

STATUTORY RULES.

1912. No. 161.

PROVISIONAL REGULATIONS UNDER THE COMMONWEALTH
ELECTORAL ACT 1902-1911 AND THE REFERENDUM
(CONSTITUTION ALTERATION) ACT 1906-1910.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby certify that, on account of urgency, the following Regulations under the *Commonwealth Electoral Act 1902-1911* and the *Referendum (Constitution Alteration) Act 1906-1910* should come into immediate operation, and make the Regulations to come into operation forthwith as Provisional Regulations.

Dated the 25th day of July, One thousand nine hundred and twelve.

DENMAN,

Governor-General.

By His Excellency's Command,

KING O'MALLEY,

Minister of State for Home Affairs.

APPLICATION OF REGULATIONS.

1. These Regulations supersede the Provisional Regulations under the *Commonwealth Electoral Act 1902-1911* and the *Referendum (Constitution Alteration) Act 1906-1909* (Statutory Rules 1912, No. 68).

2. These Regulations shall not apply in relation to joint rolls in the State of Tasmania so far as provision is made by any joint Regulations relating thereto, but shall, to the extent to which they are applicable, apply in relation to other matters in connexion with those joint rolls, and for the purposes of the application of any Regulations relating to compulsory enrolment, any reference in these Regulations to a form shall, where an appropriate form is provided by the joint Regulations, include a reference to the form so provided.

PART I.—ELECTORAL REGULATIONS.

DEFINITION.

2A. In this part of these Regulations—

“The Act” means the Commonwealth Electoral Act.

“The Commonwealth Electoral Act” means the Act or Acts for the time being in force relating to Parliamentary Elections.

CHANGE OF ELECTORS FROM ONE ROLL TO ANOTHER UNDER SECTION 26 OF THE ACT.

Sec. 26.

3. (I.) When any directions are issued by the Minister in accordance with section 26 of the Act for the change of electors from one Roll to another, effect shall be given to those directions by removing the names of the electors from the Roll from which they are changed, and by inserting the names so removed on the Roll to which they are changed.

(II.) Notice of the change shall be sent by post to each elector concerned, and may be in accordance with the following form :—

Commonwealth of Australia.
THE COMMONWEALTH ELECTORAL ACT.

To

You are hereby informed that your name has in accordance with the provisions of Section 26 of the Act been removed from the Roll for the Subdivision of the Electoral Division of _____ and has been placed on the Roll for the _____ Subdivision of the Electoral Division of _____

Electoral Registrar for the _____ Subdivision.
Address—

Dated the _____ day of _____ 19 _____

(III.) When—

- (a) a Subdivision is abolished and the Minister directs that all electors whose names are on the Roll for that Subdivision shall be changed to one other Subdivision Roll ; or
- (b) the boundaries of a Division are altered, and any Subdivision becomes changed from one Division to another Division, and all electors whose names are on the Roll for the Subdivision become changed from the Roll for that Subdivision to one Subdivision Roll for the other Division ;

public notice of the change may be given in the *Gazette*, and in some newspaper circulating in the part affected, and in that case the notice specified in paragraph (II.) of this Regulation need not be given.

FORM OF ROLL.

4. The Roll may be in accordance with the following form, and shall contain the particulars indicated therein :—

19 _____
Commonwealth of Australia.
Electoral Roll.
State of [here insert name of State].
Division of [here insert name of Division].
Roll of Electors for the Subdivision of [here insert name of Sub-division].

No., Name in Full, Place of Living, Occupation, and Sex of each Elector.

[Here follow Names, &c.]

Footnote :—M signifies Male, F signifies Female.

SALE OF ELECTORAL ROLLS.

5. The prices at which Rolls are sold shall be as follow :—

| | s. | d. |
|---|----|----|
| Principal Roll for a Division | 2 | 0 |
| Principal Roll for a Subdivision | 0 | 6 |
| Supplemental Roll for a Division | 0 | 6 |
| Supplemental Roll for a Subdivision | 0 | 3 |

ROLL TO BE OPEN TO PUBLIC INSPECTION.

Sec. 35.

6. Every Roll kept by an Electoral Registrar shall be open to public inspection without fee at the office of the Registrar at all convenient times during his ordinary office hours.

COMBINED FORM OF ELECTORAL CLAIM.

6A. A claim by any person to have his name placed on the Electoral Roll for any Subdivision by enrolment or transfer or change of enrolment may be in accordance with the following form :—

[Front of Form.]

Commonwealth of Australia.

The Commonwealth Electoral Act.

ELECTORAL CLAIM.

To the Electoral Registrar
for the Subdivision of
Division of
State of

1. I am an inhabitant of Australia and have lived therein for six months continuously.
2. I claim to have my name placed on the Electoral Roll for the Subdivision of _____ in which I now live and have lived for a period of not less than one month immediately preceding the date of this claim.
3. I am not under the age of 21 years.
4. I am a natural-born or naturalized subject of the King.
5. I am not disqualified from voting.
6. My name is on the Electoral Roll for*

* Here insert the name of the Subdivision and Division, or if not already enrolled insert the words "No OTHER Subdivision."

I declare that the whole of the statements made in this claim (including those set forth on the back hereof) are true to the best of my knowledge and belief.

Personal signature of claimant

Dated the _____ day of _____ 19 _____

I, the undersigned, being an elector or person qualified to be an elector of the Commonwealth, certify that I have seen the above-named claimant sign the above claim.

Witness to signature

Occupation

Place of living

Any person who witnesses the signature of the claimant without being personally acquainted with the facts, or satisfying himself by inquiry from the claimant or otherwise that the statements contained in the claim are true, is guilty of an offence, and liable to a penalty of £50.

The signature of the claimant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.

N.B.—An elector may only have his name placed upon the Roll for the Subdivision in which he lives. A map and description of the boundaries of the Subdivision and a notification relating to qualifications and disqualifications for enrolment may be inspected at, and Electoral Forms for public use may be obtained from, any Post Office.

[Back of Form.]

Particulars for Enrolment.

- Surname
- Christian Names (in full)
- Place of Living (Full postal address)

Occupation

Sex

Personal Signature of Claimant

The particulars within this space are to be filled in by the Electoral Registrar.
 Received (date)
 Registered (date)
 Acknowledged (date)
 Initials of Registrar

COMPULSORY ENROLMENT.

Sec. 61 (c).

6B. (1.) Every person who is entitled to have his name placed on the roll for any Subdivision whether by way of enrolment or transfer or change of enrolment, and whose name is not on such roll, shall forthwith after he has lived for a period of one month within that Subdivision, fill in and sign in accordance with the directions printed thereon an Electoral Claim on the form prescribed by Regulation 6A, and send or deliver such Electoral Claim to the Electoral Registrar for the Subdivision.

(2.) Any person who is entitled to have his name placed on the roll for any Subdivision, and whose name is not on such roll, and who fails within a period of twenty-one days from the date upon which he became entitled to have his name placed on such roll, to send or deliver to the Electoral Registrar for such Subdivision, a form of Electoral Claim duly filled in and signed in accordance with the Regulations, shall be guilty of an offence and liable to a penalty not exceeding Two pounds, provided, however, that the penalty in the case of a first offence shall not exceed Ten shillings.

ACTION BY ELECTORAL REGISTRAR.

6C. (1.) The Electoral Registrar, on receipt of an Electoral Claim for enrolment or transfer or change of enrolment, shall, if the Claim is in order, and he is satisfied that the claimant is entitled to be enrolled, immediately enter the claimant's name and the particulars relating to him on the Roll, and shall, in accordance with the following form, notify the claimant that he has been so enrolled:—

Commonwealth of Australia.

State of—

Electoral Division of—

To

Your name has been enrolled for the Subdivision of _____ pursuant to your claim dated _____

You are hereby notified that if you change your place of living to another Subdivision of the above-named Division, or a Subdivision of another Division, whether in the same State or not, you must forthwith, after you have lived for a period of one month in that Subdivision, fill in and sign, in accordance with the directions printed thereon, the prescribed form of claim for transfer or change of enrolment, and send or deliver it to the Electoral Registrar for the Subdivision.

Failure to comply with the requirements of the law in this respect within a period of *Twenty-one* days from the date upon which you become entitled to such transfer or change of enrolment will render you liable to a penalty not exceeding £2.

Electoral Registrar for the _____ Subdivision.

Address—

Dated the _____ day of _____ 19 _____

NOTE.—An elector who is only temporarily absent from his place of living, although the period of such absence may exceed one month, is not thereby deemed to have changed his place of living for the purposes of transfer or change of enrolment.

(2.) The Electoral Registrar shall note on the Electoral Claim the date of its receipt by him, and shall, if it appears that the claimant is entitled to transfer or change of enrolment, give notice of the transfer or change to the Electoral Registrar keeping the Subdivision Roll from which the elector's name is transferred or changed, who shall thereupon remove the elector's name from the Roll kept by him.

ACTION IN RESPECT OF AN ELECTORAL CLAIM WHEN THE ELECTORAL REGISTRAR IS NOT SATISFIED THAT CLAIMANT IS ENTITLED TO ENROLMENT.

6D. (1.) The Electoral Registrar, on receipt of an Electoral Claim, shall, if he is not satisfied that the claimant is entitled to be enrolled in pursuance of the Claim, forthwith refer the Claim to the Divisional Returning Officer with such observations as he thinks proper, and shall send to the claimant, in accordance with the authorized form, a notification that the Claim has been so referred.

(2.) The Divisional Returning Officer shall forthwith, after making such inquiry as may be necessary to enable him to decide the Claim, return the Claim to the Electoral Registrar, and notify the Electoral Registrar of his decision.

(3.) If the Divisional Returning Officer decides that the Claimant is entitled to enrolment pursuant to the Claim, the Electoral Registrar shall forthwith enrol the claimant, and send to him a notification in accordance with the form authorized that he has been so enrolled.

(4.) If the Divisional Returning Officer decides that the claimant is not entitled to enrolment pursuant to the Claim, the Electoral Registrar shall forthwith send a notification to the claimant that his Claim has been rejected, specify the reason for such rejection, and advise the claimant that he is entitled at any time, within one calendar month after the receipt of the notification, to appeal to a court of summary jurisdiction for an order directing that his name may be added to the Roll. The notification may be in accordance with the following form :—

Commonwealth of Australia.

The Commonwealth Electoral Act.

State of—

Electoral Division of—

NOTICE OF REJECTION OF ELECTORAL CLAIM.

To

Notice is hereby given that it has been decided not to enrol your name on the Electoral Roll for the Subdivision because the Divisional Returning Officer for the Division is not satisfied as to [here specify reason for rejection.]

You are entitled, at any time within one calendar month after the receipt of this notice, to appeal to a court of summary jurisdiction for an order directing that your name may be placed on the Roll.

Electoral Registrar for the

Subdivision.

Address—

Dated the

day of

19 .

ACTION IN RELATION TO FORMALLY DEFECTIVE CLAIM.

[6E. The Electoral Registrar, upon receipt of an Electoral Claim which is not in order by reason of some formal defect only, is authorized to send a notification to the claimant indicating the nature of the defect, and, as the case may require—

(a) to return the Claim to him for completion or correction ; or

(b) to furnish him with a fresh form of Claim for completion.

NON-COMPLIANCE WITH LAW.

7. (1.) The Electoral Registrar shall, subject to such directions as he may receive from the Divisional Returning Officer, from time to time make such inquiries as are practicable in order to ascertain the names of qualified persons entitled to enrolment for the Subdivision for which he keeps the

Roll who are not enrolled therefor, and shall, when any failure to comply with the law is disclosed, report to the Divisional Returning Officer in accordance with the following form :—

[Form to be used by the Electoral Registrar when notifying the Returning Officer of the names of persons who have failed to comply with the requirements of the Commonwealth Electoral Act in relation to compulsory enrolment.]

Commonwealth of Australia.

The Commonwealth Electoral Act.

State of—

Electoral Division of—

To the Divisional Returning Officer,

I hereby declare that I have made due inquiry and am satisfied that the persons specified in the Schedule hereto are entitled to enrolment under the Commonwealth Electoral Act and Regulations.

I further declare that the persons specified in the Schedule have their places of living in the _____ Subdivision, and have lived therein for a period of one month, that a period of twenty-one days has elapsed since such persons became entitled to enrolment, and that they have failed to comply with the requirements of the law in relation to the compulsory enrolment of electors.

Dated the _____ day of _____ 19 _____

Electoral Registrar for the

Subdivision.

Schedule.

| Surname. | Christian Names in full. | Place of Living. | Occupation. | Sex. | Remarks. |
|----------|--------------------------|------------------|-------------|------|----------|
| | | | | | |

(2.) Subject to such directions as are issued by the Chief Electoral Officer, the Divisional Returning Officer, upon receipt of a report by an Electoral Registrar that any qualified person has failed to comply with the requirements of the law in relation to enrolment, shall, if he is satisfied that there has been a contravention of the Act and these Regulations, forthwith cause proceedings to be instituted against such person in a court of summary jurisdiction.

Provided that where the Divisional Returning Officer, with the concurrence of the Commonwealth Electoral Officer for the State, deems it advisable, the Electoral Registrar for the Subdivision may institute proceedings in his own name, and in any such proceedings the authority of the Electoral Registrar shall not be questioned.

(3.) All officers in the service of the Commonwealth, and all police and other officers of any State or local governing body, and all occupiers of habitations, are hereby authorized and required to furnish the Electoral Registrar, on application, with such information as he may require to enable him to carry out his duties in respect of the compulsory enrolment provisions of the Act and these Regulations.

PROCEDURE IN RESPECT OF CONTRAVENTION OF LAW RELATING TO COMPULSORY ENROLMENT.

7A. (1.) In any prosecution in a court of summary jurisdiction in respect of any contravention of the Act or Regulations relating to compulsory enrolment, instituted by any officer, the defendant in any such prosecution may, at any time not being less than seven days before the hearing, lodge with the prosecuting officer (either personally or by post) a statutory declaration setting forth any matter he desires to set forth in answer to the charge.

(2.) Where a statutory declaration is received by the prosecuting officer, in pursuance of this Regulation, he shall, as far as it is practicable for him to do so, inquire into the truth of the statements therein set out, and shall, unless he withdraws the prosecution, bring the declaration to the notice of the court.

(3.) The court shall at the hearing of the case consider the statutory declaration (whether the defendant is present or not) as if the matter therein set out had been given in evidence before it.

(4.) The court may in its discretion, on the application of the prosecuting officer, adjourn the hearing for any period it thinks fit to enable that officer to answer the declaration.

NOTICE TO BE SERVED ON DEFENDANT.

7B. In any prosecution in respect of any contravention of the Act or these Regulations relating to compulsory enrolment, there shall be served on the defendant a notice setting out the amount of the penalty which may be imposed, and that the defendant may attend the court and answer the charge in person, or may lodge with or send by post to the prosecuting officer a statutory declaration setting out any matter he desires to set out in answer to the charge, and that unless the prosecuting officer withdraws the charge, such declaration will be considered by the court as if it were evidence subject to any evidence in reply adduced by the prosecutor. The notice may be printed or written on the summons or may be by separate document served therewith.

STATUTORY DECLARATION OF PROSECUTING OFFICER TO BE CONSIDERED BY COURT.

7C. In any prosecution in respect of any contravention of the Act or these Regulations relating to compulsory enrolment, the prosecuting officer may lodge with the court a statutory declaration in support of the charge, and the court shall, at the hearing, consider the statutory declaration (whether the prosecuting officer is present or not) as if the matter set out therein had been given in evidence before it.

NOTIFICATION TO ELECTOR OF REMOVAL OF NAME FROM ROLL BY DIRECTION OF COMMONWEALTH ELECTORAL OFFICER.

8. When an Electoral Registrar is directed by the Commonwealth Electoral Officer for the State (in such form as may be authorized by the Chief Electoral Officer) to remove the name of an elector from the Subdivision Roll kept by him on the ground that the elector has ceased to be qualified for enrolment on that Roll, and has secured enrolment on the Roll for another Subdivision, the Registrar shall immediately, upon removing such name, send by post to the elector a notification of such removal in accordance with the following form :—

Commonwealth of Australia.
The Commonwealth Electoral Act.
State of—

To

You are hereby notified that your name has been removed from the Roll for the Subdivision of _____ by direction of the Commonwealth Electoral Officer for the State, on the ground that you have ceased to be qualified for enrolment on that Roll, and have secured enrolment on the Roll for the _____ Subdivision of the _____ Division of _____

If you desire to make any answer, you should forthwith communicate with me.

Electoral Registrar for the _____ Subdivision.

Address—

Dated the _____ day of _____ 19 _____

NOTIFICATION OF TRANSFER OR CHANGE OF ENROLMENT.

Secs. 61 and
61A (4).

9. A notification of transfer or change of enrolment from one Subdivision to another Subdivision, whether in the same or any other Electoral Division, may be in accordance with the following form:—

Commonwealth of Australia.

The Commonwealth Electoral Act.

State of—

NOTIFICATION OF TRANSFER OR CHANGE OF ENROLMENT.

To the Electoral Registrar for the Subdivision,
Electoral Division of
You are hereby notified that who was formerly on the Electoral Roll for the Subdivision of the Division of having complied with the requirements of the law, has been enrolled for this Subdivision.

You are requested to remove such name from the Roll kept by you.

Electoral Registrar for the Subdivision,

Electoral Division of

Dated the day of 19 .

NOTICE TO PERSON WHOSE NAME HAS BEEN INCLUDED IN A SUBDIVISION ROLL ON THE PREPARATION OF NEW ROLLS.

Sec. 32.

9A. When in the preparation of new Rolls, the officer preparing such Rolls receives a Claim for enrolment or transfer or change of enrolment from any person, he shall acknowledge the Claim in the authorized form.

PREPARATION OF NEW ROLLS.—NOTICE TO PERSON WHOSE NAME HAS BEEN OMITTED.

Sec. 32.

10. When in the preparation of new Rolls the name of any person, whose name was on the Roll for any Subdivision immediately prior to the preparation of the new Rolls, has been omitted from the new Roll for that Subdivision, on the ground that such person was not then living in that Subdivision, notification of the fact may be given as soon as practicable after the preparation of the Roll has been completed. The notification may be in accordance with the authorized form, and shall contain directions as to what is necessary to be done by the person whose name has been so omitted to enable him to obtain enrolment if he is so entitled.

APPLICATION FOR ALTERATION OR CORRECTION.

11. An application by an elector for an alteration or correction in the Roll may be in accordance with the following form :—

Sec. 62 (1) (c)
and (b)

Commonwealth of Australia.
The Commonwealth Electoral Act
State of—
Electoral Division of—
Subdivision of—

APPLICATION FOR ALTERATION OR CORRECTION IN THE COMMONWEALTH ELECTORAL ROLL.

To the Electoral Registrar for the Subdivision.

NAME AND PARTICULARS AS APPEARING IN ROLL.

| No. | Surname. | Christian Names at full length. | Place of Living. | Occupation. | Sex. |
|-----|----------|---------------------------------|------------------|-------------|------|
| | | | | | |

In place of the above please substitute the following :—

| No. | Surname. | Christian Names at full length. | Place of Living. | Occupation. | Sex. |
|-----|----------|---------------------------------|------------------|-------------|------|
| | | | | | |

Signature of Elector—

Dated the day of 19 .

I, the undersigned, being an elector or person qualified to be an elector, of the Commonwealth, certify that I have seen the above named applicant sign the above application.

Witness to Signature—

Occupation—

Place of Living—

NOTE.—Any person who witnesses this application without being personally acquainted with the facts or satisfying himself by inquiry from the applicant or otherwise that the statements contained in the application are true, is guilty of an offence and liable to a penalty of £50.

The signature of the applicant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.

Electoral forms for public use may be obtained at any post-office.

| | |
|---|---------|
| The particulars within this space are to be filled in by the Electoral Registrar. | |
| Received | (date). |
| Registered | (date). |
| Acknowledged | (date). |
| Initials of Registrar— | |

FORM OF NOTICE OF OBJECTION.

Sec. 68.

11A. (1.) The notice of objection lodged by an elector or officer—not being an Electoral Registrar—in respect of a name on the Roll may be in accordance with the following form :—

[Form to be used by an Elector for the same Electoral Division or by an Officer (not being an Electoral Registrar) when lodging an objection].

Commonwealth of Australia.

The Commonwealth Electoral Act

State of—

Electoral Division of—

NOTICE OF OBJECTION.

To the Divisional Returning Officer
I object to the name of

| No. on Roll | Surname. | Christian names at full length. | Place of living. | Occupation. | Subdivision for which enrolled. |
|-------------|----------|---------------------------------|------------------|-------------|---------------------------------|
| | | | | | |

(a) Here insert name of Division
(b) Here insert ground of objection.

being retained on the Electoral Roll for the Division of (a) in the State of _____, on the ground that (b) _____

(Signature)
(Occupation)
(Address)

Dated the _____ day of _____ 19 _____

(2.) The notice of objection lodged by an Electoral Registrar in respect of a name on the Roll may be in accordance with the following form :—

[Form to be used by an Electoral Registrar when lodging objections in respect of names on the Roll.]

[Front of Form.]

Commonwealth of Australia.

The Commonwealth Electoral Act

State of—

Electoral Division of—

NOTICE OF OBJECTION.

To the Divisional Returning Officer

I object to the undermentioned names being retained on the Electoral Roll for the above-mentioned Electoral Division.

Dated the _____ day of _____ 19 _____
Electoral Registrar for the _____ Subdivision.

| Person Objected to. | | | Occupation. | Place of living as appearing on Roll. | Last known place of abode. | Ground of Objection. | Registrar's initials. |
|---------------------|----------|---------------------------------|-------------|---------------------------------------|----------------------------|----------------------|-----------------------|
| No. on Roll. | Surname. | Christian names at full length. | | | | | |
| | | | | | | | |

NOTE.—This form must be furnished in duplicate.

[Back of Form.]

INDORSEMENT BY RETURNING OFFICER.

- (1) Notices of Objection posted by Returning Officer }
to persons objected to }
- (2) Date of expiration of period allowed for answers }
to objections. (See Sec. 72.) }
- (3) Answers received from—

Notification to the Electoral Registrar for the _____ Subdivision

- (A) Objections sustained excepting as to the following names, viz. :—

B) You are hereby required to forthwith remove from the Roll for the
Subdivision all the names appearing on the within list of objections,
with the exception of those mentioned in the foregoing paragraph (A),
in which case the objections have not been sustained.

Divisional Returning Officer for the Division of

Dated the _____ day of _____ 19 _____

NOTICE TO PERSON OBJECTED TO.

12. (1.) The notice to be forwarded by the Divisional Returning Officer ^{Sec. 70.} to a person whose name has been objected to, may be in accordance with the following form :—

Commonwealth of Australia.

The Commonwealth Electoral Act.

NOTICE OF OBJECTION TO PERSON OBJECTED TO.

To

Notice is hereby given that an objection has been lodged with me by [here set out name and description of objector] objecting to your name being retained on the Electoral Roll for the Division of [here insert name of Division] in the State of [here insert name of State] on the following grounds, namely :—[here state grounds of objection].

You are entitled at any time within twenty days from the posting of this notice to answer the objection either orally or in writing.

If you intend to answer the objection orally, you should attend at my office at _____ between the hours of _____ and _____ on some day before the expiration of twenty days from the posting of this notice.

If you intend to answer the objection in writing, you should, before the expiration of twenty days from the posting of this notice, send to me by post, or deliver at my office, a statement in writing to show that the objection is not good.

If you answer the objection, notice of the decision on the objection will be sent to you.

If you fail to answer the objection within twenty days from the posting of this notice, the objection will be determined, and your name may be struck off the Roll, but no notice of the decision on the objection will be sent to you.

Dated the _____ Divisional Returning Officer for the Division of
day of _____ 19 _____

(2.) Where the form of notice specified in this Regulation has been used, the Divisional Returning Officer need only send notice of his decision, under Regulation 15, to the following persons :—

- (a) To a person who has answered an objection in the prescribed manner; and
- (b) To an objector who is not an Electoral Registrar.

(3.) Where an objector is an Electoral Registrar, notice of the decision on the objection may be sent to him in such form as the Divisional Returning Officer thinks fit to use, subject to any authorized direction, and such notice may contain a direction for the removal of an elector's name from the Roll when an objection has been sustained.

MANNER OF ANSWERING OBJECTION

Sec. 71.

13. Any person against whom an objection has been lodged or made may answer the objection as follows :—

- (a) By attending before the Divisional Returning Officer at the place mentioned in the notice sent by the Divisional Returning Officer to him, and making an oral statement to show that the objection is not good; or
- (b) By sending by post or delivering to the Divisional Returning Officer at his office a statement in writing to show that the objection is not good.

INQUIRY INTO OBJECTION.

Sec. 72.

14. Before determining any objection, the Divisional Returning Officer may make such inquiries as he thinks necessary to ascertain the facts in relation to the objection.

NOTICE OF DETERMINATION OF OBJECTION.

Sec. 72.

15. The Divisional Returning Officer shall send notice of his decision to the objector and (where the person objected to has answered the objection within the prescribed period) to the person objected to. The notice may be in accordance with the following form :—

Commonwealth of Australia.

The Commonwealth Electoral Act.

NOTICE OF DETERMINATION OF OBJECTION.

To

Notice is hereby given that I have considered the objection lodged by [*here set out the name of objector*] to the retention of the name of [*here set out name of person objected to*] on the Roll for the Division of _____ and have decided—

- (a) to remove the said name from the said Electoral Roll;
- (b) to dismiss the objection.

(Note.—Strike out sub-paragraph (a) or sub-paragraph (b) as the case requires.)

Any party aggrieved by this decision is entitled, at any time within one calendar month after the receipt of this notice, to appeal against the decision to a court of summary jurisdiction.

Dated the _____ Divisional Returning Officer for the Division of
day of _____ 19 _____

ELECTORAL APPEAL.

Sec. 73.

16. (1.) An application under section 73 of the Act to a court of summary jurisdiction may be made at any time within one calendar month after the receipt of notice of the rejection of a claim for enrolment (Regulation 7),

or of notice of the determination of an objection (Regulation 15), and may be made in writing in the form of a complaint setting out the material facts, and asking that the Divisional Returning Officer be summoned to answer the complaint.

(2.) Upon the complaint being lodged with him, the clerk of the court shall issue a summons to the Divisional Returning Officer to appear before the court at a time and place mentioned in the summons to answer the complaint, and produce all papers connected with the application or objection as the case requires.

(3.) The Divisional Returning Officer may, by himself or some person appointed to represent him, appear at the hearing, and produce to the court all papers connected with the application, but, if he does not desire to be present, he may send the papers to the clerk, to be produced at the hearing, together with a statement in writing containing such observations as he sees fit to make, and the statement shall be considered by the court at the hearing.

(4.) The Divisional Returning Officer or person representing him shall, if present at the hearing, be entitled to be heard.

(5.) In this Regulation "complaint" shall include any appropriate proceeding for the institution of a proceeding in a court of summary jurisdiction.

WITHDRAWAL BY CANDIDATE OF CONSENT TO NOMINATION.

17. The withdrawal by a Candidate of his consent to nomination shall be in accordance with the following form :— Sec. 105A.

Commonwealth of Australia.

The Commonwealth Electoral Act.

State of

Division of [*here insert name of Division if for the House of Representatives*].

FORM OF WITHDRAWAL OF CONSENT TO NOMINATION.

To the [*here insert Commonwealth Electoral Officer in the case of a Senate Election or Divisional Returning Officer in the case of a House of Representatives Election*].

I [*here insert Christian names, surname, place of residence, and occupation*] do hereby withdraw my consent to nomination as [*here insert Senator or Member of the House of Representatives, as the case may be*], dated the _____ day of _____ 19____, and apply for refund of Deposit.

[*Signature of Candidate.*]

Dated at [*here insert place*] the _____ day of _____ 19____.

Witness—

NOTE.—To be signed in the presence of a justice of the peace.

OFFICIAL MARK.

18. The official mark for the authentication of ballot-papers shall be a water mark in the paper thereof, consisting of a representation of a shield having therein the letters " C A " intertwined. Sec 153.

PART II.—ELECTORAL AND REFERENDUM REGULATIONS.

UNDERTAKING TO BE MADE BY OFFICERS AND SCRUTINEERS.

19. (1.) Every Divisional Returning Officer, Assistant Returning Officer, Electoral Registrar, Presiding Officer, Assistant Presiding Officer, Poll Clerk, and Scrutineer shall make and subscribe an undertaking in accordance with the following terms :— Secs. 124 and 135.

I (*here insert name, address, and occupation*) do hereby promise and undertake that I will faithfully perform the duties of (*here insert name of office held by the person signing undertaking*) to the best of

my understanding and ability, and that I will not directly or indirectly attempt to influence the vote of any elector, or, except by recording my vote as allowed by law, the result of any election or referendum, and that I will not disclose any knowledge officially acquired by me touching the vote of any elector, except in reply to a question which I am legally bound to answer.

Signature—

Dated the day of 19 .

Witness to signature—

(2.) The fact that any Divisional Returning Officer, Assistant Returning Officer, Electoral Registrar, Presiding Officer, Assistant Presiding Officer, Poll Clerk, or Scrutineer has not signed the undertaking required by this Regulation shall not be a ground for setting aside any election or Referendum.

POLLING PLACES PRESCRIBED FOR A SUBDIVISION.

Secs. 130, 139,
145, and 152A.

19A. The polling places for a Subdivision shall be those polling places which are declared by the Minister by *Gazette* notice to be the polling places for that Subdivision; and those polling places shall be the polling places prescribed for all electors who are enrolled for that Subdivision.

SAME POLLING BOOTH MAY BE USED FOR TWO ELECTIONS OR REFERENDUMS.

Sec. 124.

20. Where an election for the Senate and an election for the House of Representatives or one or more Referendums are held on the same day, the same polling booths and ballot-boxes may be used for the purposes, of the Elections and Referendums or any of them, but the ballot-papers for each election and Referendum shall be distinctively coloured.

BALLOT-BOXES.

Sec. 129.

21. Each ballot-box shall have a cleft in the cover through which the ballot-papers may be put into the ballot-box, and shall be provided with means for securely closing the cleft. The ballot-box shall also be capable of being securely fastened by means of a lock.

CIRCLE FOR OFFICER'S INITIALS AND INDORSEMENT ON BALLOT-PAPERS.

Secs. 131, 132,
and 134.

21A. A circle containing the words "Presiding Officer's Initials," or "Electoral Registrar's Initials," as the case requires, may be printed on the back of any ballot-paper, and the words "Absent Vote" may be printed or written on the back of any absent voter's ballot-paper.

FACILITIES FOR ENABLING AN ELECTOR TO VOTE AS AN ABSENT VOTER BEFORE AN ELECTORAL REGISTRAR AFTER THE ISSUE OF THE WRIT FOR AN ELECTION OR REFERENDUM AND BEFORE POLLING DAY, OR ON POLLING DAY AT A POLLING PLACE OTHER THAN A POLLING PLACE PRESCRIBED FOR THE SUBDIVISION FOR WHICH HE IS ENROLLED.

22. (1.) In the case of—

- (a) an election for the Senate; or
- (b) an election for the House of Representatives; or
- (c) a Referendum held under the provisions of the Referendum (Constitution Alteration) Act in force for the time being,

Sec. 139.

an elector may, subject to this Regulation, vote as an ABSENT VOTER—

- (1.) if he has reason to believe that he will not on polling day be within any Commonwealth Electoral Division, and presents himself before any Commonwealth Electoral Registrar at

the office of the Electoral Registrar, at any time after the issue of the Writ for the election or Referendum and not later than six o'clock on the afternoon of the day immediately preceding polling day, provided that where a by-election for the House of Representatives is being held in any State an elector shall only be entitled to vote before an Electoral Registrar for a Subdivision of the Division in which such by-election is being held; or

- (ii.) on polling day at any polling place within the Commonwealth, Sec. 139A. not being a prescribed polling place for the Subdivision for which he is enrolled, provided that a polling booth is open under the law on that day at such polling place.

(2.) The elector must state his name, his place of living, and occupation, as appearing on the Roll, and the Division for which he is enrolled, and, to the best of his knowledge, the Subdivision for which he is enrolled.

(3.) The Electoral Registrar or Presiding Officer may, if he thinks fit, and the Presiding Officer shall at the request of any Scrutineer, put to the elector any of the questions applicable to the case prescribed by Section 141 of the Commonwealth Electoral Act.

Declaration by Absent Voter.

(4.) If the elector answers satisfactorily the questions put to him, or if no questions are put to him, he may be allowed to vote as an absent voter on making a declaration in accordance with either of the following forms applicable to the case, which may be printed on an envelope addressed to the Divisional Returning Officer for the Division for which the elector declares that he is enrolled :—

(A)

Commonwealth of Australia.

State of—

The Commonwealth Electoral Act.

The Referendum (Constitution Alteration) Act.

ABSENT VOTER'S DECLARATION TO BE MADE BEFORE A COMMONWEALTH ELECTORAL REGISTRAR, AFTER THE ISSUE OF THE WRIT FOR AN ELECTION OR REFERENDUM, AND NOT LATER THAN SIX O'CLOCK ON THE AFTERNOON OF THE DAY IMMEDIATELY PRECEDING POLLING DAY BY AN ELECTOR WHO HAS REASON TO BELIEVE THAT HE WILL NOT, ON POLLING DAY, BE WITHIN ANY COMMONWEALTH ELECTORAL DIVISION.

I declare—

- (i.) that I am the person enrolled as—

| Surname. | Christian Names at full length. | Place of Living (as appearing on Roll.) | Occupation. |
|----------|---------------------------------|--|-------------|
| | | | |

on the Electoral Roll for the Subdivision of
the Electoral Division of in the State of

- (ii.) that I have not voted in connexion with the election to be held on the day of 19 .

- (iii.) that in pursuance of my avocation or of arrangements into which I have already entered, I will not on Polling Day be within any Commonwealth Electoral Division.

(iv.) that if I am permitted to vote in pursuance of this declaration I will not again vote at the said election.

I am aware that if I falsely personate or attempt to personate any other person for the purpose of securing a ballot-paper to which I am not entitled, or wilfully make any false statement in this declaration, I will be prosecuted and am liable to two years' imprisonment.

NOTE.—“ Election ” in this declaration means a Senate election or a House of Representatives Election, or any Referendum (held under the provisions of the Referendum (Constitution Alteration) Act a force for the time being), or all of them, as the case requires.

Signed before me, at my office, on the _____ day of _____ 19____

Personal signature of Elector.

Electoral Registrar for the _____ Subdivision
Division of _____

Directions.

1. This form of declaration must, after being filled up, be signed by the elector with his personal signature in the presence of the Electoral Registrar, and then be completed and attested by the Electoral Registrar.

2. The Electoral Registrar shall then (subject to the provisions of Regulation 22) initial and hand to the elector—

- (a) one ballot-paper (headed “ Absent Vote ”) for the Senate election for the State for which the elector claims to vote ; and
 - (b) one ballot-paper (headed “ Absent Vote ”) for the House of Representatives election for the Division for which the elector claims to vote ; and
 - (c) one ballot-paper (headed “ Absent Vote ”) for each Referendum for the State for which the elector claims to vote ;
- to which this declaration relates.

3. The elector will then forthwith—

- (i.) retire alone to an unoccupied portion of the room and there in private mark his vote in the manner directed on each ballot-paper handed to him ;
- (ii.) fold each ballot-paper in such a manner as to conceal his vote, and at once return the ballot-paper or ballot-papers so folded to the Electoral Registrar.

4. The Electoral Registrar will then—

- (a) see that he receives from the elector each ballot-paper duly folded, and, without unfolding the ballot-paper or ballot-papers, forthwith, in the presence of the elector, enclose all the ballot-papers, received from that elector, in the envelope bearing the declaration of the elector and addressed to the Divisional Returning Officer for the Division for which the elector declares that he is enrolled ; and
- (b) securely fasten the envelope, and post it.

(B)

Commonwealth of Australia.

State of—

The Commonwealth Electoral Act.

The Referendum (Constitution Alteration) Act.

ABSENT VOTER'S DECLARATION TO BE MADE BEFORE A PRESIDING OFFICER ON POLLING DAY BY AN ELECTOR VOTING AT A POLLING PLACE IN THE COMMONWEALTH, OTHER THAN A POLLING PLACE PRESCRIBED FOR THE SUBDIVISION FOR WHICH HE IS ENROLLED.

I declare that I am the person enrolled as—

| Surname. | Christian Names at full length. | Place of Living (as appearing on roll). | Occupation. |
|----------|---------------------------------|--|-------------|
| | | | |

on the Electoral Roll for the _____ Subdivision of the Electoral Division of _____, in the State of _____, and that I have not voted at this or any other polling place or before an Electoral Registrar at the election being held this day, and I promise and declare that if I am permitted to vote at this polling place as an absent voter I will not again vote at this election.

I am aware that if I falsely personate or attempt to personate any other person for the purpose of securing a ballot-paper to which I am not entitled, or wilfully make any false statement in this declaration, I will be prosecuted, and am liable to two years' imprisonment.

NOTE.—“ Election ” in this declaration means a Senate Election, or a House of Representatives Election, or any Referendum (held under the provisions of the Referendum (Constitution Alteration) Act in force for the time being), or all of them, as the case requires.

Personal Signature of Elector.

Signed before me the _____ day of _____ 19 _____

at _____ polling place.

Presiding Officer.

Directions.

1. This form of declaration must, after being filled up, be signed by the elector with his personal signature in the presence of the Presiding Officer, and then be completed and attested by the Presiding Officer.

2. The Presiding Officer shall then (subject to the provisions of Regulation 22) initial and hand to the elector—

- (a) one ballot-paper (headed “ Absent Vote ”) for the Senate election for the State for which the elector claims to vote; and
- (b) one ballot-paper (headed “ Absent Vote ”) for the House of Representatives election for the Division for which the elector claims to vote; and
- (c) one ballot-paper (headed “ Absent Vote ”) for each Referendum for the State for which the elector claims to vote;

held on the date upon which this declaration is made.

3. The elector will then forthwith—

- (i) retire alone to an unoccupied compartment of the polling booth and there in private mark his vote in the manner directed on each ballot-paper handed to him;
- (ii) fold each ballot-paper in such a manner as to conceal his vote, and at once return the ballot-paper or ballot-papers so folded to the Presiding Officer before whom he made the declaration.

4. The Presiding Officer will see that he receives from the elector each ballot-paper duly folded, and will, if necessary for purposes of identification, request the elector to again state his name. He will then, without unfolding the ballot-paper or ballot-papers, forthwith in the presence of the elector, enclose all the ballot-papers, received from that elector, in the envelope bearing the declaration of the elector and addressed to the Divisional Returning Officer for the Division for which the elector declares that he is enrolled, securely fasten the envelope and deposit it in the ballot-box.

Physically incapacitated or illiterate electors voting before an Electoral Registrar.

(5.) If any elector who presents himself before an Electoral Registrar and claims to vote as an absent voter, satisfies the Electoral Registrar that his sight is so impaired or that he is so physically incapacitated or illiterate that he is unable to vote without assistance, the Electoral Registrar, in the presence of a person appointed by the elector, or, if no person be so appointed, in the presence of a person selected by the Electoral Registrar, shall take the following action :—

- (a) fill in the form of declaration with the required particulars relating to the enrolment of the elector, as requested by such elector;
- (b) read over to the elector the form of declaration;
- (c) require the elector to sign the form of declaration—
 - (i) in his own handwriting if he is able to do so; or
 - (ii) with his mark as his personal signature if he is unable to sign his name in his own handwriting;
- (d) cause the signature of the elector, if made by means of a mark, to be witnessed by the person present;
- (e) complete and attest the declaration;
- (f) mark and fold the ballot-paper or ballot-papers (as the case requires) for the elector;

- (g) enclose the ballot-paper or ballot-papers in the envelope bearing the absent voter's declaration ; and
- (h) securely fasten the envelope and deal with it in the manner directed in relation to other absent voters' ballot-papers.

Physically incapacitated or illiterate electors voting before a Presiding Officer.

(6.) If any elector who presents himself before a Presiding Officer and claims to vote as an absent voter, satisfies the Presiding Officer that his sight is so impaired or that he is so physically incapacitated or illiterate that he is unable to vote without assistance, the Presiding Officer, in the presence of such scrutineers as may be present, or, if there be no scrutineers present, then in the presence of the Poll Clerk, or, if the elector so desires, in the presence of a person appointed by such elector, instead of the Poll Clerk, shall take the following action :—

- (a) fill in the form of declaration with the required particulars relating to the enrolment of the elector, as requested by such elector ;
- (b) read over to the elector the form of declaration ;
- (c) require the elector to sign the form of declaration—
 - (i.) in his own handwriting if he is able to do so ; or
 - (ii.) with his mark as his personal signature if he is unable to sign his name in his own handwriting ;
- (d) cause the signature of the elector, if made by means of a mark, to be witnessed by a scrutineer present, or, if no scrutineer be present, by the Poll Clerk or the person appointed by the elector ;
- (e) complete and attest the declaration ;
- (f) mark and fold the ballot-paper or ballot-papers (as the case requires) for the elector ;
- (g) enclose the ballot-paper or ballot-papers in the envelope bearing the absent voter's declaration ; and
- (h) securely fasten the envelope and deal with it in the manner directed in relation to other absent voters' ballot-papers.

Absent Voter's Ballot Paper, Senate, to be used by elector voting before an Electoral Registrar.

(7.) The ballot-paper to be used by an elector attending before an Electoral Registrar for the purpose of voting as an absent voter for a Senate Election may be in accordance with the following form :—

ABSENT VOTE.

Commonwealth of Australia.

BALLOT-PAPER.

(To be used by an elector attending before an Electoral Registrar.)

State of [here insert name of State].

Election of [here insert number] Senators.

Directions.

The elector shall, in the presence of the Electoral Registrar, but so that the Electoral Registrar cannot see the vote, mark his vote by writing on this ballot-paper the names of the candidates for whom he votes, and shall fold the ballot-paper so that the vote cannot be seen and return it to the Electoral Registrar, who will then, in the presence of the elector, without unfolding the ballot-paper, forthwith place it in the envelope bearing the declaration of the elector, and securely fasten the envelope.

The elector must vote for the full number of candidates to be elected.

The elector will here write the names of the candidates for whom he votes.

NOTE.—It is the duty of the Electoral Registrar before handing this ballot-paper to the elector to fill in the name of the State (if it is not already printed thereon) for which the elector claims to vote.

Absent Voter's Ballot Paper, House of Representatives, to be used by an elector voting before an Electoral Registrar.

(8.) The ballot-paper to be used by an elector attending before an Electoral Registrar for the purpose of voting as an absent voter for a House of Representatives Election may be in accordance with the following form :—

ABSENT VOTE.

Commonwealth of Australia.

BALLOT-PAPER.

(To be used by an elector attending before an Electoral Registrar.)

State of [*here insert name of State*].

Electoral Division of [*here insert name of Division*].

Election of One Member of the House of Representatives.

Directions.

The elector shall, in the presence of the Electoral Registrar, but so that the Electoral Registrar cannot see the vote, mark his vote by writing on this ballot-paper the name of the candidate for whom he votes, and shall fold the ballot-paper so that the vote cannot be seen and return it to the Electoral Registrar, who will then, in the presence of the elector, without unfolding the ballot-paper, forthwith place it in the envelope bearing the declaration of the elector, and securely fasten the envelope.

The elector must vote for one candidate only.

The elector will here write the name of the candidate for whom he votes.

NOTE.—It is the duty of the Electoral Registrar, before handing this ballot-paper to an elector, to fill in the name of the State (if it is not already printed thereon) and the name of the Division for which the elector claims to be enrolled.

Absent Voter's Ballot Paper, Referendum, to be used by an elector Voting before an Electoral Registrar.

(9.) The ballot-paper to be used by an elector attending before an Electoral Registrar for the purpose of voting as an absent voter at a Referendum held under the provisions of the Referendum (Constitution Alteration) Act in force for the time being may be in accordance with the following form :—

ABSENT VOTE.

Commonwealth of Australia.

The Referendum (Constitution Alteration) Act.

BALLOT-PAPER.

(To be used by an elector attending before an Electoral Registrar.)

State of [*here insert name of State*].

Submission to the electors of a proposed Law for the Alteration of the Constitution entitled [*here insert the title of the proposed Law*].

Directions to Voter.

The voter, in the presence of the Electoral Registrar, but so that the Electoral Registrar cannot see the vote, should mark his vote as follows :—

If he approves of the proposed law he should make a cross in the square opposite the word "Yes."

If he does not approve of the proposed law he should make a cross in the square opposite the word "No."

and shall fold the ballot-paper so that the vote cannot be seen, and return it to the Electoral Registrar, who will then, in the presence of the elector, without unfolding the ballot-paper, forthwith, place it in the envelope bearing the declaration of the elector, and securely fasten the envelope.

Question.

Do you approve of the proposed law for the alteration of the Constitution, entitled [*here set out the title of the proposed law*] ?

Yes.

No.

*Absent Voter's Ballot Paper, House of Representatives, to be used by an elector
on Polling Day.*

(12.) The ballot-paper for a House of Representatives Election to be used by an elector voting as an absent voter on polling day at a polling place in the Commonwealth, other than a polling place for the Subdivision for which he is enrolled, shall be in accordance with the following form, provided that the names of the Candidates, and the name of the State and of the Division may be either printed or written thereon :—

ABSENT VOTE.

Commonwealth of Australia.

BALLOT-PAPER.

State of [*here insert name of State*].

Electoral Division of [*here insert name of Division*].

Election of One Member of the House of Representatives.

Directions.

The elector should retire alone to an unoccupied compartment of the booth, and there, in private, mark his vote on this ballot-paper by making a cross in the square opposite the name of the candidate for whom he votes, fold the ballot-paper so that the vote cannot be seen, and return it to the Presiding Officer before whom he made his declaration. The Presiding Officer will then, in the presence of the elector, without unfolding the ballot-paper, forthwith place it in the envelope bearing the declaration of the elector, securely fasten the envelope, and deposit it in the ballot-box.

The elector must vote for one candidate only.

Candidates.

| | |
|--|--|
| | |
| | |
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*Absent Voter's Ballot Paper, Referendum, to be used by an elector on Polling
Day.*

(13.) The ballot-paper for a Referendum, held under the provisions of the Referendum (Constitution Alteration) Act in force for the time being, to be used by an elector voting on polling day at a polling place in the Commonwealth other than a polling place prescribed for the Subdivision for which he is enrolled, may be in accordance with the following form :—

ABSENT VOTE.

Commonwealth of Australia.

The Referendum (Constitution Alteration) Act.

BALLOT-PAPER.

State of [*here insert name of State*].

Submission to the electors of a proposed Law for the Alteration of the Constitution, entitled [*here set out the title of the proposed law*].

Directions to Voter.

The elector should retire alone to an unoccupied compartment of the booth, and there, in private, mark his vote on this ballot-paper as follows :—

If he approves of the proposed law he should make a cross in the square opposite the word "YES";

If he does not approve of the proposed law he should make a cross in the square opposite the word "NO";

fold the ballot-paper so that the vote cannot be seen, and return it to the Presiding Officer before whom he made his declaration. The Presiding Officer will then, in the presence of the elector, without unfolding the ballot-paper, place it in the envelope bearing the declaration of the elector, securely fasten the envelope, and deposit it in the ballot-box.

Question.

Do you approve of the proposed law for the Alteration of the Constitution, entitled [*here set out the title of the proposed law*] ?

Yes.

No.

Procedure by Presiding Officer.

(14.) The Presiding Officer shall make a record of the name of each elector who has voted at his polling booth as an absent voter at an Election or Referendum, together with such particulars as may be required relating to the enrolment of such elector as indicated on the form of declaration, and, at the close of the poll, will forward the record, duly certified, under seal, to the Assistant Returning Officer.

Procedure by Assistant Returning Officer.

(15.) The Assistant Returning Officer, on receipt from a Presiding Officer, of a ballot-box containing absent voters' ballot-papers enclosed in the envelopes bearing the electors' declarations, will take the following action :—

- (a) Check the number of such envelopes with the number appearing in the Presiding Officer's record, preserve a note thereof, and report any discrepancy to his Divisional Returning Officer;
- (b) Place in a separate parcel the envelopes addressed to each Divisional Returning Officer, indorse on each parcel the total number of envelopes contained therein, and add his signature and the date;
- (c) Place each parcel in an outer cover, fully addressed to the Returning Officer for the Division for which the electors declare that they are enrolled, fasten and seal the cover, and forthwith transmit the package by registered post to the Returning Officer;
- (d) Immediately advise, by telegraph, each Divisional Returning Officer concerned of the total number of envelopes, bearing absent voters' declarations, so forwarded to him.

Receipt and Custody of Absent Voters' Ballot-papers.

(16.) The Divisional Returning Officer will preserve in his custody—

- (a) a book, in which he will record from time to time the number of envelopes bearing absent voters' declarations received by him from—
 - (i) each Electoral Registrar; and
 - (ii) each Assistant Returning Officer;
- (b) a locked and sealed ballot-box, marked "Absent Voters' Ballot-box," in which he will forthwith place all envelopes bearing absent voters' declarations received by him from the several Electoral Registrars and Assistant Returning Officers.

Scrutiny of Absent Voters' Ballot-papers.

(17.) (i.) The scrutiny of absent voters' ballot-papers shall commence as soon as practicable after the close of the poll, and shall be conducted in the presence of such authorized scrutineers as choose to attend, and in the presence of and with the assistance of at least one Assistant Returning Officer.

The Divisional Returning Officer shall—

- (a) produce and open the absent voters' ballot-box in which the envelopes containing the absent voters' ballot-papers have been placed ;
- (b) place in one parcel the unopened envelopes (containing ballot-papers) bearing the duly signed and attested declarations of the absent voters who he is satisfied *are enrolled* for his Division, accept the ballot-papers for further scrutiny, and place a mark opposite the name of each of such absent voters on a certified copy of the Roll to be used by him for the purposes of the scrutiny ;
- (c) place in another parcel the unopened envelopes bearing the declarations of those persons who he is satisfied *are not enrolled* for his Division, or whose declarations are not duly signed and attested, fasten and seal the parcel, indorse thereon the words "absent voters' ballot-papers rejected at the preliminary scrutiny," and add the name of the Division, his signature, and the date.

(ii.) The Divisional Returning Officer shall then deal in the following manner with the ballot-papers which he has decided to accept for further scrutiny:—

- (a) Place the envelopes bearing the absent voters' declarations before him on the table in such a manner that the face only of the envelope bearing the address of the Divisional Returning Officer will be visible ;
- (b) Number each envelope consecutively from one upwards in the top right-hand corner until the whole of the envelopes have been dealt with, and initial each number ;
- (c) Without further examining the declaration of any voter, or permitting any other person to do so, withdraw from the envelope each ballot-paper contained therein, and, without inspecting or unfolding such ballot-paper, or allowing any other person to do so, place thereon a number corresponding with that placed on the envelope from which the ballot-paper has been withdrawn, initial the number, and forthwith deposit the folded ballot-paper in a locked and sealed ballot-box for further scrutiny ;
- (d) Place the envelopes in a parcel, indorsed with the words "Envelopes bearing absent voters' declarations from which ballot-papers have been withdrawn for further scrutiny," fasten and seal the parcel, add the name of the Division, his signature, and the date.

(iii.) It shall not be necessary for the Divisional Returning Officer to await the receipt of the whole of the envelopes containing absent voters' ballot-papers for his Division before proceeding with the scrutiny of the ballot-papers

which have been placed in the ballot-box, but he shall keep sufficient uncounted ballot-papers in the ballot-box to ensure, that all ballot-papers for an Election or Referendum when counted, shall be taken from a number sufficient to prevent the identity of the voters from being disclosed.

(iv.) At the scrutiny, the Divisional Returning Officer shall examine the absent voters' ballot-papers, and shall allow and count those which are formal, and shall disallow and reject those which are informal.

(v.) If a scrutineer objects to a ballot-paper as being informal, the Divisional Returning Officer conducting the scrutiny shall mark the ballot-paper "Admitted," or "Rejected," according to his decision to admit or reject the ballot-paper, and add his initials, but nothing in this Regulation shall prevent the Divisional Returning Officer from rejecting a ballot-paper as being informal although it is not objected to.

(vi.) An absent voter's ballot-paper shall be informal if—

- (a) in an election for the Senate or House of Representatives or in a Referendum, it is not authenticated by the initials of the Electoral Registrar or the Presiding Officer in accordance with these Regulations, or by the official mark as prescribed under the provisions of the Commonwealth Electoral Act or the Referendum (Constitution Alteration) Act (as the case requires) in force for the time being ;
- (b) in an election for the Senate it has no vote marked on it, or has votes marked on it for a greater or lesser number of candidates than the number required to be elected ; or
- (c) in an election for the House of Representatives it has no vote marked on it, or has votes marked on it for more than one candidate ; or
- (d) in a referendum it has no vote marked on it, or has more than one vote marked on it ; or
- (e) in an election for the Senate or House of Representatives, or in a referendum, it has upon it any mark or writing (not lawfully authorized to be put upon it) which would, in the opinion of the Divisional Returning Officer, enable the voter to be identified ; or
- (f) in an election for the Senate or House of Representatives, or in a Referendum, if it is not contained in the envelope bearing the declaration of the elector.

Provided that paragraph (e) shall not apply to any mark or writing placed upon the ballot-paper by an officer, notwithstanding that the placing of the mark or writing upon the ballot-paper is a contravention of the law ; but if any officer unlawfully places any mark or writing on any ballot-paper which would enable any person to identify the voter to whom it is issued, he shall be liable to a penalty of £10.

(vii.) In an election for the Senate or House of Representatives an absent voter's ballot-paper shall not be rejected as informal merely because the names of the whole of the candidates do not appear on the ballot-paper.

(viii.) In an election for the Senate or House of Representatives an absent voter's ballot-paper shall not be rejected as informal merely because the surname only of any candidate has been written thereon, if no other candidate has the same surname, or by reason of any mistake in spelling where the elector's intention is clear.

(ix.) In an election for the Senate or House of Representatives or in a Referendum an absent voter's ballot-paper shall not be rejected as informal by reason only of the fact that the Electoral Registrar or the Presiding Officer has omitted to attest the declaration of the elector if before the declaration of the poll the officer certifies that the omission was due to inadvertence, and that the declaration was, as a matter of fact, duly signed in such officer's presence.

(x.) An absent voter's ballot-paper shall not be rejected only because of a formal defect therein through the name of a wrong State or Division appearing thereon, or the omission of the name of the State or Division, if the name of the Division for which the elector is enrolled appears in the declaration of the elector.

(xi.) The Divisional Returning Officer shall place in separate parcels—

- (a) all absent voters' ballot-papers allowed or admitted as formal for each election;
- (b) all absent voters' ballot-papers disallowed or rejected as informal for each election;
- (c) all absent voters' ballot-papers allowed or admitted as formal or disallowed or rejected as informal in connexion with any referendum or referendums;

and shall fasten and seal each parcel, and indorse thereon particulars of the contents thereof, the name of the Division, and add his signature and the date.

(xii.) The Divisional Returning Officer shall preserve the sealed parcels—

- (a) of absent voters' ballot-papers allowed or admitted at the scrutiny;
- (b) of absent voters' ballot-papers disallowed or rejected at the scrutiny;
- (c) of envelopes bearing absent voters' declarations, and containing ballot-papers rejected at the preliminary scrutiny,

until the authority of the Chief Electoral Officer for the Commonwealth has been obtained for their destruction.

(xiii.) The Divisional Returning Officer shall forward the sealed parcels of envelopes bearing the absent voters' declarations and from which ballot-papers have been withdrawn for further scrutiny, to the Commonwealth Electoral Officer for the State, who shall preserve the parcels until the authority of the Chief Electoral Officer for the Commonwealth has been obtained for their destruction.

(xiv.) The sealed parcels of absent voters' ballot-papers may only be opened—

- (a) for the purposes of an authorized recount; or
- (b) by direction of the Court of Disputed Returns.

(xv.) The sealed parcels of absent voters' declarations may only be opened—

- (a) by direction of the Court of Disputed Returns; or
- (b) by the Commonwealth Electoral Officer for the State (subject to such directions as he may receive from the Chief Electoral Officer for the Commonwealth) for the purpose of comparing the signature of any voter thereon with the signature purporting to be that of the same person on the Electoral Claim Card filed in his office or for the purpose of instituting any authorized official enquiry.

ARRANGEMENTS IN CONNEXION WITH THE SCRUTINY BY ASSISTANT
RETURNING OFFICER.

Sec. 155.

23. (1) At the scrutiny the Assistant Returning Officer shall, on receipt from a Presiding Officer, of a ballot-box, forthwith exhibit it for the inspection of the scrutineers present, and shall record the condition in which the box is received, and shall then, in the presence of the scrutineers present, open the ballot-box and, subject to the action prescribed in Regulation 22, paragraph (15), in respect of envelopes containing absent voters' ballot-papers, take out and count the ballot-papers (but not inspect the votes), and record the total number of the ballot-papers taken therefrom, and thus check the statement of the Presiding Officer.

(2) If the total number of ballot-papers taken from a ballot-box is not less than one hundred, the votes may immediately be inspected and counted.

(3) If the total number of ballot-papers taken from a ballot-box is less than one hundred, they shall be placed in a ballot-box, called a reserve ballot-box, which has been previously exhibited to the scrutineers, and the counting of the votes in it shall not then be proceeded with.

(4) The ballot-papers in the reserve ballot-box may be taken out and counted when all the ballot-papers taken from any two or more ballot-boxes and placed in the reserve ballot-box exceed one hundred, but in cases where no more ballot-boxes are to be received at the counting centre, the ballot-papers may be taken out and counted, notwithstanding that there are less than one hundred ballot-papers in the reserve ballot-box.

PRESERVATION OF DOCUMENTS.

Secs 159.

24. All ballot-papers, Lists of Voters, and Forms of Declaration used at an election or referendum shall, after the scrutiny is completed, be sealed up by the officer who conducted the scrutiny. Each Assistant Returning Officer shall transmit, in properly indorsed fastened and sealed parcels, all ballot-papers scrutinized by him and all certified lists of voters used within that portion of the Division in which he exercises his powers, to the Returning Officer for the Division, who shall be responsible for the safe custody of these documents until the authority of the Chief Electoral Officer for the Commonwealth has been obtained for the destruction thereof.

RECOUNT OF BALLOT-PAPERS.

Secs. 161A and
164A.

25. (1) Before proceeding to recount any ballot-papers, the Divisional Returning Officer shall send to each candidate notice of the time and place fixed for the recount.

(2) The Divisional Returning Officer shall, at the time and place fixed for the recount, in the presence of the scrutineer, or scrutineers, in attendance, and of an officer of the Commonwealth Public Service, open every sealed parcel of ballot-papers to be recounted, and shall count the votes therein.

(3) Each parcel of ballot-papers to be recounted shall be opened separately without destroying or rendering illegible any indorsements on

the parcel, and every care shall be taken to prevent the ballot-papers in the parcel from being mixed with the ballot-papers in any other parcel.

(4) After a parcel has been opened and the votes therein counted, the ballot-papers shall be placed in their original cover, which shall be re-sealed, re-fastened, and then placed in a new cover, which shall be sealed and fastened, and an indorsement shall be made thereon of the fact and date of the recount and shall be signed by the Divisional Returning Officer.

(5) When any ballot-papers are, at a recount, reserved for the decision of the Commonwealth Electoral Officer for the State, the Divisional Returning Officer shall, in the presence of the scrutineer, or scrutineers, in attendance, place the ballot-papers in a properly fastened and sealed parcel bearing his signature and the signatures of the scrutineer or scrutineers, together with an indorsement setting forth the number of ballot-papers contained therein; the name of the Division, and the date; and shall place the parcel in a fastened and sealed outer cover fully addressed to the Commonwealth Electoral Officer for the State, and forthwith transmit the parcel by registered post.

(6) On receipt of the parcel, the Commonwealth Electoral Officer shall open it and scrutinize the ballot-papers in the presence of an officer of the Commonwealth Public Service, and, if any candidate so desires, in the presence of a person appointed by such candidate, and shall mark each ballot-paper either "Admitted," or "Rejected," according to his decision to admit or reject such ballot-paper.

(7) When the Commonwealth Electoral Officer has given his decision on the ballot-papers, he shall restore them to their original cover, refasten and reseal the cover, and indorse thereon—

- (a) the number of ballot-papers contained therein;
- (b) a statement that such ballot-papers have been the subject of decision by him;
- (c) his signature, and the date;

and shall then place the parcel in a new cover, which he shall fasten, seal, and forthwith return by registered post to the Divisional Returning Officer.

(8) The Commonwealth Electoral Officer shall advise the Divisional Returning Officer, in writing, as to the number of ballot-papers admitted or rejected by him, and the Commonwealth Electoral Officer's decision shall be accepted by the Divisional Returning Officer in completing his recount of the ballot-papers.

(9) The receipt of every parcel of ballot-papers shall be acknowledged in writing by the Commonwealth Electoral Officer and the Divisional Returning Officer respectively.

ELECTORAL EXPENSES.

26. The fee to be paid for an inspection of the Return, and the receipted bills of particulars, of a candidate's electoral expenses shall be 2s. 6d. Sec. 172.

FORM S—continued.

| | Amounts Paid. | | | Expenditure Incurred but not yet Paid. | | |
|--|---------------|----|----|--|----|---|
| | £ | s. | d. | £ | s. | d. |
| III. Reports in Newspapers of Speeches or Addresses. | | | | | | |
| Money expended or expense incurred for the insertion in newspapers of reports of addresses or speeches (6) | | | | | | (6) Here set out the names of the newspapers in which the reports appeared, the nature of the addresses or speeches, the dates on which they appeared, and the name of the person making the speech or delivering the address, and the amount paid or to be paid. The particulars as regards each newspaper are to be separately stated. |
| Total | | | | | | |
| IV. Advertisements or Notices in Newspapers. | | | | | | |
| Money expended or expense incurred in connexion with the insertion of advertisements or notices in newspapers (7) | | | | | | (7) Here set out the names of the newspapers in which the advertisements or notices appeared, the dates on which the advertisements or notices appeared, the nature of the advertisements or notices, and the amounts paid or to be paid for the insertion thereof. The particulars in respect of each newspaper are to be separately stated. |
| Total | | | | | | |
| V. Printing Articles, Reports, Advertisements, Notices or other matter (other than in Newspapers). | | | | | | |
| Money expended or expense incurred in printing (a) Articles and Reports, (b) Advertisements and Notices, or (c) other matter, including matter printed on cards or in the form of handbills, posters, pamphlets, or otherwise (8) | | | | | | (8) Here set out the names and addresses of persons to whom amounts have been paid or are to be paid, the amount paid or to be paid to each, and the nature of the service. |
| Total | | | | | | |
| VI. Publishing, Issuing, and Distributing Articles, Reports, Advertisements, Notices or other matter. | | | | | | |
| Money expended or expense incurred in publishing, issuing, and distributing (a) Articles and Reports, (b) Advertisements and Notices, or (c) other matter, including matter printed on cards or in the form of handbills, posters, pamphlets, or otherwise (8) | | | | | | |
| Total | | | | | | |

FORM S—continued.

| | Amounts Paid. | | | Expenditure Incurred but not yet Paid. | | |
|---|---|----|----|--|----|----|
| | £ | s. | d. | £ | s. | d. |
| <i>VII. Miscellaneous Expenses.</i> | | | | | | |
| (9) Here set out under separate heads precise particulars of the service for which the money was expended or the expense was incurred, together with the names of the persons concerned and the amount paid or to be paid to each person: | Money expended or expense incurred but not accounted for under any other head provided in this return (9) | | | | | |
| Total | | | | | | |

SUMMARY OF MONEY EXPENDED OR EXPENSE INCURRED, AS SHOWN IN THE FOREGOING RETURN.

| Head | Amounts Paid. | | | Expenditure incurred but not yet Paid. | | |
|--------------|---------------|----|----|--|----|----|
| | £ | s. | d. | £ | s. | d. |
| I. | | | | | | |
| II. | | | | | | |
| III. | | | | | | |
| IV. | | | | | | |
| V. | | | | | | |
| VI. | | | | | | |
| VII. | | | | | | |
| Totals | | | | | | |

(10) Here insert (10) I or We, and the names, addresses, and descriptions of the persons making the return.

do solemnly and sincerely declare that this return is true in every particular.

Declared and subscribed before me at
day of 19

the

Justice of the Peace,

(2) Every return filed in pursuance of Section 172A of the Act shall be open to public inspection during ordinary office hours, on payment of a fee of One shilling.

RETURN UNDER SECTION 172B OF THE ACT.

28.—(1) The return to be made by the proprietor or publisher of a newspaper under Section 172B of the Act shall be in accordance with the following form :—

FORM T.

Sec. 172B.

Commonwealth of Australia.
The Commonwealth Electoral Act.
State of—

RETURN BY PROPRIETOR OR PUBLISHER OF A NEWSPAPER OF ELECTORAL MATTER
PUBLISHED THEREIN IN RESPECT OF WHICH PAYMENT HAS BEEN OR IS TO BE MADE.

Title of newspaper—

Place where published—

Name of proprietor—

The amount of electoral matter in connexion with the election held on the
day of 19 for—*

* Here insert
particulars of
the election.

inserted in the above paper in respect of which payment has been or is to be made, the space occupied by such matter, the amount owing in respect of such matter, and the names and addresses of the trades unions (registered or unregistered), organizations, associations, leagues, bodies of persons, or persons authorizing the insertion thereof are as follows :—[Here set out in the proper columns the date and particulars as regards each article, advertisement, report of speech, paragraph, or other electoral matter inserted in the paper and for the insertion of which payment has been or is to be made. The following specimens of particulars may be taken as guides.]

| Date. | Particulars of Electoral Matter. | Amounts paid or owing for insertion. |
|--------|---|--------------------------------------|
| 1913. | | £ s. d. |
| Feb. 2 | Article headed "Aims of the Buff Party," 1½ columns, inserted by authority of Samuel Grey, 14 Yellow-street, Buff Town, Secretary of the Buff Party | 5 5 0 |
| „ 3 | Advertisement announcing candidature of William Drab, for the Buff Town Division, ¼ column, inserted by authority of William Drab, of 25 White-street, Buff Town, gentleman | 1 1 0 |
| „ 4 | Report of Speech by William Drab, delivered at Town Hall, Buff Town, on 3 Feb., 2 columns, inserted by his authority | 7 7 0 |
| „ 5 | Paragraph, "Points for the Buff Town electors," ½ column, inserted by authority of Samuel Grey, 14 Yellow-street, Buff Town, Secretary of the Buff Party | 2 2 0 |

I,—*

* Here set out
name and
address of
person making
return, and
whether
proprietor or
publisher of the
newspaper.

do solemnly and sincerely declare that this return is true in every particular.

Declared and subscribed before me this _____ day of _____ 19____

Justice of the Peace.

(2) Every return filed in pursuance of Section 172B of the Act shall be open to public inspection during ordinary office hours on payment of a fee of One shilling.

PART III.—REFERENDUM REGULATIONS.

OFFICIAL MARK.

29. The official mark for the authentication of referendum ballot-papers shall be the official mark prescribed for electoral ballot-papers.

REFERENDUM IN DIVISIONS WHERE NO ELECTORAL POLL IS TAKEN.

30. When the day fixed for the taking of the votes of the electors for the purposes of a referendum is the same as that fixed for the polling at a Senate election or a general election for the House of Representatives, and no poll is taken in any particular Division for the purposes of the election—

- (a) the forms in these Regulations may be modified so far as is necessary to enable them to apply, as regards that Division, to the referendum only, and
- (b) any forms under these Regulations may, as regards that Division, be deemed to refer to the referendum only.

DESTRUCTION OF BALLOT-PAPERS.

31. When the validity of any referendum can no longer be questioned, the Chief Electoral Officer for the Commonwealth may authorize the destruction of the ballot-papers used for voting at the referendum.