

ADVISORY COUNCIL ORDINANCE

ADVISORY COUNCIL ELECTION REGULATIONS*

REGULATIONS 1964, No. 2†

1. Regulation 3 of the Advisory Council Election Regulations is amended **Definitions.** by omitting from sub-regulation (1.) the definition of "the Returning Officer" and inserting in its stead the following definition:—

" 'the Returning Officer' means the person for the time being holding, or performing the duties of, the office of the Returning Officer for the Australian Capital Territory under the *Public Service Act* 1922-1960."

2. Regulation 4A of the Advisory Council Election Regulations is amended **Modifications** by inserting in paragraph (n) of sub-regulation (2.) after the words "Chief Electoral Officer", the words " , the Returning Officer ". **of the Commonwealth Electoral Act in its application to Advisory Council elections.**

3. Regulation 5 of the Advisory Council Election Regulations is repealed. **Returning Officer for the Territory.**

4. Regulation 42 of the Advisory Council Election Regulations is amended **Conduct of election.** by inserting after the words "other than the" the words "Returning Officer,".

5. Regulation 52 of the Advisory Council Election Regulations is **Claim to vote.** amended—

(a) by inserting in sub-regulation (1.) after the words "has been omitted from" (wherever occurring) the words "or struck out of";

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

"(1A.) Where a person against whose name on the certified copy of the Roll used at a polling place—

(a) a mark has been placed in accordance with regulation 47 of these Regulations; or

(b) a note has been placed indicating that a postal vote certificate and postal ballot-paper has been issued,

claims to vote at an election and states that he has not already voted or that he has not received a postal vote certificate and postal ballot-paper, as the case may be, he may, subject to these Regulations, be permitted to vote if he makes a declaration in accordance with Form 10A, before the presiding officer at the polling place.";

* Regulations notified in the *Commonwealth Gazette* on 8 June, 1939, as amended by Regulations 1941, No. 5; 1951, No. 2; 1953, No. 7; 1955, No. 2; 1957, No. 6; 1959, Nos. 9 and 10; 1961, Nos. 10 and 12; and 1962, No. 1.

† Made under the *Advisory Council Ordinance* 1936-1962 on 14 July, 1964; notified in the *Commonwealth Gazette* and commenced on 30 July, 1964.

(c) by omitting sub-regulation (2.) and inserting in its stead the following sub-regulation:—

“(2.) The ballot-paper to be used by a person voting in pursuance of this regulation shall be in accordance with Form 9, and the presiding officer shall endorse on the back of any such ballot-paper, before handing it to the voter—

(a) in the case of a person voting in pursuance of sub-regulation (1.) of this regulation—the word, symbols and figures ‘Regulation 52 (1.)’; or

(b) in the case of a person voting in pursuance of sub-regulation (1A.) of this regulation—the word, symbols, figures and letter ‘Regulation 52 (1A.)’; and

(d) by omitting from sub-regulation (5.) the words “paragraph (a) or paragraph (b) of sub-regulation (1.) of”.

Filling of vacancies.

6. Regulation 60 of the Advisory Council Election Regulations is amended by inserting in paragraph (h) of sub-regulation (1.) after the words “number of votes equal” (last occurring), the word “to”.

Recount.

7. Regulation 60A of the Advisory Council Election Regulations is amended by omitting sub-regulation (1.) and inserting in its stead the following sub-regulation:—

“(1.) At any time before the declaration of the result of an election, the Returning Officer—

(a) may, if he thinks fit, on the written request of a candidate setting out the reasons for the request, or of his own motion; and

(b) shall, if directed to do so by the Chief Electoral Officer, direct a re-count of the ballot-papers.”.

The Schedule.

8. The Schedule to the Advisory Council Election Regulations is amended—

(a) by omitting from Form 10 the word and figures “Regulation 52” (first occurring) and inserting in their stead the word and figures “Regulation 52 (1.)”; and

(b) by omitting from Form 10 the word and figures “REGULATION 52” (second occurring) and inserting in their stead the word and figures “REGULATION 52 (1.)”.

The Schedule.

9. The Schedule to the Advisory Council Election Regulations is amended by inserting after Form 10 the following form:—

“FORM 10A.

Regulation 52.

AUSTRALIAN CAPITAL TERRITORY.

Advisory Council Election Regulations.

FORM OF DECLARATION TO BE USED AT THE POLLING BY A PERSON CLAIMING TO VOTE UNDER THE PROVISIONS OF REGULATION 52 (1A.) OF THE ADVISORY COUNCIL ELECTION REGULATIONS.

I, [here insert name in full (as appearing on Roll) of person claiming to vote] of [here insert full address and occupation (as appearing upon Roll)] declare that:—

(1) My name appears on the certified copy of the Roll used at the undernamed polling place opposite the number _____ on the certified copy of the Roll and I claim to vote under the provisions of sub-regulation (1A.) of Regulation 52 of the Advisory Council Election Regulations; and

- (2) I have not voted in connexion with the election of members of the Advisory Council being held this day, notwithstanding that a mark has been placed opposite my name on the certified copy of the Roll to indicate that a ballot-paper has been issued to me at the polling;

or,

- (2) I have not received a postal vote certificate or a postal ballot-paper in connexion with the election for the Territory being held this day, notwithstanding that my name has been noted on the certified copy of the Roll as that of an elector to whom a postal vote certificate and postal ballot-paper have been issued.

(Personal signature of voter)

Signed before me the _____ day of _____, 19 _____
at _____ polling place.

Presiding Officer.

NOTE: A person making any untrue statement in this declaration is liable to a penalty of Twenty pounds.

Directions.

(1) This form of declaration must, after being filled up, be signed by the Voter 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 45) initial and hand to the Voter one ballot-paper for the election for the Territory held on the date upon which this declaration is made.

(3) The Voter will then forthwith (i) retire alone to an unoccupied compartment of the polling booth and there, in private, mark his vote on the ballot-paper in the manner directed thereon; (ii) fold the ballot-paper in such a manner as to conceal the vote marked thereon, and at once return it so folded to the Presiding Officer before whom he made his declaration.

(4) The Presiding Officer will see that he receives from the Voter the ballot-paper duly folded, and, if necessary for purposes of identification, will request the Voter to again state his name, and then, without unfolding the ballot-paper, will forthwith, in the presence of the Voter and of such Scrutineer or Scrutineers (if any) as are present, enclose the ballot-paper received from the Voter in the envelope bearing the declaration of the Voter and addressed to the Returning Officer for the Territory, securely fasten the envelope, and deposit it in the ballot-box."