

# THE TERRITORY FOR THE SEAT OF GOVERNMENT.

## Regulations under the Advisory Council Ordinance 1930.

I, ARTHUR BLAKELEY, the Minister of State for Home Affairs, in pursuance of the powers conferred upon me by the *Advisory Council Ordinance 1930*, hereby make the following Regulations, to come into operation forthwith.

Dated this tenth day of April, 1930.

ARTHUR BLAKELEY  
Minister of State for Home Affairs.

### ADVISORY COUNCIL ELECTION REGULATIONS.

1. These Regulations may be cited as the Advisory Council Election Regulations.

2.—(1.) In these Regulations, unless the contrary intention appears—

“Election” means an election of the three elected members of the Council;

“Elector” means any person whose name appears on the roll;

“Registrar” means the officer appointed by the Chief Electoral Officer under these Regulations to be the Registrar for the purposes of these Regulations;

“Roll” means the Roll of electors prepared by the Registrar for the purposes of the Ordinance;

“the Chief Electoral Officer” means the Chief Electoral Officer for the Commonwealth;

“the Commonwealth Electoral Act” means the *Commonwealth Electoral Act 1918-1929*, as amended from time to time;

“the Council” means the Advisory Council constituted under the *Advisory Council Ordinance 1930*;

“the Ordinance” means the *Advisory Council Ordinance 1930*, and includes any Regulations made thereunder.

(2.) Any reference to a form shall be read as a reference to a form in the Schedule.

3.—(1.) The provisions of sections thirty-three to thirty-five (inclusive), of section sixty-four, sixty-seven, of paragraph (c) of section seventy-three, of sections seventy-six, ninety-one A, one hundred and thirteen, one hundred and twenty-one A, one hundred and thirty-six A, of sub-section (2.) of section one hundred and forty-two and of Parts VIII., IX. and XVI. of the *Commonwealth Electoral Act* shall not apply to an election.

(2.) In the application of any provision or part of the *Commonwealth Electoral Act* to an election:—

(a) A reference to a poll shall be read as a reference to the taking of the votes of the electors for the purposes of an election;

(b) A ballot-paper used for the purposes of an election shall only be rejected as informal for the reasons specified in these Regulations;

(c) A reference to scrutineers or to a scrutineer shall be read as a reference to scrutineers or to a scrutineer appointed in pursuance of these Regulations, as the case requires;

(d) A reference to electoral matter or to electoral papers shall be read as a reference to corresponding matter or papers in relation to an election;

- (e) A reference to a ballot-paper, ballot-box, or other thing shall be read as a reference to a ballot-paper, ballot-box, or corresponding thing in relation to an election;
- (f) A reference to a subdivision shall be read as a reference to the Territory; and
- (g) Any reference to "this Act" shall be read as a reference to the provisions and Parts of the said Act which are applicable to an election.

(3.) In the application of section one hundred and twenty-eight A of the Commonwealth Electoral Act to the Territory, any reference to the Divisional Returning Officer shall be read as a reference to the Returning Officer for the Territory.

(4.) In the application of Part XII. of the Commonwealth Electoral Act (other than section ninety-one A) to an election under these Regulations:—

- (a) Any reference in that Part to a State shall be read as a reference to the Territory, and any reference to a Divisional Returning Officer or a Returning Officer, excepting the reference in sub-section (1.) of section ninety-one B of the Commonwealth Electoral Act, shall be read as a reference to the Returning Officer;
- (b) Any reference to an election shall be read as a reference to the election to be held in pursuance of the Ordinance;
- (c) Any reference to a postal ballot-paper for a Senate election or a postal ballot-paper for a House of Representatives election shall be read as a reference to a postal ballot-paper for the election; and
- (d) Any reference to a Certified List of Voters shall be read as a reference to the Certified Copy of the Roll.

4. The Chief Electoral Officer shall be the Returning Officer for the Territory and shall be charged with the duty of giving effect to the provisions of the Ordinance in so far as it relates to the election, and the Commonwealth Electoral Act in so far as it is applicable to such election.

5. An Assistant Returning Officer may be appointed by the Chief Electoral Officer to exercise within the Territory, subject to the control of the Returning Officer, all the powers of the Returning Officer.

6. The Returning Officer may appoint an Electoral Registrar to keep the Roll for the Territory, who shall be subject to the directions of the Returning Officer.

7. The Registrar shall keep forms of claim for enrolment and such other forms as are prescribed, and shall without fee supply them to the public and assist the public in their proper use.

8. The Returning Officer may by notice in the *Gazette* appoint such polling places within the Territory as are necessary.

9.—(1.) There shall be a Roll of Electors for the Territory.

(2.) The Roll shall be prepared by the Registrar and shall be in accordance with Form 1.

(3.) The Registrar may place upon the Roll the names of all persons who were enrolled on the Roll prepared for the purposes of the Liquor Poll held in pursuance of the *Liquor Poll Ordinances 1928* or on the Roll prepared in pursuance of the *Seat of Government Electoral Regulations* (Statutory Rules 1928, No. 116) and who to the best of his knowledge and belief are still living within the Territory.

10.—(1.) The Roll shall be kept by the Registrar and shall be open for public inspection without fee at the office of the Registrar at all convenient times during his ordinary office hours.

(2.) Printed copies of the Roll may be purchased from the Registrar at the price of one shilling per copy.

11. All officers in the service of the Commonwealth or of the Territory, all police, and all occupiers of habitations shall upon application furnish to the Registrar or to any officer acting under his direction all such information as he requires in connexion with the preparation of the Roll.

12. Every person not under twenty-one years of age, whether male or female, married or unmarried—

- (a) who is a natural-born or naturalized subject of the King;
- (b) who has lived in Australia for six months continuously; and
- (c) who lives in the Territory and has so lived for a period of one month immediately preceding the date of his claim for enrolment in pursuance of these Regulations,

shall be entitled to enrolment.

13. All persons whose names are on the Roll shall, subject to the Ordinance and the Commonwealth Electoral Act, be entitled to vote at the election, but no person shall be entitled to vote more than once at the election.

14.—(1.) Names not placed on the Roll in pursuance of sub-regulation (3.) of regulation nine of these Regulations may be placed upon or added to the Roll pursuant to claims for enrolment.

(2.) The form of claim for enrolment by a person qualified for enrolment, may be in accordance with Form 2 and shall be signed by the claimant with his personal signature, and attested by an elector or person qualified to be an elector of the Commonwealth or of the Territory who shall sign his name as witness in his own handwriting, and must be posted or delivered to the Registrar so as to reach him before six o'clock in the afternoon of the day upon which the Minister issues a direction to the Returning Officer pursuant to regulation 23 for the holding of the election, at which hour the Roll shall close for the purposes of the election.

(3.) Any person applying for correction of the entry on the Roll of his name or particulars of enrolment may apply in accordance with Form 2, or in such other form signed by the applicant, as the Registrar approves.

15.—(1.) Every person who is entitled to have his name placed on the Roll, and whose name is not on the Roll, shall within the time allowed for enrolment fill in and sign, in accordance with the directions printed thereon, a claim in accordance with Form 2, and send or deliver the claim to the Registrar.

(2.) Any person who fails to comply with the provisions of the last preceding sub-regulation shall be guilty of an offence.

Penalty: Two pounds.

16. Upon receipt of a claim for enrolment or application for correction of particulars of an existing enrolment, the Registrar shall note thereon the date of its receipt by him, and if the claim or application is in order and he is satisfied that the claimant is entitled to be enrolled or that the particulars of his enrolment should be corrected, as the case requires, the Registrar shall forthwith enter on the Roll kept by him the name of the claimant and the particulars relating to him or correct the particulars of his enrolment, as the case requires.

17.—(1.) The Registrar, on receipt of a claim, shall, if he is not satisfied that the claimant is entitled to be enrolled in pursuance of the claim, forthwith—

- (a) refer the claim, with such observations as he thinks proper, to the Returning Officer for his decision; and
- (b) send to the claimant a notification that the claim has been so referred.

(2.) After the Returning Officer has made such inquiry as is necessary to enable him to decide the claim, he shall forthwith return the claim to the Registrar, and notify the Registrar of his decision, and, if he decides to reject the claim, the reason for such decision.

(3.) If the Returning Officer decides that the claimant is entitled to enrolment pursuant to the claim, the Registrar shall forthwith enrol the claimant, and send to him a notification that he has been so enrolled.

(4.) If the Returning Officer decides that the claimant is not entitled to enrolment pursuant to the claim, the Registrar shall forthwith send to the claimant a notification that his claim has been rejected, specifying the reason for the decision.

18. The Registrar, upon receipt of a claim which is not in order by reason of some formal defect only, may send to the claimant a notification indicating the nature of the defect, and, as the case requires—

- (a) return the claim to him for completion or correction; or
- (b) furnish him with a fresh form of claim for completion.

19. Notwithstanding anything contained in these Regulations—

- (a) claims for enrolment which are received by a Registrar after six o'clock in the afternoon of the day of the close of the Roll for an election shall not be registered; and
- (b) except by direction of the Returning Officer no name shall be removed from a Roll after six o'clock in the afternoon of the day of the close of the Roll for an election.

20. If a Registrar receives a claim for enrolment and without just excuse fails to do everything necessary on his part to be done to secure the enrolment of the claimant in pursuance of the claim, he shall be guilty of an offence.

Penalty: Ten pounds.

21—(1.) In addition to other powers of alteration conferred by these Regulations, a Registrar may alter the Roll kept by him by—

- (a) correcting any mistake or omission in the particulars of the enrolment of an elector;
- (b) altering, on the written application of an elector, the original name, address, occupation or other particulars of the elector on the Roll;
- (c) removing the name of any deceased elector;
- (d) striking out the superfluous entry where the name of the same elector appears more than once on the Roll;
- (e) reinstating any name removed by mistake as the name of a deceased elector;
- (f) reinstating by direction of the Returning Officer any other name removed by mistake; and
- (g) removing a name from the Roll by direction of the Returning Officer where the Returning Officer is satisfied that the elector has ceased to be qualified for enrolment on the Roll:

Provided that where a Registrar removes any such name he shall send by post to the elector whose name is so removed notice of the fact.

(2.) No alteration pursuant to this regulation shall without the authority of the Returning Officer be made at any time after six o'clock in the afternoon of the day of the close of the Roll for the election.

22. Every alteration of a Roll shall be made in such a manner that the original entry shall not be obliterated, and the reason for each alteration and the date thereof shall be set against the alteration, together with the initials of the Registrar.

23—(1.) As soon as practicable after the commencement of these Regulations, the Minister shall direct the Returning Officer to cause election to be made of the elected members of the Council, and shall appoint the dates for the nomination of candidates and for the polling.

(2.) The direction under this regulation for the holding of an election may be in accordance with Form 3.

24. Upon receipt of a direction under the last preceding regulation, the Returning Officer shall publish in the *Gazette* and in a newspaper circulated in the Territory a notification of the issue of the direction, and of the dates fixed for the nomination and the polling.

25—(1.) Nomination day shall not be less than five days, nor more than ten days, after the date of the issue of the direction for the holding of an election.

(2.) The hour of nomination shall be Twelve o'clock noon on nomination day.

26. Polling day shall not be less than seven days, nor more than fourteen days, after nomination day.

27.—(1.) The form of nomination may be in accordance with Form 4, and shall—

- (a) name the candidate, his place of residence, and occupation; and
- (b) be signed by not less than six persons entitled to vote at the election.

(2.) The place of nomination shall be the office of the Returning Officer at Canberra.

28. If three candidates only are nominated the Returning Officer shall declare those candidates elected.

29. If more than three candidates are nominated, the Returning Officer shall immediately make all necessary arrangements for taking the poll, and in particular shall—

- (a) appoint a presiding officer to preside at each polling place, and all necessary poll clerks;
- (b) provide and furnish proper polling booths and ballot-boxes; and
- (c) provide ballot-papers and all necessary certified copies of the Roll.

30. No person under the age of twenty-one years shall be appointed to be a presiding officer.

31. Polling booths shall have separate voting compartments, constructed so as to screen the voters from observation while they are marking their ballot-papers, and each voting compartment shall be furnished with a pencil for the use of voters.

32.—(1.) Each polling booth shall be provided with the necessary ballot-boxes.

(2.) Each ballot-box shall have a cleft in the cover through which the ballot-papers may be deposited in the ballot-box, and shall be provided with means for securely closing the cleft. The ballot-box shall also be capable of being securely fastened by means of a lock.

33. The certified copy of the Roll to be used by a presiding officer at a polling place shall be a copy of the Roll certified by the Returning Officer, and shall before the hour of commencing the poll be delivered to the presiding officer for his guidance during the polling.

34.—(1.) The form of application for a postal vote certificate and a postal ballot-paper shall be in accordance with Form 5.

(2.) The form of postal vote certificate shall be in accordance with Form 6.

(3.) The form of postal ballot-paper shall be in accordance with Form 7.

35. Ballot-papers other than postal ballot-papers to be used in an election may be in accordance with the Form 8.

36. In printing the ballot-papers—

- (a) the names of all candidates duly nominated shall be printed in alphabetical order according to their surnames;
- (b) if there are two or more candidates of the same surname, their names shall be printed according to the alphabetical order of their Christian names, or, if their Christian names are the same, then according to the alphabetical order of their residences, which shall in such case be arranged and stated on the ballot-paper; and
- (c) where similarity in the names of two or more candidates is likely to cause confusion, the names of such candidates may be arranged with such description or addition as will distinguish them one from another.

37. No ballot-paper shall be delivered to any voter without being first initialed by the proper officer in the space provided for the purpose, and an exact account shall be kept of all initialed ballot-papers.

38.—(1.) Scrutineers may be appointed by candidates to represent them at polling places during the polling, but so that not more than one scrutineer shall be allowed to each candidate at each polling booth.

(2.) Appointments of scrutineers shall be made by notice in writing or by telegram addressed to the Returning Officer or presiding officer, and such notice or telegram shall be signed by the candidate, and shall give the name and address of the scrutineer.

39.—(1.) A scrutineer shall not—

- (a) interfere with or attempt to influence any elector within the polling booth; or
- (b) communicate with any person in the polling booth except so far as is necessary in the discharge of his functions.

Penalty: Five pounds.

(2.) A scrutineer shall not be prevented from entering or leaving a polling booth during the polling, and during his absence a relieving scrutineer may act in his place, but so that only one scrutineer for each candidate shall be entitled to be present in the polling booth or subdivision of the polling booth at any one time.

(3.) A scrutineer who commits any breach of this regulation, or who misconducts himself, or who fails to obey the lawful directions of the presiding officer, may be removed from the polling booth by any constable or person authorized by the presiding officer to remove him.

40. No candidate shall in any way take part in the conduct of an election, and no person, other than the presiding officer, poll clerks, and scrutineers, and the electors voting and about to vote, shall be permitted to enter or remain in the polling booth during the polling except by permission of the presiding officer.

41. The polling shall be conducted as follows:—

- (a) Before any vote is taken the presiding officer shall exhibit the ballot-box empty, and shall then securely fasten its cover;
- (b) The poll shall open at eight o'clock in the morning, and shall not close until all electors present in the polling booth at eight o'clock in the evening, and desiring to vote, have voted;
- (c) The doors of the polling booth shall be closed at eight o'clock in the evening, and no person shall be admitted after that hour to the polling booth for the purpose of voting; and
- (d) At the close of the poll the presiding officer shall, in the presence of the poll clerk and of any scrutineers who may be in attendance, publicly close, fasten, seal, and take charge of the ballot-box, and with the least possible delay forward it for the purposes of scrutiny, and it shall on no account be opened except as allowed by these Regulations.

42. Every person claiming to vote at any polling booth shall state his Christian name and surname, and, if so desired by the presiding officer, for the purpose of identifying the name under which the vote is claimed, any other particulars necessary to be stated in the Roll.

43.—(1.) The presiding officer—

- (a) shall put to every person claiming to vote the following questions:—
  - (i) Have you already voted either here or elsewhere at this election? and
- (b) may, and, at the request of any scrutineer, shall also put all or any of the following questions:—
  - (ii) Are you the person whose name appears as (here state name under which the person claims to vote) on the certified copy of the Roll?
  - (iii) Are you of the full age of twenty-one years?
  - (iv) Are you a natural-born or naturalized subject of the King?
  - (v) Are you qualified to vote?

(2.) If any person claiming to vote to whom any of the foregoing questions are put—

- (a) refuses to answer fully any question so put to him;
- (b) does not answer the question numbered (i) absolutely in the negative, when put to him; or
- (c) does not answer the questions numbered (ii), (iii), (iv) and (v) absolutely in the affirmative, when put to him,

his claim to vote shall be rejected.

(3.) The voter's answer to any question put to him by the presiding officer under the authority of this regulation shall be conclusive, and the matter shall not be further inquired into during the polling.

44.—(1.) The presiding officer or a poll clerk shall at the polling hand to each person claiming to vote a ballot-paper duly initialed by the presiding officer—

- (a) if the name under which he claims to vote is on the certified copy of the Roll and his right to vote is not challenged; or
- (b) if the name under which he claims to vote is on the certified copy of the Roll and his right to vote is challenged, and his answers to the prescribed questions show that he is entitled to vote.

(2.) The presiding officer, at the request of a scrutineer, shall note any objection by the scrutineer to the right of any person to vote, and shall keep a record thereof.

(3.) If the presiding officer puts to any person all or any of the prescribed questions, his right to vote shall be deemed to have been challenged.

45. Immediately upon handing the ballot-paper to the person claiming to vote, the presiding officer or a poll clerk shall place a mark against the person's name on the certified copy of the Roll if his name is on that certified copy.

46. Except as otherwise provided in these Regulations the voter upon receipt of the ballot-paper shall without delay—

- (a) retire alone to some unoccupied compartment of the booth, and there, in private, mark his vote on the ballot-paper in the prescribed manner;
- (b) fold the ballot-paper so as to conceal his vote and to show clearly the initials of the presiding officer, and exhibit it so folded to the presiding officer, and then forthwith openly, and without unfolding it, deposit it in the ballot-box; and
- (c) quit the booth.

47.—(1.) If any voter satisfies the presiding officer that his sight is so impaired or that he is so physically incapacitated that he is unable to vote without assistance, the presiding officer shall permit a person appointed by the voter to enter an unoccupied compartment of the booth with the voter, and mark, fold, and deposit the voter's ballot-paper for him.

(2.) If any such voter fails to appoint a person in pursuance of the last preceding sub-regulation, or if any voter satisfies the presiding officer that he is so illiterate that he is unable to vote without assistance, the presiding officer, in the presence of such scrutineers as are present, or, if there be no scrutineers present, then in the presence of—

- (a) the poll clerk; or
- (b) if the voter so desires, in the presence of a person appointed by such voter, instead of the poll clerk,

shall mark, fold, and deposit his ballot-paper for him.

48. If any voter before depositing his ballot-paper in the ballot-box satisfies the presiding officer that he has spoiled the ballot-paper by mistake or accident, he may, on giving it up, receive a new ballot-paper from the presiding officer, who shall there and then cancel the spoiled ballot-paper, write the word "spoilt" across the face thereof, place it in an endorsed envelope and forward it to the Returning Officer after the polling.

49. A voter shall mark his vote on his ballot-paper in the manner indicated on the ballot-paper.

50.—(1.) Notwithstanding anything contained in these Regulations, when any person who is entitled to be enrolled on the Roll claims to vote at an election, and 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 when any person who is enrolled on the Roll claims to vote at an election and his name cannot be found by the presiding officer on the certified copy of the Roll, he may, subject to these Regulations, be permitted to vote if—

- (a) in the case of a person whose name has been omitted from the certified copy of the Roll—
  - (i) he sent or delivered to the Registrar a duly completed claim for enrolment, and the claim was received by the Registrar before the day on which the Minister issued a direction under regulation 23 of these Regulations; or

(ii) his name was enrolled on the Roll prepared for the purpose of the Liquor Poll held in pursuance of the *Liquor Poll Ordinances* 1928 or on the Roll prepared in pursuance of the *Seat of Government Electoral Regulations* (Statutory Rules 1928, No. 116), and he is still living in the Territory; or

(b) in the case of a person whose name is on the Roll, but cannot be found by the presiding officer, he claims that his name appears or should appear on the Roll, and makes a declaration before the presiding officer at the polling place.

(2.) The ballot-paper to be used by a person voting in pursuance of this regulation shall be in accordance with Form 8, and the presiding officer shall endorse on the back of any such ballot-paper, before handing it to the voter, the word and figures "Regulation 50".

(3.) Where a voter claims to vote under the provisions of this regulation, he shall mark and fold his ballot-paper in the manner prescribed in these Regulations and return it so folded to the presiding officer.

(4.) The presiding officer shall thereupon, in the presence of the voter and of such scrutineers as are present, and without unfolding the ballot-paper, enclose it in an envelope bearing the declaration of the voter and addressed to the Returning Officer, and shall forthwith securely fasten the envelope and deposit it in the ballot-box.

(5.) The Returning Officer, on receipt of the envelope containing the ballot-paper as aforesaid, shall, before opening the envelope or allowing any other person to do so, examine the declaration of the voter, and, if it is in order and he is satisfied, after making such inquiry as may be necessary, that the voter is a person to whom paragraph (a) or (b) of sub-regulation (1.) of this regulation applies, shall deal with the ballot-paper in the manner prescribed in the *Electoral and Referendum Regulations* in connexion with the scrutiny of absent voters' ballot-papers, and forthwith direct that such correction (if any) as is necessary be made in the Roll by the Registrar, and the correction shall be made accordingly.

(6.) Where the claim of any person to vote under this regulation is refused the presiding officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof, and the presiding officer and a poll clerk shall sign the note in the presence of such scrutineers as are present. Any of those scrutineers may also sign the note.

51.—(1.) The result of the polling shall be ascertained by scrutiny.

(2.) Each candidate may by notice in writing or by telegram addressed to the Returning Officer appoint one scrutineer to represent him at the scrutiny at each place at which the scrutiny is being conducted, and such notice or telegram shall be signed by the candidate and shall give the name and address of the scrutineer.

52. The scrutiny shall be conducted as follows:—

- (a) It shall commence as soon as practicable after the closing of the poll;
- (b) Such scrutineers as have been duly appointed pursuant to last preceding regulation, and any persons approved by the officer conducting the scrutiny, may be present; and
- (c) All the proceedings at the scrutiny shall be open to the inspection of the scrutineers.

53. The provisions of the *Electoral and Referendum Regulations* relating to the scrutiny of postal ballot-papers used in a Senate election shall apply as far as they are applicable to the scrutiny of postal ballot-papers used in the election, and of ballot-papers issued under regulation 50.

54.—(1.) If a scrutineer objects to a ballot-paper as being informal, the officer conducting the scrutiny shall mark the ballot-paper "admitted" or "rejected", according to his decision to admit or reject the ballot-paper.

(2.) Nothing in this regulation shall prevent the officer conducting the scrutiny from rejecting any ballot-paper as being informal although it is not objected to.

55.—(1.) A ballot-paper shall be informal if—

- (a) it is not authenticated by the initials of the proper officer, or by an official mark as prescribed by these Regulations;

- (b) it has no vote indicated on it, or it does not indicate the voter's first preference for one candidate, and his consecutive preferences for at least six other candidates, or, if there are fewer than seven candidates, for all the remaining candidates;
- (c) it has upon it any mark or writing (not authorized by these Regulations to be put upon it) by which, in the opinion of the Returning Officer, the voter can be identified:  
 Provided that paragraph (c) shall not apply to any mark or writing placed upon the ballot-paper by an officer, notwithstanding that the placing of the mark or writing upon the ballot-paper is a contravention of these Regulations;
- (d) in the case of a postal vote it is not contained in the envelope bearing the postal vote certificate; and
- (e) in the case of a vote cast in pursuance of regulation 50, it is not contained in the envelope bearing the voter's declaration.

(2.) A ballot-paper shall not be informal for any reason other than the reasons specified in this regulation, but shall be given effect to according to the voter's intention so far as his intention is clear.

56. Except as authorized by these Regulations, an officer shall not place upon any ballot-paper any mark or writing which would enable any person to identify the voter by whom it is used.

Penalty: Ten pounds.

57. The scrutiny of ballot-papers shall, subject to the provisions of these Regulations, be conducted in the following manner:—

The Returning Officer shall, in the presence of a presiding officer or poll clerk and of such authorized scrutineers as may attend and of any other persons approved by the Returning Officer—

- (a) open all ballot-boxes received from all polling places, and the postal ballot-box;
- (b) reject all informal ballot-papers and arrange the unrejected ballot-papers under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate;
- (c) count the first preference votes given for each candidate on all unrejected ballot-papers; and
- (d) place in a separate parcel all the ballot-papers which have been rejected as informal.

58.—(1.) The first vacancy shall be filled in the following manner:—

- (a) The candidate who has received the largest number of first preference votes shall, if that number constitutes an absolute majority of votes, be elected;
- (b) If no candidate has received an absolute majority of first preference votes, a second count shall be made by the Returning Officer;
- (c) On the second count, the candidate who has received the fewest first preference votes shall be excluded, and each ballot-paper counted to him shall be counted to the candidate next in the order of the voter's preference;
- (d) If a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his unexhausted ballot-papers to the continuing candidate next in order of the voter's preference shall be repeated by the Returning Officer until one candidate has received an absolute majority of votes;
- (e) The candidate who has received an absolute majority of votes shall be elected.

(2.) The second vacancy shall be filled in the following manner:—

- (a) The Returning Officer shall re-arrange all the ballot-papers under the names of the respective candidates in accordance with the first preference indicated thereon, except that each ballot-paper on which a first preference for the elected candidate is indicated, shall, if unexhausted, be placed in the parcel of the candidate next in order of the voter's preference.

- (b) The Returning Officer shall then count the ballot-papers in the parcel of each candidate and ascertain the total number of votes given for each candidate.
- (c) If a candidate then has an absolute majority of votes he shall be elected, but if no candidate then has an absolute majority of votes, the scrutiny shall proceed as provided in paragraphs (b), (c) and (d) of the last preceding sub-regulation until one candidate has received an absolute majority of votes:
- Provided that, in the application of paragraphs (b) and (c) of the last preceding sub-regulation, any reference to first preference votes shall be read as a reference to all the votes counted to a candidate in pursuance of this sub-regulation.
- (d) The candidate who has received an absolute majority of votes shall be elected.
- (3.) The third vacancy shall be filled in the manner provided in the last preceding sub-regulation as regards the filling of the second vacancy:

Provided that a ballot-paper on which a first preference for any elected candidate is marked shall, if unexhausted, be placed in the parcel of the continuing candidate next in order of the voter's preference.

(4.) In the process of filling any vacancy, exhausted ballot-papers shall be set aside as finally dealt with, and shall thenceforth not be taken into account in the filling of that vacancy.

(5.) (a) When a candidate is elected or excluded, each ballot-paper counted to him shall be deemed to be exhausted if there is not indicated upon it a next preference for one continuing candidate.

(b) "Next preference" in the last preceding sub-paragraph includes the first of the subsequent preferences marked on the ballot-paper which is not given to an elected or excluded candidate:

Provided that where there is a break in the consecutive numbering of preferences marked on a ballot-paper (other than a break necessitating the rejection of the ballot-paper as informal in pursuance of paragraph (b) of regulation 55 of these Regulations, only those preferences preceding the break shall be taken into account.

(6.) In this regulation "continuing candidate" means a candidate not already elected or excluded from the count.

(7.) If on any count two or more candidates have an equal number of votes, and one of them has to be excluded, the Returning Officer shall decide which shall be excluded; and if, in the final count for filling any vacancy, two candidates have an equal number of votes, the Returning Officer shall decide by his casting vote which shall be elected; but, except as provided in this sub-regulation, he shall not vote at the election.

(8.) In this regulation "an absolute majority of votes" means a greater number than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers. The casting vote of the Returning Officer, given in pursuance of the last preceding sub-regulation, shall be included in reckoning an absolute majority of votes.

59.—(1.) The Returning Officer shall, as soon as conveniently may be after the result of the election has been ascertained—

- (a) make out and sign a statement setting out the number of first preference votes counted for each candidate and the number of informal ballot-papers and, if any further count was made in order to determine the result of the election, the particulars of each such count;
- (b) forward to the Minister of State for Home Affairs a copy of the statement referred to in the last preceding paragraph;
- (c) at the place of nomination publicly declare the result of the election and the names of the candidates elected; and
- (d) insert a notification in the *Gazette* setting out the names of the candidates elected.

60.—(1.) The Returning Officer and every Assistant Returning Officer, presiding officer, substitute presiding officer, poll clerk, and scrutineer shall make and subscribe an undertaking in accordance with Form 10.

(2.) An omission by any officer or scrutineer to sign or subscribe the undertaking required by this regulation shall not be a ground for setting aside any election.

61. The official mark for the authentication of ballot-papers shall be a watermark in the paper thereof consisting of a representation of a shield having therein the letters "C.A." intertwined.

62. The notice of withdrawal by a candidate of his consent to nomination may be in accordance with Form 11, and shall be signed by the candidate in the presence of the officer with whom the nomination was lodged or of a Justice of the Peace.

63. The Returning Officer shall preserve all the sealed parcels of ballot-papers for a period of six months when they shall be destroyed.

64. Strict compliance with the forms in the Schedule shall not be required, and substantial compliance shall suffice for the purposes of these Regulations.

## THE SCHEDULE.

### FORM 1.

Regulation 9.

#### COMMONWEALTH OF AUSTRALIA.

#### THE TERRITORY FOR THE SEAT OF GOVERNMENT.

#### ELECTORS' ROLL.

No., Name in Full, Place of Living, Occupation, and Sex of each Elector.  
(Here follow Names, &c.)

Footnote.—M. signifies Male, F. signifies Female.

### FORM 2.

[Front of Form.]

Regulation 14.

#### COMMONWEALTH OF AUSTRALIA.

#### THE TERRITORY FOR THE SEAT OF GOVERNMENT.

#### The Advisory Council Ordinance 1930.

#### CLAIM FOR ENROLMENT.

To the Registrar for the Territory for the Seat of Government—

1. I am an inhabitant of Australia and have lived therein for six months continuously.

2. I am a natural-born or naturalized subject of the King, am not under the age of twenty-one years, and am qualified to be enrolled as an Elector at the Poll to be taken pursuant to the above-mentioned Ordinance.

3. I claim to have my name and particulars for enrolment, as set out on the back hereof, placed on the Roll of Electors for the Territory in which I now live and have lived for a period of not less than one month immediately preceding the date of this Claim.

4. I declare that the whole of the statements made in this Claim (including those set forth on the back hereof) are true to the best of my knowledge and belief.

Personal Signature of Claimant—

The signature of the Claimant must be his personal signature. If unable to sign his name in his own handwriting, he may make his mark as his signature, but such signature must be made in the presence of the person who signs as witness.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

I, the undersigned, being a person qualified to be an Elector at the Poll to be taken pursuant to the above-named Ordinance, certify that I have seen the above-named Claimant sign the above Claim, and that I either know the statements contained in the Claim to be true or have satisfied myself by inquiry of the Claimant or otherwise that the said statements are true.

Personal Signature of Witness in his own handwriting—

Occupation—

Place of living—

[Back of Form.]

Particulars for  
Enrolment.

Surname—  
Christian Names—  
(in full)  
Place of Living—  
(Full address)

Occupation—

Sex—

Personal Signature of Claimant—

The particulars within this space are to be filled in by the Registrar.  
Received (date)—  
Registered (date)—  
Acknowledged (date)—  
Initials of Registrar—





FORM 7.

The Elector should carefully read the directions for his guidance printed on this ballot-paper, and in particular note that he must not mark his vote thereon until after he has first exhibited the ballot-paper (unmarked) to the Authorized Witness.

COMMONWEALTH OF AUSTRALIA.  
THE TERRITORY FOR THE SEAT OF GOVERNMENT.  
The Advisory Council Ordinance 1930.  
ELECTION OF THREE MEMBERS OF THE ADVISORY COUNCIL.  
Postal Ballot-paper.  
CANDIDATES.

Vertical column of seven empty square boxes for marking candidates, with horizontal dotted lines extending to the right from each box.

NOTE.—Unless the Elector's vote is marked on this Ballot-paper on or before Polling Day, namely the \_\_\_\_\_ day of 19\_\_\_\_, and is received by the Returning Officer, at or before eight o'clock in the evening of that day, it will not be admitted to the scrutiny.  
[See other side.]

FORM 7--continued.

[Back of Form.]

Directions to Elector and Authorized Witness.



- (a) The elector shall exhibit his unmarked postal ballot-paper and his postal vote certificate to the authorized witness.
(b) The elector shall then and there, in the presence of the authorized witness, sign his name in his own handwriting on the postal vote certificate, in the place provided for the signature of the voter.
(c) The authorized witness shall then and there sign his name in his own handwriting on the postal vote certificate in the place provided for the signature of the authorized witness, and shall add the title under which he acts as an authorized witness and the date.
(d) The elector shall then and there, in the presence of the authorized witness, but so that the authorized witness cannot see the vote, mark his vote on this ballot-paper by placing in the squares respectively opposite the names of at least.....candidates the numbers 1, 2, 3, 4, and so on, up to and inclusive of the number....., so as to indicate the order of his preference for such candidates, and, if there are any more candidates, may in addition indicate the order of his preference for as many of them as he pleases by placing in the squares respectively opposite their names other numbers next in numerical order after those already used by him, and shall fold the ballot-paper so that the vote cannot be seen, and hand it so folded to the authorized witness.
(e) The authorized witness shall then and there place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer.
(f) If the elector's sight is so impaired that he cannot vote without assistance, a person appointed by the elector shall mark the elector's vote on the ballot-paper in the presence of the authorized witness, and shall then and there fold the ballot-paper so that the vote cannot be seen, place the ballot-paper in the envelope addressed to the Returning Officer, fasten the envelope, and hand it to the voter, who shall forthwith post or deliver it, or cause it to be posted or delivered, to the Returning Officer. Provided that if no person is appointed by the elector, the authorized witness, if so requested by the elector, shall take the action required by this paragraph to be taken by a person appointed by the elector.

Further Directions to Authorized Witness.

The authorized witness shall not, unless the elector's sight is so impaired that he cannot vote without assistance, and no person is appointed by the elector to mark his vote for him, look at or make himself acquainted with the vote given by the elector, and, except as provided in paragraph (f) of the preceding

FORM 7--continued.

Directions, shall not suffer or permit any person (other than the elector) to see or become acquainted with the elector's vote, or to assist the elector to vote, or to interfere in any way with the elector in relation to his vote.

Every authorized witness shall—

- (a) comply with the preceding Directions in so far as they are to be complied with on his part;
- (b) see that the preceding directions are complied with by every elector voting by post before him, and by every person present when the elector votes; and
- (c) refrain from disclosing any knowledge of the vote of any elector voting by post before him.

Penalty: One hundred pounds, or imprisonment for three months.

*Duty of Persons Present when an Elector Votes by Post.*

Any person present when an elector is before an authorized witness for the purpose of voting by post shall—

- (a) obey all directions of the authorized witness; and
- (b) except as provided in paragraph (f) of the above Directions—
  - (i) refrain from making any communication whatever to the elector in relation to his vote;
  - (ii) refrain from assisting the elector or in any manner interfering with him in relation to his vote;
  - (iii) refrain from looking at the elector's vote or from doing anything whereby he might become acquainted with the elector's vote.

Penalty: One hundred pounds, or imprisonment for three months.

*Penalty for Unlawfully marking Ballot-paper.*

No person other than—

- (a) an elector to whom a postal ballot-paper has been issued; or
- (b) a person appointed by the elector or an authorized witness, acting in pursuance of paragraph (f) of the Directions to Elector and Authorized Witness, assisting an elector whose sight is so impaired that he cannot vote without assistance,

shall mark a vote upon a postal ballot-paper.

Penalty: One hundred pounds, or imprisonment for six months.

FORM 8.

Regulation 35.

COMMONWEALTH OF AUSTRALIA.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The Advisory Council Ordinance 1930.

ELECTION OF THREE MEMBERS OF THE ADVISORY COUNCIL.

*Ballot-paper.*

Directions.—In marking his vote on this ballot-paper the voter must place in the squares respectively opposite the names of at least [here insert the number which represents twice the number of Members to be elected plus one, or, if the number of candidates is less than that number, the total number of candidates] candidates the numbers 1, 2, 3, 4, and so on, up to and inclusive of the number [here insert the number which represents twice the number of Members to be elected plus one, or, if the number of candidates is less than that number, the total number of candidates], so as to indicate the order of his preference for such candidates, and if there are any more candidates may in addition indicate the order of his preference for as many of them as he pleases by placing in the squares respectively opposite their names other numbers next in numerical order after those already used by him.

CANDIDATES.

- Brown, Charles William Henry.
- King, Henry.
- Russell, Percy John.
- Brown, Samuel Wilson.
- Lovell, Edward Thomas.
- Quick, Richard James.

## COMMONWEALTH OF AUSTRALIA.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The *Advisory Council Ordinance 1930.*

FORM OF DECLARATION TO BE USED AT THE POLLING BY A PERSON CLAIMING TO VOTE UNDER THE PROVISIONS OF REGULATION 50 OF THE ADVISORY COUNCIL ELECTION REGULATIONS WHO DECLARES 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.

I [*here insert name in full of person claiming to vote*] of [*here insert full address and occupation*] declare—

- One of these paragraphs, as the case requires, must be struck out.
1. That I am entitled to be enrolled on the Electors' Roll for the Territory of the Seat of Government;
  2. That after becoming qualified for enrolment I sent or delivered to the Registrar for the Territory a duly completed claim for enrolment, and that my claim was received by the Registrar before 6 o'clock in the afternoon of the [*here insert date of issue of the Direction to cause the Poll to be taken*];  
or,
  2. That my name was enrolled on the Roll prepared for the Liquor Poll held in pursuance of the *Liquor Poll Ordinances 1928*, or on the Roll prepared in pursuance of the *Seat of Government Electoral Regulations* (Statutory Rules 1928, No. 116), and that I am still living in the Territory; and
  3. That to the best of my knowledge and belief my name has been omitted from the Certified Copy of the Roll owing to an error of an officer or a mistake of fact.

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 50 of the *Advisory Council Election Regulations*) 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 handed to him, 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 the ballot-paper, 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 that 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.

## FORM 10.

Regulation 60.

## COMMONWEALTH OF AUSTRALIA.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The *Advisory Council Ordinance 1930.*

UNDERTAKING TO BE MADE BY OFFICERS AND SCRUTINEERS.

I, [*here insert name, address and occupation*] do hereby promise and undertake that I will faithfully perform the duties of [*here insert name of office held by the person signing undertaking*] to the best of my understanding and ability, and that I will not directly or indirectly attempt to influence the vote of any elector, or, except by recording my vote as allowed by law, the result of any election, and that I will not disclose any knowledge officially acquired by me touching the vote of any elector, except in reply to a question which I am legally bound to answer.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
Witness to signature— \_\_\_\_\_ Signature— \_\_\_\_\_

## FORM 11.

Regulation 62.

## COMMONWEALTH OF AUSTRALIA.

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

The *Advisory Council Ordinance 1930.*

FORM OF WITHDRAWAL BY CANDIDATE OF CONSENT TO NOMINATION.

To the Returning Officer—

I, [*here insert Christian names, surname, place of residence and occupation*] do hereby withdraw my consent to nomination as elected member of the Advisory Council.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
(*Personal signature of Candidate.*)  
Dated at [*here insert place*] the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_  
Witness— \_\_\_\_\_

NOTE.—To be signed in the presence of the Officer with whom the nomination was lodged or of a Justice of the Peace.

By Authority: H. J. GREEN, Government Printer, Canberra.