

COMMONWEALTH ELECTORAL ACT 1918

ELECTORAL AND REFERENDUM REGULATIONS – AMENDMENT

EXPLANATORY STATEMENT

STATUTORY RULES 1988 NO. 339

Issued by the Authority of the Minister for Administrative Services

The Electoral and Referendum Regulations make provision for Commonwealth electoral and referendum administration.

Section 166(1) of the Commonwealth Electoral Act 1918 (the Act) provides that nomination forms for House of Representatives and Senate candidates may be in Forms C, CA, CB, CC, D or DA in the Schedule. Part of the nomination form requires a prospective candidate to simply declare that he or she is qualified under the Constitution and the laws of the Commonwealth to be elected.

Section 392 of the Act provides that the Forms in the Schedule may be amended by regulations.

The amending Regulation alters Forms C, CA, CB, CC, D and DA by adding a requirement that the candidate make specific statements regarding qualifications prescribed by section 163 of the Act and the Constitutional disqualification prescribed by section 44 by ticking 'Yes' or 'No' boxes to indicate his or her eligibility. It is proposed that a candidate answer 'Yes' or 'No' to the following specific statements:— (a) I am an Australian citizen; (b) I am at least 18 years of age; (c) I am an elector or qualified to be an elector; and (d) I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Senator or member of the House of Representatives.

S.R. No. 386/88

