

**Australian Capital Territory (Electoral) (Modifications of the Commonwealth Electoral Act 1918) Regulations 1991 No. 397**

**EXPLANATORY STATEMENT**

**STATUTORY RULES 1991 No. 397**

Issued by the Authority of the Minister for the Arts, Tourism and Territories

Australian Capital Territory (Electoral) Act 1988

Australian Capital Territory (Electoral) (Modifications of the *Commonwealth Electoral Act 1918*) Regulations

Subsection 28(4) of the Australian Capital Territory (Electoral) Act 1988 (the Act) provides that regulations may be made to amend, omit or add to the modifications of the Commonwealth Electoral Act 1918 set out in Schedule 1 to the Act.

Subsection 16(2) of the Act provides that, subject to the modifications set out in Schedule 1 to the Act, Parts I, V, VII, XI and XIV to XXIII (inclusive) of the Commonwealth Electoral Act 1918 apply in relation to general elections of members of the Legislative Assembly for the Australian Capital Territory. Until it was amended by the Australian Capital Territory (Electoral Amendment Act 1991, subsection 16(2) applied those Parts of the Commonwealth Electoral Act 1918 as if any amendments of those Parts which commenced after 1 October 1988 had not been made.

Since 1 October 1988, the Commonwealth Electoral Act 1918 has been significantly amended by the Electoral and Referendum Amendment Act 1989. As a consequence of those amendments, a number of the modifications set out in Schedule 1 to the Act are no longer appropriate and therefore need to be deleted or amended. There are also new provisions in the Commonwealth Electoral Act 1918 which require modification in their application to Australian Capital Territory elections.

Details of the proposed Regulations are set out in the Attachment. The proposed regulations will commence on gazettal.

**ATTACHMENT**

DETAILS OF THE AUSTRALIAN CAPITAL TERRITORY (ELECTORAL)  
(MODIFICATIONS OF THE *COMMONWEALTH ELECTORAL ACT 1918*)  
REGULATIONS (THE PROPOSED REGULATIONS)

Regulation 1 provides that the Regulations may be cited as the Australian Capital Territory (Electoral) (Modifications of the *Commonwealth Electoral Act 1918*) Regulations.

Regulation 2 provides that Schedule 1 of the Australian Capital Territory (Electoral) Act 1988 is amended as set out in the Schedule to the Regulations.

Regulation 3 provides for the repeal of the Australian Capital Territory (Electoral) Regulations which, because of the amendments made by the Electoral and Referendum Amendment Act 1989 and by regulation 2, are not required.

### Schedule

Clause 1.1 of the Schedule omits the existing modification of subsections 4(5), (6), (7) and (8) of the Commonwealth Electoral Act 1918, and inserts a new modification of subsections 4(5), (5A), (6), (7) and (8). The effect of the clause is that subsection 4(5A) (which relates to the representation of the Northern Territory in the Commonwealth Parliament) will not apply to Legislative Assembly elections.

Clause 2.1 of the Schedule omits the existing modifications of section 128 of the Commonwealth Electoral Act 1918 which, because that section has been repealed, are no longer required.

Clause 3.1 of the Schedule omits the existing modifications of subsection 136(1) of the Commonwealth Electoral Act 1918 (which subsection provides for the deregistration in certain circumstances of registered political parties), and replaces them with new modifications of the subsection. The effect of the new modifications is that a party will be subject to deregistration inter alia if 4 years have elapsed since the polling day at the last Legislative Assembly election at which the party endorsed a candidate, or if a party which was a Parliamentary party at the time of its registration has ceased to be a Parliamentary party and has fewer than 100 members.

Clause 3.2 of the Schedule omits the existing modification of subsection 136(3) of the Commonwealth Electoral Act 1918. The effect of the clause is to ensure that a Parliamentary party cannot be deregistered under section 136.

Clause 4.1 of the Schedule replaces the existing modification of section 165 of the Commonwealth Electoral Act 1918 with a new modification of that section. The effect of the clause is to provide in relation to Legislative Assembly elections that if at the hour of nomination there exist more than one nomination of a candidate, each of those nominations is invalid.

Clause 5.1 of the Schedule omits paragraph (d) of the existing modification of section 173 of the Commonwealth Electoral Act 1918, and inserts a new paragraph (d) in the modification. The effect of the clause is to delete words which were relevant only to the first Legislative Assembly election.

Clause 6.1 of the Schedule inserts a new modification of section 182 of the Commonwealth Electoral Act 1918. The effect of the modification is that an Australian Capital Territory elector who is a registered general postal voter for Commonwealth election purposes will also be treated as a registered general postal voter for the purposes of Legislative Assembly elections.

Clause 7.1 of the Schedule omits the existing modifications of subsections 184(1) and (2) of the Commonwealth Electoral Act 1918 which, because of changes which have been made to section 184, are no longer required.

Clause 7.2 of the Schedule omits the existing modification of paragraph 184(2)(c) of the Commonwealth Electoral Act 1918 which, because of changes which have been made to section 184, is no longer required.

Clause 7.3 of the Schedule inserts a new modification of subsection 184(4) of the Commonwealth Electoral Act 1918. The effect of the clause is to enable postal vote applications to be made after the commencement of the pre-election period for the election in relation to which a postal vote is sought.

Clause 7.4 of the Schedule omits the existing modification of subsection 184(7) of the Commonwealth Electoral Act 1918 which, because of changes which have been made to section 184, is no longer required.

Clause 8.1 of the Schedule inserts a new modification of section 184A of the Commonwealth Electoral Act 1918. The effect of the modification is to render the section inapplicable to Legislative Assembly elections. Section 184A deals with registration as a general postal voter for Commonwealth election purposes.

Clause 9.1 of the Schedule inserts a new modification of section 184B of the Commonwealth Electoral Act 1918. The effect of the clause is that because of the application of the register of general postal voters maintained under the Act to Legislative Assembly elections, there will be no separate register of general postal voters maintained for the purposes of Legislative Assembly elections.

Clause 10.1 of the Schedule inserts a new modification of section 185 of the Commonwealth Electoral Act 1918. The effect of the modification is to render the section inapplicable to Legislative Assembly elections. Section 185 deals with registration as a general postal voter for Commonwealth election purposes.

Clause 11.1 of the Schedule inserts a new modification of section 185A of the Commonwealth Electoral Act 1918. The effect of the clause is that registration as a general postal voter under that Act will not, except in the case of persons registered under paragraph 184(2)(e) or (f) of the Act, suffice to entitle a person to a postal vote at a Legislative Assembly election.

Clause 12.1 of the Schedule inserts a new modification of section 185B of the Commonwealth Electoral Act 1918, the effect of which is to render the section inapplicable to Legislative Assembly elections. Because there will be no separate register of general postal voters for Legislative Assembly election, section 185B, which provides for review of the register, is unnecessary.

Clause 13.1 of the Schedule inserts a new modification of section 185C of the Commonwealth Electoral Act 1918. The effect of the modification is to render the section inapplicable to Legislative Assembly elections. Section 185C deals with the cancellation of the registrations of persons registered as general postal voters for Commonwealth election purposes.

Clause 14.1 of the Schedule omits the existing modification of subsection 186(1) of the Commonwealth Electoral Act 1918, and inserts a new modification of that subsection. The effect of the provision as modified is that postal voting papers must

be sent to each registered general postal voter as soon as practicable after the commencement of the pre-election period at an ordinary general election (ie a general election held at the end of the fixed term of the Legislative Assembly), and as soon as practicable after the announcement of the polling day for an election other than an ordinary general election.

Clause 14.2 of the Schedule omits the existing modification of paragraph 186(2)(a) of the Commonwealth Electoral Act 1918, and inserts a new modification of that paragraph. The effect of the provision as modified is that postal voting papers are to be sent to Australian Capital Territory electors who are registered as general postal voters under the Commonwealth Electoral Act 1918.

Clause 15.1 of the Schedule omits the existing modification of paragraph 188(1)(b) of the Commonwealth Electoral Act 1918, and inserts a new modification of that paragraph. The effect of the new modification is to eliminate inappropriate references to the issuing to voters of Senate and House of Representatives postal ballot papers.

Clause 15.2 of the Schedule omits the existing modification of subsection 188(3) of the Commonwealth Electoral Act 1918 which, because of changes which have been made to section 188, is no longer required.

Clause 16.1 of the Schedule omits the existing modification of section 192 of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 192, is no longer required.

Clause 17.1 of the Schedule inserts a new modification of section 194 of the Commonwealth Electoral Act 1918 to reflect the fact that there will be no separate register of general postal voters maintained for the purposes of Legislative Assembly elections.

Clause 18.1 of the Schedule omits the existing modification of paragraph 200(4)(a) of the Commonwealth Electoral Act 1918 which, because of changes which have been made to section 200, is no longer required.

Clause 18.2 of the Schedule omits the existing modification of subparagraph 200(4)(d)(i) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 200, is no longer required.

Clause 18.3 of the Schedule omits the existing modifications of subsections 200(5), (8), (9) and (10) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 200, are no longer required.

Clause 19.1 of the Schedule inserts a new modification of subsection 200D(4) of the Commonwealth Electoral Act 1918. The effect of the provision as modified is that an application for a pre-poll vote cannot be made earlier than the second day after the day on which nominations close.

Clause 19.2 of the Schedule inserts a new modification of subsection 200D(5) of the Commonwealth Electoral Act 1918. The effect of the modification is to render that subsection inapplicable to Legislative Assembly elections. The subsection relates

specifically to applications for a pre-poll vote at a House of Representatives election, and its application to Legislative Assembly elections would be inappropriate.

Clause 19.3 of the Schedule inserts a new modification of subsection 200D(6) of the Commonwealth Electoral Act 1918. The effect of the provision as modified is to prevent a person from applying for a pre-poll vote after the close of the poll.

Clause 20.1 of the Schedule inserts a new modification of paragraph 200E(1)(b) of the Commonwealth Electoral Act 1918. The effect of the clause is to eliminate inappropriate references to the issuing to voters of Senate and House of Representatives ballot papers.

Clause 21.1 of the Schedule inserts a new modification of subsection 202A(2) of the Commonwealth Electoral Act 1918. The effect of the modification is to delete from subsection 202A(2) (which specifies certain officers who are required to make an undertaking prior to commencing duty) references to certain offices which have no relevance to Legislative Assembly elections.

Clause 22.1 of the Schedule inserts a new modification of subsections 209(6), (7) and (8) of the Commonwealth Electoral Act 1918. The effect of the modification is to render those subsections inapplicable to Legislative Assembly elections. Subsections 209(6) and (7) relate specifically to the issuing of House of Representatives and Senate ballot papers, and their application to Legislative Assembly elections is inappropriate. Subsection 209(8) provides for the issuing of hand written ballot papers; such ballot papers will not be used at Legislative Assembly elections.

Clause 23.1 of the Schedule omits the existing modification of subsection 210(2) of the Commonwealth Electoral Act 1918, and replaces it with a modification of subsections 210(2) and (3). The effect of the new modification is to render those subsections inapplicable to Legislative Assembly elections. The subsections relate specifically to the printing of ballot papers for Senate elections, and their application to Legislative Assembly elections would be inappropriate.

Clause 24.1 of the Schedule omits the existing modification of subparagraph 213(1)(a)(v) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 213, is no longer required.

Clause 24.2 of the Schedule omits the existing modification of subparagraph 213(1)(a)(ix) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 213, is no longer required.

Clause 25.1 of the Schedule inserts a new modification of paragraph 224(2)(a) of the Commonwealth Electoral Act 1918. The effect of the modification is to eliminate an unnecessary reference to by-elections.

Clause 25.2 of the Schedule omits the existing modification of paragraph 224(2)(b) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 224, is no longer required.

Clause 26.1 of the Schedule inserts a new modification of paragraph 225(3)(b) of the Commonwealth Electoral Act 1918. The effect of the modification is to eliminate an unnecessary reference to by-elections.

Clause 26.2 of the Schedule omits the existing modification of paragraph 225(4)(b) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 225, is no longer required.

Clause 27.1 of the Schedule inserts a new modification of paragraph 226(7C)(b) of the Commonwealth Electoral Act 1918. The effect of the new modification is to eliminate inappropriate references to House of Representatives and Senate elections.

Clause 28.1 of the Schedule inserts a new modification of subsection 226A(1) of the Commonwealth Electoral Act 1918. The effect of the new modification is to eliminate inappropriate references to State prison authorities.

Clause 29.1 of the Schedule omits the existing modification of subsection 235(7) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 235, is no longer required.

Clause 29.2 of the Schedule omits the existing modification of subparagraph 235(7)(b)(ii) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 235, is no longer required.

Clause 29.3 of the Schedule omits the existing modifications of subsections 235(8) and (10) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 235, are no longer required.

Clause 30.1 of the Schedule omits the existing modification of subsection 236(1) of the Commonwealth Electoral Act 1918, which has been rendered unnecessary by the repeal of section 236.

Clause 31.1 of the Schedule omits the existing modification of subsection 239(3) of the Commonwealth Electoral Act 1918, and replaces it with a new modification. The effect of the provision as modified is that a voter who marks a square on a ballot paper with a tick or a cross is regarded as having marked that square with the figure 1.

Clause 32.1 of the Schedule inserts a new modification of subsection 245(4) of the Commonwealth Electoral Act 1918. The effect of the modification is that non-voters must within 3 months of the close of each election be sent a "non-voter's notice" in a form approved by the Australian Electoral Commission by notice published in the Gazette.

Clause 32.2 of the Schedule inserts a new modification of section 245 of the Commonwealth Electoral Act 1918. The effect of the modification is that a person who fails to reply to a non-voter's notice, or who in replying to such a notice fails to show cause why proceedings for failing to vote without a valid and sufficient reason should not be instituted, is to be sent a notice in which he or she is to be offered the option of paying a penalty of \$20 within 28 days, or having the matter dealt with by the Magistrates Court. Where a person pays the \$20 penalty, no further proceedings

are to be taken in relation to the offence, and the elector is not to be taken to have been convicted of the offence.

Clause 33.1 of the Schedule inserts a new modification of paragraph 249(5)(b) of the Commonwealth Electoral Act 1918. The effect of the modification is to guarantee that Antarctic electors enrolled for the Territory will be entitled to vote at Legislative Assembly elections.

Clause 33.2 of the Schedule inserts a new modification of section 249 of the Commonwealth Electoral Act 1918. A new subsection 249(7) is added, the effect of which is that an annotation made by a Divisional Returning Officer identifying a person as an Antarctic elector for the purposes of the Commonwealth Electoral Act 1918 is to be taken to be also an annotation for the purposes of Legislative Assembly elections.

Clause 34.1 of the Schedule omits the existing modification of subsection 255(1) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 255, is no longer required.

Clause 34.2 of the Schedule omits the existing modification. of paragraph 255(1)(b) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 255, is no longer required.

Clause 35.1 of the Schedule omits the existing modification of paragraph 259(b) of the Commonwealth Electoral Act 1918, and inserts a new modification of that paragraph. The effect of the new modification is to make it clear that particulars of the votes of Antarctic electors are to be transmitted to the Australian Capital Territory Electoral Officer.

Clause 35.2 of the Schedule omits the existing modification of subparagraph 259(b)(i) and replaces it with a new modification of that subparagraph. The effect of the new modification is to change inappropriate references to a State to references to the Australian Capital Territory.

Clause 36.1 of the Schedule omits the existing modification of subparagraph 266(2)(b)(ii) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 266, is no longer required.

Clause 36.2 of the Schedule omits the existing modification of subsection 266(3) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 266, is no longer required.

Clause 36.3 of the Schedule omits the existing modification of paragraph 266(4)(a) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 266, is no longer required.

Clause 36.4 of the Schedule omits the existing modification of subparagraph 266(4)(d)(i) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 266, is no longer required.

Clause 36.5 of the Schedule omits the existing modification of subsection 266(5) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 266, is no longer required.

Clause 36.6 of the Schedule omits the existing modification of subsection 266(10) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 266, is no longer required.

Clause 37.1 of the Schedule omits the existing modification of paragraph 273(2)(a) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 273, is no longer required.

Clause 37.2 of the Schedule inserts a new modification of subsection 273(32) of the Commonwealth Electoral Act 1918. The effect of the modification is to ensure that subsection 273(32) can be applied for the purposes of both subsection 20(4) and subsection 22(4) of the Australian Capital Territory (Electoral) Act 1988.

Clause 38.1 of the Schedule inserts a new modification of subsections 279B(5), (6), (7), (8), (9), (10), (11) and (12) of the Commonwealth Electoral Act 1918. The effect of the modification is to change inappropriate references to the Australian Electoral Officer to references to the Australian Capital Territory Electoral Officer.

Clause 39.1 of the Schedule omits paragraph (a) of the existing modifications of section 286 of the Commonwealth Electoral Act 1918, and inserts a new paragraph (a) in the modification. The effect of that new paragraph is that the Electoral Commissioner, rather than the Electoral Commission, will have the function of extending the time allowed for the conduct of an election.

Clause 40.1 of the Schedule omits the existing modifications of subsection 287(1) of the Commonwealth Electoral Act 1918, and inserts a new modification of that subsection. The effect of the new modification is (a) to render the definition of "disclosure period" in that subsection appropriate to Legislative Assembly elections; (b) to insert new definitions of "division", "election" and "election period"; (c) to alter the definition of "gift" so as to make it clear that annual membership subscriptions of political parties are not regarded as gifts; (d) to delete the definition of "group", which is not required for the purposes of Legislative Assembly elections; and (e) to omit the existing definition of "registered" and substitute a definition appropriate to Legislative Assembly elections.

Clause 40.2 of the Schedule omits the existing modification of subsection 287(3) of the Commonwealth Electoral Act 1918, and inserts a new modification of that subsection. The effect of the new modification is to delete unnecessary references to State branches of political parties.

Clause 40.3 of the Schedule inserts a new modification of subsection 287(4A) of the Commonwealth Electoral Act 1918. The effect of the new modification is to render the subsection inapplicable to Legislative Assembly elections. Subsection 287(4A) deals with State branches of political parties.



Clause 41.1 of the Schedule inserts a new modification of subsection 287A(1) of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete unnecessary references to groups of Senate candidates, and to State branches of political parties.

Clause 41.2 of the Schedule inserts a new modification of subsection 287A(2) of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete unnecessary references to groups of Senate candidates, and to State branches of political parties.

Clause 42.1 of the Schedule omits the existing modification of subsection 288(3) of the Commonwealth Electoral Act 1918, and inserts a new modification of that subsection. The effect of the new modification is to render the subsection inapplicable to Legislative Assembly elections. Subsection 288(3) as it stands only applies to political parties which have State branches.

Clause 43.1 of the Schedule omits the existing modification of subsection 289(1) of the Commonwealth Electoral Act 1918, and inserts a new modification of that subsection. The effect of the new modification is to omit an unnecessary reference to groups of Senate candidates.

Clause 43.2 of the Schedule inserts a new modification of subsection 289(2A) of the Commonwealth Electoral Act 1918. The effect of the modification is to render that subsection inapplicable to Legislative Assembly elections. Subsection 289(2A) relates to groups of Senate candidates.

Clause 44.1 of the Schedule omits paragraph (b) of the existing modification of subparagraph 290(1)(b)(i) of the Commonwealth Electoral Act 1918, and inserts a new paragraph (b) of the modification. The effect of the new paragraph (b) is to delete an inappropriate reference to State branches of political parties.

Clause 44.2 of the Schedule omits the existing modification of subsection 290(2) of the Commonwealth Electoral Act 1918, and inserts a new modification of the subsection. The effect of the new modification is to delete an inappropriate reference to groups of Senate candidates.

Clause 44.3 of the Schedule inserts a new modification of subsection 290(3) of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete an inappropriate reference to State branches of political parties.

Clause 45.1 of the Schedule omits the existing modifications of section 291 of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 291, are no longer required.

Clause 46.1 of the Schedule omits the existing modification of section 292 of the Commonwealth Electoral Act 1918, and inserts new modifications of paragraph 292(2)(b) and subsections 292(3) and (4). The effect of the new modifications is to delete inappropriate references to State branches of political parties.

Clause 47.1 of the Schedule inserts new modifications of paragraphs 292B(a) and (b) and section 292B of the Commonwealth Electoral Act 1918. The effect of the new modifications is to delete inappropriate references to State branches of political parties.

Clause 48.1 of the Schedule inserts new modifications of subsections 292C(1) and (2) of the Commonwealth Electoral Act 1918. The effect of the new modifications is to delete inappropriate references to groups of Senate candidates.

Clause 49.1 of the Schedule inserts a new modification of section 292D of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete inappropriate references to groups of Senate candidates.

Clause 50.1 of the Schedule omits the existing modification of subsection 303(1) of the Commonwealth Electoral Act 1918, and inserts a new modification. The effect of the new modification is to render that subsection inapplicable to Legislative Assembly elections. Subsection 303(1) contains two definitions which are unnecessary for the purposes of Legislative Assembly elections.

Clause 50.2 of the Schedule omits paragraph (b) of the existing modification of subsection 303(4) of the Commonwealth Electoral Act 1918 and inserts a new paragraph (b) of the modification. The effect of the new paragraph is to delete an inappropriate reference to the State branch of a political party.

Clause 51.1 of the Schedule omits the existing modifications of subsections 304(1) and (1A) of the Commonwealth Electoral Act 1918 and inserts a new modification of subsection 304(1). The effect of the new modification is to delete unnecessary references to State branches of political parties.

Clause 51.2 of the Schedule omits the existing modifications of paragraphs 304(2)(a) and (b) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 304, are no longer required.

Clause 51.3 of the Schedule inserts a new modification of subsection 304(3A) of the Commonwealth Electoral Act 1918, the effect of which is to render the subsection inapplicable to Legislative Assembly elections. Subsection 304(3A) relates to groups of Senate candidates.

Clause 51.4 of the Schedule omits the existing modifications of paragraph 304(5)(b) of the Commonwealth Electoral Act 1918 and inserts a new modification of the paragraph. The effect of the new modification is to delete an unnecessary reference to groups of Senate candidates.

Clause 51.5 of the Schedule omits the existing modifications of subparagraph 304(5)(b)(i) of the Commonwealth Electoral Act 1918 and inserts a new modification of the subparagraph. The effect of the new modification is to delete an unnecessary reference to by-elections.

Clause 51.6 of the Schedule inserts a new modification of subparagraph 304(5)(b)(ii) of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete the unnecessary word "or".

Clause 52.1 of the Schedule omits the existing modification of subsection 305(1A) of the Commonwealth Electoral Act 1918, which has been rendered unnecessary by the repeal of the subsection.

Clause 52.2 of the Schedule omits paragraphs (a) and (b) of the existing modifications of subparagraph 305(3)(a)(iii) and inserts new paragraphs (a) and (b) of the modifications. The effect of the new paragraphs is to delete unnecessary references to State branches of political parties.

Clause 53.1 of the Schedule inserts a new paragraph (d) in the existing modification of subsection 306(2) of the Commonwealth Electoral Act 1918. The effect of the new paragraph is to delete an unnecessary reference to groups of Senate candidates.

Clause 53.2 of the Schedule omits the existing modification of paragraph 306(2)(a) of the Commonwealth Electoral Act 1918, and inserts a new modification of the paragraph. The effect of the new modification is to render the paragraph inapplicable to Legislative Assembly elections. This amendment is consequential upon that made by clause 53.1.

Clause 53.3 of the Schedule inserts a new modification of subsection 306(2D) of the Commonwealth Electoral Act 1918. The effect of the new modification is to render the subsection inapplicable to Legislative Assembly elections. The subsection deals with groups of Senate candidates.

Clause 53.4 of the Schedule omits the existing modifications of paragraph 306(5)(a) of the Commonwealth Electoral Act 1918, and inserts a new modification of that paragraph. The effect of the new modification is to delete an unnecessary reference to a State branch of a political party.

Clause 53.5 of the Schedule inserts a new modification of subparagraph 306(5)(a)(i) of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete unnecessary references to State branches of political parties.

Clause 53.6 of the Schedule inserts a new modification of subparagraph 306(5)(a)(ii) of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete an unnecessary reference to the State branch of a political party.

Clause 53.7 of the Schedule omits paragraph (b) of the existing modifications of paragraph 306(5)(b) of the Commonwealth Electoral Act 1918, and inserts a new paragraph (b) in the modification. The effect of the new paragraph is to delete an unnecessary reference to groups of Senate candidates.

Clause 54.1 of the Schedule omits the existing modifications of subsection 307(3) of the Commonwealth Electoral Act 1918, and replaces them with a new modification of the subsection. The effect of the new modification is to delete an unnecessary reference to the State branch of a political party.

Clause 55.1 of the Schedule inserts a new modification of subsection 309(1A) of the Commonwealth Electoral Act 1918, the effect of which is to render the subsection inapplicable to Legislative Assembly elections. Subsection 309(1A) relates to groups of Senate candidates.

Clause 56.1 of the Schedule inserts a new modification of subsection 311(3) of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete an unnecessary reference to elections held on the same day as a Legislative Assembly election.

Clause 57.1 of the Schedule inserts a new modification of subsection 313(2) of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete a number of unnecessary references to State branches of political parties.

Clause 58.1 of the Schedule inserts a new modification of section 317 of the Commonwealth Electoral Act 1918. The effect of the new modification is to reintroduce a missing word, and to make the period during which certain records must be kept run from the day on which a claim or return is lodged with the Electoral Commission, rather than from polling day.

Clause 59.1 of the Schedule omits the existing modification of subsection 320(1) of the Commonwealth Electoral Act 1918, which, because of changes which have been made to section 320, is no longer required.

Clause 59.2 of the Schedule inserts a new modification of subsection 320(2A) of the Commonwealth Electoral Act 1918. The effect of the new modification is that claims and returns relating to the Legislative Assembly election will only be required to be made available for public inspection in Canberra.

Clause 60.1 of the Schedule omits the existing modification of section 321 of the Commonwealth Electoral Act 1918, and inserts a new modification the effect of which is to render the section inapplicable to Legislative Assembly elections. Section 321 provides for the indexation of payments to political parties, and since provision is no longer made for such payments, the section is unnecessary.

Clause 61.1 of the Schedule inserts new modifications of paragraph 328(3)(b) and subsection 328(4) of the Commonwealth Electoral Act 1918. The effect of the new modifications is to exempt certain specified forms of election campaign material from the authorisation requirements of section 328.

Clause 62.1 of the Schedule omits the existing modification of subsection 337(2) of the Commonwealth Electoral Act 1918, and inserts a new modification of the subsection. The effect of the new modification is to eliminate an unnecessary reference to forms in Schedule 1 of the Act, which are relevant only to Commonwealth elections.

Clause 63.1 of the Schedule omits the existing modification of paragraph 348(4)(b) of the Commonwealth Electoral Act 1918, and inserts a new modification of the paragraph. The effect of the new modification is to change an inappropriate reference

to the "Australian Electoral Officer" to a reference to the "Australian Capital Territory Electoral Officer".

Clause 64.1 of the Schedule inserts a new modification of subsection 357(1A) of the Commonwealth Electoral Act 1918. The effect of the new modification is to render the subsection inapplicable to Legislative Assembly elections. Subsection 357(1A) deals with procedures associated with tied House of Representatives elections.

Clause 65.1 of the Schedule omits the existing modification of subsection 360(4) of the Commonwealth Electoral Act 1918, and inserts a new modification of that subsection. The effect of the clause is to omit a reference which was applicable only to the first general election of members of the Legislative Assembly.

Clause 66.1 of the Schedule omits paragraph (b) of the existing modification of section 363 of the Commonwealth Electoral Act 1918, and inserts a new paragraph (b). The effect of the clause is to omit a reference which was applicable only to the first general election of members of the Legislative Assembly.

Clause 67.1 of the Schedule inserts a new modification of section 367A of the Commonwealth Electoral Act 1918. The effect of the new modification is to render that section inapplicable to Legislative Assembly elections. Section 367A deals with procedures associated with tied House of Representatives elections.

Clause 68.1 of the Schedule omits the existing modification of section 369 of the Commonwealth Electoral Act 1918, and inserts a new modification of that section. The effect of the new modification is to require the Registrar of the Supreme Court of the Australian Capital Territory to send to a person authorised by the Legislative Assembly copies of all election petitions and all orders of the Court made following trials of petitions.

Clause 69.1 of the Schedule omits the existing modification of subsection 392(1) of the Commonwealth Electoral Act 1918, and inserts a new modification of that subsection. The effect of the new modification is that strict compliance with prescribed and approved forms used at an election is not required, and that substantial compliance with the forms will suffice.

Clause 69.2 of the Schedule omits the existing modification of subsection 392(2), (3), (4) and (5), and inserts a new modification of subsections 392(2), (2A), (3), (4) and (5). The effect of the new modification is to render inapplicable to Legislative Assembly elections provisions which allow forms in Schedule 1 of the Commonwealth Electoral Act 1918 to be amended by regulation.

Clause 70.1 of the Schedule inserts a new modification of subsection 393A(2) of the Commonwealth Electoral Act 1918. The effect of the new modification is to change an inappropriate reference to the "Australian Electoral Officer" to a reference to the "Australian Capital Territory Electoral Officer".

Clause 71.1 of the Schedule inserts a new modification of Schedule 1 of the Commonwealth Electoral Act 1918. The effect of the modification is to include in that Schedule a form of notice to be sent to a person who fails to reply to a non-voter's

notice, or who in replying to such a notice fails to show cause why proceedings for failing to vote without a valid and sufficient reason should not be instituted against him or her.

Clause 72.1 of the Schedule inserts a new modification of Schedule 2 of the Commonwealth Electoral Act 1918. The effect of the new modification is to delete inapplicable references to States from the list of grounds on which a postal vote application can be made.

Clause 73.1 of the Schedule inserts new modifications of Schedule 3 of the Commonwealth Electoral Act 1918. The effect of the modifications is to render inapplicable a number of provisions which refer to States, or which relate specifically to Senate or House of Representatives elections or Commonwealth referendums.