

AUSTRALIAN CAPITAL TERRITORY

AMENDMENTS OF THE ADVISORY COUNCIL ELECTION REGULATIONS

EXPLANATORY MEMORANDUM

No. 1 of 1962

The Advisory Council Election Regulations were amended by Regulations No.12 of 1961. These Regulations were made and gazetted on 11th September, 1961 but were not tabled in accordance with sub-section (8) of Section 12 of the Seat of Government (Administration) Act 1910-1959. The Regulations, therefore, became void and of no effect as from 18th October, 1961. New Regulations have been prepared which repeal Regulations 1961, No.12 and re-enacts the provisions of the former regulations.

The procedures of the Commonwealth Electoral Act 1918-1961 are applied to elections held under the Advisory Council Ordinance 1936-1961 by the Advisory Council Election Regulations. However, the Advisory Council Election Regulations do not apply the provisions of the Electoral and Referendum Regulations made pursuant to the Commonwealth Electoral Act.

An elector commits an offence under the Commonwealth Electoral Act if he fails to record a vote without a valid or sufficient reason for not doing so. In these circumstances he has an option of having his case dealt with by either the Chief Electoral Officer or a Court of summary jurisdiction. The right to select between the Chief Electoral Officer and the Court is contained in the Electoral and Referendum Regulations.

The amendments to the Advisory Council Election Regulations give the elector in an Advisory Council election who has failed to vote the right to decide whether he will have his case dealt with by the Chief Electoral Officer or a Court of summary jurisdiction and provides the administration necessary to deal with the case.