

Regulations 1974 No. 15

Regulations under the *Legislative Assembly Ordinance* 1936-1974.*

I, GORDON MUNRO BRYANT, the Minister of State for the Capital Territory, hereby make the following Regulations under the *Legislative Assembly Ordinance* 1936-1974.

Dated this twenty-ninth day of August, 1974.

GORDON M. BRYANT
Minister of State for the Capital Territory.

AMENDMENTS OF THE LEGISLATIVE ASSEMBLY (ELECTION) REGULATIONS†

1. Regulation 3 of the Legislative Assembly (Election) Regulations is amended by inserting in sub-regulation (1), after the definition of "Ordinance", the following definition:—

Interpre-
tation.

" 'political party' means an association of persons formed for political, social or community purposes;".

2. The Legislative Assembly (Election) Regulations are amended by inserting after regulation 67 the following regulations:—

" 68. (1) Subject to this regulation, a candidate who has been nominated in accordance with these Regulations may, by notice in writing given to the Returning Officer, request that the name of a political party appear on the ballot-paper beside his name.

Candidate
may have
party name on
ballot-paper.

" (2) A notice is not effective for the purpose of sub-regulation (1) unless—

- (a) it is signed by the candidate;
- (b) it specifies the name that is to appear on the ballot-paper; and
- (c) it has annexed to it a statutory declaration made by the candidate and stating that he has been authorized by the political party whose name is specified in the notice to make a request under sub-regulation (1).

" (3) Where—

- (a) a candidate has made a request in accordance with this regulation; and
- (b) the name specified in the request has been registered under these regulations as the name of a political party,

the Returning Officer shall cause that name to be printed on the ballot-paper beside the name of the candidate.

* Notified in the *Australian Government Gazette* on 29 August 1974.

† Regulations notified in the *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; 1962, No. 1; 1964, No. 2; 1967, No. 8; and 1974, Nos. 10 and 14.

“(4) Where—

- (a) the names of two or more candidates who have made requests under sub-regulation (1) appear on the ballot-paper in a group; and
- (b) both or all, as the case may be, of those requests relate to the same name of a political party,

it is a sufficient compliance with sub-regulation (3) if the name referred to in paragraph (b) is printed on the ballot-paper once beside that group.

Application
for registration
of party name.

“69. (1) A person may make application for the registration of a name as the name of a political party by lodging with the Returning Officer a statutory declaration made by the person—

- (a) stating the full name and address of the applicant;
- (b) stating the name of which registration is sought;
- (c) specifying the period during which the political party bearing that name has been in existence in the Territory; and
- (d) stating that the applicant has been authorized by that political party to make the application.

“(2) Where an application has been made in accordance with sub-regulation (1), the Returning Officer may, by notice in writing given to the applicant, require the applicant to furnish the Returning Officer with such further information regarding any matter relevant to the application as the Returning Officer thinks fit.

Registration
of party name.

“70. (1) Subject to these Regulations, where—

- (a) an application has been made in accordance with sub-regulation 69 (1) for the registration of a name as the name of a political party; and
- (b) the applicant has furnished the information (if any) required by the Returning Officer in pursuance of sub-regulation 69 (2),

the Returning Officer shall register the name.

“(2) When the Returning Officer registers a name in accordance with sub-regulation (1), he shall cause notice of the registration of the name to be published, as soon as is reasonably practicable, in a daily newspaper published in the Territory.

“(3) The Returning Officer shall not register a name under this regulation during the period commencing on the fifth day of September next preceding the date of an election and ending on the date of the election.

“(4) Where the Returning Officer refuses to register a name, he shall give to the applicant notice in writing of the grounds of the refusal.

Certain names
not to be
registered.

“71. A name shall not be registered as the name of a political party if—

- (a) the name is already registered as the name of a political party;
- (b) the name includes more than six words;
- (c) the name suggests a connexion with the Crown, either in right of Australia or in right of a State;
- (d) the name suggests a connexion with the government of a country other than Australia or with the United Nations;
- (e) the name suggests a connexion with a department, authority or instrumentality of the Government of Australia or of a State or with a municipal or other local government authority;
- (f) the name is misleading as to the nature or objects of the party or in any other manner;

- (g) the name is blasphemous or likely to be offensive to members of the public; or
- (h) the name so nearly resembles a name already registered as to be likely to be confused with, or mistaken for, that name.

“ 72. (1) Subject to these Regulations, where two or more applications are made in accordance with regulation 69 for the registration of a name, the Returning Officer shall register the name as the name of the political party specified in one of those applications that was first formed in the Territory.

Two applications for registration of same name.

“ (2) Where—

- (a) an application has been made in accordance with regulation 69 for the registration of a name as the name of a political party; and
- (b) the name was last registered as the name of a different political party,

the Returning Officer shall not register the name as the name of a political party other than the party referred to in paragraph (b) unless—

- (c) he has given to the party referred to in paragraph (b) notice in writing of the application; and
- (d) the last-mentioned party has failed to make an application for the registration of the name within 7 days after the date on which the notice referred to in paragraph (c) was given.

“ 73. The registration under these Regulations of a name as the name of a political party is effective only in respect of the first election held after the date of registration of the name.

Registration to be effective for one election only.

“ 74. (1) Where the Returning Officer has refused to register a name under these Regulations as the name of a political party, the person who applied for the registration of the name may, by notice in writing given to the Returning Officer within 7 days after the date on which notice was given to him for the purpose of sub-regulation 70 (4), request the Returning Officer to refer the application to the Chief Australian Electoral Officer.

Reference of application to Chief Electoral Officer.

“ (2) Where a request is made in accordance with sub-regulation (1), the Returning Officer shall deliver to the Chief Australian Electoral Officer the application to which the request relates, together with all documents and records in his possession that relate solely to that application.

“ (3) Where an application is referred to the Chief Australian Electoral Officer in accordance with sub-regulation (2), the Chief Australian Electoral Officer shall give to the person at whose request the application was so referred notice in writing of the date on which, and the time and place at which, that person may attend and be heard in connexion with the request.

“ (4) The Chief Australian Electoral Officer, having taken into account the matters (if any) put to him by the person at whose request an application was referred to him, shall either—

- (a) direct the Returning Officer to register the name to which the application relates; or
- (b) dismiss the application.

“ (5) The Returning Officer shall comply with a direction given under sub-regulation (4).

“ 75. (1) A political party the name of which is registered under these Regulations, or a person authorized by such a party, may, by notice in writing given to the Chief Australian Electoral Officer, request that the registration of a name registered under these Regulations after the registration of the name of that party be cancelled.

Cancellation of registration to prevent confusion.

“(2) Where a request has been made under sub-regulation (1) for the cancellation of the registration of a name, the Chief Australian Electoral Officer shall give notice in writing to—

- (a) the person or party who made the request; and
 - (b) the person on whose application the name was registered,
- of the date on which, and the time and place at which, he will deal with the request.

“(3) A person to whom notice has been given in accordance with sub-regulation (2) may attend on the date, and at the time and place, specified in the notice and put to the Chief Australian Electoral Officer any matter that is relevant to the request to which the notice relates.

“(4) A party to which notice has been given in accordance with sub-regulation (2) may be represented by a person authorized for that purpose by the party, and that person may attend on the date, and at the time and place, specified in the notice and put to the Chief Australian Electoral Officer any matter that is relevant to the request to which the notice relates.

“(5) In coming to a decision on a request under sub-regulation (1), the Chief Australian Electoral Officer shall have regard to any matter put to him under sub-regulation (3) or (4).

“(6) Where—

- (a) a request has been made under sub-regulation (1) for the cancellation of the registration of a name; and
- (b) the Chief Australian Electoral Officer is satisfied that the name so nearly resembles the name registered on the application of the person or party who made the request as to be likely to cause confusion or to be mistaken for the last-mentioned name,

the Chief Australian Electoral Officer shall direct the Returning Officer to cancel the registration of the name to which the application relates.

“(7) The Returning Officer shall comply with a direction given under sub-regulation (6).

Cancellation of registration for fraud, &c.

“76. (1) Where the Chief Australian Electoral Officer is of the opinion that there are reasonable grounds for believing that the registration of a name as the name of a political party has been obtained by means of fraud or misrepresentation, he may, by notice in writing given to the person on whose application the name was registered, require that person to show cause, within the period specified in the notice, why the registration of the name should not be cancelled.

“(2) If—

- (a) a person to whom notice has been given under sub-regulation (1) fails to show cause within the period specified in the notice; or
- (b) notwithstanding matters put to him by that person, the Chief Australian Electoral Officer is satisfied that the registration of the name in question was obtained by means of fraud or misrepresentation,

the Chief Australian Electoral Officer shall direct the Returning Officer to cancel the registration of the name.

“(3) The Returning Officer shall comply with a direction given under sub-regulation (2).

Notices may be given by post.

“77. For the purposes of regulations 68 to 76 (inclusive), a document that is required to be given to, or lodged with, a person or party may be given or lodged, as the case may be, by post.”