

# AUSTRALIAN CAPITAL TERRITORY.

## Regulations 1951. No. 2.

### Regulations under the Advisory Council Ordinance 1936-1951.\*

**I**, WILFRED SELWYN KENT HUGHES, Minister of State for the Interior, in pursuance of the powers conferred by the *Advisory Council Ordinance 1936-1951*, hereby make the following Regulations.

Dated this fourteenth day of August, 1951.

W. S. KENT HUGHES  
Minister of State for the Interior.

#### AMENDMENTS OF THE ADVISORY COUNCIL ELECTION REGULATIONS.

1. Regulation 3 of the Advisory Council Election Regulations is amended by omitting from sub-regulation (1.) the definitions of "Registrar" and "the Roll". Definitions.

2. Regulation 4 of the Advisory Council Election Regulations is amended by omitting from paragraph (a) of sub-regulation (5.) the words " , excepting the reference in sub-section (1.) of section ninety-one B of the Commonwealth Electoral Act,". Application of  
Commonwealth  
Electoral Act.

3. Regulations 7 and 8 of the Advisory Council Election Regulations are repealed. Repeal of  
regulations 7  
and 8.

4. Regulation 9 of the Advisory Council Election Regulations is repealed and the following regulation inserted in its stead:—

"9. The polling places in an election are the polling places appointed within or for the Territory by the Chief Electoral Officer in pursuance of regulation 41 of the Australian Capital Territory Electoral Regulations." Polling places.

5. Regulations 10, 11, 12 and 13 of the Advisory Council Election Regulations are repealed. Repeal of  
regulations  
10 to 13.

6. Regulation 14 of the Advisory Council Election Regulations is repealed and the following regulation inserted in its stead:—

"14. For the purpose of paragraph (a) of sub-section (2.) of section 5 of the Ordinance, the prescribed time, in relation to an election, is six o'clock in the afternoon of the day upon which the Minister issues a direction to the Returning Officer in pursuance of regulation 25 of these Regulations to cause the election to be made." Fixing time of  
entitlement  
to vote.

\* Notified in the *Commonwealth Gazette* on 23rd August, 1951.

Repeal of  
regulations  
15 to 24.

7. Regulations 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of the Advisory Council Election Regulations are repealed.

Postal voting  
and postal  
ballot-papers.

8. Regulation 36 of the Advisory Council Election Regulations is amended by adding at the end thereof the following sub-regulation:—

“(4.) When a postal vote certificate and postal ballot-paper are issued to an applicant elector, a copy of the ‘Directions to Elector and Authorized Witness’ authorized by the Chief Electoral Officer shall be enclosed therewith.”.

Duties of  
presiding  
officer.

9. Regulation 45 of the Advisory Council Election Regulations is amended by omitting from paragraph (b) of sub-regulation (1.) the words “Are you a natural-born or naturalized subject of the King?” and inserting in their stead the words “Are you a British subject?”.

Filling of  
vacancies.

10. Regulation 60 of the Advisory Council Election Regulations is repealed and the following regulation inserted in its stead:—

“60.—(1.) The several vacancies shall be filled in the following manner:—

- (a) The Returning Officer shall determine a quota by dividing the total number of first preference votes by one more than the number of candidates required to be elected and by increasing the quotient so obtained (disregarding any remainder) by one.
- (b) Any candidate who has received a number of first preference votes equal to or greater than the quota so determined shall be elected.
- (c) Unless all vacancies have been filled, the Returning Officer shall transfer the surplus votes (that is, any number in excess of the quota) of each elected candidate to the continuing candidates, in proportion to the voters' preferences, as follows:—
  - (i) The number of the elected candidate's surplus votes shall be divided by the number of first preference votes received by him and the resulting fraction shall, for the purposes of this paragraph, be the transfer value of that candidate's surplus votes.
  - (ii) The whole of the ballot-papers of the elected candidate shall be re-arranged, according to the next available preference indicated thereon, in separate parcels for the continuing candidates.
  - (iii) The Returning Officer shall determine the number of votes to be transferred from the elected candidate to a continuing candidate by multiplying the total number of ballot-papers of the elected candidate which bear the next available preference for that continuing candidate by the transfer value of the elected candidate's surplus votes.

- (iv) The Returning Officer shall then, in respect of each continuing candidate, forthwith take at random, from the parcel containing the ballot-papers of the elected candidate which bear the next available preference for that continuing candidate, the number of ballot-papers determined in accordance with the last preceding sub-paragraph of this paragraph, and transfer those ballot-papers to the continuing candidate.
- (v) The ballot-papers containing the first preference votes of the elected candidate which have not been transferred (that is, the ballot-papers containing the number of votes equal to the quota) shall be put aside as finally dealt with.
- (d) When the surplus votes of all elected candidates have been transferred to the continuing candidates as provided by the last preceding paragraph, a continuing candidate who has received a number of votes equal to or greater than the quota shall be elected. Unless all the vacancies have been filled, the surplus votes (if any) of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of the last preceding paragraph, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from a candidate previously elected shall be taken into consideration.
- (e) If, as a result of the transfer of the surplus votes of a candidate elected in pursuance of the last preceding paragraph, or elected at a later stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, he shall be elected. Unless all the vacancies have been filled, the surplus votes of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of paragraph (c) of this sub-regulation, but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from a candidate elected at the last preceding count shall be taken into consideration.
- (f) The ballot-papers containing the first preference votes of a candidate who has been elected in pursuance of the provisions of paragraph (d) and (e) of this sub-regulation, together with the ballot-papers transferred to him from a candidate previously elected or excluded which have not been further transferred, shall be set aside as finally dealt with.
- (g) If, after the count of the first preference votes, or after the transfer of the surplus votes of the elected candidate or candidates, no candidate has, or less than the number of candidates required to be elected have, received a number of votes equal to the quota, the candidate who has the

fewest votes shall be excluded and the whole of his ballot-papers shall be transferred to the continuing candidates next in order of the voters' available preferences.

- (h) If thereupon, or as the result of the exclusion of a candidate at any subsequent stage of the scrutiny, a continuing candidate has received a number of votes equal to or greater than the quota, he shall be elected. Unless all vacancies have been filled, the surplus votes (if any) of the elected candidate shall be transferred to the continuing candidates in accordance with the provisions of paragraph (c) of this sub-regulation but, in the application of those provisions, only those ballot-papers which have been transferred to the elected candidate from the candidate last excluded shall be taken into consideration. The ballot-papers containing the first preference votes of the elected candidate, together with the ballot-papers transferred to him from a candidate previously elected or excluded which have not been further transferred, shall be set aside as finally dealt with. If no continuing candidate has received a number of votes equal to the quota, the process of excluding the candidate with the fewest votes and the transferring of ballot-papers containing those votes to the continuing candidates shall be repeated until a continuing candidate has received a number of votes equal the quota or, in respect of the last vacancy, a majority of the votes.
- (i) A continuing candidate who has received a number of votes equal to the quota shall be elected. In respect of the last vacancy, the candidate who receives a majority of the votes shall be elected notwithstanding that the number of votes so received by him is not equal to the quota.

“(2.) Where, on the count of the first preference votes, or at the same time at any subsequent stage of the scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quota, any transfer of the surplus votes of those candidates shall be carried out in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on.

“(3.) Notwithstanding anything contained in the preceding provisions of this regulation, a transfer of the surplus votes of an elected candidate shall be deferred (but without affecting the order of that transfer) so long as the total number of those surplus votes is less than the difference between the total votes of the two continuing candidates with the fewest votes. In that case, unless all vacancies have been filled, the candidate with the fewest votes shall be first excluded and the ballot-papers containing his votes shall be transferred to the continuing candidates as provided in paragraph (g) of sub-regulation (1.) of this regulation.

“(4.) If, on any count, two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded. If, at the time of their election, two or more candidates have an equal number of votes, the Returning Officer shall decide the order of election of those candidates and the order of the transfer of their surplus votes. If in the final count for

filling the last vacancy, two candidates have an equal number of votes, the Returning Officer shall decide by his casting vote which candidate shall be elected. Except as provided in this sub-regulation, the Returning Officer shall not vote at the election.

“(5.) If, on the count of the first preferences, or at the same time at any subsequent stage of scrutiny, two or more candidates are elected by reason of their having received a number of votes equal to or greater than the quota, the election of those candidates shall be deemed to have been in the order, first of the candidate with the largest surplus, second of the candidate with the next largest surplus and so on.”.

11. Regulation 66 of the Advisory Council Election Regulations is <sup>Method of filling vacancies.</sup> repealed.

12. The Schedule to the Advisory Council Election Regulations is <sup>The Schedule.</sup> amended—

- (a) by omitting Forms 1, 2 and 3; and
- (b) by omitting Forms 7 and 8 and inserting in their stead the following forms:—

FORM 7.

Regulation 36.

AUSTRALIAN CAPITAL TERRITORY.

*Advisory Council Election Regulations.*

POSTAL VOTE CERTIFICATE.

I hereby certify that \_\_\_\_\_ of \_\_\_\_\_ is entitled, subject to the provisions of the *Advisory Council Election Regulations*, to vote by post in respect of the election of the elected members of the Advisory Council to be held on \_\_\_\_\_

Returning Officer. Date \_\_\_\_\_

CERTIFICATE OF VOTER.

I, the person named in the above certificate, hereby certify that the signature of voter hereunder is my personal signature written by me with my own hand.

Signature of Voter.  
(in his or her own handwriting.)

CERTIFICATE OF AUTHORIZED WITNESS.

I hereby certify that the above certificate was signed by the voter in his or her own handwriting in my presence at [here insert address of place where signature is made and witnessed].

Signature of Authorized Witness (in own handwriting)--

An elector whose name appears on the Roll for the State or Territory of \_\_\_\_\_

Address of Witness \_\_\_\_\_

Date \_\_\_\_\_

FORM 8.

Regulation 36.

AUSTRALIAN CAPITAL TERRITORY.

*Advisory Council Election Regulations.*

POSTAL BALLOT-PAPER.

ELECTION OF THREE MEMBERS OF THE ADVISORY COUNCIL.

The elector must not mark his vote on this ballot-paper until after he has first exhibited it (unmarked) to the Authorized Witness.

4054.—2

Directions.—Mark your vote on this ballot-paper by placing the numbers [*here insert 1, 2, and so on as the case requires*] in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them, fold the ballot-paper, enclose it in the envelope addressed to the Returning Officer and fasten the envelope.

## CANDIDATES.

<input type="checkbox"/>	.....
<input type="checkbox"/>	.....
<input type="checkbox"/>	.....
<input type="checkbox"/>	.....

By Authority: **L. F. JOHNSTON, Commonwealth Government Printer, Canberra.**