

# AUSTRALIAN CAPITAL TERRITORY.

No. 9 of 1959.

## AN ORDINANCE

To amend the *Advisory Council Ordinance 1936-1957*,  
as amended by the *Advisory Council Ordinance 1959*.

I THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910-1955*.

Dated this fourteenth day of August, 1959.

W. J. SLIM  
Governor-General.

By His Excellency's Command,

GORDON FREETH  
Minister of State for the Interior.

### ADVISORY COUNCIL ORDINANCE (No. 2) 1959.

1.—(1.) This Ordinance may be cited as the *Advisory Council Ordinance (No. 2) 1959*.\*

Short title  
and citation.

(2.) The *Advisory Council Ordinance 1936-1957*,† as amended by the *Advisory Council Ordinance 1959*,‡ is in this Ordinance referred to as the *Principal Ordinance*.

(3.) Section one of the *Advisory Council Ordinance 1959* is amended by omitting sub-section (3.).

(4.) The *Principal Ordinance*, as amended by this Ordinance, may be cited as the *Advisory Council Ordinance 1936-1959*.

2. Section five of the *Principal Ordinance* is amended by omitting sub-section (6.) and inserting in its stead the following sub-section:—

Election of  
members.

“(6.) The provisions of the *Commonwealth Electoral Act 1918-1953* or of that Act as amended from time to time, as they

\* Notified in the *Commonwealth Gazette* on 27th August, 1959.

† Ordinance No. 49 of 1936, as amended by Ordinance No. 17 of 1937; No. 30 of 1938; No. 12 of 1945; No. 6 of 1951; No. 9 of 1952; and Nos. 5 and 7 of 1957.

‡ No. 8 of 1959.

apply to the election of members of the Senate, apply, subject to the exceptions and modifications specified in the Schedule to this Ordinance and subject to such other exceptions and modifications as are prescribed, to elections under this Ordinance”.

The Schedule.

3. The Principal Ordinance is amended by adding at the end thereof the following Schedule:—

### THE SCHEDULE.

Section 5.

#### MODIFICATIONS AND EXCEPTIONS OF THE COMMONWEALTH ELECTORAL ACT.

Item No.	Provisions modified or excepted.	Modifications or Exceptions.
1	Heading to Part XVIII.	Omit “ RETURNS ”, insert “ ELECTIONS ”.
2	Heading to Division 1 of Part XVIII.	Omit.
3	Section 183.. ..	Omit and insert— “ 183. The validity of an election, or of the declaration of the result of an election, may be disputed by petition addressed to the Court of Disputed Elections and not otherwise.”
4	Section 184.. ..	Omit and insert— “ 184. The Supreme Court of the Australian Capital Territory shall be the Court of Disputed Elections and shall have jurisdiction to try the petition.”
5	Section 185.. ..	(a) Omit paragraph (c), insert— “ (c) be signed by a candidate at the election in dispute or by a person who was qualified to vote at the election: ”. (b) Omit paragraph (e), insert— “ (e) be filed in the Registry of the Supreme Court of the Australian Capital Territory within forty days after the declaration of the result of the election.”
6	Section 186.. ..	Omit and insert— “ 186. At the time of the filing of the petition, the petitioner shall deposit with the Registrar of the Supreme Court the sum of Fifty pounds as security for costs.”
7	Section 188.. ..	(a) Omit “ Returns ”, insert “ Elections ”. (b) Omit “ or return ”, insert “ or declaration of the result of an election ”.
8	Section 189.. ..	Omit from sub-section (1.) “ Returns ”, insert “ Elections ”.
9	Section 189A .. ..	Omit and insert— “ 189A.—(1.) Without limiting the powers conferred by the last preceding section, when it is proved that— (a) a ballot-paper issued under the provisions relating to postal voting; (b) a ballot-paper issued to a person who claims that his name has been omitted from the certified copy of the Roll owing to an error of an officer or a mistake of fact; or

## THE SCHEDULE—continued.

Item No.	Provisions modified or excepted.	Modifications or Exceptions.
9—contd.		<p>(c) a ballot-paper issued to a person whose name is on the Roll but cannot be found by the presiding officer and who claims that his name appears or should appear on the Roll, has, in an election, been marked by a person who was not entitled to vote at the election, the Court may require the production of the postal vote certificate issued to the person, or of the declaration made by the person making the claim, as the case may be, and may reject the ballot-paper.</p> <p>“(2.) A ballot-paper produced from proper custody and purporting to have been used in an election and bearing an official number and a postal vote certificate or a declaration produced for the purposes of the last preceding sub-section and bearing an official number corresponding to the official number on the ballot-paper is <i>prima facie</i> evidence that the person who marked the ballot-paper was the person to whom the postal vote certificate was issued or who made the declaration, as the case may be.</p> <p>“(3.) In the last preceding sub-section, ‘official number’ means a number purporting to have been placed on the ballot-paper, postal vote certificate or declaration by the Returning Officer in the manner prescribed in connexion with the preliminary scrutiny of postal ballot-papers and certificates and of ballot-papers issued in the circumstances referred to in paragraphs (b) and (c) of sub-section (1.) of this section.”</p>
10	Section 191.. ..	Omit “Returns” (wherever occurring), insert “Elections”.
11	Section 192.. ..	Omit and insert— “192. When the Court of Disputed Elections finds that a person has committed an illegal practice, the Registrar of the Supreme Court shall forthwith report the finding to the Minister.”
12	Section 194.. ..	Omit “or the return of the writ,” insert “or the declaration of the result of the election.”
13	Section 194A .. ..	<p>(a) Omit from paragraph (a) “that provision of this Act”, insert “the provisions of this Act in its application in the Territory, of the <i>Advisory Council Ordinance 1936-1959</i> or of the regulations made under that Ordinance”.</p> <p>(b) Omit from paragraph (b) “this Act and the regulations made thereunder”, insert “those provisions”.</p>
14	Section 196.. ..	Omit and insert— “196. The Registrar of the Supreme Court shall forthwith after the filing of the petition forward to the Chairman of the Council a copy of the petition and after the trial of the petition shall forthwith forward to the Chairman a copy of the order of the Court.”

## THE SCHEDULE—continued.

Item No.	Provisions modified or excepted.	Modifications or Exceptions.
15	Section 200...	Omit "High Court of Australia", insert "Supreme Court of the Territory".
16	Section 201...	Omit from paragraph (i) "a Senator or Member of the House of Representatives", insert "a member of the Council".
17	Section 202...	Omit and insert— "202. Until provision is made by Rules of Court under the <i>Australian Capital Territory Supreme Court Act 1933-1958</i> , or where no special provision is contained in Rules of Court, the practice and procedure of the Court of Disputed Elections shall be determined by the Judge of the Supreme Court appointed under sub-section (1.) of section seven of that Act or by an additional Judge appointed under sub-section (2.) of that section."
18	Division 2 of Part XVIII.	Omit.

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.