to the following premises:

- (a) a polling booth;
- (b) a counting centre;
- (c) premises in Australia at which an application may be made for a pre-poll vote.

“(3) Paragraph (1) (c) does not apply to:

- (a) a polling official;
- (b) a scrutineer who is entitled to be on the premises; or
- (c) in the case of a polling booth—a voter who enters the booth for the purpose of voting and remains no longer than is reasonably necessary for that purpose.

“(4) The person in charge of premises is:

- (a) in the case of a polling booth—the presiding officer or substitute presiding officer;
- (b) in the case of a counting centre—the Australian Electoral Officer, DRO or Assistant Returning Officer conducting the scrutiny at the centre; and
- (c) in the case of premises at which an application may be made for a pre-poll vote:
 - (i) if the premises are the office of a DRO—the DRO;
 - (ii) if the premises have been declared under subsection 200D (2), any pre-poll voting officer at those premises.

“(5) A person who contravenes subsection (1) may be removed from the premises by a police officer or by an authorised person.

“(6) In this section:

‘authorised person’ means a person acting at the request of the person in charge of premises;

‘counting centre’ means premises being used for the purpose of the preliminary scrutiny of declaration votes or the scrutiny of ballot-papers.”

Requisites of petition

111. Section 355 of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

“(aa) subject to subsection 358 (2), set out those facts with sufficient particularity to identify the specific matter or matters on which the petitioner relies as justifying the grant of relief;”.

Petition by Electoral Commission

112. Section 357 of the Principal Act is amended by inserting after subsection (1) the following subsection:

“(1A) The Electoral Commission shall file a petition disputing an election in relation to which a DRO has given notice under subsection 274 (9C).”.

No proceedings unless requirements complied with

113. Section 358 of the Principal Act is amended:

- (a) by omitting “No” and substituting “Subject to subsection (2), no”;
- (b) by adding at the end the following subsections:

“(2) The Court may, at any time after the filing of a petition and on such terms (if any) as it thinks fit, relieve the petitioner wholly or in part from compliance with paragraph 355 (aa).

“(3) The Court shall not grant relief under subsection (2) unless it is satisfied that:

- (a) in spite of the failure of the petition to comply with paragraph 355 (aa), the petition sufficiently identifies the specific matters on which the petitioner relies; and
- (b) the grant of relief would not unreasonably prejudice the interests of another party to the petition.”.

114. After section 364 of the Principal Act the following section is inserted:

Provision for Court to have regard to certain rejected ballot-papers

“364A. In making its decision on a petition, the Court may:

- (a) have regard to postal ballot-papers rejected at the preliminary scrutiny because of paragraph 7 of Schedule 3 if the Court is satisfied that the votes marked on the ballot-papers were recorded prior to the close of the poll; and
- (b) have regard to any declaration vote ballot-papers (including postal ballot-papers) rejected at the preliminary scrutiny if the Court is of the opinion that the ballot-papers should not have been rejected.”.

115. After section 367 of the Principal Act the following section is inserted:

Disposal of petition where election cannot be decided

“367A. (1) The Court shall give its decision on a petition filed by the Electoral Commission under subsection 357 (1A), and shall make an order on the petition, within 3 months after the day on which the petition was filed.

“(2) In the case of a petition under subsection 357 (1A), subsection 360 (1) applies as if for subparagraphs (v), (vi), (vii) and (viii) the following subparagraphs were substituted:

- ‘(v) to declare a candidate elected;
- (vi) to declare the election absolutely void;’.

116. After section 375 of the Principal Act the following section is inserted in Division 1 of Part XXII:

Right of Electoral Commission to have access to documents

“375A. Unless the Court orders otherwise, the filing of a petition does not deprive the Electoral Commission of any right to have access to a document for the purposes of the performance of its functions.”.

Record of claims for enrolment etc.

117. Section 391 of the Principal Act is amended by omitting from subsection (1) “a Territory” and substituting “the Australian Capital Territory”.

Forms

118. Section 392 of the Principal Act is amended:

- (a) by omitting from subsection (1) “the Schedule” and substituting “Schedule 1”;
- (b) by omitting subsection (2) and substituting the following subsections:

“(2) The regulations may provide:

- (a) that a form in Schedule 1 be altered as specified in the regulations; or
- (b) that a form be used in place of a form in Schedule 1.

“(2A) Where regulations have been made in relation to a form in Schedule 1, a provision of this Act that refers to the form shall be taken to refer:

- (a) if the regulations provide that the form be altered, to the form so altered; and
- (b) if the regulations provide that another form be used in place of the form, to that other form.”.

119. Section 393 of the Principal Act is repealed and the following sections are substituted:

Collection of statistical information

“393. (1) Where:

- (a) the time for the filing of petitions disputing an election has expired without any petitions having been filed; or
- (b) the Court of Disputed Returns has disposed of any petitions disputing an election;

the electoral documents used for the purposes of the election may be dealt with as necessary for the purpose of collecting statistical information relating to the election.

“(2) In this section, ‘electoral documents’ includes:

- (a) ballot-papers;
- (b) certified lists of voters;
- (c) certified copies of the Roll;
- (d) declarations;
- (e) postal vote certificates;
- (f) pre-poll vote certificates; and
- (g) lists prepared under section 245.

Preservation of documents

“393A. (1) In this section, ‘electoral documents’ has the same meaning as in section 393.

“(2) An Australian Electoral Officer is responsible for the safe custody, in accordance with the directions of the Electoral Commissioner, of ballot-papers transmitted to him or her in accordance with paragraph 273 (5) (f) until the ballot-papers are destroyed.

“(3) The DRO for a Division is responsible for the safe custody, in accordance with the directions of the Electoral Commissioner, of electoral documents used in the Division in connection with an election until the documents are destroyed.

“(4) An officer who conducts a scrutiny shall, after the completion of the scrutiny, parcel up and seal all electoral documents dealt with or used in the scrutiny.

“(5) Each Assistant Returning Officer shall send to the DRO, in parcels fastened and sealed, all electoral documents used in an election in that portion of the Division for which he or she was appointed.

“(6) A DRO may open a parcel sent to the DRO by an Assistant Returning Officer.

“(7) Material removed from a parcel shall:

- (a) be retained by the DRO; or

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- (b) be dealt with according to the directions of the Electoral Commissioner.

“(8) When the purpose for which material was removed from a parcel has been satisfied, the DRO shall:

- (a) as soon as practicable, replace the material in the parcel and refasten and reseal the parcel; and
- (b) write on the covering of the parcel a notation indicating that the parcel has been opened by the DRO and specifying the purpose for which it was opened.

“(9) A DRO who opens a parcel shall not mark or alter, or permit any other person to mark or alter, a document removed from the parcel.

“(10) Subject to Part XXII, the Electoral Commissioner may direct that electoral documents be destroyed if:

- (a) not less than 6 months have elapsed since the declaration of the poll in the election in which the documents were used; and
- (b) the documents are no longer required by the Electoral Commission for the performance of its functions.”.

Form E

120. The Schedule to the Principal Act is amended by omitting Form E and substituting the following form:

Section 209

FORM E
BALLOT PAPER
 (5)

COMMONWEALTH OF AUSTRALIA
Election of 6 Senators

You may vote in one of two ways

either

By placing the single figure 1 in one and only one of these squares to indicate the voting ticket you wish to adopt as your vote

A □ or 2	B □ or 2	C □ or 2	D □ or 4	F □ 2	
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or

By placing the numbers 1 to 7 in the order of your preference

A 2 □ 1 □ 3 □ 1 □ 3	B 2 □ 1 □ 3 □ 1 □ 3 □ 1 □ 3	C 2 □ 1 □ 3 □ 1 □ 3 □ 1 □ 3	D 2 □ 1 □ 4	E □ 1 □ 3 □ 1 □ 3	F 2 □ 1 □ 3 □ 1 □ 3	Ungrouped □ 1 □ 4 □ 1 □ 4
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- 1 Here insert name of a candidate.
- 2 Here insert name of a registered political party or composite name of registered political parties if to be printed.
- 3 Here insert the name of a registered political party if to be printed.
- 4 Here insert name of a registered political party or word 'Independent' if to be printed.
- 5 Here insert name of State or Territory.
- 6 Here insert number of vacancies.
- 7 Here insert number of candidates.

Addition of Schedules

121. The Principal Act is amended by adding at the end the Schedules set out in Schedule 1 to this Act.

Amendments to eliminate gender-specific language

122. The provision of the Principal Act specified in Column 1 of an item in Schedule 2 to this Act is amended by:

- (a) omitting the word or words constituting the entry, or each entry, in Column 2 of the item; and
- (b) if a word or words occur in Column 3 of the item opposite to such an entry, substituting the word or words for the word or words constituting the entry.

Minor amendments

123. The Principal Act is further amended as set out in Schedule 3.

PART III—AMENDMENTS OF THE REFERENDUM (MACHINERY PROVISIONS) ACT 1984

Principal Act

124. In this Part, “Principal Act” means the *Referendum (Machinery Provisions) Act 1984*.

Interpretation

125. Section 3 of the Principal Act is amended:

- (a) by omitting “he” from the definition of “absent voter” in subsection (1) and substituting “the elector”;
- (b) by inserting in the definition of “electoral visitor” in subsection (1) “or 49A” after “49”;
- (c) by omitting from subsection (1) the definitions of “declaration vote”, “officer”, “station” and “substitute presiding officer” and substituting respectively the following definitions:

“‘declaration vote’ means:

- (a) a postal vote;
- (b) a pre-poll vote;
- (c) an absent vote; or
- (d) a provisional vote;

‘officer’ includes the Electoral Commissioner, the Deputy Electoral Commissioner, the Australian Electoral Officer for a State or Territory, a Divisional Returning Officer, an Assistant Returning Officer, an Assistant Divisional Returning Officer, an Antarctic Returning Officer, an Assistant Antarctic Returning Officer, a presiding officer, a deputy presiding officer, a substitute presiding officer, an assistant presiding

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officer, a pre-poll voting officer, an electoral visitor, a mobile polling team leader and a mobile polling team member;

'station' means:

- (a) a research station in Antarctica that is operated by the Commonwealth and has been declared by the Electoral Commissioner to be a permanent research station; or
- (b) in relation to a particular referendum, a ship that has been declared by the Electoral Commissioner to be a station for the purposes of this Act in relation to that referendum;

'substitute presiding officer' means a person holding an appointment under section 18;";

(d) by inserting in subsection (1) the following definitions:

" 'Controller-General of Prisons', in relation to a State or Territory, means the official having control of the prisons of the State or Territory;

'courier service' means a service that provides for the collection, at the request of a person using the service, of an article from a place specified by or on behalf of that person and the delivery of the article to another place so specified, being a service approved by an Australian Electoral Officer or by the Electoral Commissioner;

'DRO' means Divisional Returning Officer;

'polling official' means a deputy presiding officer or an assistant presiding officer;

'research personnel' means personnel who are to be, or have been, engaged in the work of a research station in Antarctica operated, whether continuously or otherwise, by the Commonwealth;"; and

(e) by adding at the end the following subsections:

"(6) The Electoral Commissioner shall not make a declaration under paragraph (b) of the definition of 'station' in subsection (1) in relation to a ship unless the Commissioner is satisfied that, on voting day in the referendum, the ship is likely to be at sea transporting research personnel to or from Antarctica.

"(7) Where:

- (a) the voting day for a referendum is the same as that fixed for the polling at an election; and
- (b) in relation to the election, a ship has been declared a station for the purposes of Part XVII of the *Commonwealth Electoral Act 1918*;

the ship shall be regarded as a station for the purposes of this Act in relation to the referendum."

Form of writ

126. Section 8 of the Principal Act is amended by inserting in subsection (1) “, shall be signed by the Governor-General” after “Schedule 1”.

127. After section 16 of the Principal Act the following section is inserted:

Undertaking by officers and scrutineers

“16A. (1) An officer to whom this subsection applies shall not begin the performance of his or her duties in relation to a referendum, other than a referendum held on the same day as an election, unless the officer has signed an undertaking in the approved form relating to that referendum.

“(2) Subsection (1) applies to the following officers:

- (a) a Divisional Returning Officer;
- (b) an Assistant Returning Officer;
- (c) an Assistant Divisional Returning Officer;
- (d) a presiding officer;
- (e) a deputy presiding officer;
- (f) an assistant presiding officer;
- (g) a substitute presiding officer;
- (h) an Antarctic Returning Officer;
- (j) an Assistant Antarctic Returning Officer;
- (k) an electoral visitor;
- (m) a mobile polling team leader;
- (n) a mobile polling team member;
- (o) a pre-poll voting officer.

“(3) A scrutineer shall not begin the performance of his or her duties unless the scrutineer has signed an undertaking in the approved form.

“(4) A person employed by the Electoral Commission to perform duties in connection with the conduct of a referendum not held on the same day as an election shall not begin the performance of his or her duties unless the person has signed an undertaking in the approved form.

“(5) The failure of a person to sign an undertaking is not a ground for setting aside the result of a referendum.”.

128. Section 18 of the Principal Act is repealed and the following section is substituted:

Substitute for presiding officer

“18. (1) During a temporary absence of a presiding officer, the duties of the presiding officer may be performed by a person appointed for the purpose by the presiding officer.

“(2) A person so appointed has all the powers of the presiding officer.”.

Certified list of voters

129. Section 22 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

“(2) The Electoral Commissioner shall:

- (a) certify the list of voters to be used at a polling place; and
- (b) cause the list to be delivered to the presiding officer at that polling place before the commencement of the voting.”.

Forms of ballot-paper

130. Section 25 of the Principal Act is amended:

(a) by omitting subsection (1) and substituting the following subsection:

“(1) Subject to this section, the ballot-papers to be used in a referendum shall:

- (a) be in accordance with Form B in Schedule 1; and
- (b) be printed on buff-coloured paper.”;

(b) by omitting subsection (5) and substituting the following subsections:

“(5) Before issuing a ballot-paper for use at a referendum, an officer shall, if the name of the State or Territory printed on the ballot-paper is not the name of the State or Territory in which the referendum is to be held, strike out that name and insert the name of the State or Territory in which the referendum is to be held.

“(6) Before issuing a ballot-paper that is to be used for postal voting, a DRO or Assistant Returning Officer shall ensure that the words and directions required by subsection (4) are printed or written on the ballot-paper.”.

131. After section 25 of the Principal Act the following section is inserted:

Official mark

“25A. The official mark for the authentication of ballot-papers is a water mark consisting of a representation of a shield having within it the letters ‘CA’ intertwined.”.

Provisions relating to scrutineers

132. Section 28 of the Principal Act is amended by inserting after subsection (2) the following subsection:

“(2A) A person who is in a polling booth in the capacity of a scrutineer shall wear a badge, supplied by the Electoral Commission, that identifies the person as a scrutineer.”.

Assistance to certain voters

133. Section 36 of the Principal Act is amended:

- (a) by omitting paragraph (2) (a) and substituting the following paragraph:
“(a) a polling official;”;
- (b) by omitting from subsection (4) “an absent” and substituting “a provisional or absent”;
- (c) by inserting in paragraph (4) (a) “37 (2) or” after “subsection”;
- (d) by omitting from paragraph (4) (d) “the poll clerk” and substituting “a polling official”.

134. Sections 37, 38 and 39 of the Principal Act are repealed and the following section is substituted:

Provisional votes

“37. (1) This section applies to a person claiming to vote if:

- (a) the person’s name cannot be found on the certified list of voters for the Division for which the person claims to vote;
- (b) the person’s name is on the certified list of voters for a Division but his or her address does not appear on the list;
- (c) a mark on the certified list of voters indicates that a postal ballot-paper has already been issued to the person but the person has not surrendered any ballot-paper for cancellation; or
- (d) a mark on the certified list of voters used at the polling place indicates that the person has already voted at that polling place.

“(2) A person to whom this section applies may cast a provisional vote if the person signs a declaration in the approved form on an envelope addressed to the DRO for the Division for which the voter is, or claims to be, enrolled.

“(3) The person shall sign the declaration in the presence of a polling official.

“(4) The polling official shall then sign the declaration as witness, adding the date.

“(5) Before issuing a ballot-paper to the person, a polling official shall give the person a statement in writing in the approved form explaining the effect of this section and indicating the steps that will be taken if the person cast a provisional vote.

“(6) A person who casts a provisional vote shall fold the ballot-paper and hand it to the polling official who issued it.

“(7) The polling official shall, in the presence of the voter, without unfolding the ballot-paper, place it in the envelope bearing the voter’s declaration, fasten the envelope and place the envelope in the ballot-box.

“(8) The Assistant Returning Officer who opens the ballot-box shall deal with the envelope according to section 46A.”.

Spoilt ballot-papers

135. Section 41 of the Principal Act is amended:

- (a) by omitting from subsection (1) “and deal with it as prescribed”;
- (b) by omitting from subsection (2) “and deal with it as prescribed”;
- (c) by adding at the end the following subsections:

“(3) An officer who has cancelled a spoilt ballot-paper shall:

- (a) write ‘spoilt’ on the back of the ballot-paper;
- (b) place the ballot-paper in an envelope, seal the envelope and write on the envelope an indication of the type of ballot-paper enclosed and that it is spoilt; and
- (c) sign the envelope.

“(4) The envelopes containing spoilt ballot-papers cancelled at a polling place shall be sealed up in a parcel which shall be given to the DRO for the Division after the close of voting.”.

Compulsory voting

136. Section 45 of the Principal Act is amended:

- (a) by omitting from subsection (2) “did not vote” (wherever occurring) and substituting “appear not to have voted”;
- (b) by omitting from subsection (10) paragraphs (a), (b) and (c) and the words before paragraph (a) and substituting “The list prepared and indorsed under this section by the Divisional Returning Officer for the purposes of a referendum”.

Forwarding of declaration votes

137. Section 46A of the Principal Act is amended:

- (a) by omitting from subsection (1) “declarations” and substituting “certificates or declarations”;
- (b) by adding at the end of subsection (1) “, together with records that the presiding officer has made in accordance with paragraph 67A (2) (e) and subsection 34 (2)”;
- (c) by inserting after subsection (1) the following subsections:

“(1A) A pre-poll voting officer who:

- (a) receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper; or
 - (b) places a ballot-paper in an envelope under subsection 73D (7);
- shall forward the envelope, together with the record made under paragraph 67A (2) (e) or subsection 73F (2), as the case may be, in relation to the receipt or issue of the envelope, to the Divisional Returning Officer for the Division for which the pre-poll voting officer is appointed.

“(1B) Envelopes and records required to be forwarded under subsection (1A) shall be so forwarded according to the instructions of the Divisional Returning Officer.”;

- (d) by omitting from subsection (2) “49 (8) or 51 (10)” and substituting “49 (8), 49A (7) or 51 (10)”;
- (e) by omitting from paragraph (2) (a) “particulars of the envelopes” and substituting “particulars on the envelopes”;
- (f) by omitting from paragraph (2) (c) “declarations” and substituting “certificates or declarations”;
- (g) by omitting from paragraph (3) (a) “declarations” and substituting “certificates or declarations”;
- (h) by adding at the end of paragraph (3) (a) “and pre-poll voting officer”;
- (j) by inserting in paragraph (3) (b) “and pre-poll voting officers” after “Assistant Returning Officers”;
- (k) by omitting from subsection (4) “declarations” (wherever occurring) and substituting “certificates or declarations”;
- (m) by inserting in paragraph (4) (a) “and records relating to that Division” after “particular Division”;
- (n) by omitting paragraph (5) (a) and substituting the following paragraph:
 - “(a) maintain a record of the particulars of the advices, and of the number of envelopes bearing certificates or declarations, received from other Divisional Returning Officers or from persons referred to in subsection (7) or (9);”;
- (o) by omitting from paragraph (5) (c) “declaration” and substituting “certificate or declaration”;
- (p) by omitting from subparagraph (5) (c) (ii) “subsection (7) or (8)” and “person appointed under section 54” and substituting respectively “subsection (7) or (9)” and “pre-poll voting officer”;
- (q) by omitting from subsection (7) “declaration vote ballot-papers or envelopes bearing declarations” and substituting “envelopes bearing certificates or declarations, or records,”;
- (r) by omitting from subsection (8) “containing postal ballot-papers” and substituting “bearing certificates or declarations, together with the relevant records made by the officer under paragraph 67A (2) (e) or subsection 73F (2),”;
- (s) by inserting in subsection (9) “and records” after “envelopes”.

138. Section 48 of the Principal Act is repealed and the following section is substituted:

Mobile booths—hospitals that are polling places

“48. (1) In this section, ‘hospital’ means a hospital that is a polling place.

“(2) Where:

- (a) a patient in a hospital is an elector for the State or Territory in which the hospital is situated; and

(b) the patient wishes to vote at the hospital;
the presiding officer shall visit the patient for the purpose of taking the patient's vote.

“(3) When visiting the patient, the presiding officer shall:

- (a) take to the patient a ballot-box, a ballot-paper, and anything else necessary to enable the patient to vote; and
- (b) be accompanied by a polling official and such scrutineers (if any) as wish to attend.

“(4) A visit to a patient shall be made between 8 a.m. and 6 p.m. on voting day or a day to which voting is adjourned.

“(5) While the presiding officer is in the same room, ward or other place as the patient, this Act applies in relation to the taking of the vote of the patient as if the room, ward or place were part of a polling booth at a polling place.

“(6) A polling booth at a hospital shall be attended by a polling official at all times when the presiding officer is absent from the booth for the purpose of visiting a patient.”.

Mobile booths—other hospitals

139. Section 49 of the Principal Act is amended:

- (a) by omitting subsections (2) to (4) (inclusive) and substituting the following subsections:

“(2) The Electoral Commission may appoint electoral visitors in relation to a specified referendum.

“(3) Where:

- (a) a patient at a special hospital wishes to vote at the hospital; and
- (b) the patient is an elector for the State or Territory in which the hospital is situated;

an electoral visitor shall visit the patient for the purpose of taking the patient's vote.

“(4) When visiting the patient, the electoral visitor shall:

- (a) take to the patient a ballot-box, a ballot-paper, and anything else necessary to enable the patient to vote; and
- (b) be accompanied by a polling official and such scrutineers (if any) as wish to attend.

“(4A) While the electoral visitor is in the same room, ward or other place as the patient, this Act applies in relation to the taking of the patient's vote as if the room, ward or place were part of a polling booth at a polling place.”;

- (b) by omitting from subsection (5) “in accordance with subsection (4)”;

- (c) by omitting from subsection (8) “poll clerk” and substituting “polling official”;

140. After section 49 of the Principal Act the following section is inserted:

Mobile booths—prisons

“49A. (1) The Electoral Commission may make arrangements with the Controller-General of Prisons for a State or Territory for the taking of the votes of person confined in prisons in the State or Territory.

“(2) The Electoral Commission may appoint electoral visitors for the purposes of this section in relation to a specified referendum.

“(3) Where arrangements in force under subsection (1) are applicable to a prison, an electoral visitor shall visit the prison for the purpose of taking the votes of persons confined in the prison.

“(4) When visiting a prison, an electoral visitor shall:

- (a) take to the prison a ballot-box, ballot-papers and anything else necessary for the taking of votes at the prison; and
- (b) subject to subsection (5), be accompanied by a polling official and such scrutineers (if any) as wish to attend.

“(5) A visit to a prison shall be made:

- (a) on such day;
- (b) at such time; and
- (c) in accordance with such conditions;

as are fixed by or under the arrangements applicable to the prison.

“(6) In spite of arrangements in force under subsection (1), a visit to a prison may not be made if the electoral visitor is informed by the officer in charge of the prison or a member of the staff of the prison that the visit is forbidden by the officer in charge because of circumstances related to the security of the prison.

“(7) At the end of a visit by an electoral visitor to a prison, the visitor shall, in the presence of the polling official and any scrutineers who are in attendance at the prison, close, fasten, seal and take charge of each ballot-box used in the visit and, without delay, forward it to the Assistant Returning Officer designated for the purposes of this subsection by the DRO.

“(8) An electoral visitor who visits a prison may, at the request of an elector confined in the prison, give the elector literature relating to the referendum.”.

Provisions related to sections 48 and 49

141. Section 50 of the Principal Act is amended:

(a) by inserting after subsection (2) the following subsection:

“(2A) A presiding officer or electoral visitor who visits a patient under section 224 or 225 may, at the request of the patient, give the patient literature relating to the referendum.”;

(b) by omitting from subsection (3) “48 (2) or 49 (4)” and substituting “48 (5) or 49 (4A)”;

(c) by omitting subsection (6) and substituting the following subsections:

“(6) The DRO for a Division shall, not later than 4 p.m. on the day before voting day, display prominently in his or her office a notice specifying the hospitals in the Division that are polling places and indicating the periods during which votes will be taken under section 48 at each hospital.

“(6A) The DRO for a Division shall, at least 7 days before the day, or the first day, on which votes are to be taken under section 49 at a hospital in the Division, display prominently in his or her office a notice specifying:

(a) the hospitals in the Division at which votes are to be taken under section 49; and

(b) the days on which, and the times at which, votes will be taken at each of those hospitals.

“(6B) Where it is not practicable for votes to be taken under section 49 on a day, or at a time, specified in a notice under subsection (6A), the electoral visitor shall inform the Divisional Returning Officer accordingly.

“(6C) On being so informed, the Divisional Returning Officer shall take such steps as he or she thinks fit to give public notice of another day on which, or another time at which, the votes will be taken.”;

(d) by inserting in subsection (7) “, (6A) or (6C)” after “(6)”.

Mobile booths—Remote Divisions

142. Section 51 of the Principal Act is amended:

(a) by omitting from subsection (3) “remote Subdivision declared under subsection 79 (2)” and substituting “Division declared under subsection 227 (3)”;

(b) by omitting from paragraph (8) (d) “and” (last occurring);

(c) by inserting after paragraph (8) (d) the following paragraph:

“(da) section 29 applies as if, for paragraph 29 (b), there were substituted the following paragraph:

‘(b) the voting may be conducted:

(i) at any time on a day before voting day; and

- (ii) on polling day, until all electors present in the polling booth at 6 p.m. and desiring to vote have voted; and”.

143. Part IV of the Principal Act is repealed and the following Parts are substituted:

“PART IV—POSTAL VOTING

Interpretation

“53. In this Part:

‘appropriate DRO’, in relation to an application or anything to be done by an elector, means the DRO for the Division for which the elector is enrolled;

‘registered general postal voter’ means an elector who is registered as a general postal voter under section 185 of the *Commonwealth Electoral Act 1918*.

Grounds of application for postal vote

“54. An elector may apply for a postal vote on any of the grounds set out in Schedule 3.

Application for postal vote

“55. (1) An application shall be in writing in the approved form and shall:

- (a) contain a declaration by the applicant that he or she is an elector entitled to apply for a postal vote; and
- (b) be signed by the applicant in the presence of an authorised witness.

“(2) An application made in Australia shall be made to a DRO.

“(3) An application made outside Australia shall be made to an Assistant Returning Officer.

“(4) An application for a postal vote may not be made until after the issue of the writ for the referendum in relation to which a postal vote is sought or the public announcement of the proposed date for the voting, whichever is the earlier.

“(5) An application shall be regarded as not having been made if it reaches the officer to whom it is directed after 6 p.m. on the day before voting day in the referendum.

“(6) An elector shall not make a false statement:

- (a) in an application for a postal vote; or
- (b) in any declaration relating to such an application.

Penalty: \$1,000 or imprisonment for 6 months, or both.

“(7) A person shall not induce an elector to make a false statement:

- (a) in an application for a postal vote; or
- (b) in any declaration relating to such an application.

Penalty: \$1,000 or imprisonment for 6 months, or both.

Limitation on effect of registration as general postal voter

“57. Except in the case of an elector registered on the ground set out in paragraph 184A (2) (e) or (f) of the *Commonwealth Electoral Act 1918*, registration under that Act as a general postal voter is not sufficient to entitle an elector to the issue of a postal vote certificate and postal ballot-paper.

Dispatch of voting materials to registered general postal voters

“58. (1) As soon as practicable after the issue of the writ for a referendum, or the public announcement of the proposed date for the voting, whichever is the earlier, the DRO for a Division shall send postal voting papers to each registered general postal voter for the Division.

“(2) The postal voting papers to be sent are:

- (a) in the case of an elector registered as a general postal voter on the ground set out in paragraph 184A (2) (e) or (f) of the *Commonwealth Electoral Act 1918*—a postal vote certificate printed on an envelope addressed to the DRO and a postal ballot-paper; and
- (b) in any other case—a form of application for a postal vote and an envelope addressed to the DRO.

Election and referendum on the same day

“59. Where the voting day for a referendum is the same as the polling day for an election:

- (a) an application for a postal vote in the election shall also have effect as an application for a postal vote in the referendum;
- (b) section 58 does not apply for the purposes of the referendum;
- (c) a person who is entitled to receive a postal ballot-paper under section 186 of the *Commonwealth Electoral Act 1918* for the purposes of the election is also entitled to receive, in the same manner, a postal ballot-paper for the purposes of the referendum;
- (d) a postal vote certificate for the purposes of the election also has effect as a postal vote certificate for the purposes of the referendum;
- (e) a reference in an application or certificate to the election shall be regarded as including a reference to the referendum; and
- (f) a ballot-paper bearing the postal vote of an elector in the referendum may be enclosed in the same envelope as the postal ballot-paper bearing the elector's postal vote in the election.

Duty of witness

“60. (1) A person shall not witness the signature of another person (in this section called the ‘elector’) on an application for a postal vote unless:

- (a) the person is satisfied of the identity of the elector;
- (b) the person has seen the elector sign the application; and
- (c) either:
 - (i) the person knows that the statements in the application are true; or
 - (ii) the person is satisfied, on the basis of inquiries of the elector or otherwise, that the statements in the application are true.

Penalty: \$500.

“(2) The person who witnesses the signature of the elector to the application shall sign the application in his or her own handwriting and write on the application the date of signature.

Issue of certificate and ballot-papers

“61. (1) A DRO or Assistant Returning Officer who receives an application, properly signed and witnessed, for a postal vote shall post to the applicant:

- (a) a postal vote certificate printed on an envelope addressed to the DRO for the Division for which the applicant is enrolled; and
- (b) a postal ballot-paper.

“(2) In spite of subsection (1), where the application is received after the last mail clearance at the nearest post office on the last Thursday before polling day, the DRO or Assistant Returning Officer shall not post to the applicant a postal vote certificate or ballot-paper.

“(3) A postal vote certificate shall be in the approved form.

Inspection of applications

“62. (1) A DRO who issues a postal vote certificate and postal ballot-paper shall:

- (a) write on the application the date of issue of the certificate and ballot-paper; and
- (b) if the DRO is not the appropriate DRO, send the application to the appropriate DRO.

“(2) An Assistant Returning Officer who issues a postal vote certificate and postal ballot-paper shall:

- (a) write on the application the date of issue of the certificate and ballot-paper; and
- (b) deal with the application in accordance with subsection 46A (8).

“(3) All applications for postal votes in relation to which a DRO is the appropriate DRO shall be open to public inspection at the office of the

DRO during ordinary office hours from and including the third day after polling day until the referendum can no longer be questioned.

Numbering of applications and certificates

“63. (1) A DRO or Assistant Returning Officer shall allocate a number to each application for a postal vote and shall number each postal vote certificate with a number corresponding to the number of the application.

“(2) The DRO or Assistant Returning Officer who issues a ballot-paper shall initial the back of the paper.

Certified list of voters to be noted

“64. (1) As far as reasonably practicable, the issue of a postal vote certificate and postal ballot-paper to an elector shall be noted on the relevant certified list of voters.

“(2) If a certified list of voters is not so noted, the DRO for the Division shall take such steps as he or she thinks reasonable to inform the presiding officer to whom the list was given of the issue of the certificates and ballot-papers.

“(3) Where the voting day for a referendum is the same as the polling day for an election, a DRO who complies with section 191 of the *Commonwealth Electoral Act 1918* in relation to an elector shall be regarded as having complied with this section in relation to the same elector.

Postal voting

“65. (1) The following requirements for postal voting shall be substantially observed:

- (a) the elector shall show the unsigned postal vote certificate and the unmarked postal ballot-paper to an authorised witness;
- (b) the elector shall sign the postal vote certificate in the presence of the authorised witness;
- (c) the authorised witness shall sign the certificate as witness, adding the date and an indication of the capacity in which the witness acts;
- (d) the elector shall then, in the presence of the authorised witness but so that the witness cannot see the vote, mark his or her vote on the ballot-paper, fold the ballot-paper, place it in the envelope addressed to the appropriate DRO and fasten the envelope;
- (e) the elector shall post or deliver the envelope to the appropriate DRO;
- (f) if the elector cannot read or is so disabled as to be unable to vote without assistance, a person chosen by the elector may, according to the directions of the elector, do for the elector any act required by paragraph (d) or (e);
- (g) directions under paragraph (f) may be given by reference to a how-to-vote card.

“(2) In spite of paragraph (1) (e), where:

- (a) a ballot-paper, if posted before the close of voting, would be unlikely to reach the appropriate DRO within 13 days after voting day; or
- (b) a ballot-paper, if it were to be delivered to the appropriate DRO, would be unlikely to reach the DRO before the close of voting;

the envelope containing the ballot-paper may:

- (c) before the close of voting be addressed to, and posted or delivered to, any other DRO or to an Assistant Returning Officer at a place outside Australia;
- (d) be handed to a pre-poll voting officer; or
- (e) be delivered, on voting day and before the close of voting, to any presiding officer.

“(3) A DRO, Assistant Returning Officer, presiding officer or pre-poll voting officer to whom an envelope containing a ballot-paper is posted or delivered under subsection (2) shall deal with the envelope and ballot-paper according to section 67.

Duty of authorised witnesses etc.

“66. Except at the request of the elector, a person shall not:

- (a) interfere with an elector in relation to the marking of a postal ballot-paper; or
- (b) do anything that would enable the person or any other person to find out how an elector marked a postal ballot-paper.

Penalty: \$1,000.

Procedure for dealing with postal vote certificates etc.

“67. (1) In this section, ‘officer’ means:

- (a) a pre-poll voting officer;
- (b) a presiding officer; or
- (c) an Assistant Returning Officer at a place outside Australia.

“(2) Where:

- (a) a DRO receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper issued in respect of a Division other than the Division for which the DRO is appointed; or
- (b) an officer receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot-paper;

the DRO or officer shall:

- (c) endorse on the envelope ‘Received by me’ and the date and time of receipt;
- (d) sign the endorsement, adding the words ‘Divisional Returning Officer’, ‘Pre-poll Voting Officer’, ‘Presiding Officer’ or ‘Assistant Returning Officer’, as the case may be;

- (e) make a record of the name of the voter and the name of the Division as shown in the postal vote certificate;
- (f) deal with the envelope in accordance with section 46A; and
- (g) until the envelope is so dealt with, keep the envelope in a ballot-box.

Opening of postal ballot-paper

“68. A person other than:

- (a) the DRO for the Division in respect of which a postal ballot-paper has been issued; or
- (b) an officer acting at the direction of the DRO;

shall not open an envelope that purports to contain a postal ballot-paper on which a vote has been recorded.

Penalty: \$500.

Failure to post or deliver postal vote application etc.

“69. A person to whom an elector entrusts:

- (a) an application for a postal vote; or
- (b) an envelope apparently containing a postal ballot-paper;

for posting or delivery to an officer shall post or deliver the application or envelope, as the case may be, as soon as practicable.

Penalty: \$1,000.

Inducing elector to hand over marked ballot-paper

“70. A person shall not induce an elector to hand over to the person a postal ballot-paper on which a vote has been recorded.

Penalty: \$1,000.

Correction of formal errors

“71. If an officer who receives:

- (a) an application for a postal vote; or
- (b) a postal vote certificate;

is satisfied that the application or certificate contains a formal error, the officer may amend the application or certificate to correct the error.

“PART IVA—PRE-POLL VOTING

Grounds of application for pre-poll vote

“72. An elector may apply for a pre-poll vote on any of the grounds set out in Schedule 3.

Pre-poll voting officers

“73. (1) The Electoral Commission may appoint a person to be a pre-poll voting officer for the purposes of this Act.

“(2) A person who is a pre-poll voting officer for the purposes of the *Commonwealth Electoral Act 1918* is also a pre-poll voting officer for the purposes of this Act.

Application for pre-poll vote

“73A. (1) An application for a pre-poll vote may be made to:

- (a) a Divisional Returning Officer;
- (b) a pre-poll voting officer; or
- (c) an Assistant Returning Officer at a place outside Australia.

“(2) The application must be made by the elector in person.

“(3) The elector making the application shall inform the officer to whom the application is made of:

- (a) the Division for which the elector is enrolled; and
- (b) any matters prescribed by the regulations.

Place and time of application

“73B. (1) An application to a DRO shall be made at the office of the DRO during ordinary office hours or during the hours of voting on voting day.

“(2) An application to a pre-poll voting officer shall be made:

- (a) at a place declared by the Electoral Commission, by notice published in the *Gazette*, to be a pre-poll voting office; and
- (b) on a day, and during the hours, fixed by the Electoral Commission, by notice published in the *Gazette*, for such applications.

“(3) An application to an Assistant Returning Officer must be made:

- (a) at the office of the Assistant Returning Officer; and
- (b) during ordinary office hours or during such other hours as the Assistant Returning Officer fixes.

“(4) Subject to subsection (5), where the voting day for a referendum is the same as the polling day for a House of Representatives election in a Division, an application by an elector cannot be made before the day after the day on which nominations for the election close.

“(5) Where the voting day for a referendum is the same as the polling day for a Senate election to be held in a State or Territory, an application by an elector cannot be made before the second day after the day on which nominations for the election close.

“(6) An elector may not make an application after the close of voting in the State or Territory for which the elector is enrolled.

Election and referendum on the same day

“73C. Where the voting day for a referendum is the same as the polling day for an election:

- (a) a place declared by the Electoral Commission under subsection 200D (2) of the *Commonwealth Electoral Act 1918* for the purposes of the election shall be regarded as having been declared under subsection 73B (2) of this Act for the purposes of the referendum;
- (b) an application for a pre-poll vote in the election also has effect as an application for a pre-poll vote in the referendum;
- (c) a pre-poll vote certificate for the purposes of the election also has effect as a pre-poll vote certificate for the purposes of the referendum;
- (d) a reference in such an application or certificate to the election shall be regarded as including a reference to the referendum; and
- (e) a ballot-paper bearing the pre-poll vote of an elector in the referendum may be enclosed in the same envelope as the ballot-paper bearing the elector’s pre-poll vote in the election.

Pre-poll voting

“73D. (1) The officer to whom an application for a pre-poll vote is made (in this section called ‘the issuing officer’) shall issue to the elector a pre-poll vote certificate and a ballot-paper.

“(2) Before issuing the ballot-paper, the officer shall initial the back of the paper.

“(3) The elector shall sign the pre-poll vote certificate in the presence of the issuing officer.

“(4) The issuing officer shall then sign the pre-poll vote certificate as witness, adding the date.

“(5) The elector shall then, in the presence of the issuing officer but so that the officer cannot see the vote, mark his or her vote on the ballot-paper, fold the ballot-paper and return it to the issuing officer.

“(6) The issuing officer shall immediately place the ballot-paper in the envelope bearing the pre-poll vote certificate, fasten the envelope and, until the envelope is dealt with under section 46A, keep the envelope in a ballot-box.

“(7) If the elector satisfies the officer that the elector cannot read or is so disabled as to be unable to vote without assistance, a person chosen by the elector may, according to the directions of the elector, do any of the following acts:

- (a) fill in the pre-poll vote certificate with the required particulars;
- (b) read the certificate to the voter;
- (c) complete the certificate;
- (d) mark the elector’s vote on the ballot-paper;
- (e) fold the ballot-paper and return it to the officer.

“(8) Directions under subsection (7) may be given by reference to a how-to-vote card.

“(9) An elector to whom a pre-poll vote certificate and ballot-paper have been issued is not entitled:

- (a) to vote at a polling booth; or
- (b) to remove the certificate or ballot-paper from the office of the officer who issued it.

Form of pre-poll vote certificate

“73E. A pre-poll vote certificate shall:

- (a) be in the approved form;
- (b) carry a distinguishing number that is the same as the number allocated to the record of the application for the certificate; and
- (c) be printed on an envelope addressed to the DRO for the Division for which the elector is enrolled.

Record of issue of pre-poll voting papers

“73F. (1) Where the DRO for a Division issues a pre-poll vote certificate and ballot-paper to a person enrolled for the Division, the DRO shall make a record of the date of issue of the certificate and ballot-paper and the name of the person and shall allocate a number to the record.

“(2) Where:

- (a) any other DRO;
- (b) a pre-poll voting officer; or
- (c) an Assistant Returning Officer at a place outside Australia;

issues a pre-poll vote certificate and ballot-paper, he or she shall:

- (d) make a record of the date of issue of the certificate and ballot-paper, the name of the person to whom the certificate and ballot-paper were issued and the name of the Division for which the person is enrolled and shall allocate a number to the record; and
- (e) deal with the record of the issue of the certificate and ballot-paper in accordance with section 46A.

“(3) Records made by a DRO under subsection (1) and records forwarded to the DRO under section 46A shall be open to public inspection at the office of the DRO during ordinary office hours from and including the third day after voting day until the referendum can no longer be questioned.

Certified lists of voters to be noted

“73G. (1) As far as is reasonably practicable, the issue of a pre-poll vote certificate and ballot-paper to an elector shall be noted on the relevant certified list of voters.

“(2) If a certified list of voters is not so noted, the DRO for the Division shall take such steps as he or she thinks reasonable to inform the presiding

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officer to whom the list was given of the issue of pre-poll vote certificates and ballot-papers.

“(3) Where the voting day for a referendum is the same as the polling day for an election, a DRO who complies with section 200H of the *Commonwealth Electoral Act 1918* in relation to an elector shall be regarded as having complied with this section in relation to the same elector.

Opening of pre-poll voting envelope

“73H. A person other than:

- (a) the DRO for the Division in respect of which a pre-poll vote ballot-paper has been issued; or
- (b) an officer acting at the direction of the DRO;

shall not open an envelope purporting to contain a ballot-paper given to an officer under subsection 73D (5) or (7).

Penalty: \$500.

Obligations of persons present when pre-poll vote cast

“73J. A person who is present when an elector signs a pre-poll vote certificate or marks a ballot-paper in the presence of an officer:

- (a) shall obey all directions of the officer; and
- (b) except at the request of the elector:
 - (i) shall not make any communication to the elector in relation to the elector's vote;
 - (ii) shall not assist the elector or in any way interfere with the elector in relation to the elector's vote; and
 - (iii) shall not do anything that would enable the person to find out how the elector marked the ballot-paper.

Penalty: \$1,000.

Correction of formal errors

“73K. If an officer who receives a pre-poll vote certificate under subsection 73D (5) is satisfied that the certificate has a formal error, the officer may amend the certificate to rectify the defect or correct the error.”.

144. Section 80 of the Principal Act is repealed and the following section is substituted:

Questions to be put to voter at Antarctic station

“80. (1) The Antarctic Returning Officer for a station shall put to each person claiming to vote at the station such questions as the officer thinks necessary to enable the person's identity and place of living to be established.

“(2) If a person claiming to vote refuses to answer fully a question put to him or her under this section, the person's claim to vote at the station shall be rejected.”.

Proceedings by Antarctic Returning Officer upon close of poll

145. Section 84 of the Principal Act is amended by omitting from paragraph (b) all words before subparagraph (i) and substituting “transmit to the Australian Electoral Officer designated by the Electoral Commissioner, for the purpose of this paragraph:”.

146. After section 89 of the Principal Act the following section is inserted:

Preliminary scrutiny of declaration votes

“89A. (1) After the close of voting in a Division, the DRO shall conduct such preliminary scrutinies as he or she considers necessary until:

- (a) all written applications for postal votes have been produced;
- (b) all envelopes received by the DRO before the end of 13 days after the close of voting and purporting to contain postal ballot-papers have been dealt with under this section; and
- (c) all other envelopes received by officers prior to the close of the poll and purporting to contain ballot-papers bearing declaration votes have been dealt with under this section.

“(2) The DRO shall give notice of the commencement of a preliminary scrutiny as follows:

- (a) a notice specifying the date, time and place of commencement shall be displayed in a prominent place in the DRO’s office;
- (b) the notice shall be displayed not later than 4 p.m. on the day before the day of commencement.

“(3) A preliminary scrutiny for a Division shall be conducted according to the rules set out in Schedule 4.

“(4) The DRO may, from time to time, adjourn a preliminary scrutiny to a specified day, time and place.

“(5) For the purposes of this Part, anything done under this section in relation to a referendum shall be taken to be part of the scrutiny in relation to the referendum.”.

Conduct of scrutiny

147. Section 90 of the Principal Act is amended:

- (a) by omitting paragraph (1) (e) and substituting the following paragraph:

“(e) each Assistant Returning Officer shall, in the presence of a polling official and any scrutineers who attend:

- (i) exhibit for the inspection of the scrutineers each ballot-box received from a presiding officer, electoral visitor or mobile polling team leader;
- (ii) record the condition of the ballot-box;

- (iii) check the accuracy of the statement forwarded with the ballot-box by the presiding officer or electoral visitor by:
 - (A) removing the ballot-papers from the box;
 - (B) counting, but not inspecting, them; and
 - (C) recording the number of ballot-papers removed from the box;”;
- (b) by omitting subsections (2) to (9) (inclusive) and substituting the following subsection:

“(2) A person who is present at the scrutiny in the capacity of a scrutineer shall wear a badge, supplied by the Electoral Commission, that identifies the person as a scrutineer.”.

Informal ballot-papers

148. Section 93 of the Principal Act is amended:

- (a) by omitting from subsection (1) all words before paragraph (a) and substituting:

“A ballot-paper is informal if:”;
- (b) by omitting from paragraph (1) (a) “or by an official mark as prescribed” and substituting “or by the presence of the official mark”;
- (c) by adding at the end of paragraph (1) (b) “or the voter’s intention is not clear”;
- (d) by omitting subsection (2);
- (e) by omitting from subsection (4) “Paragraphs (1) (d) and (2) (e) do” and substituting “Paragraph (1) (d) does”;
- (f) by omitting subsections (5) and (6).

149. After section 95 of the Principal Act the following sections are inserted:

Notice of re-count

“95A. Before recounting any ballot-papers, a DRO shall give notice of the re-count as follows:

- (a) a notice specifying the date, time and place of the re-count shall be displayed in a prominent place in the DRO’s office;
- (b) the notice shall be so displayed not later than 4 p.m. on the day before the day fixed for the re-count.

Conduct of re-count

“95B. (1) At the time and place fixed for the re-count and in the presence of any scrutineers who attend and of an officer of the Australian Public Service, the DRO shall open every sealed parcel of ballot-papers to be re-counted and count the votes in the parcel.

“(2) A parcel containing ballot-papers to be re-counted shall be opened without destroying or rendering illegible any writing on the parcel and the contents of the parcel shall not be allowed to become mixed with ballot-papers from any other parcel.

“(3) After the votes in a parcel have been counted, the DRO shall replace the ballot-papers in their original cover, reseal and refasten the cover, place the resealed parcel in a new cover, and seal and fasten the new cover.

“(4) The DRO shall write on the new cover a statement of the fact and date of the re-count of the votes in the cover and, along with such of the persons present who choose to add their signatures, shall sign the statement.

“(5) The DRO shall place any ballot-papers reserved for the decision of the Australian Electoral Officer in a sealed and fastened parcel bearing the signatures of the DRO and the scrutineers who choose to add their signatures and a note of the number of ballot-papers in the parcel, the name of the Division and the date.

“(6) The DRO shall place the parcel in a sealed and fastened outer cover addressed to the Australian Electoral Officer and, without delay, send the parcel to the Australian Electoral Officer by hand, registered post or courier service.

“(7) The Australian Electoral Officer shall open the parcel in the presence of an officer of the Australian Public Service and of any scrutineer who attends and shall:

- (a) scrutinise the ballot-papers; and
- (b) mark each ballot-paper ‘admitted’ or ‘rejected’ according to his or her decision.

“(8) After scrutinising all the ballot-papers, the Australian Electoral Officer shall restore them to their original cover, refasten and reseal the cover, and write on the cover:

- (a) the number of ballot-papers contained in the cover; and
- (b) a statement that all ballot-papers have been the subject of decisions by him or her.

“(9) The Australian Electoral Officer shall sign the cover, along with such other persons present when the ballot-papers were scrutinised as choose to add their signatures.

“(10) The Australian Electoral Officer shall then enclose the parcel in a new cover, fasten and seal the cover and send the parcel to the DRO by hand, registered post or courier service.

“(11) The Australian Electoral Officer shall inform the DRO in writing of the numbers of ballot-papers admitted or rejected by him or her, and the DRO shall complete the re-count on the basis of the Australian Electoral Officer’s decision.

“(12) The receipt of a parcel of ballot-papers by the DRO or the Australian Electoral Officer shall be acknowledged in writing.”.

Requisites of petition

150. Section 101 of the Principal Act is amended:

(a) by inserting after paragraph (a) the following paragraph:

“(aa) set out those facts with sufficient particularity to identify the specific matter or matters on which the petitioner relies as justifying the grant of relief;”;

(b) by adding at the end the following subsections:

“(2) The Court may, at any time after the filing of a petition and on such terms (if any) as it thinks fit, relieve the petitioner wholly or in part from compliance with paragraph (1) (aa).

“(3) The Court shall not grant relief under subsection (2) unless it is satisfied that:

(a) in spite of the failure of the petition to comply with paragraph (1) (aa), the petition sufficiently identifies the specific matters on which the petitioner relies; and

(b) the grant of relief would not unreasonably prejudice the interests of another party to the petition.”.

151. After section 107 of the Principal Act the following section is inserted:

Provision for Court to have regard to certain rejected ballot-papers

“107A. In making its decision on a petition, the Court may:

(a) have regard to postal ballot-papers rejected at the preliminary scrutiny because of paragraph 7 of Schedule 4 if the Court is satisfied that the votes marked on the ballot-papers were recorded prior to the close of voting; and

(b) have regard to any declaration vote ballot-papers (including postal ballot-papers) rejected at the preliminary scrutiny if the Court is of the opinion that the ballot-papers should not have been rejected.”.

152. After section 109 of the Principal Act the following section is inserted in Part VIII:

Right of Electoral Commission to have access to documents

“109A. Unless the Court orders otherwise, the filing of a petition does not deprive the Electoral Commission of any right to have access to a document for the purposes of the performance of its functions.”.

Returns by broadcasters

153. Section 111 of the Principal Act is amended:

- (a) by omitting from subsection (1) "15" and substituting "8";
- (b) by inserting after paragraph (1)(a) the following paragraph:
 - "(aa) the name and address of the person at whose request the advertisement or each of those advertisements was broadcast;";
- (c) by adding at the end the following subsection:

"(4) A broadcaster who is required to make a return under this section in respect of an advertisement shall, in spite of subsection 117A (2) of the *Broadcasting Act 1942*, retain the record of the advertisement made for the purpose of subsection 117A (1) of that Act until the end of the period of one month commencing on the day on which the return is furnished to the Electoral Commission."

Returns by publishers

154. Section 112 of the Principal Act is amended:

- (a) by omitting from subsection (1) "15" and substituting "8";
- (b) by inserting after paragraph (1)(a) the following paragraph:
 - "(aa) the name and address of the person at whose request the advertisement or each of those advertisements was published;".

155. Section 115 of the Principal Act is repealed and the following section is substituted:

Inspection and supply of copies of returns

"115. (1) The Electoral Commission shall keep, at its principal office in Canberra, a copy of each return furnished under this Part.

"(2) Any person is entitled to peruse the copy at the principal office of the Electoral Commission in Canberra.

"(3) The Electoral Commission shall, on request, make the copy available for inspection by a person at the principal office of the Commission in the capital city of a State or in Darwin.

"(4) A person is entitled, on payment of the fee determined by the Electoral Commission to cover the cost of copying, to obtain a copy of a return referred to in subsection (1)."

156. After section 118 of the Principal Act the following section is inserted:

Influencing votes of hospital patients etc.

"118A. (1) A person who is the proprietor of, or an employee of the proprietor of, a hospital or nursing home shall not do anything for the purpose of influencing the vote of a patient in, or resident at, the hospital or nursing home.

Penalty: \$1,000 or imprisonment for 6 months, or both.

“(2) The reference in subsection (1) to the proprietor of a hospital or nursing home includes a reference to a person who is a member or officer of a body corporate that is the proprietor of a hospital or nursing home.”.

157. Section 135 of the Principal Act is repealed and the following section is substituted:

Control of behaviour at polling booths etc.

“135. (1) A person shall not:

- (a) commit misconduct in premises to which this section applies;
- (b) while in such premises, disobey a lawful direction given by the person in charge of the premises; or
- (c) enter or remain in such premises without the permission of the person in charge of the premises.

Penalty: \$500.

“(2) This section applies to the following premises:

- (a) a polling booth;
- (b) a counting centre;
- (c) premises in Australia at which an application may be made for a pre-poll vote.

“(3) Paragraph (1) (c) does not apply to:

- (a) a polling official;
- (b) a scrutineer who is entitled to be on the premises; or
- (c) in the case of a polling booth—a voter who enters the booth for the purpose of voting and remains no longer than is reasonably necessary for that purpose.

“(4) The person in charge of premises is:

- (a) in the case of a polling booth—the presiding officer;
- (b) in the case of a counting centre—the Australian Electoral Officer, DRO or Assistant Returning Officer conducting the scrutiny at the centre; and
- (c) in the case of premises at which an application may be made for a pre-poll vote:
 - (i) if the premises are the office of a DRO—the DRO;
 - (ii) if the premises have been declared under subsection 73B (2), any pre-poll voting officer at those premises.

“(5) A person who contravenes subsection (1) may be removed from the premises by a police officer or by an authorised person.

“(6) In this section:

‘authorised person’ means a person acting at the request of the person in charge of premises;

‘counting centre’ means premises being used for the purpose of the preliminary scrutiny of declaration votes or the scrutiny of ballot-papers.”.

158. Section 142 of the Principal Act is repealed and the following sections are substituted:

Collection of statistical information

“142. (1) Where:

- (a) the time for the filing of petitions disputing a referendum has expired without any petitions having been filed; or
- (b) the Court of Disputed Returns has disposed of any petitions disputing a referendum;

the referendum documents used for the purposes of the referendum may be dealt with as necessary for the purpose of collecting statistical information relating to the referendum.

“(2) In this section, ‘referendum documents’ includes:

- (a) ballot-papers;
- (b) certified lists of voters;
- (c) certified copies of the Roll;
- (d) declarations;
- (e) postal vote certificates;
- (f) pre-poll vote certificates; and
- (g) lists prepared under section 245.

Preservation of documents

“142A. (1) In this section, ‘referendum documents’ has the same meaning as in section 142.

“(2) The DRO for a Division is responsible for the safe custody, in accordance with the directions of the Electoral Commissioner, of referendum documents used in the Division in connection with a referendum until the documents are destroyed.

“(3) An officer who conducts a scrutiny shall, after the completion of the scrutiny, parcel up and seal all referendum documents dealt with or used in the scrutiny.

“(4) Each Assistant Returning Officer shall send to the DRO, in parcels fastened and sealed, all referendum documents used in connection with a referendum in that portion of the Division for which he or she was appointed.

“(5) A DRO may open a parcel sent to the DRO by an Assistant Returning Officer.

“(6) Material removed from a parcel shall:

- (a) be retained by the DRO; or

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- (b) be dealt with according to the directions of the Electoral Commissioner.

“(7) When the purpose for which material was removed from a parcel has been satisfied, the DRO shall:

- (a) as soon as practicable, replace the material in the parcel and refasten and reseal the parcel; and
- (b) write on the covering of the parcel a notation indicating that the parcel has been opened by the DRO and specifying the purpose for which it was opened.

“(8) A DRO who opens a parcel shall not mark or alter, or permit any other person to mark or alter, a document removed from the parcel.

“(9) Subject to Part VIII, the Electoral Commissioner may direct that referendum documents be destroyed if:

- (a) not less than 6 months have elapsed since the publication, under subsection 98 (2), of a statement relating to the referendum in which the documents were used; and
- (b) the documents are no longer required by the Electoral Commission for the performance of its functions.”.

Addition of Schedules

159. The Principal Act is amended by adding at the end the Schedules set out in Schedule 4 to this Act.

Amendments to remove gender-specific language

160. The provision of the Principal Act specified in Column 1 of an item in Schedule 5 to this Act is amended by:

- (a) omitting the word or words constituting the entry, or each entry, in Column 2 of the item; and
- (b) if a word or words occur in Column 3 of the item opposite to such an entry, substituting the word or words for the word or words constituting the entry.

Minor amendments

161. The Principal Act is further amended as set out in Schedule 6.

SCHEDULE 1

Section 121

**NEW SCHEDULES 2 AND 3 TO THE COMMONWEALTH ELECTORAL ACT
1918**

SCHEDULE 2

Sections 183 and 200A

GROUND'S OF APPLICATION FOR POSTAL OR PRE-POLL VOTE

1. Throughout the hours of polling on polling day, the elector will be absent from the State or Territory for which the elector is enrolled.
2. The elector will not, at any time during the hours of polling on polling day, be within 8 kilometres by the nearest practicable route of a polling booth in the State or Territory for which the elector is enrolled.
3. Throughout the hours of polling on polling day, the elector will be travelling under conditions that will prevent the elector attending a polling booth in the State or Territory for which the elector is enrolled.
4. The elector will be unable to attend a polling booth on polling day because of:
 - (a) serious illness;
 - (b) infirmity; or
 - (c) approaching childbirth.

(In the case of an elector who will be a patient at a hospital on polling day, this paragraph applies regardless of the operation of sections 224 and 225.)
5. On polling day, the elector will be unable to attend a polling booth because the elector will be at a place (other than a hospital) caring for a person who is seriously ill or infirm or who is expected shortly to give birth.
6. Throughout the hours of polling on polling day, the elector will be a patient at a hospital (other than a special hospital) and unable to vote at the hospital.
7. Throughout the hours of polling on polling day, the elector will be a patient at a special hospital but will be unable to have his or her vote taken under section 225.
8. Because of the elector's religious beliefs or membership of a religious order, the elector:
 - (a) is precluded from attending a polling booth; or
 - (b) for the greater part of the hours of polling on polling day, is precluded from attending a polling booth.
9. On polling day, the elector will be serving a sentence of imprisonment or otherwise under detention.
10. The elector's address has been excluded from the Roll under section 104.
11. Throughout the hours of polling on polling day, the elector will be engaged in his or her employment or occupation and:
 - (a) if the elector is an employee, the elector is not entitled to leave of absence under section 345; and
 - (b) in any other case, the absence of the elector for the purpose of attending at a polling booth to vote would be likely to cause loss to the person in his or her occupation.

SCHEDULE 1—continued

SCHEDULE 3

Subsection 266 (3)

**RULES FOR THE CONDUCT OF A PRELIMINARY SCRUTINY OF
DECLARATION VOTES**

1. The DRO shall produce unopened all envelopes containing declaration votes of the kind to which the preliminary scrutiny relates received by the DRO:
 - (a) in the case of the first preliminary scrutiny—before the commencement of that scrutiny; and
 - (b) in the case of a subsequent preliminary scrutiny—after the commencement of the last preceding preliminary scrutiny and before the commencement of the subsequent preliminary scrutiny.
2. All written applications for postal votes not already dealt with at a preliminary scrutiny shall be produced at each preliminary scrutiny of postal votes.
3. The DRO shall compare the signature of the elector on each postal vote application with the signature on the relevant postal vote certificate and allow the scrutineers to inspect both signatures.
4. The DRO shall divide the envelopes being dealt with into groups, as follows:
 - (a) in one group, the envelopes that meet the requirements of paragraph 6;
 - (b) in another group, the envelopes that do not meet those requirements.
5. The DRO shall, without opening the envelopes, reject for further scrutiny the ballot-papers contained in envelopes that do not meet the requirements of paragraph 6.
6. An envelope meets the requirements of this paragraph if the DRO is satisfied:
 - (a) in the case of an envelope purporting to contain a postal ballot-paper, other than an envelope sent to an elector under paragraph 186 (2) (a), that the signature on the certificate is that of the elector and that the signature purports to be witnessed by an authorised witness;
 - (b) in the case of an envelope purporting to contain a pre-poll vote ballot-paper, that the certificate has been signed in accordance with section 200E and that the signature purports to be witnessed by the officer who issued the certificate;
 - (c) in the case of an envelope purporting to contain an absent vote ballot-paper or a provisional vote ballot-paper, that the certificate has been signed in accordance with section 222 or 235 or subsection 234 (4), as the case requires, and that the signature purports to be witnessed in accordance with that section or subsection, as the case may be;
 - (d) in the case of an envelope purporting to contain a ballot-paper recording a vote cast at a station in Antarctica, the envelope is signed in accordance with subsection 260 (1); and
 - (e) in the case of an envelope purporting to contain a postal ballot-paper, that the vote marked on the ballot-paper was recorded prior to the close of the poll.
7. Where the envelope purporting to contain a postal ballot-paper bears a postmark that includes a date after polling day, the vote marked on the ballot-paper shall be taken not to have been recorded prior to the close of the poll.
8. An envelope purporting to contain an absent vote ballot-paper or a provisional vote ballot-paper shall not be regarded as failing to meet the requirements of paragraph 6 only because the declaration is not witnessed if the voter's name appears on a record made under subsection 232 (2) or, if neither of those requirements is met, if the DRO is satisfied that the ballot-paper was properly issued.

SCHEDULE 1—continued

9. The DRO shall seal up in a parcel the envelopes that do not meet the requirements of paragraph 6 and shall write on the parcel a description of its contents, the name of the Division and the date of the preliminary scrutiny.
10. If the preliminary scrutiny relates to a Senate election held concurrently with a House of Representatives election or a Senate election held alone, the DRO shall divide the envelopes that meet the requirements of paragraph 6 into groups as follows:
 - (a) in one group, the envelopes bearing certificates or declarations by persons who are enrolled for the Division or whose claims for enrolment are claims to which subsection 102 (4A) of the Act applies;
 - (b) in another group the envelopes to which paragraph 12 applies;
 - (c) in another group, the envelopes bearing certificates or declarations by persons who are not enrolled for the Division but are enrolled for the State or Territory in which the Division is situated;
 - (d) in another group, the envelopes bearing certificates or declarations by persons who are not enrolled for the Division or for the State or Territory in which the Division is situated.
11. If the preliminary scrutiny relates to a House of Representatives election not held concurrently with a Senate election, the DRO shall divide the envelopes that meet the requirements of paragraph 6 into groups as follows:
 - (a) in one group, the envelopes bearing certificates or declarations by persons who are enrolled for the Division or whose claims for enrolment are claims to which subsection 102 (4A) of the Act applies;
 - (b) in another group, the envelopes to which paragraph 12 applies;
 - (c) in another group, the envelopes bearing certificates or declarations by persons who are not enrolled for the Division.
12. This paragraph applies to an envelope if the DRO is satisfied:
 - (a) that the elector who signed a certificate or declaration on the envelope is not enrolled for the Division; and
 - (b) after making enquiry:
 - (i) that the elector was, at the time of voting, entitled to be enrolled for the Division; and
 - (ii) that the omission of the elector's name from the Roll for the Division was due to an error made by an officer or to a mistake of fact.
13. Subparagraph 12 (b) does not apply if:
 - (a) more than one election (excluding the election to which the scrutiny relates) has been held since the error or mistake was made; or
 - (b) where there has been a redistribution of the State or Territory that includes the Division since the last election but one before the election to which the scrutiny relates, the error or mistake was made before the last such redistribution.
14. In paragraph 13, "election" means:
 - (a) a general election for the House of Representatives;
 - (b) a Senate election not held concurrently with a general election for the House of Representatives; or
 - (c) a referendum not held concurrently with a general election.
15. The DRO shall, without opening the envelopes, reject for further scrutiny the ballot-papers contained in envelopes referred to in subparagraphs 10 (d) and 11 (c).
16. The DRO shall seal up in a parcel the envelopes referred to in subparagraphs 10 (d) and 11 (c) and shall write on the parcel a description of the contents, the name of the Division and the date.

SCHEDULE 1—continued

17. The DRO shall, without unfolding or inspecting them or allowing any other person to do so, withdraw the ballot-papers from the envelopes referred to in paragraph 10 or 11 that still remain in the preliminary scrutiny.
18. Ballot-papers withdrawn from envelopes referred to in subparagraph 10 (a) or (b) or 11 (a) or (b) shall be placed in a ballot-box by themselves for further scrutiny.
19. A ballot-paper for a Senate election withdrawn from an envelope referred to in subparagraph 10 (c) shall be placed in the ballot-box referred to in paragraph 18 for further scrutiny. A ballot-paper for a House of Representatives election withdrawn from such an envelope shall be rejected for further scrutiny.
20. The DRO shall seal up in a parcel ballot-papers rejected under paragraph 19 and shall write on the parcel a description of its contents, the name of the Division and the date.
21. Where a ballot-paper has been rejected for further scrutiny, the DRO shall send to the voter a written statement of the reason for the rejection.
22. For the purposes of paragraph 17, an envelope that contains a ballot-paper for a referendum shall be dealt with as if it did not contain that ballot-paper.

SCHEDULE 2

Section 122

AMENDMENTS OF THE COMMONWEALTH ELECTORAL ACT 1918 TO REMOVE GENDER-SPECIFIC LANGUAGE

NOTE: The reference in Column 1 of an item in this Schedule is to the section, subsection, paragraph or subparagraph of the Principal Act identified by the figure or figures, or the combination of figures and one or more letters, constituting the reference.

Column 1	Column 2 Omit—	Column 3 Substitute—
6 (2)	Chairman	Chairperson
8 (1)	his	
8 (2)	(a) Chairman (b) he	Chairperson he or she
10	his office by writing signed by him and delivered to the Governor-General	by delivering to the Governor-General a signed notice of resignation
11 (1)	his (wherever occurring)	his or her
12 (b)	his	his or her
13 (1)	Chairman (wherever occurring)	Chairperson
13 (1) (b)	his	the
13 (3)	Chairman (wherever occurring)	Chairperson
13 (4)	(a) Chairman (b) he resigns the appointment by writing signed by him and delivered to the Governor-General	Chairperson the person delivers to the Governor-General a signed notice of resignation
13 (5)	(a) While a person is acting as Chairman, he (b) Chairman (second occurring)	A person acting as Chairperson Chairperson
13 (6)	(a) his (wherever occurring) (b) him	the the person
14 (1) (b)	his	the
14 (4)	he resigns the appointment by writing signed by him and delivered to the Governor-General	the person delivers to the Governor-General a signed notice of resignation
14 (5)	While a person is acting as the non-judicial appointee, he	A person acting as the non-judicial appointee
14 (6)	(a) his (wherever occurring) (b) him	the the person

SCHEDULE 2—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
15 (1)	Chairman	Chairperson
15 (2)	(a) Chairman	Chairperson
	(b) his	his or her
15 (4)	(a) Chairman	Chairperson
	(b) he	he or she
15 (5)	Chairman	Chairperson
15 (10)	Chairman (wherever occurring)	Chairperson
17 (4)	(a) to him	
	(b) he	he or she
18 (2)	him	him or her
19 (2)	assist the Electoral Commissioner as directed by him	perform such duties as the Electoral Commissioner directs
19 (3) (b)	his	the
19 (5)	While a person is acting as the Electoral Commissioner, he	A person acting as the Electoral Commissioner
20 (2)	him	him or her
21 (2)	his	
21 (3)	he	the person
22 (2)	he	the officer
24	his office by writing signed by him and delivered to the Governor-General	by delivering to the Governor-General a signed notice of resignation
25 (2) (a)	his (wherever occurring)	his or her
25 (2) (c)	his	his or her
25 (3)	his (wherever occurring)	his or her
26 (1) (b)	his	the
26 (4)	he resigns the appointment by writing signed by him and delivered to the Governor-General	the person delivers to the Governor-General a signed notice of resignation
26 (5)	While a person is acting as the Electoral Commissioner, he	A person acting as the Electoral Commissioner
26 (6)	(a) his (wherever occurring)	the
	(b) him	the person
27 (1) (b)	his	the
27 (4)	he resigns the appointment by writing signed by him and delivered to the Governor-General	the person delivers to the Governor-General a signed notice of resignation
27 (5)	While a person is acting as the Deputy Electoral Commissioner, he	A person acting as the Deputy Electoral Commissioner
27 (6)	(a) his (wherever occurring)	the
	(b) him	the person
30 (2)	his	the
30 (3)	he resigns the appointment by writing signed by him and delivered to the Commission	the person delivers to the Governor-General a signed notice of resignation
30 (5)	(a) his (wherever occurring)	the
	(b) him	the person
31 (3) (b)	his	the
31 (4)	While a person is acting as Australian Electoral Officer for a State, he	A person acting as Australian Electoral Officer for a State
32 (1)	his	the
33 (3)	him	the person
36	(a) if any officer becomes a candidate	an officer who becomes a candidate
	he	
	(b) his	his or her
42	(a) his (first occurring)	his or her
	(b) next preceding the polling day for the general election next following his election	immediately before the polling day for the next general election
44 (2)	his	his or her
44 (3)	(a) at the time when he was so chosen,	when chosen, the senator
	he	
	(b) himself	himself or herself

Electoral and Referendum Amendment No. 24, 1990

SCHEDULE 2—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
44 (4)	(a) a member (b) taking his seat he	a person who is a member commencing to hold the place, the person
44 (5)	(c) he (second occurring) his	the person his or her
47	he	he or she
49 (1)	(a) he (b) him (wherever occurring)	he or she him or her
49 (2)	he receives	receiving
62 (2)	he	he or she
65 (2)	him	him or her
67	his	his or her
68 (1) (b) (iv)	his	his or her
70 (2)	Chairman	Chairperson
71 (1)	Chairman	Chairperson
71 (2)	(a) Chairman (b) he	Chairperson he or she
71 (3)	Chairman	Chairperson
74	his	his or her
75 (1)	his (wherever occurring)	his or her
75 (2)	he receives	receiving
76 (14)	he	he or she
78	his	his or her
85 (2)	(a) Where an elector is (b) he (first occurring) (c) him, he	an elector he or she him or her,
93 (8)	his	his or her
94 (1)	he (wherever occurring)	he or she
94 (3) (a)	his	his or her
94 (4)	his	the
94 (6)	he	he or she
94 (8)	he (wherever occurring)	he or she
94 (9)	he	he or she
94 (11)	(a) he (first occurring) (b) he (second occurring)	the person he or she
94 (12)	he	he or she
94 (13) (c)	he	he or she
94 (14)	(a) he (first occurring) (b) he (second occurring)	the DRO he or she
95 (1)	(a) he (wherever occurring) (b) his	he or she his or her
95 (3)	his	his or her
95 (6)	(a) he (first and second occurring) (b) he (third occurring)	he or she the person
95 (7)	he (wherever occurring)	he or she
95 (8)	he (wherever occurring)	he or she
95 (9)	he	he or she
95 (11)	(a) he (first occurring) (b) he (second occurring)	the person he or she
95 (12)	he	he or she
95 (13) (c)	he	the person
95 (14)	(a) he (first occurring) (b) he (second occurring)	the DRO he or she
96 (3) (a)	his	his or her
96 (6)	he	he or she
96 (7)	he	the person
96 (9) (a)	he	the person
96 (12)	he has his	the person has his or her
98 (2)	(a) have his name placed on a Roll (b) sign his name (c) his (second occurring)	enrolment sign the claim his or her

Electoral and Referendum Amendment No. 24, 1990

SCHEDULE 2—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
99 (1)	his	his or her
99 (2)	(a) his	his or her
	(b) he	he or she
100 (1)	(a) if he were	if he or she were
	(b) have his name placed on a Roll	be enrolled
	(c) his name (second occurring)	his or her name
101 (1)	have his name placed on the Roll	be enrolled
101 (2)	by him	
101 (3)	by him	
101 (4)	(a) his (first occurring)	his or her
	(b) he became	the person became
	(c) he continues	the person continues
	(d) he proves	he or she proves
	(e) his non-enrolment	the non-enrolment
	(f) his failure	his or her failure
101 (5)	(a) a person (first occurring)	a person enrolled for a Subdivision
	(b) his	his or her
	(c) the Subdivision for which he is enrolled	that Subdivision
	(d) that Subdivision	the same Subdivision
	(e) he shall	the person shall
101 (7)	he sent or delivered that claim	the claim was so sent or delivered
102 (1) (a)	by him	
102 (1) (b)	he (first occurring)	the officer
102 (1) (b) (i)	particulars relating to him	the other particulars required by section 83
102 (1) (b) (ii)	he	he or she
102 (1) (b) (v)	(a) he	the claimant
	(b) his	the officer's
102 (1) (c)	(a) he	the officer
	(b) his	the
102 (4)	his	his or her
103	his	his or her
104 (1)	(a) his (first occurring)	his or her
	(b) the Subdivision for which he is claiming enrolment	a Subdivision
	(c) himself	the person
	(d) his family	the person's family
	(e) he may	he or she may
	(f) his address	his or her address
	(g) he is claiming enrolment	enrolment is claimed
104 (2)	(a) his (first occurring)	his or her
	(b) himself or of members of his	the person or of members of the
	(c) he	the person
	(d) his (third occurring)	his or her
	(e) relating to him	
104 (7)	he	he or she
105 (1)	(a) him	the officer
	(b) he	the officer
	(c) his	his or her
105 (2)	(a) he (first occurring)	the elector
	(b) have his name placed on the Roll	be enrolled
	(c) he (second occurring)	he or she
106	he	the person
108 (b)	he	the Registrar-General
111 (1)	he	the officer
111 (2)	he	the officer
111 (3)	his office during his	the office of the Divisional Returning Officer during
111 (4)	(a) he	the officer
	(b) him	the officer
120 (1)	he is so notified	the notification is given
120 (2)	(a) he has dismissed the objection	the objection has been dismissed
	(b) he is so notified	the notification is given
120 (3)	he is so notified	the notification is given

Electoral and Referendum Amendment No. 24, 1990

SCHEDULE 2—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
120 (4)	(a) he shall	the officer shall
	(b) he thinks	the officer thinks
120 (5)	he	the officer
120 (7)	he	the officer
120 (8)	he	the person
123 (3)	he	he or she
134 (5) (a)	him, if he	the registered officer, if he or she
140 (1) (f)	his	his or her
140 (1) (g)	his	his or her
140 (1) (h)	his	his or her
141 (8) (a)	he is	
141 (8) (b)	he is	
141 (9)	he is	
153 (2)	(a) he (first occurring)	the officer
	(b) he (second occurring)	the officer
	(c) he (third occurring)	the officer
154 (4)	(a) he (first occurring)	the Commissioner
	(b) he (second occurring)	the Commissioner
	(c) he (third occurring)	the Commissioner
154 (5)	(a) he (first occurring)	the Commissioner
	(b) he (second occurring)	he or she
170 (c)	his	his or her
171	(a) he signs	the person signs
	(b) he deems	the officer deems
173	(a) him	the candidate
	(b) he	the candidate
	(c) his (first occurring)	the candidate's
	(d) his (second occurring)	the candidate's
176 (1)	him	the officer
176 (2)	him	the officer
177	his consent to his	his or her consent to
178	(a) him	the candidate
	(b) his	his or her
204	(a) his duties	the duties of the presiding officer
	(b) his temporary absence	his or her temporary absence
205 (2)	(a) by writing under his hand	in writing
	(b) he	he or she
208	for his guidance during the polling	
213 (1) (a) (i)	he	the person
213 (1) (a) (v)	each ball as it is passed to him	the ball
213 (1) (a) (ix)	each ball as it is passed to him	the ball
218 (1) (b)	his	the scrutineer's
218 (2)	(a) his absence	the absence of the scrutineer
	(b) in his place	
218 (3)	(a) misconducts himself	is guilty of misconduct
	(b) him	the scrutineer
221 (1)	he	he or she
221 (2)	he	he or she
221 (3)	(a) he (first occurring)	a person
	(b) his	his or her
	(c) he (second occurring)	he or she
222 (1)	he (wherever occurring)	he or she
222 (3)	he	he or she
225 (7)	him	the visitor
225 (8)	(a) he	the visitor
	(b) him	the visitor
226 (3)	(a) When the	A
	(b) visits	who visits
	(c) election, he	election
226 (4) (b)	(a) his (first occurring)	his or her
	(b) his (second occurring)	the
226 (7)	his	his or her

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SCHEDULE 2—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
227 (6) (b)	(a) if he does so	in that event
227 (8) (b)	(b) he thinks	he or she thinks
227 (9)	his	his or her
227 (10)	him	the leader
	(a) he	the leader
	(b) his	his or her
	(c) him	the leader
229 (5)	(a) to him	
	(b) his	the person's
231 (1) (a)	(a) he (first occurring)	the person
	(b) his	the person's
	(c) he (second occurring)	he or she
231 (1) (b)	he	the person
232 (2)	(a) he	he or she
	(b) him	the presiding officer
233 (1) (a)	his	his or her
233 (1) (b)	his	his or her
233 (2)	him	the presiding officer
234 (1)	(a) his	his or her
	(b) he (first occurring)	the voter
	(c) he (second occurring)	he or she
	(d) for him	
234 (2)	(a) his	his or her
	(b) for him	
234 (3)	his ballot-paper for him	his or her ballot-paper
238 (1)	(a) his	a
	(b) he (first occurring)	he or she
	(c) he (third occurring)	the voter
238 (2)	(a) his	a
	(b) him with	
	(c) he (first occurring)	he or she
	(d) he (second occurring)	the voter
245 (1)	record his	
245 (2)	(a) his	his or her
	(b) under his hand	
245 (4)	(a) he (first occurring)	he or she
	(b) him (first occurring)	the elector
	(c) him (second occurring)	the elector
	(d) he (second occurring)	he or she
245 (6)	him	him or her
245 (7)	his	his or her
245 (8)	(a) his	his or her
	(b) him	the elector
245 (9)	he	he or she
245 (10)	him	the Divisional Returning Officer
245 (11)	under his hand	in writing
245 (12)	his	his or her
246	(a) his employment	his or her employment
	(b) he (first occurring)	the elector
	(c) he (second occurring)	he or she
247 (4)	his	the
247 (5)	his	the
247 (6)	While a person is acting as the Antarctic Returning Officer, or as the Assistant Antarctic Returning Officer, for a station, he	A person acting as Antarctic Returning Officer or Assistant Antarctic Returning Officer for a station
249 (1)	(a) that he will	to be
	(b) his employment	employment
	(c) he is enrolled	the elector is enrolled
	(d) he be treated	he or she be treated
	(e) he is in Antarctica	in Antarctica

Electoral and Referendum Amendment No. 24, 1990

SCHEDULE 2—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
249 (5)	his name	his or her name
249 (6)	he	he or she
256	he	the person
257	by him	by the officer
260 (1)(d)	indorse the envelope with his signature	sign the envelope
261 (1)	(a) by him (first occurring)	by the officer
	(b) prepared by him and used for voting in Antarctica	used for voting at the station
264 (1)	him	the candidate
267 (1)	his decision	the officer's decision
268 (1) (b)	his	his or her
268 (1)(c)	(a) his contingent votes (first occurring)	an order of preference
	(b) his first preference	a first preference
	(c) his contingent votes	an order of preference
	(d) his last	the voter's last
	(e) he has indicated the order of his	the voter has indicated an order of
	(f) his vote	his or her vote
	(g) the order of his	an order of
268 (2)	his vote	a vote
268 (3)	his intention	that intention
269 (1)	his vote	a vote
269 (3)	(a) his vote	a vote
	(b) he has placed	the voter has placed
	(c) his ballot-paper	the ballot-paper
273 (5)	The Divisional Returning Officer	The Divisional Returning Officer for a Division
273 (5)(a)	(a) for which he is Divisional Returning Officer	
	(b) he	the officer
273 (5)(c)	by him (wherever occurring)	
273 (6)	by him	
273 (9)(a)	by him	by the candidate
273 (9)(b)	for him	for that candidate
273 (12)	by him	by the candidate
273 (17)	, but he	but
273 (19)	to him	to the officer
273 (25)	him (wherever occurring)	the candidate
274 (7) (c)	by him (wherever occurring)	
274 (7) (d) (i)	him	the candidate
278 (1)	(a) if he thinks fit,	
	(b) his own	the officer's own
278 (2)	may, as he thinks fit, either	has a discretion either to
279	(a) if he thinks fit	
	(b) his own	the officer's own
281 (2)	, reserved for his decision in pursuance of this section,	so reserved
283 (1) (b)	indorsement under his hand certify on the writ	a signed indorsement on the writ certify
284 (2) (a)	him	the Divisional Returning Officer
284 (2) (b)	his inquiries under	the inquiries required by
284 (2)	he may	the Divisional Returning Officer
284 (3)	indorsement under his hand certify on the writ	a signed indorsement on the writ certify
287 (1)	his own property	the person's own property
289 (3)	his	his or her
300	(a) him	the candidate
	(b) his death	the death of the candidate
	(c) his own	his or her own
	(d) his legal personal representative	the legal personal representative of the candidate
301	his death	the death of the member

Electoral and Referendum Amendment No. 24, 1990

SCHEDULE 2—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
304 (5) (b) (i)	his	his or her
306 (1) (a)	his	his or her
306 (2)	his	his or her
311 (3)	him	the publisher
314 (1)	he	the person
315 (3)	his knowledge	the knowledge of the agent
315 (4)	his knowledge	the knowledge of the person
316 (4)	him	him or her
316 (6)	his knowledge	the knowledge of the person
316 (8)	he thinks	the officer or person thinks
316 (9) (a)	him	the magistrate
316 (10)	(a) he shall	the magistrate shall
	(b) to him	
	(c) he has	he or she has
	(d) relied on by him to justify the issue of the warrant	so relied on
317	(a) he would transfer	would be transferred
	(b) he shall	the first-mentioned person
318 (1)	(a) he is unable (first occurring)	it is impossible
	(b) he is unable (second occurring)	he or she is unable
	(c) he may	the person may
	(d) he considers that	
	(e) he is unable (third occurring)	he or she is unable
	(f) why he is unable	why he or she is unable
	(g) he believes (first and second occurring)	he or she believes
	(h) to him	to him or her
	(j) why he believes	for that belief
	(k) and, if he does so, he	and a person who complies with this subsection
321 (2)	by him	
322	his vote	a vote
323	(a) him	him or her
	(b) his (wherever occurring)	
324 (b)	him	him or her
326 (1)	for himself	, whether for the same
329 (1)	his vote	a vote
329 (3)	his vote	his or her vote
329 (5)	(a) he	he or she
	(b) his vote	a vote
331 (1)	(a) every newspaper	a newspaper
	(b) his newspaper	the newspaper
336 (1)	with his personal signature	in his or her own handwriting
336 (2)	(a) his name	his or her name
	(b) his mark	a mark
	(c) his signature	his or her signature
	(d) his personal signature	that signature
	(e) his own handwriting (first occurring)	his or her own handwriting
	(f) him to sign the electoral paper in his own handwriting	that the electoral paper be signed in the persons' own handwriting
336 (4)	he	a person
337 (1) (a)	his name as witness on	as witness
337 (1) (b)	his name as witness on	as witness
337 (1) (c)	(a) his name as witness on	as witness
	(b) he has seen	he or she has seen
	(c) he purports	he or she purports
337 (1) (d)	(a) as his own name	as his or her own name
	(b) being his own name	being his or her own name
338	his vote	a vote
339 (1) (k)	to his knowledge	to the knowledge of the person

SCHEDULE 2—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
339 (2)	(a) by any	by, or by the authority of, any
	(b) or by his authority	
340 (2) (b)	by him	by the Divisional Returning Officer
342	(a) he affixes his signature thereto	signing the claim as witness
	(b) himself	himself or herself
	(c) he knows	he or she knows
345 (1)	(a) his employer	his or her employer
	(b) he desires	the employee desires
	(c) to enable him to vote	for the purpose of voting
	(d) allow him leave	allow the employee leave
345 (2)	he	he or she
345 (3)	he	he or she
346 (1)	(a) him	the person
	(b) have in his possession	be in possession of
	(wherever occurring)	
346 (2)	him	the person
346 (3)	him	the person
350 (1)	(a) he	he or she
	(b) made or published by him	
351 (1)	by him	by any person
351 (4)	his	his or her
362 (1)	(a) candidate (first occurring)	successful candidate
	(b) his election, if he is a successful candidate,	the election of the candidate
362 (3) (a)	his knowledge or authority	the knowledge or authority of the candidate
367	(a) he was not	the witness was not
	(b) he claimed	the witness claimed
	(c) he was entitled	he or she was entitled
	(d) he complied	the witness complied
	(e) he was permitted	he or she was permitted
374 (i)	he	the person
374 (ii)	(a) he	the person
	(b) his	his or her
387	his	the elector's
390 (1) (b)	(a) his notice	the person's notice
	(b) his duties	duties

SCHEDULE 3

Section 123

MINOR AMENDMENTS OF THE COMMONWEALTH ELECTORAL ACT 1918

Subsection 4 (3):

Omit “provisional enrolment”, substitute “age 17 enrolment”.

Subsection 29 (2):

Omit “Permanent Head”, substitute “Secretary”.

Subsection 89 (1):

Add at the end “but so that the Rolls are printed at least once during

SCHEDULE 3—continued

the period of 2 years after the commencement of the first session of the Parliament after a general election”.

Subsection 98 (1):

Omit “provisional enrolment”, substitute “age 17 enrolment”.

Subsection 98 (3):

Omit “provisional enrolment”, substitute “age 17 enrolment”.

Subsection 100 (1):

Add at the end “or Australian Electoral Officer”.

Subsection 101 (2):

After “claim for enrolment”, insert “(including a claim for age 17 enrolment)”.

Subsection 101 (3):

After “claim for enrolment”, insert “(including a claim for age 17 enrolment)”.

Subsection 101 (6):

Omit the subsection, substitute the following subsections:

“(6) A person who fails to comply with subsection (1), (4) or (5) is guilty of an offence punishable on conviction by a fine not exceeding \$50.

“(6A) Subsection (6) does not apply to a person who fails to comply with subsection (5) if the person has not reached the age of 18 years.”.

Subsection 120 (1):

Omit “provisional enrolment”, substitute “age 17 enrolment”.

Section 128:

Repeal the section.

Subsection 166 (1):

Omit “the Schedule”, substitute “Schedule 1”.

Subsection 169 (2):

Omit the subsection.

Subsection 203 (2):

Omit “assistant presiding officers and poll clerks” substitute “deputy presiding officers and assistant presiding officers”.

Subsection 203 (3):

Omit “assistant presiding officer or poll clerk” (wherever occurring), substitute “deputy presiding officer or assistant presiding officer”.

SCHEDULE 3—continued

Subsection 203 (4):

Omit “presiding officer”, substitute “presiding officer, deputy presiding officer”.

Subsection 203 (5):

Omit “Any assistant”, substitute “Any deputy presiding officer or assistant”.

Section 203:

Add at the end the following subsections:

“(6) The Electoral Commission shall not appoint any deputy presiding officers for a polling place at which there will be fewer than 6 issuing points at any time during the hours of polling on polling day.

“(7) The polling booths and ballot-boxes provided for the purposes of an election may be used for the purposes of any other election, or of a referendum, held on the same day, but the ballot-papers for each election and the referendum shall be distinctively coloured.”.

Section 207:

Add at the end the following subsection:

“(2) Each ballot-box shall be capable of being securely fastened.”.

Paragraph 220 (d):

Omit “poll clerk and of any scrutineers who may be in attendance”, substitute “polling officials and scrutineers who are in attendance in the booth”.

Subsection 231 (1):

Omit “poll clerk”, substitute “polling official”.

Paragraph 248 (2) (b):

Omit “the poll clerk”, substitute “a polling official”.

Section 277:

Omit “274 (6) or (7)”, substitute “274 (7)”.

Subsection 294 (2):

Omit “House of Representatives”, substitute “general”.

Subsection 334 (4):

Omit the subsection.

Subsection 337 (2):

Omit the subsection, substitute the following subsection:

“(2) In this section, ‘electoral paper’ includes a document in a prescribed or approved form or in a form in Schedule 1.”.

SCHEDULE 3—continued

Section 342:

Omit “provisional claim for enrolment”, substitute “claim for age 17 enrolment”.

Section 343:

Omit “provisional claim for enrolment”, substitute “claim for age 17 enrolment”.

The Schedule:

- (a) Omit the heading, substitute “SCHEDULE 1”.
- (b) Omit from Forms A and AA “By His Excellency’s Command”.
- (c) Omit from Form B “By His Excellency’s Command” and all following words.

SCHEDULE 4

Section 159

NEW SCHEDULES 3 AND 4 TO THE REFERENDUM (MACHINERY PROVISIONS) ACT 1984

SCHEDULE 3

Sections 54 and 72

GROUND OF APPLICATION FOR POSTAL OR PRE-POLL VOTE

1. Throughout the hours of voting on voting day, the elector will be absent from the State or Territory for which the elector is enrolled.
2. The elector will not, at any time during the hours of voting on voting day, be within 8 kilometres by the nearest practicable route of a polling booth in the State or Territory for which the elector is enrolled.
3. Throughout the hours of voting on voting day, the elector will be travelling under conditions that will prevent the elector attending a polling booth in the State or Territory for which the elector is enrolled.
4. The elector will be unable to attend a polling booth on voting day because of:
 - (a) serious illness;
 - (b) infirmity; or
 - (c) recent or approaching childbirth.

(In the case of an elector who will be a patient at a hospital on voting day, this paragraph applies regardless of the operation of sections 48 and 49.)
5. On voting day, the elector will be unable to attend a polling booth because the elector will be at a place (other than a hospital) caring for a person who is seriously ill or infirm or who has recently given birth or is expected shortly to do so.
6. Throughout the hours of voting on voting day, the elector will be a patient at a hospital (other than a special hospital) and unable to vote at the hospital.
7. Throughout the hours of voting on voting day, the elector will be a patient at a special hospital but will be unable to have his or her vote taken under section 49.
8. Because of the elector’s religious beliefs or membership of a religious order, the elector:
 - (a) is precluded from attending a polling booth; or

SCHEDULE 4—continued

- (b) for the greater part of the hours of voting on voting day, is precluded from attending a polling booth.
- 9. On voting day, the elector will be serving a sentence of imprisonment or otherwise under detention.
- 10. The elector's address has been excluded from the Roll under section 104 of the *Commonwealth Electoral Act 1918*.
- 11. Throughout the hours of voting on voting day, the elector will be engaged in his or her employment or occupation and:
 - (a) if the elector is an employee, the elector is not entitled to leave of absence under section 133; and
 - (b) in any other case, the absence of the elector for the purpose of attending at a polling booth to vote would be likely to cause loss to the elector in his or her occupation.

SCHEDULE 4

Subsection 89A (3)

**RULES FOR THE CONDUCT OF A PRELIMINARY SCRUTINY OF
DECLARATION VOTES**

1. The DRO shall produce unopened all envelopes containing declaration votes of the kind to which the preliminary scrutiny relates received by the DRO:
 - (a) in the case of the first preliminary scrutiny—before the commencement of that scrutiny; and
 - (b) in the case of a subsequent preliminary scrutiny—after the commencement of the last preceding preliminary scrutiny and before the commencement of the subsequent preliminary scrutiny.
2. All written applications for postal votes not already dealt with at a preliminary scrutiny shall be produced at each preliminary scrutiny of postal votes.
3. The DRO shall compare the signature of the elector on each postal vote application with the signature on the relevant postal vote certificate and allow the scrutineers to inspect both signatures.
4. The DRO shall divide the envelopes being dealt with into groups, as follows:
 - (a) in one group, the envelopes that meet the requirements of paragraph 6;
 - (b) in another group, the envelopes that do not meet those requirements.
5. The DRO shall, without opening the envelopes, reject for further scrutiny the ballot-papers contained in envelopes that do not meet the requirements of paragraph 6.
6. An envelope meets the requirements of this paragraph if the DRO is satisfied:
 - (a) in the case of an envelope purporting to contain a postal ballot-paper, other than an envelope sent to an elector under paragraph 58 (2) (a), that the signature on the certificate is that of the elector and that the signature purports to be witnessed by an authorised witness;
 - (b) in the case of an envelope purporting to contain a pre-poll vote ballot-paper, that the certificate has been signed in accordance with section 73G and that the signature purports to be witnessed by the officer who issued the certificate;
 - (c) in the case of an envelope purporting to contain an absent vote ballot-paper or a provisional vote ballot-paper, that the declaration has been signed in accordance with section 46 or 37, or under subsection 36 (4), as the case

SCHEDULE 4—continued

may be, and that the signature purports to be witnessed in accordance with that section or subsection, as the case requires;

- (d) in the case of an envelope purporting to contain a ballot-paper recording a vote cast at a station in Antarctica, the envelope is signed in accordance with subsection 85 (1); and
 - (e) in the case of an envelope purporting to contain a postal ballot-paper, that the vote marked on the ballot-paper was recorded prior to the close of the voting.
7. Where the envelope purporting to contain a postal ballot-paper bears a postmark that includes a date after voting day, the vote marked on the ballot-paper shall be taken not to have been recorded prior to the close of voting.
8. An envelope purporting to contain an absent vote ballot-paper or a provisional vote ballot-paper shall not be regarded as failing to meet the requirements of paragraph 6 only because the declaration is not witnessed if the voter's name appears on a record made under subsection 34 (2) or, if neither of those requirements is met, if the DRO is satisfied that the ballot-paper was properly issued.
9. The DRO shall seal up in a parcel the envelopes that do not meet the requirements of paragraph 6 and shall write on the parcel a description of its contents, the name of the Division and the date of the preliminary scrutiny.
10. The DRO shall divide the envelopes that meet the requirements of paragraph 6 into groups as follows:
- (a) in one group, the envelopes bearing certificates or declarations by persons who are enrolled for the Division or whose claims for enrolment are claims to which subsection 102 (4A) of the *Commonwealth Electoral Act 1918* applies;
 - (b) in another group the envelopes to which paragraph 11 applies;
 - (c) in another group, the envelopes bearing certificates or declarations by persons who are not enrolled for the Division but are enrolled for the State or Territory in which the Division is situated;
 - (d) in another group, the envelopes bearing certificates or declarations by persons who are not enrolled for the Division or for the State or Territory in which the Division is situated.
11. This paragraph applies to an envelope if the DRO is satisfied:
- (a) that the elector who signed a certificate or declaration on the envelope is not enrolled for the Division; and
 - (b) after making enquiry:
 - (i) that the elector was, at the time of voting, entitled to be enrolled for the Division; and
 - (ii) that the omission of the elector's name from the Roll for the Division was due to an error made by an officer or to a mistake of fact.
12. Subparagraph 11 (b) does not apply if:
- (a) more than one election (excluding the election to which the scrutiny relates) has been held since the error or mistake was made; or
 - (b) where there has been a redistribution of the State or Territory that includes the Division since the last election but one before the election to which the scrutiny relates, the error or mistake was made before the last such redistribution.
13. In paragraph 12, "election" means:
- (a) a general election for the House of Representatives;
 - (b) a Senate election not held concurrently with a general election for the House of Representatives; or

SCHEDULE 4—continued

(c) a referendum not held concurrently with a general election.

14. The DRO shall, without opening the envelopes, reject for further scrutiny the ballot-papers contained in envelopes referred to in subparagraph 10 (d).
 15. The DRO shall seal up in a parcel the envelopes referred to in subparagraph 10 (d) and shall write on the parcel a description of the contents, the name of the Division and the date.
 16. The DRO shall, without unfolding or inspecting them or allowing any other person to do so, withdraw the ballot-papers from envelopes referred to in paragraph 10 that still remain in the preliminary scrutiny.
 17. Ballot-papers withdrawn from envelopes referred to in subparagraph 10 (a) or (b) shall be placed in a ballot-box by themselves for further scrutiny.
 18. Where a ballot-paper has been rejected for further scrutiny, the DRO shall send to the voter a written statement of the reason for the rejection.
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SCHEDULE 5

Section 160

**AMENDMENTS OF THE REFERENDUM (MACHINERY PROVISIONS) ACT
1984 TO REMOVE GENDER-SPECIFIC LANGUAGE**

NOTE: The reference in Column 1 of an item in this Schedule is to the section, subsection, paragraph or subparagraph of the Principal Act identified by the figure or figures, or the combination of figures and one or more letters, constituting the reference.

Column 1	Column 2 Omit—	Column 3 Substitute—
4 (1)	he	the elector
5 (2)	his	the
5 (3)	he resigns the appointment by writing signed by him and delivered to the Electoral Commission	the person delivers to the Electoral Commission a signed notice of resignation
5 (4)	While a person is acting as Australian Electoral Officer for a Territory, he	A person acting as Australian Electoral Officer for a Territory
5 (5)	(a) his (wherever occurring)	the
6 (3)	(b) him	the person
13	him	the person
21 (2)	immediately after the receipt by him of	immediately after receiving
	(a) by writing under his hand	in writing
	(b) he	he or she
24	(a) his	his or her
	(b) he (wherever occurring)	the elector
26 (1)	his	his or her
26 (2)	initialled by him	so initialled
27 (1)	him	him or her
27 (2)	him	him or her
27 (3)	him	him or her
28 (1)	his	his or her
28 (3)	(a) misconducts himself	is guilty of misconduct
	(b) him	the scrutineer
30 (5) (a)	to him	
30 (5)	his	the person's
31 (1)	to him pursuant to	under
31 (2)	he	he or she
31 (3)	to him	
33 (1) (a)	(a) he (first occurring)	the person
	(b) his	the person's
	(c) he (second occurring)	he or she
33 (1) (b)	(a) he (first occurring)	the person
	(b) he (second occurring)	
34 (2)	(a) he	he or she
	(b) him	the presiding officer
34 (3)	he	he or she
35 (a)	his	his or her
35 (b)	his	his or her
36 (1)	(a) his (first occurring)	his or her
	(b) he (first occurring)	the voter
	(c) that he is (second occurring)	as to be
	(d) for him	
36 (2)	for him	
36 (3)	(a) his	the
	(b) him	the voter
41 (1)	(a) his (first occurring)	a
	(b) his (second occurring)	the
41 (2)	(a) his	a
	(b) him with a	the

SCHEDULE 5—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
	(c) he	he or she
45 (1)	record his	
45 (2)	(a) Each Divisional Returning Officer	The Divisional Returning Officer for a Division
	(b) his	the
45 (3)	him	the elector
45 (5)	(a) he	he or she
	(b) him	the elector
45 (6)	(a) his (first occurring)	
	(b) his (second occurring)	his or her
45 (7)	(a) Where a Divisional Returning Officer	A Divisional Returning Officer who
	(b), he	
	(c) his	the officer's
	(d) him	the elector
45 (8)	he	the officer
45 (10)	under his hand	in writing
45 (11) (c)	his	his or her
46 (1)	he (wherever occurring)	he or she
46 (3)	he	he or she
46 (4)	Where an elector votes as an absent voter, he shall mark and fold his	An elector who votes as an absent voter shall mark and fold the
46 (6) (c)	delivered or to be delivered to him	
46 (7) (a)	(a) by him	by him or her
	(b) by him	from Assistant Returning Officers
48 (2)	him	the presiding officer
49 (4)	him	the electoral visitor
49 (7)	him	the visitor
49 (8)	(a) he	the visitor
	(b) him	the visitor
50 (3) (b)	(a) his (first occurring)	his or her
	(b) his (second occurring)	the
51 (6)	if he does so	in that event
51 (6) (a)	he thinks	he or she thinks
51 (8) (b)	his	his or her
51 (9)	him	the leader
51 (10)	(a) he	the leader
	(b) his	his or her
	(c) him	the leader
74 (2)	he	he or she
81	he	the person
82	by him	by the Officer
85 (1) (d)	indorse the envelope with his signature	sign the envelope
86 (1)	(a) him (first occurring)	the Officer
	(b) prepared by him and used for voting in Antarctica	used for voting at the station
89 (2)	him	the Governor-General
89 (3)	him	the Governor
89 (4)	him	the Administrator
91 (1) (e)	him	the Officer
91 (1) (f)	him	the Officer
92 (1)	his	his or her
93 (3)	his	his or her
93 (8)	his	that
95 (1)	if he thinks fit,	
95 (2)	his	his or her
96 (2)	for his decision pursuant to	under
97	his	the
98 (1)	he receives	receiving

SCHEDULE 5—continued

Column 1	Column 2 Omit—	Column 3 Substitute—
109	he (first occurring)	he or she
109 (a)	(a) he (first occurring)	the witness
	(b) he (second occurring)	he or she
109 (b)	(a) he (first occurring)	he or she
	(b) he (second occurring)	he or she
114 (1)	he	he or she
116	(a) him	the person
	(b) his (wherever occurring)	
117 (b)	him	him or her
119 (1)	himself	the person
122 (1)	his vote	a vote
122 (3)	his	his or her
122 (5)	(a) he	he or she
	(b) his vote	a vote
127 (1)	with his personal signature	in his or her own handwriting
127 (2)	(a) his (first occurring)	his or her
	(b) his (second occurring)	a
	(c) his (third occurring)	his or her
	(d) his (fourth occurring)	his or her
127 (3)	(a) his (first occurring)	his or her
	(b) him to sign the referendum paper in his own handwriting	that the referendum paper be signed in the person's own handwriting
128 (1) (a)	his name as witness on	as witness
128 (1) (b)	his name as witness on	as witness
128 (1) (c)	(a) his name as witness on	as witness
	(b) he (first occurring)	the person
	(c) he (second occurring)	he or she
128 (1) (d)	his own (wherever occurring)	his or her own
130 (1) (f)	unless he is authorized	without authority
130 (1) (j)	his	his or her
131 (2) (b)	him	the Divisional Returning Officer
133 (1)	(a) his employer	his or her employer
	(b) he requires	the employee requires
	(c) allow him leave	allow the employee leave
133 (2)	he	he or she
133 (3)	he	he or she
138 (1)	(a) signed by him	
	(b) his powers	the powers of the Electoral Commissioner

SCHEDULE 6

Section 161

MINOR AMENDMENTS OF THE REFERENDUM (MACHINERY PROVISIONS) ACT 1984

Subsection 17 (2):

Omit “assistant presiding officers and poll clerks”, substitute “deputy presiding officers and assistant presiding officers”.

Subsection 17 (3):

Omit “assistant presiding officer or poll clerk” (wherever occurring), substitute “deputy presiding officer or assistant presiding officer”.

SCHEDULE 6—continued

Subsection 17 (4):

Omit “presiding officer or an”, substitute “presiding officer, deputy presiding officer or”.

Subsection 17 (5):

Omit “An assistant”, substitute “A deputy presiding officer or assistant”.

Section 17:

Add at the end the following subsections:

“(6) The Electoral Commission shall not appoint any deputy presiding officers for a polling place at which fewer than 6 persons will be engaged, at any time during the hours of voting on voting day, in issuing ballot-papers to electors.

“(7) The polling booths and ballot-boxes provided for the purposes of a referendum may be used for the purposes of an election held on the same day, but the ballot-papers for the election and the referendum shall be distinctively coloured.”.

Section 19:

Add at the end the following subsection:

“(2) Each ballot-box shall be capable of being securely fastened.”.

Paragraph 23 (a):

Omit “presiding officer, assistant presiding officer, substitute presiding officer or poll clerk” (wherever occurring), substitute “presiding officer, deputy presiding officer, substitute presiding officer or assistant presiding officer”.

Paragraph 29 (1) (d):

Omit “the poll clerk”, substitute “a polling official”.

Subsection 33 (1):

- (a) Omit “sections 38 and 39”, substitute “section 37”.
- (b) Omit “poll clerk”, substitute “polling official”.

Subsection 34 (1):

Omit “poll clerk”, substitute “polling official”.

Subsection 34 (2):

Omit all words after “certified by him,”, substitute “in accordance with section 46A”.

Paragraph 40 (a):

- (a) Omit “37 (1)”, substitute “37 (2)”.
- (b) Add at the end “and”.

SCHEDULE 6—continued

Paragraphs 40 (c), (d), (e) and (f):

Omit the paragraphs.

Paragraph 75 (2) (b):

Omit “the poll clerk”, substitute “a polling official”.

Subsection 105 (1):

Omit “Attorney-General of the several States”, substitute Attorneys-General of the several States”.

Section 141:

Omit “thereof at the times”, substitute “at the time”.

NOTES

1. No. 27, 1918. For previous amendments, see No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 10, 1924; No. 20, 1925; No. 17, 1928; No. 2, 1929; No. 9, 1934; No. 19, 1940; No. 42, 1946; No. 17, 1948; Nos. 10 and 47, 1949; No. 106, 1952; No. 79, 1953; No. 26, 1961; No. 31, 1962; Nos. 48 and 70, 1965; Nos. 32 and 93, 1966; No. 7, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 38, 1974; No. 56, 1975; Nos. 14 and 116, 1977; No. 19, 1979; Nos. 102 and 155, 1980; No. 176, 1981 (as amended by No. 26, 1982); No. 80, 1982; Nos. 39, 84 and 144, 1983; Nos. 45, 46, 120 and 133, 1984; Nos. 67, 166 and 193, 1985; and Nos. 35, 141 and 184, 1987.
2. No. 44, 1984, as amended. For previous amendments, see Nos. 120 and 133, 1984; No. 67, 1985; and Nos. 77 and 81, 1988.

[*Minister's second reading speech made in—*

Senate on 29 April 1988

House of Representatives on 22 December 1989]