



Statutory Rules 1983 No. 1

153

Electoral and Referendum Regulations² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Commonwealth Electoral Act 1918* and the *Referendum (Constitution Alteration) Act 1906*.

Dated 25 August 1983.

N. M. STEPHEN
Governor-General

By His Excellency's Command,

Signed
K. C. BEAZLEY
Special Minister of State

Principal Regulations

1. In these Regulations, "Principal Regulations" means the Electoral and Referendum Regulations.

Notice to person objected to

2. Regulation 27 of the Principal Regulations is amended by omitting "on the ground of non-residence".

Repeal of regulation 28

3. Regulation 28 of the Principal Regulations is repealed.

The Schedule

4. (1) The Schedule to the Principal Regulations is amended by omitting Forms 20 and 21 and substituting the following form:

COMMONWEALTH OF AUSTRALIA

Commonwealth Electoral Act 1918

NOTICE OF OBJECTION

TO (full name and address)

As part of the procedure for ensuring the accuracy of the electoral rolls, the Australian Electoral Office recently conducted a door-to-door check of enrolment in the Subdivision of _____ of the Division of _____. As a result of that check, I have received information that you may not now be living at the address shown next to your name on the electoral roll and may not have lived there during the last month. On the basis of that information, an objection has been made to your name being on the Electoral Roll for that Subdivision on the ground that you do not live in the Subdivision and have not so lived for at least one month last past. As a consequence, I am required by law to give you notice of that objection.

(or)

I have received information that you may not now be living at the address shown next to your name on the Electoral Roll for the Subdivision of _____ of the Division of _____ and may not have lived there during the last month. On the basis of that information, an objection has been made to your name being on the Electoral Roll for that Subdivision on the ground that you do not live in the Subdivision and have not so lived for at least one month last past. As a consequence, I am required by law to give you notice of that objection.

(or)

I have ^{made*} ~~received*~~ an objection to your name being on the Electoral Roll for the Subdivision of _____ of the Division of _____ on the ground that (*here insert ground of objection being a ground other than non-residence*).

(Include one only of the preceding paragraphs, as applicable)

If you do still live in the Subdivision of _____ of the Division of _____ (and this includes temporarily living elsewhere but having a fixed intention to return to the address shown next to your name on the Electoral Roll) you should let me know that the objection is not good. You have 20 days after the posting of this notice to do this and you may do so by attending before me at my office at _____ and making an appropriate oral statement; alternatively, you may post or deliver to me a written statement showing that the objection is not good. In either case you should let me know within 20 days after the posting of this notice.

(Include the preceding paragraph where the ground of the objection is non-residence)

You may answer the objection -

- (a) orally, by attending before me at my office at _____ and making an oral statement to show that the objection is not good; or
- (b) in writing, by sending by post or delivering to me at that office a statement in writing to show that the objection is not good,

but in either case, I should receive your answer within 20 days after the posting of this notice.

(Include the preceding paragraph where the ground of objection is other than non-residence)

If you answer the objection within 20 days after the posting of this notice, I shall determine this objection immediately upon receiving your answer and I shall advise you of my decision. If I do not receive a reply within that period, I shall determine the objection and your name may be removed from the Roll.

It is important that the electoral rolls are accurate. It is also important that names of electors are not taken off the roll in error. The objection procedure helps to achieve these ends.

Divisional Returning Officer
for the Division of _____

Date of posting of this notice:

**Strike out whichever is inapplicable.*

(2) The Schedule to the Principal Regulations is amended by omitting Forms 40 and 41 and substituting the following forms:

FORM 40

Sub-regulation 76 (2)

COMMONWEALTH OF AUSTRALIA

Commonwealth Electoral Act 1918
Referendum (Constitution Alteration) Act 1906

NOTICE TO ELECTOR WHO
APPEARS TO HAVE FAILED TO VOTE

TO (*full name and address of elector*)

From my records it appears that you have failed to vote at the election* *or* referendum* held on Saturday . In accordance with section 128A of the *Commonwealth Electoral Act 1918* (*add, in the case of a referendum as applied by the Referendum (Constitution Alteration) Act 1906*), you are called upon to give a valid, truthful and sufficient reason why you failed so to vote. Voting is compulsory.

You are required by law to give, in the manner stated below, the true reason why you failed so to vote. Will you, please—

- (a) fill up the form at the foot of this notice, stating in it that reason;
- (b) sign the form in the presence of a witness; and
- (c) post the form in time for it to reach me on or before

If you do not fill the form up, sign it and post it in the manner stated above, or if I decide that the reason you have given for failing to vote is not valid and sufficient, you may be required to pay a fine.

Divisional Returning Officer
for the Division of

Note: If, by reason that the elector named in this notice is absent or is suffering from any physical incapacity, the elector is unable to fill up, sign and post the form at the foot of this notice within the time specified above, another elector who has personal knowledge of the facts may fill up, sign, and post the form, duly witnessed, within that time. Where such action is taken by another elector, the elector named in the notice may be treated as having complied with the provisions of the law referred to in this notice.

**Strike out whichever is inapplicable.*

FORM OF STATEMENT TO BE COMPLETED AND
RETURNED TO THE DIVISIONAL RETURNING OFFICER

I, _____ of _____
state that the following is the true reason why I*
_____ failed to vote at the election†
or referendum† held on Saturday _____ :

Signature of person making statement

The above statement was signed in my presence.

Signature of witness

Occupation

Address

Date

*Where the form is filled up on behalf of an elector who is absent or suffering from a physical incapacity, the word "I" should be struck out and the name of that elector inserted.

† *Strike out whichever is inapplicable.*

Use of repealed forms

5. Notwithstanding the amendments of the Principal Regulations effected by regulation 4, Forms 20, 21, 40 and 41 in the Schedule to the Principal Regulations as in force immediately before the commencement of these Regulations may be used for the period of 6 months commencing on the day of commencement of these Regulations.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 1 _____ 1983. 1 September
2. Statutory Rules 1940 No. 163 as amended by 1949 No. 62; 1954 No. 27; 1961 No. 103; ~~1966 No. 140; 1973 No. 62; 1974 No. 44; 1980 No. 24; 1981 Nos. 80 and 84~~

to date. For previous amendments see Note 2 to
Statutory Rules 1983 No. 114 and see also
Statutory Rules 1983 No. 114.