

AUSTRALIAN CAPITAL TERRITORY

Regulations 1959. No. 10.

Regulations under the *Advisory Council Ordinance* 1936-1959.*

I, GORDON FREETH, the Minister of State for the Interior, in pursuance of the powers conferred by the *Advisory Council Ordinance* 1936-1959, hereby make the following Regulations.

Dated this seventh day of August, 1959.

GORDON FREETH
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 adding at the end of sub-regulation (1.) the following definition:—

“the Returning Officer’ means the Returning Officer for the Territory, and includes an Assistant Returning Officer.”

2. Regulation 4 of the *Advisory Council Election Regulations* is repealed and the following regulations are inserted in its stead:—

“4. The following provisions of the *Commonwealth Electoral Act* do not apply to an election:—

Provisions of
*Commonwealth
Electoral Act*
that do not
apply.

Parts II., III., IV., V., VI., VII., VIII., IX. and X., sections 68, 69, 70, 71, 72, 77, 78 and 82, sub-sections (2.) and (4.) of section 85, sub-section (2.) of section 88, section 91A, sub-section (3.) of section 98, sections 101, 102, 103, 104, 105, 105A, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 121A and 122, sub-section (1.) of section 123, sections 124, 127 and 128, Parts XIV., XV. and XVI., sections 212, 214, 217, 218 and 218A and the Schedule.

* Notified in the *Commonwealth Gazette* on 20th August, 1959.

† Regulations notified in the *Commonwealth Gazette* on 8th June, 1939, as amended by Regulations 1941, No. 5; 1951, No. 2; 1953, No. 7; 1955, No. 2; 1957, No. 6; and 1959, No. 9,
267/59,—PRICE 5d,

Modifications
of the
Commonwealth
Electoral Act
in its application
to Advisory
Council
elections.

"4A.—(1.) In the application of the Commonwealth Electoral Act to an election—

- (a) section 5 shall be read as if the definitions of 'Candidate', 'Division', 'Elector', 'Officer', 'Returning Officer' and 'Subdivision' were omitted;
- (b) section 73 shall be read as if—
 - (i) paragraph (a) were omitted and the following paragraph inserted in its stead:—
'(a) the person nominated consents to act if elected and declares that he is qualified to be elected;'; and
 - (ii) the words 'Twenty-five pounds' were omitted from paragraph (c) and the words 'Five pounds' inserted in their stead;
- (c) section 92 shall be read as if the words 'the end of the period of seven days immediately succeeding' were omitted from sub-section (2.);
- (d) section 96 shall be read as if the words 'the end of the period of seven days immediately succeeding' were omitted; and
- (e) section 211 shall be read as if—
 - (i) the word 'Returns' were omitted and the word 'Elections' inserted in its stead; and
 - (ii) the words 'Member of either House of the Parliament' were omitted and the words 'member of the Council' inserted in their stead.

"(2.) In the application to an election of a provision of the Commonwealth Electoral Act—

- (a) a reference to a poll shall be read as a reference to the taking of votes of the electors for the purposes of the election;
- (b) a reference to scrutineers or to a scrutineer shall be read as a reference to scrutineers or to a scrutineer, as the case may be, appointed under these Regulations;
- (c) a reference to electoral matter or to electoral papers shall be read as a reference to the corresponding matter or papers in relation to the Roll or to an election;
- (d) a reference to a ballot-paper or ballot-box shall be read as a reference to a ballot-paper or ballot-box, as the case may be, in relation to an election;
- (e) a reference to a State, a Division or a Subdivision shall be read as a reference to the Territory;
- (f) a reference to an election, a Senate election or to a referendum shall be read as a reference to an election of members of the Council;
- (g) a reference to a Commonwealth Electoral Officer, a Divisional Returning Officer, a Returning Officer or Assistant Returning Officer shall be read as a reference to the Returning Officer;
- (h) a reference to a Certified List of Voters shall be read as a reference to the Certified Copy of the Roll;

- (i) a reference to a provision of the Commonwealth Electoral Act shall be read as a reference to that provision in its application to an election of members of the Council or, if the provision does not so apply by virtue of the Ordinance or of the last preceding regulation, to the corresponding provision, if any, of these Regulations;
- (j) a reference to a writ for an election or for a referendum or to the issue of a writ for an election or for a referendum shall be read as a reference to a direction to cause an election to be made issued by the Minister under regulation 25 of these Regulations;
- (k) a reference to the return of a writ for an election shall be read as a reference to the declaration of the result of an election under regulation 61 of these Regulations; and
- (l) a reference to an officer shall be read as a reference to the Chief Electoral Officer."

3. Regulation 29 of the Advisory Council Election Regulations is amended by omitting sub-regulation (3.). Form of nomination.

4. Regulation 36 of the Advisory Council Election Regulations is amended by omitting sub-regulation (3.) and inserting in its stead the following sub-regulation:— Postal voting and postal ballot-papers.

"(3.) The form of postal ballot-papers to be used in an election shall be in accordance with Form 8 with such variations as to the order, as determined under regulation 38 of these Regulations, of the names of candidates included in a group in relation to the names of ungrouped candidates as the circumstances may require."

5. Regulation 37 of the Advisory Council Election Regulations is repealed and the following regulation inserted in its stead:—

"37. The form of ballot-papers, other than postal ballot-papers, to be used in an election shall be in accordance with Form 9 with such variations as to the order, as determined under the next succeeding regulation, of the names of candidates included in a group in relation to the names of ungrouped candidates as the circumstances may require." Ballot-papers.

6. Regulation 38 of the Advisory Council Election Regulations is repealed and the following regulation inserted in its stead:—

"38.—(1.) The order in which the names of candidates for an election shall be printed on the ballot-papers shall be determined in accordance with the succeeding provisions of this regulation. Order of candidates' names on ballot-papers.

"(2.) The Returning Officer shall, at the place of nomination, immediately after the close of nominations and before all persons present—

- (a) make out in respect of each group of candidates whose names have been grouped in pursuance of section 72A of the Commonwealth Electoral Act in its application to an election a slip bearing the names of the candidates included in the group and in respect of each candidate not so included in a group a slip bearing the name of the candidate;
- (b) enclose the respective slips in separate blank envelopes of exact similarity; and
- (c) deposit the several envelopes in a locked ballot-box.

Advisory Council Election Regulations.

“(3.) The Returning Officer shall then shake and rotate the ballot-box and permit any other person present, if he so desires, to shake and rotate the ballot-box.

“(4.) The ballot-box shall then be unlocked and an officer of the Commonwealth Public Service, other than the Returning Officer, shall take out and open the envelopes one by one.

“(5.) The name of the candidate, or the names of the candidates included in a group, as the case may be, appearing on the slip enclosed in the envelope first taken from the ballot-box shall be placed first on the ballot-papers; the name of the candidate, or the names of the candidates included in a group, as the case may be, appearing on the slip enclosed in the envelope next taken from the ballot-box shall be placed next on the ballot-papers, and so on until the placing of the names of all candidates has been determined.

“(6.) Subject to section 72B of the Commonwealth Electoral Act in its application to an election, the order of the names of candidates within a group shall be determined in the same manner, *mutatis mutandis*, as the relative order of the several groups and of the names of candidates not included in a group on the ballot-papers under the preceding provisions of this regulation.

“(7.) Before the square opposite to the surname of each candidate in the first group on the ballot-papers there shall be printed the letter A; before the square opposite the surname of each candidate in the second group on the ballot-papers there shall be printed the letter B, and so on, as the case requires.

“(8.) Where a similarity in the names of two or more candidates is likely to cause confusion, the names of those candidates may be arranged by the Returning Officer with such description or addition as will distinguish them from one another.

“(9.) A square shall be printed opposite to the name of each candidate.”.

Informal
ballot-papers.

7. Regulation 57 of the Advisory Council Election Regulations is amended—

(a) by omitting paragraph (b) of sub-regulation (1.) and inserting in its stead the following paragraphs:—

“(b) it has no vote marked on it or it is not marked in accordance with the directions on the ballot-paper;

“(ba) it does not indicate the order of the voter’s preference for at least eight candidates;” and

(b) by inserting after sub-regulation (1.) the following sub-regulations:—

“(1A.) A ballot-paper is not informal by reason only that the same number has been indicated, opposite to the names of more than one candidate, in the order of the voter’s preference after his eighth preference, but the order of the voter’s preference shall be determined as if the names of all candidates, opposite to whose names the number so repeated and any higher number have been placed, had not been on the ballot-paper.

“(1B.) A ballot-paper is not informal by reason only that a number has been omitted in the numerical sequence of the order of the voter's preference after his eighth preference, but the order of the voter's preference shall be determined as if the name of each candidate, opposite to whose name a number higher than the number so omitted has been placed, had not been on the ballot-paper.”

8. Regulation 60 of the Advisory Council Election Regulations is amended by adding at the end thereof the following sub-regulation:— Filling of vacancies.

“(6.) Where on a transfer it is found that a ballot-paper—

- (a) does not show a number indicating the voter's next preference opposite to the name of a candidate who has not already been elected or excluded;
- (b) shows the same number as the voter's next preference opposite to the names of more than one candidate; or
- (c) omits to indicate the number of the voter's next preference in the numerical sequence of the order of the voter's preference,

the ballot-paper shall be set aside as exhausted.”

9. After regulation 60 of the Advisory Council Election Regulations the following regulation is inserted—

“60A.—(1.) At any time before the declaration of the result of an election, the Returning Officer may, if he thinks fit, on the written request of a candidate setting out the reasons for the request, or of his own motion, direct a re-count of the ballot-papers. Re-count.

“(2.) The officer conducting a re-count shall have the same powers as if the re-count were the scrutiny, and may reverse a decision in relation to the scrutiny as to the allowance and admission or disallowance and rejection of any ballot-paper.”

10. The Schedule to the Advisory Council Election Regulations is amended by omitting Forms 8 and 9 and inserting in their stead the following forms:— The Schedule

FORM 8.

Regulation 36.

AUSTRALIAN CAPITAL TERRITORY.

Advisory Council Election Regulations.

POSTAL BALLOT-PAPER.

ELECTION OF EIGHT 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.

Directions to Voter.—Mark your vote on this ballot-paper by placing the numbers 1, 2, 3, 4, 5, 6, 7, 8 (and so on, if you so desire) in the squares immediately to the left of the names of the respective candidates so as to indicate the order of your preference for them. You may indicate your preference in respect of all the candidates or in respect of some only of the candidates being not less in number than the number of members to be elected. After marking your vote, fold the ballot-paper, place it in the envelope bearing your postal vote certificate (duly signed and witnessed), fasten the envelope and post it to the Returning Officer so that he will receive it before 8 o'clock in the evening of the day fixed for the close of the poll, namely, the

day of

, 19 .

Advisory Council Election Regulations.

CANDIDATES.

A ☐

A ☐

A ☐

☐

B ☐

B ☐

☐

☐

C ☐

C ☐

C ☐

☐

NOTE.—The letter “A”, “B”, “C”, &c., appearing before the square immediately on the left of a candidate's surname indicates that the candidate and each other candidate who has the same letter appearing before the square immediately to the left of his surname have been grouped by mutual consent. The fact that no letter appears before the square immediately to the left of a candidate's surname indicates that the name of that candidate has not been included in any group.

FORM 9.

Regulation 37.

AUSTRALIAN CAPITAL TERRITORY.

Advisory Council Election Regulations.

BALLOT-PAPER.

ELECTION OF EIGHT MEMBERS OF THE ADVISORY COUNCIL.

Directions to Voter.—Mark your vote on this ballot-paper by placing the numbers 1, 2, 3, 4, 5, 6, 7, 8 (and so on, if you so desire) in the squares immediately to the left of the names of the respective candidates so as to indicate the order of your preference for them. You may indicate your preference in respect of all the candidates or in respect of some only of the candidates being not less in number than the number of members to be elected.

CANDIDATES.

A ☐

A ☐

A ☐

☐

B ☐

B ☐

☐

☐

C ☐

C ☐

C ☐

☐

NOTE.—The letter "A", "B", "C", &c., appearing before the square immediately on the left of a candidate's surname indicates that the candidate and each other candidate who has the same letter appearing before the square immediately to the left of his surname have been grouped by mutual consent. The fact that no letter appears before the square immediately to the left of a candidate's surname indicates that the name of that candidate has not been included in any group.