

AUSTRALIAN CAPITAL TERRITORY

ADVISORY COUNCIL ELECTION REGULATIONS

EXPLANATORY MEMORANDUM

No. 2 of 1964

The amendments to the Advisory Council Election Regulations have effected procedural changes in the electoral system provided for under the regulations.

2. Regulations 1 – 4 of the amending regulations have introduced amendments which are consequential upon the creation of the position of “Returning Officer for the Australian Capital Territory” under the Public Service Act 1922-1960. The duties imposed and the powers conferred on “officers” under the Commonwealth Electoral Act are, by virtue of the amendment in regulation 2, extended to the Returning Officer.

3. In view of the creation of the position of Returning Officer, it will no longer be necessary for the Chief Electoral Officer to be appointed as returning officer. Regulation 5, which had the effect of making such an appointment, has been repealed.

4. Regulation 42 prohibits persons, except the officers mentioned in the regulation, from remaining in a polling booth during polling. The amendment will include the Returning Officer among those officers exempted from the application of the provision.

5. Under Regulation 50 it is, in certain specified circumstances, permissible for a person to vote if his name has been deleted from the roll in error. The amendment to regulation 52 is designed to ensure that the regulation applies to a person whose name has been struck off the roll in error, as where the presiding officer or poll clerk has placed a mark against a person’s name as an indication that he has already voted when in fact that person has not voted. Such a person may, under the new sub-regulation (1A), be permitted to vote using the new form 10A. The substitution of a new sub-regulation (2) is consequential upon the other amendments to regulation 52.

6. The amendment to regulation 60 is a drafting amendment.

7. Under the amended regulation 60A the returning officer may order a recount of votes at an election and shall do so if he is so directed by the Chief Electoral Officer.

8. The amendments to the Schedule are consequential upon the amendments to regulation 52.