



Australian Capital Territory

Electoral Act 1992

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About this republication

The republished law

This is a republication of the *Electoral Act 1992* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 April 2016. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 27 April 2016.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Electoral Act 1992

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Australian Capital Territory

Electoral Act 1992

An Act to provide for elections of members of the Legislative Assembly and related matters

Preamble

- 1 On 15 February 1992 a referendum was held to enable the electors of the Territory to choose which of 2 voting systems is to be used at future elections for the Legislative Assembly.
- 2 The electors chose the proportional representation (Hare-Clark) system as outlined in the Referendum Options Description Sheet set out in the *Australian Capital Territory (Electoral) Act 1988* (Cwlth), schedule 3.
- 3 The electoral system chosen by the electors includes the system of rotation of the positions of candidates' names on ballot papers known as the Robson Rotation.
- 4 The Legislative Assembly wishes to enact legislation to implement the electoral system chosen by the electors as soon as it is convenient to do so.

The Legislative Assembly for the Australian Capital Territory therefore enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Electoral Act 1992*.

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition ‘*electoral matter*—see section 4 (Meaning of *electoral matter*).’ means that the expression ‘electoral matter’ is defined in that section and the definition applies to the entire Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act 2001](#), s 155 and s 156 (1)).

3A Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 Criminal Code

The [Criminal Code](#), ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- section 143
- s 236 (Offences)
- s 292 (Dissemination of unauthorised electoral matter)
- s 296 (Advertorials)
- s 315A (Ballot papers—photographs)

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 Penalty units

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

4 Meaning of *electoral matter*

- (1) In this Act, *electoral matter* is matter, in printed or electronic form, that is intended or likely to affect voting at an election.
- (2) Without limiting subsection (1), matter is taken to be intended or likely to affect voting at an election if it contains an express or implicit reference to, or comment on—
 - (a) the election; or
 - (b) the performance of the Government or Opposition, or a previous Government or Opposition; or
 - (c) the performance of an MLA or former MLA; or
 - (d) the performance of a political party, candidate or group of candidates in the election; or

- (e) an issue submitted to, or otherwise before, the electors in relation to the election.
- (3) However, a publication of the Assembly (including a committee of the Assembly) is not *electoral matter*.

4A *Meaning of available for public inspection*

If a provision of this Act requires the commissioner to make a document, a copy of a document or a register available for public inspection, the commissioner must make the document, a copy or register available for inspection by members of the public at the commissioner's office during ordinary business hours.

Part 2 Australian Capital Territory Electoral Commission

Division 2.1 Establishment and independence of electoral commission

5 Establishment

The Australian Capital Territory Electoral Commission is established.

6 Constitution of commission

The electoral commission consists of—

- (a) the chairperson; and
- (b) the commissioner; and
- (c) 1 other member.

6A Officer of the Legislative Assembly

- (1) A member of the electoral commission is an independent officer of the Legislative Assembly.
- (2) The functions, powers, rights, immunities and obligations of the member of the electoral commission are as stated in this Act and other territory laws.
- (3) There are no implied functions, powers, rights, immunities or obligations arising from the member of the electoral commission being an independent officer of the Legislative Assembly.
- (4) The powers of the Legislative Assembly to act in relation to the member of the electoral commission are as stated in this Act and other territory laws.

(5) In subsection (4):

Legislative Assembly includes—

- (a) the members of the Legislative Assembly; and
 - (b) the committees of the Legislative Assembly.
- (6) There are no implied powers of the Legislative Assembly arising from the member of the electoral commission being an independent officer of the Legislative Assembly.

6B Independence of member of the electoral commission

Subject to this Act and to other territory laws, a member of the electoral commission has complete discretion in the exercise of the member's functions.

Division 2.2 Functions of electoral commission

7 Functions of electoral commission

- (1) The electoral commission has the following functions:
- (a) to advise the Assembly on matters relating to elections;
 - (b) to consider, and report to the Assembly on, matters relating to elections referred to it by the Assembly;
 - (c) to promote public awareness of matters relating to elections and the Assembly by conducting education and information programs and by any other means it chooses;
 - (d) to provide information and advice on matters relating to elections to the Assembly, the Executive, the head of any administrative unit of the public service, Territory authorities, political parties, MLAs and candidates at elections;
 - (e) to conduct and promote research into matters relating to elections or other matters relating to its functions;

- (f) to publish material on matters relating to its functions;
- (g) to provide, on payment of the determined fee (if any), goods and services to persons or organisations, to the extent that it is able to do so by using information or material in its possession or expertise acquired in the exercise of its functions;
- (h) to conduct ballots for prescribed persons and organisations;
- (i) to exercise any other function given to it under this Act or another Territory law.

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act 2001](#), s 196 and dict, pt 1, def of *entity*).

- (2) The commission may exercise any of its functions under subsection (1) (a) to (f) in conjunction with the Australian Electoral Commission.
- (3) In this section:
election includes a referendum and any other ballot.

10 Electoral commission's annual report

The electoral commission is a public authority for the [Annual Reports \(Government Agencies\) Act 2004](#).

10A Special reports by electoral commission

- (1) The electoral commission may give to the Speaker a report on anything relating to elections, referendums or other ballots.
- (2) If the Speaker receives a report that is expressed to be given to the Speaker under subsection (1), the Speaker must present a copy of the report to the Legislative Assembly on the next sitting day after the day the Speaker receives it.

- (3) The Minister must present a written response to the report to the Legislative Assembly within 3 months after the day the report was presented to the Legislative Assembly.

Division 2.3 Functions of electoral commissioner

11 Functions of commissioner etc

- (1) The commissioner is the chief executive officer of the electoral commission.
- (2) The commissioner has the functions given to the commissioner under this Act or another Territory law.

Note A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see [Legislation Act 2001](#), s 196 and dict, pt 1, def of *entity*).

- (3) The commissioner may give written directions to officers and members of the staff of the electoral commission in relation to the exercise of their functions under this Act or another Territory law.

Division 2.4 Appointment of members of electoral commission

12 Appointment

- (1) The Speaker must, on behalf of the Territory, appoint the members of the electoral commission.
- (2) The appointment must be made—
 - (a) on the advice of the relevant Assembly committee; and
 - (b) in consultation with the Chief Minister; and
 - (c) in consultation with the Leader of the Opposition; and

- (d) in consultation with the leader (however described) of a registered party (other than the party to which the Chief Minister or Leader of the Opposition belongs) if at least 2 members of the Legislative Assembly are members of the party; and
 - (e) in accordance with the merit principles set out in the *Public Sector Management Act 1994*, section 65 (Application of merit principle).
- (3) The Speaker must not appoint a person as a member of the electoral commission unless satisfied that the person has extensive knowledge of, and experience in—
- (a) for the commissioner—
 - (i) electoral systems or management; or
 - (ii) public administration; or
 - (b) for a member of the electoral commission other than the commissioner—
 - (i) an area mentioned in paragraph (a); or
 - (ii) another area that is relevant to and consistent with the functions of a member of the electoral commission.
- (4) A member of the electoral commission is appointed on the terms (if any) in relation to matters not provided for by this part or a determination under the *Remuneration Tribunal Act 1995* that are prescribed by the management standards under the *Public Sector Management Act 1994*.
- (5) The appointment is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

12A Acting appointment—commissioner

- (1) Before the Speaker appoints a person to act as the commissioner, the Speaker must consult with the chair of the relevant Assembly committee about the proposed appointment.
- (2) However, for a period of leave of absence approved by the Speaker under section 18E, the commissioner may appoint a person to act as commissioner after consulting with the Speaker.

12B Eligibility for appointment as electoral commission member

The Speaker must not appoint a person as a member of the electoral commission if the person—

- (a) is or has, in the 10 years immediately before the day of the proposed appointment, been a member of—
 - (i) the Legislative Assembly; or
 - (ii) the Parliament of the Commonwealth; or
 - (iii) the legislature of a State or another Territory; or
- (b) is or has, in the 5 years immediately before the day of the proposed appointment, been a member of—
 - (i) a registered party; or
 - (ii) a political party registered under a law of the Commonwealth, a State or another Territory; or
 - (iii) a political party.

12C Eligibility for appointment as chairperson

- (1) The Speaker may appoint a person as the chairperson of the electoral commission only if the person—
 - (a) is or has been a judge; or

- (b) has been a justice of the High Court; or
- (c) has been a director-general of an administrative unit; or
- (d) has been a chief executive officer (however described) of a territory instrumentality; or
- (e) has been a statutory office-holder; or
- (f) has been a Commonwealth agency head; or
- (g) has been a member of—
 - (i) the electoral commission; or
 - (ii) an authority of the Commonwealth, a State or another Territory that the Speaker is satisfied corresponds to the electoral commission; or
- (h) is a person who—
 - (i) is a lawyer; and
 - (ii) has been a lawyer for at least 5 years; and
 - (iii) the Speaker is satisfied has held a senior position in the legal profession; or
- (i) is a person who the Speaker is satisfied—
 - (i) has held, for at least 5 years, a senior position—
 - (A) as an academic; or
 - (B) in business; or
 - (C) in a profession; and
 - (ii) has the knowledge and experience to exercise the functions of chairperson.

- (2) In this section:

Commonwealth agency head means an agency head under the *Public Service Act 1999* (Cwlth), section 7 (Interpretation).

Note The *Public Service Act 1999* (Cwlth), s 7, defines ***agency head*** as—

- (a) the secretary of a department; or
- (b) the head of an executive agency; or
- (c) the head of a statutory agency.

judge means—

- (a) a judge of the Supreme Court; or
- (b) a judge of the Supreme Court of a State or another Territory; or
- (c) a judge of the Federal Court or Family Court.

- (3) In this section, a reference to a person who was a ***director-general*** of an administrative unit includes a reference to someone who was a chief executive of an administrative unit.

13 Term of appointment

A member of the electoral commission must be appointed for not longer than 5 years.

Note A person may be reappointed to a position if the person is eligible to be appointed to the position (see *Legislation Act*, s 208 and dict, pt 1, def ***appoint***).

Division 2.5 Other provisions applying to electoral commission members

14 Oath or affirmation of office

Before a person is appointed as a member of the electoral commission, the person must take an oath of office, or make an affirmation of office, before the Speaker.

Note For the form of the oath and affirmation of office, see the *Oaths and Affirmations Act 1984*, s 6 and sch 1.

15 Disclosure of interests—generally

A member of the electoral commission must give a written statement of the member's personal and financial interests to the Speaker within 7 days after—

- (a) the day the member is appointed; and
- (b) the first day of each financial year; and
- (c) the day there is a change in the interest.

16 Electoral commission member must not do inconsistent work etc

A member of the electoral commission must not—

- (a) have paid employment that is inconsistent with the member's functions; or
- (b) engage in any unpaid activity that is inconsistent with the member's functions.

17 Resignation

A member of the electoral commission may resign by giving a signed notice of resignation to the Speaker.

18 Retirement

- (1) The Speaker may retire a member of the electoral commission on the ground of physical or mental incapacity if—
 - (a) the incapacity substantially affects the exercise of the member's functions; and
 - (b) the member consents to the retirement.

- (2) However, a member of the electoral commission must not be retired on the ground of invalidity unless—
- (a) if the member of the electoral commission is an eligible employee for the *Superannuation Act 1976* (Cwlth)—
 - (i) the member is under the member's maximum retiring age within the meaning of that *Act*; and
 - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 2 under that *Act*, section 54C for the member; or
 - (b) if the member of the electoral commission is a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—
 - (i) the member is under 60 years old; and
 - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under that *Act*, section 13 for the member; or
 - (c) if the member of the electoral commission is an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—
 - (i) the member is under 60 years old; and
 - (ii) a certificate has been given by the Commonwealth Superannuation Board of Trustees No 1 under that *Act*, section 43 for the member.
- (3) In this section:
- invalidity*** means—
- (a) for an eligible employee for the *Superannuation Act 1976* (Cwlth)—invalidity under that *Act*; or

- (b) for a member of the superannuation scheme established under the *Superannuation Act 1990* (Cwlth)—invalidity under that Act; or
- (c) for an ordinary employer-sponsored member of PSSAP within the meaning of the *Superannuation Act 2005* (Cwlth)—invalidity under that Act.

physical or mental incapacity includes invalidity.

18A Suspension—generally

- (1) The Speaker may suspend a member of the electoral commission on the ground of—
 - (a) misbehaviour; or
 - (b) physical or mental incapacity, if the incapacity substantially affects the exercise of the member’s functions.

Note Power given by a law to make a decision includes power to reverse or change the decision. The power to reverse or change the decision is exercisable in the same way, and subject to the same conditions, as the power to make the decision (see [Legislation Act](#), s 180).

- (2) If the Speaker is considering suspending the member, the Speaker may ask 1 or more of the following for advice about the proposed suspension:
 - (a) the commissioner for public administration;
 - (b) anyone else the Speaker considers appropriate.
- (3) If the Speaker suspends the member, the Speaker must give the member written notice of the suspension and a copy of a statement of the reasons for the suspension.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (4) The suspension takes effect when the notice and statement are given to the member under subsection (3).

- (5) The member may be suspended only under this section.
- (6) The member is entitled to be paid salary and allowances while suspended.

18B Suspension—relevant Assembly committee notice and meetings

- (1) If the Speaker suspends a member of the electoral commission, the Speaker must give written notice of the suspension and a copy of the statement of the reasons for the suspension to each member of the relevant Assembly committee not later than the next business day, or if the committee has not been established, the next business day after the day the committee is established.
- (2) The relevant Assembly committee must meet in relation to the member's suspension—
 - (a) not later than 3 business days after the day the committee is given written notice of the suspension (the *notice day*); and
 - (b) at subsequent intervals of not longer than 30 days while the member is suspended (a *regular meeting*).
- (3) The relevant Assembly committee must give the member of the electoral commission written notice that a regular meeting will be held at least 3 business days before the day the meeting is to be held.
- (4) The member of the electoral commission may make an oral or written submission (or both) to the committee about the member's suspension.
- (5) At each regular meeting, the relevant Assembly committee must review the member's suspension and may at any time pass a resolution about the suspension, including a resolution—
 - (a) recommending to the Speaker that the Speaker end the suspension; or

- (b) to make a statement to the Legislative Assembly recommending that the Speaker end the member's appointment.

18C Suspension—ending suspension

- (1) If the Speaker does not comply with section 18B (1), the suspension ends at the end of the notice day.
- (2) If the relevant Assembly committee fails to hold a meeting as required under section 18B (2), the suspension ends on the day after the last day when the meeting could have been held.
- (3) If the relevant Assembly committee makes a recommendation mentioned in section 18B (5) (a) and the Speaker does not end the suspension within 1 business day after the day the recommendation is made—
 - (a) the committee may at any time resolve to make a statement to the Legislative Assembly recommending that the suspension be ended; and
 - (b) if the committee makes a statement mentioned in paragraph (a) and—
 - (i) the Legislative Assembly resolves to end the suspension—the suspension ends on the passing of the resolution; or
 - (ii) the Legislative Assembly does not deal with the statement within 3 sitting days—the suspension ends at the end of the 3rd sitting day.
- (4) If the relevant Assembly committee makes a statement mentioned in section 18B (5) (b)—
 - (a) the Legislative Assembly may resolve to require the Speaker to end the member's appointment; but

(b) if the Legislative Assembly does not, within 3 sitting days, pass a resolution mentioned in paragraph (a)—the suspension ends at the end of the 3rd sitting day.

- (5) If the Speaker ends the member's suspension, the Speaker must give written notice of the ending of the suspension and a copy of a statement of the reasons for ending the suspension to the member and the relevant Assembly committee.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (6) In this section:

notice day—see section 18B (2) (a).

18D Ending of appointment

- (1) The Speaker must end the appointment of a member of the electoral commission if—
- (a) the Legislative Assembly—
 - (i) passes a resolution under section 18C (4) (a); or
 - (ii) otherwise resolves to require the Speaker to end the member's appointment—
 - (A) for misbehaviour; or
 - (B) for physical or mental incapacity, if the incapacity substantially affects the exercise of the member's functions; or
 - (b) the member becomes bankrupt or personally insolvent.
- (2) For a resolution mentioned in subsection (1) (a) (ii)—
- (a) at least 7 days before the day the motion to which the resolution relates is first debated in the Legislative Assembly—
 - (i) the Assembly must be given the notice of the motion and a statement of reasons for the motion; and

- (ii) the Speaker must—
 - (A) give the member a copy of the notice and the statement of reasons; and
 - (B) tell the member that a written submission about the motion may be made to the Speaker not later than 3 days after the day the member is given the notice; and
- (b) the Speaker must give any written submission to the Legislative Assembly before the day the motion is first debated in the Legislative Assembly.
- (3) The Speaker may end a member's appointment if—
 - (a) the member contravenes section 21 (Disclosure of interests—meetings) without reasonable excuse; or
 - (b) for the commissioner—the commissioner is absent from duty, except on leave granted by the Speaker, for 14 consecutive days or for 28 days in any 12 months; or
 - (c) for a member other than the commissioner—the member is absent, except on leave granted by the Speaker, from 3 consecutive meetings of the electoral commission.
- (4) The member's appointment may be ended by the Speaker only under this section or section 18 (Retirement).

18E Leave of absence

The Speaker may approve leave of absence for a member of the electoral commission on the terms the Speaker decides.

Division 2.6 Electoral commission meetings

19 Procedure

- (1) The chairperson may call a meeting of the electoral commission.
- (2) The chairperson shall call the meetings of the electoral commission necessary for the efficient conduct of its functions.
- (3) At a meeting, 2 members constitute a quorum.
- (4) The chairperson shall preside at all meetings at which he or she is present.
- (5) If the chairperson is not present at a meeting, the commissioner shall preside.
- (6) Questions arising at a meeting shall be determined by a majority of the votes of the members present and voting.
- (7) The member presiding at a meeting has a deliberative vote, and in the event of an equality of votes, has a casting vote.
- (8) If—
 - (a) only 2 members are present at a meeting; and
 - (b) those members differ in opinion on a matter, other than a matter because of which the third member is absent because of section 21;the determination of the matter shall be postponed until the next meeting.
- (9) The electoral commission may regulate the conduct of proceedings at its meetings as it considers appropriate.
- (10) The electoral commission may inform itself on any matter in the way it considers appropriate.

21 Disclosure of interests—meetings

- (1) A member who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the electoral commission shall, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the electoral commission.
- (2) The disclosure shall be recorded in the minutes of the meeting and, unless the electoral commission determines otherwise, the member shall not—
 - (a) be present during any deliberation of the electoral commission in relation to the matter; or
 - (b) take part in any decision of the electoral commission in relation to the matter.
- (3) The member shall not—
 - (a) be present during any deliberation of the electoral commission for the purpose of considering whether to make a determination under subsection (2) in relation to that member; or
 - (b) take part in the making by the electoral commission of such a determination.
- (4) A member is not to be taken to have an interest in a matter only because the member is entitled to vote in a general election of members of the Legislative Assembly.

Division 2.7 Staff of electoral commissioner etc

31 Staff

- (1) The commissioner's staff (other than staff mentioned in section 32 (1) (a)) must be employed under the *Public Sector Management Act 1994*.

- (2) The commissioner has the powers mentioned in the *Public Sector Management Act 1994*, section 25 (3) (Powers of certain statutory office-holders) in relation to the commissioner's staff.

32 Temporary staff and consultants

- (1) The commissioner may, on behalf of the Territory—
- (a) employ temporary staff; or
 - (b) engage consultants;
- for this Act.
- (2) Temporary staff shall be employed on terms and conditions determined from time to time by the electoral commission.
- (3) Consultants shall be engaged on terms and conditions determined from time to time by the electoral commission.
- (4) Nothing in this section in relation to the engagement of consultants is to be taken to give the commissioner or the commission a power to enter into a contract of employment.

33 Officers

- (1) The commissioner may appoint an adult to be an officer for this Act, or any other Act under which the commissioner exercises a function.

Note 1 For the making of appointments (including acting appointments), see [Legislation Act 2001](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act 2001](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) The officers so appointed include, but are not limited to, the following officers:
- (a) the officer in charge of a polling place;
 - (b) the officer in charge of a scrutiny centre;
 - (c) an officer for the purposes of a poll or the scrutiny at an election.
- (3) A candidate is not entitled to be appointed as an officer, and an officer vacates office if he or she becomes a candidate.
- (4) The commissioner has all the powers of an officer and, in the exercise of such a power, is subject to the same obligations as an officer and, for this Act, shall be taken to be an officer.
- (5) Subject to the directions of the OIC, an officer at a polling place or scrutiny centre may exercise any of the powers of the OIC and in so doing shall, for this Act, be taken to be the OIC.

33A Staff not subject to direction from others

- (1) The commissioner's staff are not subject to direction from anyone other than the following people in relation to the exercise of the commissioner's functions:
- (a) the commissioner;

(b) another member of the commissioner's staff authorised by the commissioner to give directions.

(2) In this section:

staff means—

- (a) staff mentioned in section 31 (1) and section 32 (1) (a); and
- (b) a consultant mentioned in section 32 (1) (b); and
- (c) an officer mentioned in section 33.

33B Delegation by electoral commission

(1) The electoral commission may delegate the commission's functions under this Act or another Territory law to—

- (a) the commissioner; or
- (b) an officer or a member of the commission's staff.

(2) However, the electoral commission must not delegate its functions under part 4 (Electoral districts) or part 15 (Review of decisions).

Note For the making of delegations and the exercise of delegated functions, see [Legislation Act 2001](#), pt 19.4.

33C Delegation by commissioner

(1) The commissioner may delegate the commissioner's functions under this Act or another Territory law to an officer or a member of the staff of the electoral commission.

Note For the making of delegations and the exercise of delegated functions, see [Legislation Act 2001](#), pt 19.4.

(2) However, the commissioner must not delegate the commissioner's functions under part 4 (Electoral districts).

Part 4 Electorates

34 Multimember electorates

- (1) The ACT must be divided into 5 electorates.
- (2) Five members of the Legislative Assembly must be elected from each electorate.
- (3) This section applies for the purposes of a general election held after the commencement of the *Australian Capital Territory (Legislative Assembly) Act 2014*.

Note The *Australian Capital Territory (Legislative Assembly) Act 2014* provides for the Legislative Assembly to consist of 25 members. It applies to the Legislative Assembly constituted by members elected at a general election after the commencement of that Act.

- (4) Subsection (3) and this subsection expire on 31 December 2016.

35 Redistribution of electorates

- (1) Subject to this part, the augmented commission shall redistribute electorates by determining—
 - (a) the name and boundaries of each electorate; and
 - (b) the number of members of the Legislative Assembly to be elected from each electorate.
- (2) A determination may be made only after any investigation under section 52 (Objections to augmented electoral commission's proposal) is finished.
- (3) A determination is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

36 Factors relevant to redistribution

In making a redistribution of electorates, the augmented commission shall—

- (a) ensure that the number of electors in an electorate immediately after the redistribution is within the range permitted by the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 67D (2); and
- (b) endeavour to ensure, as far as practicable, that the number of electors in an electorate at the time of the next general election of members of the Legislative Assembly will not be greater than 105%, or less than 95%, of the expected quota for the electorate at that time ascertained in accordance with the formula set out in the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), section 67D (1); and
- (c) duly consider—
 - (i) the community of interests within each proposed electorate, including economic, social and regional interests; and
 - (ii) the means of communication and travel within each proposed electorate; and
 - (iii) the physical features and area of each proposed electorate; and
 - (iv) the boundaries of existing electorates; and
 - (v) the boundaries of divisions and sections fixed under the *Districts Act 2002*.

37 Timing of redistributions

- (1) After each ordinary election, a redistribution process shall, subject to section 38—
 - (a) begin as soon as practicable after the beginning of the period of 2 years ending on the end of the 3rd Saturday in October in the year when the next ordinary election is due to be held; and
 - (b) be completed as soon as practicable.
- (2) For subsection (1), a redistribution process—
 - (a) begins when a redistribution committee is formed for the purposes of a redistribution; and
 - (b) ends when the redistribution of electorates is determined under section 35.

38 Suspension of redistribution process—extraordinary elections

- (1) In this section:
redistribution process—see section 37.
- (2) If the election period for an extraordinary election begins during a redistribution process, no further action shall be taken under this Act in relation to the redistribution until after the election period.
- (3) If, in relation to a proposed redistribution, a notice under this part invited a response (however described) to be made within a particular period and that period had not ended when the election period for an extraordinary election begins—
 - (a) a further such notice shall be given as soon as practicable after the election period; and
 - (b) this Act applies in relation to any response made in accordance with the firstmentioned notice as if it had been made in accordance with the further notice.

39 Redistribution committees

- (1) The electoral commission must establish redistribution committees for this part.
- (2) The establishment of a redistribution committee is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (3) A redistribution committee shall consist of—
 - (a) the commissioner; and
 - (b) the planning and land authority; and
 - (c) the surveyor-general; and
 - (d) a person appointed by the electoral commission whose qualifications or experience would, in the opinion of the electoral commission, enable the person to assist the committee, particularly in relation to the factors set out in section 36.

Note For the making of appointments, see [Legislation Act 2001](#), pt 19.3.

- (4) The member mentioned in subsection (3) (d) holds the position on the conditions that are decided by the electoral commission and stated in the member's appointment.
- (5) The surveyor-general is not subject to direction from anyone (other than the electoral commissioner, for the efficient functioning of the redistribution committee) in the exercise of the surveyor-general's functions as a member of the committee.

40 Meetings of redistribution committee

- (1) The commissioner may call a meeting of a redistribution committee.
- (2) The commissioner shall preside at all meetings at which he or she is present.

- (3) If the commissioner is absent from a meeting, the members present shall elect 1 of their number to preside.
- (4) At a meeting, 3 members constitute a quorum.
- (5) Questions shall be determined by a majority of the votes of the members present and voting.
- (6) The member presiding at a meeting has a deliberative vote and, in the event of an equality of votes, has a casting vote.
- (7) A redistribution committee may regulate the conduct of proceedings at its meetings as it considers appropriate.
- (8) A redistribution committee may inform itself in the way it considers appropriate, including the opening of its meetings to members of the public.
- (9) The electoral commission shall, on request by a redistribution committee, give the committee the information and assistance it requires for this part.

41 Suggestions and comments about redistribution

- (1) A redistribution committee must prepare a written notice stating—
 - (a) that written suggestions about the redistribution of electorates may be given to it within 28 days after the day the notice is notified under the *Legislation Act 2001*; and
 - (b) that written comments about the suggestions may be given to it within 14 days after the last day suggestions may be given to it; and
 - (c) each place where suggestions may be inspected by members of the public.
- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

- (3) The redistribution committee must give additional public notice of the notice mentioned in subsection (1).

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

- (4) The redistribution committee must ensure that copies of any suggestions given to it in accordance with the notice are available for inspection by members of the public in accordance with the notice.

42 Outline of proposal

Before making a proposed redistribution of electorates, a redistribution committee may cause an outline of its proposal to be made available to members of the public.

43 Proposed redistribution

- (1) A redistribution committee must make a proposed redistribution of electorates after considering the suggestions and comments (if any) given to it in accordance with the notice under section 41 (Suggestions and comments about redistribution).
- (2) Section 36 applies in relation to the making of the proposed redistribution as if it were a redistribution by the augmented commission.
- (3) The committee shall state the reasons for its proposal in writing.
- (4) A member of the committee who disagrees with its proposal may state the reasons for the disagreement in writing.

44 Notification and publication of proposal

- (1) A redistribution committee must—
 - (a) exhibit a map or maps showing the name and boundaries of each proposed electorate at the electoral commission's office; and
 - (b) make a copy of the following available for public inspection:
 - (i) the suggestions and comments given to the committee in accordance with the notice under section 41 (Suggestions and comments about redistribution); and
 - (ii) a description (whether by reference to a map or plan or otherwise) of the boundaries of each proposed electorate; and
 - (iii) a statement of the number of members of the Legislative Assembly that it proposes should be elected from each proposed electorate; and
 - (iv) its statement of reasons for the proposed redistribution; and
 - (v) if a member of the committee has provided a written statement or reasons for any disagreement with the proposal—that statement; and
 - (c) prepare a written notice—
 - (i) telling the public about the exhibition mentioned in paragraph (a) and the availability for public inspection at the electoral commission's office of the copies of the documents mentioned in paragraph (b); and
 - (ii) stating that written objections against the proposal may be given to the electoral commission within 28 days after the day the notice is notified under the [Legislation Act 2001](#).

- (2) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (3) The redistribution committee must give additional public notice of—

- (a) the maps mentioned in subsection (1) (a); and
(b) the notice mentioned in subsection (1) (c).

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

45 Dissolution of redistribution committee

A redistribution committee is dissolved immediately after the notice and maps mentioned in section 44 (1) (Notification and publication of proposal) have been notified and published under section 44 in relation to the committee's proposal.

46 Objections

- (1) An objection against a proposal by a redistribution committee must be—
- (a) in writing; and
(b) given to the electoral commission within 28 days after the day the notice mentioned in section 44 (1) (Notification and publication of proposal) is notified under the [Legislation Act 2001](#) in relation to the committee's proposal.
- (2) The commissioner must make a copy of each objection made under this section available for public inspection.

47 Augmented electoral commission

- (1) For the purposes of each redistribution, an augmented electoral commission is established.

- (2) An augmented commission shall consist of—
 - (a) the members of the electoral commission; and
 - (b) the members (other than the commissioner) of the redistribution committee formed for the purposes of the redistribution.
- (3) The surveyor-general is not subject to direction from anyone (other than the electoral commissioner, for the efficient functioning of the augmented commission) in the exercise of the surveyor-general's functions as a member of the augmented commission.

48 Meetings of augmented electoral commission

- (1) The chairperson of the electoral commission may call a meeting of an augmented commission.
- (2) The chairperson of the electoral commission shall preside at all meetings of an augmented commission at which he or she is present.
- (3) If the chairperson of the electoral commission is absent from a meeting of an augmented commission—
 - (a) the commissioner shall preside; or
 - (b) if the commissioner is absent from the meeting—the members present shall appoint 1 of their number to preside.
- (4) At a meeting, 4 members constitute a quorum.
- (5) Subject to subsection (6), questions shall be determined by a majority of the votes of the members present and voting.
- (6) An augmented commission shall not redistribute electorates under section 35 unless not less than 4 members of the augmented commission, of whom not less than 2 are members of the electoral commission, vote in favour of the redistribution.

- (7) Subject to subsection (8), the member presiding at a meeting has a deliberative vote and, in the event of an equality of votes, has a casting vote.
- (8) The casting vote of the member presiding at a meeting shall not be used to vote in favour of the making of a redistribution under section 35.
- (9) An augmented commission may regulate the conduct of proceedings at its meetings as it considers appropriate.
- (10) Subject to section 49, an augmented commission may inform itself in any way it considers appropriate.
- (11) The electoral commission shall, on request by an augmented commission, give the augmented commission the information and assistance it requires for this part.

49 Investigation of objections

- (1) The augmented commission shall investigate each objection made in accordance with section 46.
- (2) For the purpose of investigating an objection, the augmented commission shall hold a public hearing, unless it is of the opinion that—
 - (a) the matters raised in the objection (or substantially the same matters) were raised in suggestions or comments given to the redistribution committee in accordance with the notice under section 41 (1) (Suggestions and comments about redistribution); or
 - (b) the objection is frivolous or vexatious.
- (3) The augmented commission may hold 1 public hearing in relation to several objections.

- (4) At a public hearing, submissions to the augmented commission may only be made—
 - (a) by or on behalf of a person who made—
 - (i) an objection in accordance with section 46; or
 - (ii) a suggestion or comment about the proposed redistribution given to the redistribution committee in accordance with the notice under section 41 (1); or
 - (b) by a person making a submission in relation to an objection.
- (5) The augmented commission shall consider all such submissions.
- (6) At a public hearing, the augmented commission is not bound by the rules of evidence and, subject to this section, may regulate the conduct of proceedings as it considers appropriate.
- (7) Without limiting subsection (6), the following matters are within the discretion of the augmented commission:
 - (a) the manner in which, and the time within which, submissions may be made;
 - (b) the extent to which the augmented commission may be addressed, and the persons by whom it may be addressed.

50 Redistribution—proposal by augmented electoral commission

The augmented commission shall make a proposed redistribution of electorates after completing any investigation required by section 49.

51 Publication of augmented electoral commission's proposal

- (1) After making a proposed redistribution of electorates, the augmented commission shall cause a public announcement to be made concerning the proposal.

- (2) The public announcement shall include a statement—
- (a) setting out the substance of the augmented commission's findings or conclusions about the redistribution committee's proposal and any objection to it; and
 - (b) setting out particulars of the augmented commission's proposal; and
 - (c) whether, in the augmented commission's opinion, its proposal is significantly different from the redistribution committee's proposal and, if so, a further statement to the effect that written objections against the proposal may be given to the electoral commission in accordance with the notice prepared under subsection (3).
- (3) If the augmented commission is of the opinion that its proposal is significantly different from the redistribution committee's proposal, the augmented commission must prepare a written notice stating that written objections against the proposal may be given to the electoral commission within 28 days after the day the notice is notified under the *Legislation Act 2001*.
- (4) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

52 Objections to augmented electoral commission's proposal

- (1) An objection against a redistribution proposed by the augmented commission must be—
- (a) in writing; and
 - (b) given to the electoral commission within 28 days after the day the notice under section 51 (3) (Publication of augmented electoral commission's proposal) is notified under the *Legislation Act 2001*.

Note For how documents may be given, see *Legislation Act 2001*, pt 19.5.

- (2) If an objection is given to the electoral commission in accordance with subsection (1)—
 - (a) the augmented commission must investigate the objection; and
 - (b) section 49 (Investigation of objections) applies as if the investigation were an objection under that section.
- (3) The commissioner must make a copy of each objection made under this section available for public inspection.

53 Report by augmented electoral commission and public announcement

- (1) After redistributing electorates under section 35, the augmented commission shall cause—
 - (a) a report about the redistribution to be submitted to the Speaker; and
 - (b) copies of the report to be made available for perusal by members of the public at the office of the electoral commission; and
 - (c) a public announcement to be made to the effect that the redistribution has been made and that copies of the report are available for perusal by members of the public at the office of the electoral commission.
- (2) The report shall contain particulars of—
 - (a) any suggestions or comments lodged with the redistribution committee; and
 - (b) the redistribution proposed by the redistribution committee and its reasons for the proposal; and
 - (c) if a member of the redistribution committee has provided a written statement of reasons for any disagreement with the committee's proposal—that statement; and

- (d) any objections lodged with the electoral commission against the redistribution committee's proposal; and
- (e) the result of the investigation of any objections against the redistribution committee's proposal (including particulars of the proceedings at any public hearings in the course of an investigation); and
- (f) the redistribution proposed by the augmented commission and its reasons for the proposal; and
- (g) any objections lodged with the electoral commission against the augmented commission's proposal; and
- (h) the result of the investigation of any objections against the augmented commission's proposal (including particulars of the proceedings at any public hearings in the course of an investigation); and
- (i) the redistribution made by the augmented commission and its reasons for the redistribution; and
- (j) if a member of the augmented commission has provided a written statement of reasons for any disagreement with the augmented commission's proposal—that statement.

54 Report to Legislative Assembly

The Speaker shall present a copy of the augmented commission's report to the Legislative Assembly on the first sitting day after the day when the Speaker receives the report from the augmented commission.

55 Decisions are final

- (1) A decision of an augmented commission or a redistribution committee made, or purporting to be made, under this part—
 - (a) is final; and

- (b) shall not be challenged, appealed against, reviewed, quashed, set aside or called into question in any court or tribunal on any ground; and
 - (c) is not subject to any proceeding for a prerogative order, injunction, declaration or other order in any court on any ground.
- (2) In this section:
decision includes a failure to make a decision.

56 Validity not affected

A failure to comply with the provisions of this part (except section 34, 35 or 36) is not to be taken to affect the validity of a decision of an augmented commission or a redistribution committee.

Part 5 Electoral rolls

57 Electorate and Territory rolls

- (1) The commissioner shall keep a roll of the electors of the ACT consisting of separate rolls of the electors of each electorate.
- (2) A roll may be kept electronically.

58 Contents of roll

- (1) A roll shall contain the following particulars in relation to each elector:
 - (a) surname or family name;
 - (b) each given name;
 - (c) address;
 - (d) sex;
 - (e) date of birth.
- (2) A roll may contain the following particulars in relation to each elector:
 - (a) occupation;
 - (b) any former surname;
 - (c) any previous address;
 - (d) postal address, if not the same as the address of the principal place of residence;
 - (e) the further particulars (if any) prescribed under the regulations.

59 Meaning of *extract* from roll

In this Act:

extract from a roll means the part of the roll that contains, for each elector enrolled at the time the extract is prepared—

- (a) the elector's surname or family name; and
- (b) each given name of the elector; and
- (c) the elector's address, unless the elector is—
 - (i) an elector whose address is suppressed; or
 - (ii) an eligible overseas elector; or
 - (iii) an Antarctic elector; or
 - (iv) an elector who is enrolled because of the elector's enrolment on the Commonwealth roll as an itinerant elector.

Note A roll extract in electronic form is a disk, tape or other device from which the information in the extract may be reproduced by mechanical, electronic or other means (see dict, def of *electronic form*).

60 Inspection of printed roll extracts

- (1) The commissioner—
 - (a) shall, at the office of the commissioner; and
 - (b) may, at any other places the commissioner determines;make a printed extract from each roll available for public inspection during ordinary office hours.
- (2) A right of inspection under subsection (1) shall not be taken to give any right to copy, take an extract from, or scan electronically, an extract from a roll.
- (3) For subsection (1), the commissioner shall prepare an extract of each roll at least once each calendar year.

61 Supply of printed roll extracts to MLAs etc

- (1) At least once each calendar year, the commissioner shall, on request—
 - (a) give 2 printed extracts from the roll for an electorate to each MLA for the electorate; and
 - (b) give 2 printed extracts from the roll for each electorate to the registered officer of each registered party.
- (2) The commissioner shall, on request, supply a printed extract from a roll to a person who the commissioner is satisfied requires the extract for an approved purpose within the meaning of section 63.

Note A fee may be determined under s 340B (Determination of fees) for a request under subsection (2).

62 Supply of roll extracts in electronic form to MLAs etc

- (1) The commissioner shall, on request, so far as practicable, give a roll extract in electronic form to—
 - (a) an MLA; or
 - (b) the registered officer of a registered party.
- (2) The commissioner shall, on request, supply a roll extract in electronic form, or on microfiche, to a person who the commissioner is satisfied requires the extract for an approved purpose within the meaning of section 63.

Note A fee may be determined under s 340B (Determination of fees) for a request under subsection (2).

63 Use of roll extracts

- (1) In this section:
approved purpose means any of the following:
 - (a) for an MLA—the exercise of his or her functions;

- (b) for the registered officer of a registered party—the exercise by an MLA who is a member of the party of his or her functions;
- (c) for an MLA or the registered officer of a registered party—
 - (i) a purpose connected with an election; or
 - (ii) monitoring the accuracy of information in the roll;
- (d) for anyone—a purpose prescribed under the regulations.

protected information, in relation to a person, means information that the person knows, or has reasonable grounds for believing, was obtained from a roll extract given to the person or someone else under section 61 (Supply of printed roll extracts to MLAs etc) or section 62 (Supply of roll extracts in electronic form to MLAs etc).

- (2) A person must not, without reasonable excuse, use protected information for—
 - (a) a commercial purpose; or
 - (b) any other purpose, other than an approved purpose.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person must not, without reasonable excuse, directly or indirectly divulge or communicate protected information to someone else for a purpose other than an approved purpose.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

65 Provision of roll information to prescribed authorities

- (1) The commissioner may give a copy of a roll or information contained on a roll to a prescribed authority if the commissioner is satisfied that the authority requires the copy or information for a prescribed purpose.

- (2) A person shall not use information obtained under subsection (1) except in accordance with the regulations.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) For the *Juries Act 1967*, the commissioner shall, on request by the sheriff, give the sheriff a copy of the roll of electors of the ACT.
- (4) A copy of a roll, or information, may be given to a person under subsection (1) or (3) in printed or electronic form or on microfiche.
- (5) A copy of a roll, or information, provided under subsection (1) or (3) shall not include—
- (a) in relation to a person whose address is a suppressed address—any particulars other than the name of the person; or
 - (b) the address of an eligible overseas elector; or
 - (c) the address of an Antarctic elector.
- (6) The regulations may provide for how a prescribed authority may deal with information, or information obtained from a copy of a roll, provided under subsection (1).

66 Maintenance of rolls

- (1) The commissioner shall, so far as practicable, keep the rolls up to date.
- (2) The commissioner may alter a roll at any time as follows:
- (a) to register any change of name;
 - (b) to bring up to date any particulars appearing on the roll;
 - (c) to correct any mistake or omission;
 - (d) to remove the name of a deceased elector;

- (e) in relation to a person who is enrolled on the Commonwealth roll—to reflect any alteration under the [Commonwealth Electoral Act](#), section 105 in relation to that enrolment.

67 Power to require information

- (1) The commissioner may, by written notice, require—
 - (a) the administrative head of a unit of the public service; or
 - (b) the chief executive officer (however described) of a Territory authority or of an entity prescribed under the regulations; or
 - (c) the occupier of any residence;

to give to the commissioner or a specified officer specified information required in connection with the preparation, maintenance or revision of a roll.

Note For how documents may be given, see [Legislation Act 2001](#), pt 19.5.

- (2) A notice shall specify the time within which the information is to be so given.
- (3) A person who, without reasonable excuse, contravenes such a requirement commits an offence.

Maximum penalty: 5 penalty units.

- (4) Subsection (3) does not apply if compliance with the requirement would involve the disclosure of information in contravention of any other law.

68 Notice of registered deaths

The registrar-general shall give to the commissioner, on request, particulars entered in the register of deaths during the period to which the request relates in relation to the death of each person aged 16 years or older.

69 Disclosure of roll information

- (1) A person to whom this section applies shall not, without reasonable excuse, give a copy of a roll, an extract from a roll, or information contained on a roll, to another person except for this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) This section applies to a person who is, or has been—
- (a) the commissioner; or
 - (b) an officer; or
 - (c) a member of the staff of the electoral commission.

70 Joint roll arrangements with Commonwealth

- (1) The Chief Minister may arrange with the Governor-General for—
- (a) the preparation, alteration or revision of the rolls; or
 - (b) the carrying out of any procedure relating to the preparation, alteration or revision of the rolls;

jointly by the Commonwealth and the Territory.

- (2) If such an arrangement is in force, a roll may contain—
- (a) the names and particulars of persons who are enrolled as electors of the Commonwealth but not as electors of the ACT, provided that it is clearly indicated that they are not enrolled as electors of the ACT; and

- (b) distinguishing marks against the names of persons enrolled as electors of the ACT but not as electors of the Commonwealth, to show that they are not electors of the Commonwealth; and
- (c) other particulars in addition to those required by or under this Act to be included in the roll;

and, for this Act, the names of electors of the Commonwealth who are not enrolled as electors of the ACT and those marks and particulars shall not be taken to be part of the roll.

Part 6 Enrolment

71 Persons taken not to be enrolled on Commonwealth roll

For this part, the following persons enrolled on the Commonwealth roll shall be taken not to be so enrolled:

- (a) a person whose address recorded on that roll is not in the ACT;
- (b) a person who is an eligible overseas elector for the Commonwealth Electoral Act but not an eligible overseas elector for this Act.

71A Address of person serving sentence of imprisonment

(1) For this part, the address of a person who is serving a sentence of imprisonment is—

- (a) if the person is enrolled on the Commonwealth roll—the address recorded on that roll in relation to the person; or
- (b) if paragraph (a) does not apply—
 - (i) the person's address immediately before the person began serving the sentence; or
 - (ii) if the person did not have an address immediately before beginning to serve the sentence—the address of the place where the person is serving the sentence.

(2) In this section:

sentence of imprisonment does not include a sentence of imprisonment served by intensive correction made by a court under the *Crimes (Sentencing) Act 2005*, section 11 (Intensive correction orders).

72 Entitlement

- (1) A person is entitled to be enrolled for an electorate if—
 - (a) the person is entitled to be enrolled on the Commonwealth roll otherwise than under the [Commonwealth Electoral Act](#), section 100; and
 - (b) the person's address is in the electorate.
- (2) A person is also entitled to be enrolled for an electorate if—
 - (a) the person is not entitled to be enrolled on the Commonwealth roll only because the person is serving a sentence of imprisonment; and
 - (b) the person's address is in the electorate.
- (3) A person is not entitled to be enrolled for more than 1 electorate.

73 Compulsory enrolment etc—residents

- (1) A person who—
 - (a) is entitled to be enrolled for an electorate; and
 - (b) is not enrolled on any roll;shall, subject to subsection (5), make a claim for enrolment within 21 days after the day the person became so entitled.
- (2) An elector who—
 - (a) is enrolled for an electorate; and
 - (b) is entitled, following a change of address, to be enrolled for another electorate;shall, subject to subsections (4) and (5), make a claim for a transfer of enrolment within 52 days after the date of the change of address.

- (3) An elector who changes address within an electorate shall, subject to subsections (4) and (5), give the commissioner written notice setting out the particulars of the new address within 52 days after the date of the change of address.

Note For how documents may be given, see [Legislation Act 2001](#), pt 19.5.

- (4) Subsections (2) and (3) do not apply to an eligible overseas elector, an Antarctic elector or a person who is not at least 18 years old.
- (5) If a person is enrolled on the Commonwealth roll otherwise than under the [Commonwealth Electoral Act](#), section 100 and the address recorded on that roll in relation to the person is an address in an electorate—
- (a) the person shall be taken—
 - (i) to have made a claim under subsection (1) or (2), or given notice under subsection (3), whichever is appropriate; and
 - (ii) to be enrolled for the electorate; and
 - (b) the particulars recorded on the Commonwealth roll in relation to the person shall, so far as practicable, be taken to be the particulars recorded on the roll for the electorate.
- (6) A person who, without reasonable excuse, contravenes subsection (1), (2) or (3) commits an offence.

Maximum penalty: 0.5 penalty units.

74 Eligible overseas electors

- (1) An elector—
- (a) who is, for the Commonwealth Electoral Act, an eligible overseas elector; and
 - (b) whose address, recorded on the Commonwealth roll when the elector became a person referred to in paragraph (a), was an address in an electorate; and

(c) who has, for this Act, indicated an intention to reside, or resume residing, in the ACT after ceasing to be a person referred to in paragraph (a);

is, subject to subsection (4), an eligible overseas elector for this Act in relation to the electorate in which that address is located.

- (2) The commissioner shall annotate the roll for an electorate so as to indicate the name of each person who is an eligible overseas elector in relation to the electorate.
- (3) The commissioner shall cancel an annotation in relation to a person if—
 - (a) the person ceases to be an eligible overseas elector for the Commonwealth Electoral Act; or
 - (b) the person notifies the commissioner that he or she does not intend to reside, or to resume residing, in the ACT after ceasing to be an eligible overseas elector for the Commonwealth Electoral Act.
- (4) A person ceases to be an eligible overseas elector for this Act on the day the annotation in relation to the person is cancelled.

75 Age 16 enrolment

- (1) The commissioner shall enrol a person on the roll for an electorate if the person—
 - (a) is at least 16 years old; and
 - (b) would, had the person attained the age of 18 years, be entitled to be enrolled for the electorate; and
 - (c) makes a claim for enrolment.

- (2) If a person is enrolled on the Commonwealth roll under the [Commonwealth Electoral Act](#), section 100 and the address recorded on that roll is an address in an electorate—
- (a) the person shall be taken—
 - (i) to have made a claim for enrolment under this section; and
 - (ii) to be enrolled under this section on the roll for the electorate; and
 - (b) the particulars recorded on the Commonwealth roll in relation to the person shall, so far as practicable, be taken to be the particulars recorded on the roll for the electorate.

76 Enrolment etc

- (1) In this section:
- claim* means a claim for enrolment or transfer of enrolment.
- (2) Except as otherwise provided by this Act, the name of a person shall not be added to a roll except under a claim.
- (3) A claim must be—
- (a) signed as required for an enrolment claim under the Commonwealth Electoral Act; and
 - (b) given to the commissioner.
- Note 1* If a form is approved under s 340A for a claim, the form must be used.
- Note 2* For how documents may be given, see the [Legislation Act](#), pt 19.5.
- (4) The identity of the claimant must be verified in the same way as the identity of a claimant for an enrolment under the Commonwealth Electoral Act must be verified.

- (5) On a claim under subsection (2), the commissioner shall, subject to section 80—
 - (a) enrol the claimant, if satisfied that he or she is entitled to be enrolled under the claim; or
 - (b) reject the claim.
- (6) After making a decision about a claim under subsection (2), the commissioner shall give the claimant—
 - (a) if the claim is accepted—written notice of the decision specifying the electorate in which the claimant is enrolled; or
 - (b) if the claim is rejected—an internal review notice about the decision.

77 Suppression of elector's address

- (1) If—
 - (a) an elector is enrolled on the Commonwealth roll; and
 - (b) under the [Commonwealth Electoral Act](#), section 104 the particulars of the elector's address have not been included on, or have been deleted from, the Commonwealth roll;

the commissioner shall suppress the particulars of the elector's address from any extract from the roll on which the elector is enrolled under this Act.
- (2) If an elector is not enrolled on the Commonwealth roll, on the elector's request for the suppression of particulars of his or her address from an extract from any roll, the commissioner shall—
 - (a) grant the request; or
 - (b) refuse the request.

- (3) A request must include the reasons for the request.

Note 1 If a form is approved under s 340A for a request, the form must be used.

Note 2 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (4) The commissioner shall grant a request under subsection (2) if he or she is satisfied on reasonable grounds that the inclusion of the particulars of the elector's address on an extract from the roll would place at risk the personal safety of the elector or any member of the elector's family.
- (5) After making a decision about a request under subsection (2), the commissioner shall give the person who made the request—
- (a) if the request is granted—written notice of the decision; or
 - (b) if the request is refused—an internal review notice about the decision.

78 Inclusion of particulars on roll following suppression

- (1) This section applies if the address of an elector has been suppressed under section 77 (2).
- (2) The commissioner shall include the particulars of the elector's address on an extract from the roll if the commissioner is satisfied on reasonable grounds that the inclusion of the particulars would not place at risk the personal safety of the elector or any member of the elector's family.
- (3) After making a decision under subsection (2), the commissioner shall give the elector an internal review notice about the decision.

79 Suppression of elector's address pending review

- (1) This section applies if the commissioner makes either of the following decisions:
 - (a) a decision under section 77 (2) (b) to refuse to suppress an elector's address from an extract from a roll;
 - (b) a decision under section 78 (2) to include particulars of an elector's address on an extract from a roll.
- (2) The commissioner must suppress the particulars of the elector's address from an extract from a roll from the defined date until—
 - (a) if no application for review of the decision is made to the electoral commission within 28 days after the day the elector is given an internal review notice in relation to the decision—the end of the 28-day period; or
 - (b) if on review the electoral commission confirms the decision, and no application for review of the commission's decision is made to the ACAT—the end of 28 days after the day the elector is given an internal review notice; or
 - (c) if on review the ACAT confirms the decision of the electoral commission, and no appeal from the ACAT's decision is made to the Supreme Court is made—the end of 28 days after the day the elector is given notice of the ACAT's decision; or
 - (d) if an appeal from the ACAT's decision is made to the Supreme Court—a proceeding on the appeal is completed.
- (3) Subsection (2) has effect subject to—
 - (a) an order of the electoral commission under section 248 (Stay of reviewable decision); and
 - (b) an order of the ACAT; and
 - (c) an order of the Supreme Court.

(4) In this section:

defined date means—

- (a) in relation to a decision under section 77 (2) (b) to refuse to suppress an elector's address from an extract from a roll—the date of the request for suppression; or
- (b) in relation to a decision under section 78 (2) to include particulars of an elector's address on an extract from a roll—the date of the decision.

80 Closed rolls

- (1) For this Act, the roll for an electorate shall be taken to be closed during the period—
 - (a) beginning at 8 pm on the 29th day before polling day for an election in the electorate; and
 - (b) ending at the close of polling at the election.
- (2) While a roll is closed, subject to subsections (3), (4) and (5) and section 66—
 - (a) a person shall not be enrolled; and
 - (b) a person shall not be taken to be enrolled under section 73 (5) or 75 (2) if the person's enrolment on the Commonwealth roll is effected during the closure; and
 - (c) a name shall not be removed; and
 - (d) an annotation in relation to the roll shall not be made or cancelled under section 74; and
 - (e) a change of address shall not be recorded.

- (3) Subsection (2) (c) shall not be taken to prevent the removal, while a roll is closed, of the name of a person who the commissioner believes on reasonable grounds made a statement in a claim for enrolment or transfer of enrolment that was false or misleading in a material particular.
- (4) If the Australian Postal Corporation notifies the commissioner in writing that the delivery of a posted claim for enrolment or transfer of enrolment has been delayed by an industrial dispute and, apart from the dispute, would have been delivered to the commissioner before the close of the roll for an election—
 - (a) subsection (2) (a) and (c) shall not be taken to prevent the enrolment of an elector or the removal of an elector's name from another roll as a consequence of such an enrolment; and
 - (b) if the claimant is enrolled in accordance with the claim—the enrolment shall be taken, in relation to any vote cast by the claimant in the election, to have been effected before the roll closed.
- (5) This section does not prevent the enrolment of an elector, during a period when a roll is closed, if the elector's claim for enrolment or transfer of enrolment was received before the beginning of that period by—
 - (a) an officer appointed under section 33 (Officers); or
 - (b) a member of the commission's staff; or
 - (c) a person authorised by the commissioner for this section; or
 - (d) an employee of the Australian Electoral Commission.

- (6) In this section:

enrolment includes the enrolment of a person who is taken to have been enrolled under this part.

particulars—a reference (express or implied) to *particulars* relating to a person includes a reference to particulars taken to be recorded on the roll under this part.

81 Objections to enrolment

- (1) This section applies in relation to the enrolment of a person who is enrolled under this Act but is not enrolled under the Commonwealth Act.
- (2) An elector may object to the enrolment of a person on the ground that the person is not entitled to enrolment under section 72.
- (3) An objection shall—
- (a) set out the grounds on which it is made; and
 - (b) subject to subsection (4), be accompanied by a deposit of \$2 or any higher amount prescribed by the regulations.
- Note* If a form is approved under s 340A (Approved forms) for an objection, the form must be used.
- (4) The deposit is not payable by an elector who objects to the enrolment of a person with a mental disability.
- (5) The commissioner shall reject an objection without notifying the person whose enrolment it concerns if—
- (a) the objection is made because the enrolled person is a person with a mental disability and is not accompanied by a supporting medical certificate; or
 - (b) the commissioner believes on reasonable grounds that the objection is frivolous or vexatious.

- (6) After the commissioner rejects an objection under subsection (4), he or she shall—
- (a) if subsection (5) (a) applies—give the objector written notice of the rejection; and
 - (b) if subsection (5) (b) applies—give the objector an internal review notice about the decision to reject the objection.

Note For how documents may be given, see [Legislation Act 2001](#), pt 19.5.

- (7) If—
- (a) an objection is made to the enrolment of a person; or
 - (b) the commissioner believes on reasonable grounds that an enrolled person is not entitled to be enrolled (other than the ground that the person is a person with a mental disability);

the commissioner shall, subject to subsection (5), give the person written notice of the objection or belief inviting the person to respond within 21 days after the date of the notice.

- (8) After considering any such response, the commissioner shall determine the person's entitlement to enrolment and—
- (a) confirm the enrolment; or
 - (b) remove the person's name from the roll.
- (9) After making a decision under subsection (8) about the enrolment of a person, the commissioner shall—
- (a) for a decision to confirm the enrolment—give the person, and any objector, written notice of the decision; or
 - (b) for a decision to remove the person's name from the roll—
 - (i) give the person an internal review notice about the decision; and
 - (ii) if an objection has been duly made to the enrolment—give the objector written notice of the decision.

(10) If a person's name is removed from a roll as a result of an objection, the commissioner shall return the deposit lodged with the objection to the objector.

(11) In this section:

person with a mental disability means a person who is incapable of understanding the nature and significance of enrolment and voting, and includes such a person even if a guardian or manager has not been appointed for the person under the *Guardianship and Management of Property Act 1991*.

82 Record of claims for enrolment

- (1) If the commissioner is satisfied that a record of the particulars of a claim for enrolment or transfer of enrolment is kept on microfiche, microfilm or in any other appropriate permanent form, the claim may be destroyed.
- (2) A record of particulars of a claim that is kept in accordance with subsection (1) is evidence of the particulars of that claim.

83 Processing enrolment claims

An officer who receives a claim for enrolment or transfer of enrolment shall do everything practicable to process the claim.

84 Transmission of enrolment claims

A person who accepts for transmission to the commissioner a claim for enrolment or transfer of enrolment shall transmit the claim to the commissioner as soon as is practicable.

Maximum penalty: 10 penalty units.

85 Production of claims for enrolment before a court

- (1) This section applies to a person who is, or has been—
 - (a) a member of the electoral commission; or

- (b) the commissioner; or
 - (c) an officer; or
 - (d) a member of the staff of the electoral commission.
- (2) A person to whom this section applies shall not, except for this Act, be required—
- (a) to produce in a court a claim for enrolment; or
 - (b) to divulge or communicate to a court any matter or thing in relation to a claim for enrolment that has come to the person's notice in the exercise of functions under this Act.
- (3) In this section:
- court* includes any tribunal, authority or person having power to require the production of documents or the answering of questions.

86 Claims for enrolment not subject to warrants

A warrant issued under a Territory law authorising the seizure of a document related to an offence does not authorise the seizure of a claim for enrolment or transfer of enrolment.

Part 7 Registration of political parties

87 Meaning of *address*—pt 7

In this part:

address of a person who is, or is nominated to be, the registered officer of a political party means—

- (a) the person's home address; or
- (b) the person's business address (other than a post office box); or
- (c) an address of the party (other than a post office box).

88 Register of political parties

- (1) The commissioner must keep a register of political parties.
- (2) The register must contain the following particulars for each registered party:
 - (a) the name of the party;
 - (b) any abbreviation of the name of the party;
 - (c) the name and address of the registered officer of the party.
- (3) The commissioner must make the register available for public inspection.

89 Application for registration of political party

- (1) An application for registration of a political party must—
 - (a) be signed by the secretary of the party; and
 - (b) state the party's name; and
 - (c) state any abbreviation of the party's name that the party intends to use for this Act; and

- (d) state the name and address, and contain a specimen signature, of the person nominated to be the registered officer of the party; and
- (e) be accompanied by a copy of the party's constitution; and
- (f) be accompanied by a list of the names and addresses of at least 100 members of the party who are electors; and
- (g) if the party's name, or any abbreviation of the party's name that the party intends to use for this Act, includes the name of a particular living person—be accompanied by a written notice, signed by the person, that—
 - (i) states an address for the person or indicates that the person's address is suppressed; and
 - (ii) states that the person consents to the use of the person's name in the party's name or abbreviation.

Note If a form is approved under s 340A (Approved forms) for an application, the form must be used.

- (2) However, a notice is not required under subsection (1) (g) if the use of the person's name in the party's name or abbreviation does not suggest that there is a connection between the party and the person.

Example

a name that suggests the party is opposed to the named person

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) The commissioner may use information obtained under subsection (1) (f) only to find out whether the party has at least 100 members who are electors.

90 Further information about application for political party registration

- (1) For this part, the commissioner may, by written notice given to an applicant for registration of a political party, require the applicant to give to the commissioner within a stated period stated information, or a stated document, relating to the application.

Note For how documents may be given, see [Legislation Act 2001](#), pt 19.5.

- (2) If the applicant fails to comply with a notice under subsection (1), the commissioner may refuse the application.
- (3) If the commissioner refuses the application under subsection (2), the commissioner must give the applicant an internal review notice about the commissioner's decision.

91 Notification and publication of applications

- (1) If the commissioner receives an application for the registration of a political party, the commissioner must prepare written notice of the application.
- (2) The notice must—
 - (a) state the following particulars:
 - (i) the name of the political party; and
 - (ii) any abbreviation of the name of the party that the party intends to use for this Act; and
 - (iii) the name and address of the person nominated to be the registered officer of the party; and
 - (b) state that a copy of each of the following is available for public inspection at the commissioner's office:
 - (i) the application;
 - (ii) the party's constitution;

- (iii) if the application was accompanied by a notice under section 89 (1) (g)—the notice; and
 - (c) state that written objections to the application may be given to the commissioner within 14 days after the day the notice is notified under the *Legislation Act 2001*.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.
- (4) The commissioner must give additional public notice of the notice required under this section.

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see *Legislation Act*, dict, pt 1). The requirement in s (4) is in addition to the requirement for notification on the legislation register as a notifiable instrument.
- (5) The commissioner must make a copy of each of the following available for public inspection at the commissioner’s office:
 - (a) the application;
 - (b) the party’s constitution;
 - (c) if the application was accompanied by a notice under section 89 (1) (g)—the notice.

91A Objections to applications and responses

- (1) An objection to an application for registration of a political party must—
 - (a) be in writing; and
 - (b) set out the grounds of the objection; and
 - (c) state the objector’s name and address; and
 - (d) be signed by the objector; and

- (e) be given to the commissioner in accordance with the notice under section 91 (Notification and publication of applications) for the application.
- (2) The commissioner must give to the person nominated to be the registered officer of the political party—
 - (a) a copy of each objection given to the commissioner in accordance with subsection (1); and
 - (b) a written notice inviting the person to give any response to the objection to the commissioner, in writing, within 14 days after the day the notice is given to the person.
- (3) The commissioner must make a copy of the following available for public inspection:
 - (a) each objection given to the commissioner in accordance with subsection (1);
 - (b) each response given to the commissioner in accordance with the notice under subsection (2).
- (4) In deciding whether to register the political party, the commissioner must consider each objection and response given to the commissioner in accordance with this section.

92 Registration of political parties

- (1) If an application for registration of a political party is made under this part, the commissioner must register the party unless the commissioner refuses the application under section 90 (2) (Further information about application for political party registration) or section 93 (Refusal of applications for registration).
- (2) If the commissioner registers a political party, the commissioner must prepare written notice of the registration.
- (3) The notice is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (4) The commissioner must also give notice of the registration to the secretary of the political party.
- (5) In addition, if an objection was made under section 91A (Objections to applications and responses) to the application, the commissioner must give the objector an internal review notice about the decision to register the political party.

93 Refusal of applications for registration

- (1) The commissioner must refuse an application for the registration of a political party if—
 - (a) for an application for registration of a political party—the commissioner believes on reasonable grounds that, when it made the application, the party did not have at least 100 members who were electors; or
 - (b) the person nominated in the application to be the registered officer of the party is not qualified to be an elector or is the registered officer of a registered party; or
 - (c) the party is ineligible for registration because of section 99 (Use of party name after cancellation); or
 - (d) the party's name, or any abbreviation of the party's name that the party intends to use for this Act, includes the name of a particular living person and the application is not accompanied by the notice (if required) under section 89 (1) (g).
- (2) The commissioner must also refuse an application if the commissioner believes on reasonable grounds that the name of the political party, or any abbreviation of that name that the application states that the party intends to use for this Act—
 - (a) consists of more than 6 words; or
 - (b) is obscene; or

- (c) is the name, or an acronym of the name, of another political party; or
 - (d) so nearly resembles the name, or an acronym of the name, of another political party that it is likely to be confused with or mistaken for that name or acronym; or
 - (e) consists of the word ‘independent’; or
 - (f) consists of the words ‘independent party’; or
 - (g) consists of or includes the word ‘independent’ and—
 - (i) the name, or an acronym of the name, of another political party; or
 - (ii) matter that so nearly resembles the name, or an acronym of the name, of another political party that the matter is likely to be confused with or mistaken for that name or acronym.
- (3) If the commissioner refuses an application for the registration of a political party, the commissioner must—
- (a) give the secretary of the party an internal review notice about the decision to refuse the application; and
 - (b) if an objection was made under section 91A (Objections to applications and responses) to the application—give the objector written notice of the refusal.
- (4) In this section, *another political party*, in relation to a political party, is—
- (a) a registered party; or
 - (b) a political party at least 1 member of which is a member of—
 - (i) the Legislative Assembly; or
 - (ii) the Commonwealth Parliament; or
 - (iii) a State legislature; or

- (c) a political party registered or recognised for the law of the Commonwealth or a State that relates to the election of members of the Commonwealth Parliament or the State legislature.
- (5) However, *another political party*, in relation to a political party, does not include a political party that is related to it.
- (6) In this section:
name includes an abbreviation of the name.

94 Amendment of applications for registration

- (1) If the commissioner is of the opinion that an application for the registration of a political party must be refused under section 93 (Refusal of applications for registration), but that the application might be amended to prevent the refusal, the commissioner must give the applicant written notice to that effect.
- (2) The notice must—
 - (a) set out the reasons for the commissioner’s opinion; and
 - (b) describe the effect of subsections (3) to (5).
- (3) If the commissioner gives the notice to the applicant, the commissioner is not required to further consider the application unless a request is made under subsection (4).
- (4) Within 28 days after receiving the notice, the applicant may give the commissioner a written request, signed by the applicant, for the commissioner—
 - (a) to amend the application in a stated way; or
 - (b) to consider the application in the form in which it was made.
- (5) The commissioner must comply with the request.

- (6) If the applicant requests the commissioner to amend the application in a stated way, the application as amended in accordance with the request is taken to be a new application for the registration of a political party.

95 Changes to particulars in register

- (1) The secretary of a registered party may apply to the commissioner to change particulars included in the register of political parties in relation to the party.
- (2) This part (other than section 94 and this section) applies, with all necessary changes, to an application under subsection (1), as if it were an application for registration of the political party and any objection to the application were an objection to the registration.
- (3) Section 91 (Notification and publication of applications) and section 91A (Objections to applications and responses) do not apply to an application to change the address of the registered officer of a registered party.

95A Objection to continued use of name

- (1) This section applies if—
- (a) the commissioner is satisfied that the name of a registered party (the *first party*) is relevantly similar to the name of another registered party (the *second party*) that was registered under this part later than the first party; and
 - (b) when it was registered the second party was related to the first party; and
 - (c) the registered officer of the first party objects in writing to the continued use of the name by the second party; and
 - (d) the commissioner is satisfied that the parties are not related at the time of the objection.

- (2) The commissioner must—
 - (a) uphold the objection; and
 - (b) by written notice, tell the registered officer of the second party that the second party will be deregistered under section 98 (Cancellation of registration of political parties) if—
 - (i) it does not make an application under section 95 (Changes to particulars in register) for a change of name within 28 days after the registered officer receives the notice; or
 - (ii) it makes the application, but the application is refused.
- (3) The name of a registered party is *relevantly similar* to the name of another registered party if the commissioner is satisfied on reasonable grounds that the name so nearly resembles the name of the other party that it is likely to be confused with or mistaken for that name.
- (4) In this section:

name, for a registered party, means—

 - (a) the name of the party entered in the register of political parties; or
 - (b) a registered abbreviation of the name of the party.

95B When certain action cannot be taken

- (1) This section applies if, in the period beginning 1 July in a year when an ordinary election must be held and ending when the pre-election period for the election begins, the commissioner receives an application—
 - (a) to register a political party; or
 - (b) to change the name or abbreviation of a political party.
- (2) The commissioner must not take any action under this part in that period in relation to the application.

96 No action under pt 7 during pre-election period

During a pre-election period, no action may be taken under this part in relation to the registration of a political party.

96A Who can be a registered officer

A person is entitled to be the registered officer of a registered party only if the person is qualified to be an elector.

97 Deputy registered officer

- (1) For part 9 (Arrangements for elections) and part 10 (Voting), a deputy registered officer of a registered party may be appointed—
 - (a) by the registered officer of the party; or
 - (b) if the office of registered officer of the party is vacant, or the registered officer cannot for any reason exercise the officer's functions—by the secretary of the party.
- (2) The appointment does not have effect until the commissioner is given written notice of the appointment.
- (3) The notice must—
 - (a) be signed by the person making the appointment and the person appointed deputy registered officer; and
 - (b) state the name and address of the deputy registered officer.
- (4) A person is entitled to be a deputy registered officer of a registered party only if the person is qualified to be an elector.
- (5) A reference in part 9 or 10 to the registered officer of a registered party includes a reference to a deputy registered officer of the party.

97A Information about political parties

- (1) The commissioner may, by written notice given to the registered officer of a registered party, require the officer to give the commissioner information stated in the notice that is reasonably necessary for the commissioner to find out whether the party is entitled to be registered.
- (2) Without limiting subsection (1), the commissioner may, under that subsection, require the registered officer to give the commissioner a list, as at a stated date, of the names and addresses of at least 100 members of the party who are electors.
- (3) The commissioner may use the information obtained under subsection (2) only to find out whether the party is entitled to be registered.

98 Cancellation of registration of political parties

- (1) The commissioner must cancel the registration of a registered party if the secretary of the party asks the commissioner to cancel the registration.
- (2) A request under subsection (1) must—
 - (a) be in writing; and
 - (b) be signed by the applicant; and
 - (c) state the applicant's name and address.
- (3) The commissioner must cancel the registration of a registered party if it has not endorsed a candidate at the last 2 general elections.
- (4) However, subsection (3) applies to a registered party only if it was a registered party at the time of each of the general elections.

- (5) The commissioner must cancel the registration of a registered party if the commissioner believes on reasonable grounds that—
- (a) for a registered party—
 - (i) the party has ceased to exist (whether by amalgamation with another political party or otherwise); or
 - (ii) the party does not have at least 100 members who are electors; or
 - (iii) the party does not have a constitution; or
 - (b) the registration of the party was obtained by fraud or misrepresentation.
- (6) The commissioner may cancel the registration of a registered party under subsection (5) only if the commissioner has—
- (a) given the relevant person a written notice—
 - (i) stating that the commissioner proposes to cancel the registration of the party; and
 - (ii) setting out the reasons for the proposed cancellation; and
 - (iii) stating that written objections to the proposed cancellation may be given to the commissioner within the 14 days mentioned in paragraph (b); and
 - (b) prepared, and notified under the *Legislation Act 2001*, a written notice stating—
 - (i) that the commissioner proposes to cancel the registration of the party; and
 - (ii) that written objections to the proposed cancellation may be given to the commissioner within 14 days after the day the notice is notified under the *Legislation Act 2001*; and
 - (c) considered each objection given to the commissioner in accordance with the notice under paragraph (a) or (b).

- (7) For subsection (6) (a), the *relevant person* is the secretary, or last secretary, of the registered party.
- (8) The notice under subsection (6) (b) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).
- (9) If the commissioner cancels the registration of a registered party under this section, the commissioner must prepare written notice of the cancellation.
- (10) The notice under subsection (9) is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).
- (11) If the commissioner cancels the registration of a registered party under subsection (3), the commissioner must also give written notice of the cancellation to the registered officer of the party.
- (12) If the commissioner cancels the registration of a registered party under subsection (5), the commissioner must give an internal review notice about the decision to cancel the registration to the registered officer, or last registered officer, of the party.
- (13) If, after an objection has been made under this section to the proposed cancellation of the registration of a registered party, the commissioner decides not to cancel the registration, the commissioner must give written notice of the decision to—
- (a) the registered officer of the party; and
 - (b) if the objection was not made by or on behalf of the party or sponsoring MLA—the objector.

99 Use of party name after cancellation

- (1) If the registration of a registered party (the *cancelled party*) is cancelled—
- (a) the cancelled party; or

- (b) another political party that has a name that so nearly resembles the name of the cancelled party that it is likely to be confused with or mistaken for the cancelled party;

is ineligible for registration until after the next general election after the cancellation.

- (2) In this section:

name includes an abbreviation of the name.

99A General requirements about constitutions of registered parties

- (1) If a registered party changes its constitution, the registered officer of the party must give the commissioner a copy of the changed constitution within 30 days after the change.

Maximum penalty: 10 penalty units

- (2) The commissioner must make a copy of the constitution available for public inspection.

Part 8 Timing of elections

100 Ordinary elections

- (1) A general election under this Act must be held on the 3rd Saturday in October in the 4th year after the year when the last ordinary election was held.
- (2) If, apart from this subsection, an election in accordance with subsection (1) would be held on the day an election of Senators, or a general election of members of the House of Representatives, would be held, the election shall be held on the 1st Saturday in December in the year when it would, apart from this subsection, be held.
- (3) If an extraordinary general election has been held in the 6 months before the day when an election in accordance with subsection (1) or (2) would, apart from this subsection, have been held—
 - (a) the election shall not be held; and
 - (b) this section applies in relation to subsequent ordinary elections as if the election had been held.

101 Extraordinary elections

- (1) For this Act, an *extraordinary election* is—
 - (a) a general election required by the [Self-Government Act](#), section 16; or
 - (b) a general election required by the [Self-Government Act](#), section 48; or
 - (c) an election of an MLA or MLAs required by section 126; or
 - (d) an election of an MLA or MLAs required by section 275.

- (2) If an extraordinary election under section 126 (Supplementary elections) is required, the Executive must determine a Saturday for holding the election that is not earlier than 36 days, or later than 90 days, after the day when the election failed.
- (3) If the Court of Disputed Elections declares an election void, the Executive must determine a Saturday for holding the extraordinary election required under section 275 (Effect of declarations) that is not earlier than 36 days, or later than 90 days, after the day when the declaration is made.
- (4) The Executive must not determine under this section a day that is the polling day for an election of senators or a general election of the House of Representatives.
- (5) A determination under this section is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

102 Polling day

- (1) A poll must be held for an election on the day when the election is required to be held under this part.
- (2) This section is subject to section 111 (Need for a poll).

Part 9 Arrangements for elections

Division 9.1 Nominations

103 Eligibility—MLAs

- (1) Subject to this section, a person who is—
- (a) an Australian citizen; and
 - (b) at least 18 years old; and
 - (c) an elector or entitled to be an elector;
- is eligible to be an MLA.
- (2) A person is not eligible to be an MLA if—
- (a) the person is a member of—
 - (i) the Parliament of the Commonwealth; or
 - (ii) the legislature of a State or another Territory; or
 - (b) the person—
 - (i) holds an office or appointment (other than a prescribed office) under a law of the Territory, the Commonwealth, a State or another Territory; or
 - (ii) is employed by the Territory, the Commonwealth, a State or another Territory, or by a Territory authority or a body (whether corporate or not) established by a law of the Commonwealth, a State or another Territory;
- and is entitled to any remuneration or allowance (other than reimbursement of expenses reasonably incurred) in relation to the office, appointment or employment.

- (3) In subsection (2) (b) (i):

prescribed office means an office of Speaker, Deputy Speaker, Chief Minister, Deputy Chief Minister, Minister or MLA.

- (4) A person is not eligible to be an MLA if the person is under a sentence of imprisonment for 1 year or longer for a conviction of an indictable offence.

Note For the meaning of ***indictable offence***, see the [Legislation Act](#), s 190 (Indictable and summary offences).

- (5) A person is not eligible to be an MLA for the disqualification period if—

- (a) the person is convicted of an offence against—

- (i) section 285 (Bribery) or section 288 (Violence and intimidation); or
- (ii) the [Crimes Act 1914](#) (Cwlth), section 28 (Interfering with political liberty); or
- (iii) the [Criminal Code](#) (Cwlth), part 2.4 relating to an offence mentioned in subparagraph (ii); or

- (b) the person is found by the Court of Disputed Elections to have contravened (within the meaning of part 16) a section mentioned in paragraph (a) (i).

Note ***Contravention*** is defined for pt 16 (Disputed elections, eligibility and vacancies) in s 250.

- (6) For subsection (5), the ***disqualification period*** is 2 years after the conviction or finding.

104 Qualifications for nomination

A person is not eligible to be nominated for election as an MLA unless, at the hour of nomination—

- (a) the person is eligible to be an MLA; or

- (b) for a person referred to in section 103 (2) (b)—the person would, apart from that paragraph, be eligible to be an MLA.

105 Candidates to be nominated

- (1) A person is not eligible for election as an MLA unless the person is nominated in accordance with this section.
- (2) A person may be nominated to be a candidate for election only by—
 - (a) the registered officer of a registered party that endorses the person as a party candidate in the election for the electorate for which the candidate is being nominated; or
 - (b) 20 electors entitled to vote at the election.
- (3) A nomination shall be made by giving to the commissioner, during the pre-election period but not later than 24 hours before the hour of nomination—
 - (a) a duly completed nomination form; and
 - (b) a deposit of the prescribed amount in legal tender or a banker's cheque.
- (4) A nomination form shall—
 - (a) be in the form approved under section 340A (Approved forms); and
 - (b) subject to subsection (7), set out the particulars of the name, address and occupation of the nominee; and
 - (c) contain a statement, signed by the nominee, to the effect that he or she consents to the nomination, and to be an MLA if elected; and
 - (d) contain a declaration, signed by the nominee, to the effect that he or she is eligible to be nominated; and
 - (e) specify the form in which the nominee's name is to be printed on the ballot papers for the election; and

- (f) if the nomination is made by the registered officer of a registered party—state any registered abbreviation of the name of the party that is to be printed on the ballot paper for the election; and
 - (g) if the nomination is made by 20 electors entitled to vote at the election—specify whether the word ‘Independent’ is to be printed on the ballot paper adjacent to the candidate square for the nominee; and
 - (h) be signed by the nominator or each nominator.
- (5) A nomination form shall name a nominee only by specifying—
- (a) the surname or family name, and the given name under which the nominee is enrolled; or
 - (b) if the nominee is not an elector—the surname or family name, and the given name under which the nominee is entitled to be enrolled.
- (6) A given name shall be taken to be specified for subsection (5), if the nomination form specifies—
- (a) a commonly accepted variation of that name (including an abbreviation or truncation of that name or an alternative form of that name); or
 - (b) an initial standing for that name.
- (7) If the address of a nominee is a suppressed address, the nomination form need not specify the address but, in that case, the nominee shall notify the commissioner in writing of his or her address for correspondence.
- (8) A nomination is not invalid only because of a formal defect or error if this section has been substantially complied with.
- (9) If the time by which a nomination under subsection (3) is to be made falls on a public holiday, the nomination must be made no later than that time on the public holiday.

(10) Subsection (9) has effect despite the [Legislation Act](#), section 151A (2) (Periods of time ending on non-working days).

(11) In subsection (3) (b):

prescribed amount means \$250 or any other amount prescribed by the regulations.

106 Multiple nominations invalid

If, at the hour of nomination in relation to an election—

- (a) a person is nominated more than once to be a candidate for election in a particular electorate; or
- (b) a person is nominated to be a candidate for election in more than 1 electorate;

each such nomination is invalid.

107 Withdrawal etc of consent to nomination

- (1) A person nominated to be a candidate may withdraw his or her consent to the nomination by giving the commissioner a written notice of withdrawal not later than 24 hours before the hour of nomination.
- (2) The registered officer may cancel a nomination made by the officer by giving the commissioner a written notice of cancellation not later than 24 hours before the hour of nomination.
- (3) On receipt of a notice referred to in subsection (1) or (2), the commissioner shall cancel the nomination and pay the amount of the deposit lodged to the nominee.

108 Place and hour of nomination

- (1) The *place of nomination* in relation to an election is—
 - (a) the office of the commissioner; or

(b) any other place approved by the commissioner as a place of nomination.

(2) An approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

(3) The *hour of nomination* in relation to an election is 12 o'clock noon on the 23rd day before polling day for the election.

(4) If the hour mentioned in subsection (3) falls on a public holiday, anything that under this Act is to be done by the hour of nomination must be done by that time on the public holiday.

(5) Subsection (4) has effect despite the [Legislation Act](#), section 151A (2) (Periods of time ending on non-working days).

109 Declaration of candidates

(1) As soon as practicable after the hour of nomination, the commissioner shall, at the place of nomination, publicly produce all nomination forms and declare each person duly nominated to be a candidate.

(2) A declaration in relation to a candidate shall specify—

(a) the name of the candidate; and

(b) the name of any registered party by which the candidate is endorsed.

(3) As soon as practicable after the declaration, the commissioner—

(a) shall, at the office of the commissioner; and

(b) may, at any other places the commissioner determines;

arrange for a notice containing particulars relating to each candidate to be displayed.

(4) A notice shall not specify the address of a candidate if it is a suppressed address.

110 Rejection of nominations

- (1) The commissioner must reject the nomination of a person if the nomination form for the person is not substantially in accordance with section 105 (Candidates to be nominated).
- (2) The commissioner must also reject the nomination of a person if satisfied on reasonable grounds that the name under which the person is nominated—
 - (a) is obscene; or
 - (b) is frivolous; or
 - (c) has been assumed for a political purpose.

Examples for par (c)

- 1 A name that includes, completely or partly, the name, or an abbreviation of the name, of a political party.
- 2 A name that includes a political message.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act 2001](#), s 126 and s 132).

- (3) The commissioner must give a person whose nomination is rejected under subsection (1) or (2) written notice of the rejection.

Note For how documents may be given, see [Legislation Act 2001](#), pt 19.5.
- (4) The notice must set out the reasons for the rejection.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.
- (5) The commissioner may reject the nomination of a person only under subsection (1) or (2).

111 Need for a poll

- (1) If the number of candidates for an election is not greater than the number required to be elected, the commissioner shall, in accordance with section 189, declare the candidate or candidates elected.
- (2) If the number of candidates for election is greater than the number required to be elected, a poll shall be held in accordance with this Act.

112 Death of candidate before polling day

If a candidate dies before polling day and the number of candidates remaining is not greater than the number required to be elected, the commissioner shall, in accordance with section 189, declare the remaining candidates elected.

113 Deposit—return or forfeiture

- (1) This section applies to a deposit paid in relation to the nomination of a candidate for election.
- (2) The deposit must be returned to the person who paid the deposit, or someone else authorised in writing by the person, if—
 - (a) the candidate is elected; or
 - (b) the candidate is excluded from the poll under schedule 4 but the candidate's total votes at the time of exclusion are at least 20% of the quota for the election; or
 - (c) the candidate is not elected or excluded but at any stage of the counting the candidate's total votes are at least 20% of the quota for the election; or
 - (d) the nominee dies before the candidates are declared for the election; or
 - (e) the candidate dies before polling day.

- (3) If subsection (2) does not apply, the deposit is forfeited to the Territory when the result of the election is declared.

Division 9.2 Ballot papers

114 Ballot papers

- (1) Subject to this division, the ballot papers to be used in an election shall be in accordance with the form in schedule 1.
- (2) The commissioner may determine the colour of the paper on which ballot papers for each electorate are to be printed.
- (3) A ballot paper must bear an official mark in the form approved under section 340A (Approved forms).
- (4) The ballot paper may be in electronic form.
- (5) The commissioner may approve changes to the electronic form of the ballot paper that are necessary to facilitate the display of the electronic form.

Example

The electronic form of a ballot paper may display columns of candidates using 2 rows.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act 2001](#), s 126 and s 132).

- (6) An approval under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (7) The regulations may—
- (a) specify the headings or directions to be contained on ballot papers to be used for declaration voting; and
- (b) provide for—
- (i) the form of a ballot paper to be altered as specified in the regulations; or

- (ii) a form set out in the regulations to be used in place of the form of a ballot paper.

115 Grouping of candidates' names

If the registered officer of a registered party nominates 2 or more candidates for an election, their names shall be grouped in a separate column on the ballot papers for the relevant electorate.

116 Printing of ballot papers

- (1) Subject to subsections (2) to (7), on each ballot paper for an election—
 - (a) the names of the candidates in a group of candidates shall be printed in a single column; and
 - (b) if there are 2 or more groups of candidates—separate columns of the names of the candidates in each group shall be printed from left to right in an order determined by the commissioner by lot; and
 - (c) a distinguishing letter shall be printed above the column of names of the candidates in a particular group, the letter being—
 - (i) if there is only 1 group— 'A'; or
 - (ii) if there are 2 or more groups—the appropriate letter in a consecutive, alphabetical order beginning with 'A' corresponding to the order in which the columns of names in each group are printed from left to right on the ballot paper; and
 - (d) if there are grouped and ungrouped candidates—the names of all ungrouped candidates shall, subject to subsection (6), be printed in a single column to the right of the last column of names of grouped candidates; and

- (e) if there are no groups of candidates—the names of all candidates shall be printed in a single column; and
- (f) the names of candidates in the columns shall be printed in an order determined in accordance with schedule 2; and
- (g) the name of each candidate shall be printed once only; and
- (h) a square (a *candidate square*) shall be printed adjacent to the name of each candidate.

Note **Group**, in relation to candidates in an election, is defined in the dictionary.

- (2) A ballot paper must not contain more than 5 candidate's names in a column.
- (3) If there are more than 5 candidates in a group—
 - (a) their names shall, so far as practicable, be printed in 2 or more adjacent columns of equal length; and
 - (b) the names to be printed in each column shall be determined by the commissioner by lot.
- (4) If the names of the candidates in a particular group are printed in 2 or more adjacent columns, the distinguishing letter referred to in subsection (1) (c) shall be printed once only above those columns.
- (5) If there are no grouped candidates and there are more than 5 ungrouped candidates—
 - (a) their names shall, so far as practicable, be printed in 2 or more adjacent columns of equal length; and
 - (b) the names to be printed in each column shall be determined by the commissioner by lot.
- (6) If a single column of the names of ungrouped candidates would be longer than the longest column of names of grouped candidates—

- (a) the names of the ungrouped candidates shall be printed in 2 or more columns none of which is longer than the longest column of names of grouped candidates; and
 - (b) the names of the ungrouped candidates to be included in each column shall be determined by the commissioner by lot.
- (7) If similarity in the names of 2 or more candidates is likely to cause confusion, their names may be arranged on the ballot papers with such description or addition as will distinguish each from the other.

117 Names on ballot papers

- (1) In this section:
- party name*, for a registered party, means—
- (a) the name under which the party is registered; or
 - (b) if a registered abbreviation of the name of the party is stated in the nomination form of each party candidate—that abbreviation.
- (2) On the ballot papers for an election—
- (a) the party name of the registered party by which a group of party candidates is endorsed must be printed at the top of the column of their names; and
 - (b) the party name of the registered party by which an ungrouped party candidate is endorsed must be printed next to the candidate square for the candidate; and
 - (c) the word ‘independent’ must be printed next to the candidate square for a candidate (other than a party candidate) if the nomination form so specified.

118 Draw for positions on ballot papers

The commissioner shall make the determinations required by section 116 in public at the place of nomination, as soon as practicable after the candidates have been declared.

Division 9.3 Electronic voting devices and vote counting programs

118A Approval of computer program for electronic voting and vote counting

- (1) The commissioner may approve 1 or more computer programs for any of the following:
 - (a) to allow electronic voting in an election;
 - (b) to perform steps in the scrutiny of votes in an election.
- (2) The commissioner may approve a program under subsection (1) (a) only if the program will—
 - (a) allow an elector to show consecutive preferences starting at ‘1’; and
 - (b) give an elector an opportunity to correct any mistakes before processing the elector’s vote; and
 - (c) allow an elector to make an informal vote showing no preference for any candidate; and
 - (d) not allow a person to find out how a particular elector cast his or her vote.
- (3) The commissioner may approve a program under subsection (1) (b) only if—
 - (a) the proper use of the program would give the same result in the scrutiny of votes in an election as would be obtained if the scrutiny were conducted without using the program; and

- (b) the program—
 - (i) will not allow a person to find out how a particular elector cast his or her vote; and
 - (ii) is designed to pause while the commissioner makes a determination by lot required by schedule 4; and
 - (iii) can produce indicative distributions of preferences at any time after the close of the poll and before the declaration of the poll.
- (4) An approval under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).
- (5) The commissioner must determine processes that must be followed in relation to the use of an approved computer program in the scrutiny of votes in an election.
- (6) Without limiting subsection (5), the commissioner may approve a process—
 - (a) for entering preferences shown on paper ballots into the approved computer program; and
 - (b) for counting preferences using the program to work out—
 - (i) the number of unrejected ballot papers on which a first preference is recorded for each candidate; and
 - (ii) the number of informal ballot papers for each electorate.

118B Security of electronic voting devices and related material

- (1) The commissioner must take steps to ensure that electronic devices and computer programs used or intended to be used for or in connection with electronic voting are kept secure from interference at all times.

- (2) The commissioner must keep backup copies of electronic data produced at a polling place or scrutiny centre until whichever of the following happens last:
- (a) the beginning of the pre-election period for the next election;
 - (b) the documents are no longer required by the commissioner, another member of the electoral commission or a member of the staff of the commission for exercising a function under this Act.

Division 9.4 Miscellaneous

119 Polling places and scrutiny centres

- (1) The commissioner may—
- (a) appoint a specified place to be a polling place on polling day for an election; and
 - (b) appoint a specified place to be a scrutiny centre during the election period for the purpose of the scrutiny at an election.
- (2) An appointment is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (3) During a pre-election period, the commissioner—
- (a) must give additional public notice of the particulars of each polling place for the election; and

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

- (b) may publish notice of the particulars of each polling place for the election by any other means the commissioner determines.

120 Administrative arrangements

- (1) The commissioner shall make appropriate administrative arrangements for the conduct of each election and, in particular, shall ensure that each polling place is properly equipped with—
 - (a) separate voting compartments constructed so as to screen voters from observation while marking ballot papers; and
 - (b) ballot boxes capable of being securely fastened; and
 - (c) ballot papers and other documents and stationery.
- (2) The commissioner may make arrangements at a polling place for electors to vote using an electronic ballot paper (*electronic voting*).
- (3) For subsection (2), the commissioner may approve electronic devices for use by electors for electronic voting at a polling place.
- (4) An approval under subsection (3) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

121 Certified extracts and certified lists of electors

- (1) As soon as practicable after the roll for an electorate closes, the commissioner must—
 - (a) prepare—
 - (i) a certified extract of electors; and
 - (ii) a certified list of electors; and
 - (b) give a copy of the certified list to the OIC for each polling place; and
 - (c) on request by a candidate for the electorate—give a copy of the certified extract to the candidate.
- (2) For subsection (1) (c), the candidate may ask for, and the commissioner may give, the certified extract in either electronic or paper form.

(3) In this Act:

certified extract of electors, for an election in an electorate, means an extract from the roll for the electorate, certified by the commissioner, for each elector enrolled who will be at least 18 years of age on polling day.

certified list of electors, for an election in an electorate, means a list, certified by the commissioner, that contains—

- (a) a certified extract of electors; and
- (b) each elector's year of birth and gender.

121A Use of information from certified extracts or certified lists

(1) In this section:

approved purpose means—

- (a) a purpose connected with an election; or
- (b) monitoring the accuracy of information on the roll.

protected information, in relation to a person, means information that the person knows, or has reasonable grounds for believing, was obtained from either of the following, given to the person or someone else under section 121 (1):

- (a) a copy of a certified extract of electors;
- (b) a copy of a certified list of electors.

(2) A person must not, without reasonable excuse, use protected information for—

- (a) a commercial purpose; or

(b) any other purpose, other than an approved purpose.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person must not, without reasonable excuse, directly or indirectly divulge or communicate protected information to someone else for a purpose other than an approved purpose.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

122 Scrutineers—appointment

- (1) A candidate for election may appoint a scrutineer to represent the candidate during the polling for the election, or during the scrutiny for an election, or both.
- (2) An appointment shall be made by giving to the commissioner—
- (a) written notice, signed by the candidate, specifying the name and address of the scrutineer; and
 - (b) an undertaking signed by the scrutineer.

Note If a form is approved under s 340A (Approved forms) for an undertaking, the form must be used.

123 Scrutineers—conduct

- (1) Subject to subsection (2), a scrutineer representing a candidate during the polling for an election is entitled to be present in a polling place, and to enter or leave a polling place, when voters are allowed to vote at that place.
- (2) At any time while voters are allowed to vote at a particular polling place, the number of scrutineers representing a particular candidate who are present at that place shall not exceed the number of officers responsible for issuing ballot papers at that place.

- (3) Subject to subsection (4), a scrutineer representing a candidate during the scrutiny for an election is entitled to be present in a scrutiny centre, and to enter or leave a scrutiny centre, during the conduct of the scrutiny at the centre.
- (4) At any time during the conduct of the scrutiny at a particular scrutiny centre, the number of scrutineers representing a particular candidate who are present at the centre shall not exceed the number of officers at the centre.
- (5) A scrutineer at a polling place or scrutiny centre shall wear a badge, supplied by the commissioner, that identifies the person as a scrutineer.
- (6) A scrutineer shall not, without reasonable excuse, communicate with any person in a polling place except so far as is necessary in the exercise of the scrutineer's functions.
Maximum penalty: 10 penalty units.
- (7) A scrutineer shall not, without reasonable excuse, interfere with or attempt to influence an elector at a polling place.
Maximum penalty: 50 penalty units.
- (8) For section 320 (4) (b), a scrutineer who contravenes this section is no longer entitled to be on the premises.

124 Participation by candidates in conduct of election

A candidate shall not take any part in the conduct of an election.

125 Determining matters by lot

- (1) If the commissioner is required by this Act to determine a matter by lot, the matter shall be so determined in a way approved by the electoral commission.

- (2) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act 2001](#).

126 Supplementary elections

If, in relation to an election—

- (a) there are no candidates; or
- (b) the number of candidates declared elected under section 111 or 112 is less than the number of vacancies;

a supplementary election shall be held, as necessary, in accordance with section 101.

Part 10 Voting

Division 10.1 General

128 Entitlement to vote

- (1) Subject to subsection (2), an elector enrolled for an electorate is entitled to vote at an election for the electorate.
- (2) A person who is enrolled is not entitled to vote at an election unless he or she will be at least 18 years old on the day the poll for the election is required to be held.
- (3) The inclusion of the name of a person on a certified list of electors for an election is conclusive evidence of the person's right to vote at the election.
- (4) The omission of the name of a person from a roll because of official error does not disqualify the person from voting.
- (5) In a roll or a certified list of electors, an omission of a given name, or an error in a name, does not disqualify an elector from voting.
- (6) An elector whose surname has changed is not disqualified from voting under a former name entered for the person on a roll or certified list of electors.

129 Compulsory voting

- (1) An elector who is entitled to vote at an election shall not, without a valid and sufficient reason, fail to vote at the election.

Maximum penalty: 0.5 penalty units.

- (2) Subsection (1) does not apply to—
 - (a) an eligible overseas elector; or
 - (b) an Antarctic elector; or

- (c) an elector who is serving a sentence of imprisonment outside the ACT; or
 - (d) an elector who is enrolled because of his or her enrolment on the Commonwealth roll as an itinerant elector.
- (3) Without limiting subsection (1), an elector shall be taken to have a valid and sufficient reason for failing to vote at an election if the elector believes it to be part of his or her religious duty to abstain from voting.

130 Multiple votes prohibited

An elector shall not vote—

- (a) more than once at the same election for an electorate; or
- (b) at 2 or more elections for electorates the polls for which are required to be held on the same day.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

131 Procedures for voting

- (1) At an election, an elector may—
- (a) cast a vote in accordance with division 10.2, 10.3 or 10.4; or
 - (b) if the elector is a patient in a hospital or special hospital, or detained at a correctional centre—cast an ordinary vote or a declaration vote in accordance with division 10.5.
- (2) An elector who is entitled to vote at an election may cast a vote on polling day at any polling place in the ACT, whether or not the polling place is in the electorate for which the elector is enrolled.
- (3) If there is electronic voting at a polling place, an elector may vote using a paper ballot paper or electronic voting.

- (4) To remove any doubt, subsection (2) does not give an elector detained in lawful custody any right to leave, or be released from, the place of custody to cast a vote.

132 Manner of recording vote

- (1) An elector shall record his or her vote on a ballot paper by marking the ballot paper in accordance with subsection (2).
- (2) The elector—
- (a) shall place consecutive whole numbers starting at ‘1’ in the number of candidate squares equal to the number of candidates to be elected so as to indicate preferences; and
 - (b) may place further consecutive whole numbers in additional candidate squares so as to indicate additional preferences.

Division 10.2 Ordinary voting at a polling place

133 Claims to vote

- (1) If a person attends before an officer at a polling place on polling day and claims to vote at an election, the officer shall issue a ballot paper to the claimant for the relevant electorate if satisfied that the certified list of electors for the electorate—
- (a) specifies the claimant’s name; and
 - (b) specifies an address for the claimant or indicates that the claimant’s address is suppressed; and
 - (c) has not been marked so as to indicate that a ballot paper has already been issued to the claimant.
- (2) Despite subsection (1), an officer shall not issue a ballot paper to a person who indicates that he or she has already voted at the election.
- (3) Immediately after issuing a ballot paper to a claimant, the officer shall record the issue on the certified list of electors.

134 Voting in private

Subject to section 156, a person shall, on receipt of a ballot paper under section 133, without delay—

- (a) go to an unoccupied voting compartment at the polling place; and
- (b) there, in private, mark his or her vote on the ballot paper in accordance with section 132; and
- (c) if the person has voted using a paper ballot paper—fold the ballot paper so as to conceal the vote and put it in a ballot box at the polling place; and
- (d) leave the polling place.

Division 10.3 Declaration voting at a polling place

135 Declaration voting at polling places

- (1) If a person attends before an officer at a polling place on polling day and claims to vote at an election, the officer shall issue declaration voting papers to the person for the relevant electorate if satisfied that—
 - (a) the certified list of electors for the electorate does not specify the person's name; or
 - (b) the certified list of electors for the electorate has been marked so as to indicate that a ballot paper has already been issued to the person but the person claims not to have voted already at the election.
- (2) Despite subsection (1), an officer shall not issue declaration voting papers to a person who indicates that he or she has already voted at the election.

- (3) The officer shall—
- (a) give the claimant a written statement indicating the consequences of casting a declaration vote under this section; and
 - (b) record the name of the claimant.

Note If a form is approved under s 340A (Approved forms) for a statement, the form must be used.

- (4) Subject to section 156, the following requirements apply to the casting of a declaration vote under this section:
- (a) the person shall complete and sign the declaration in the presence of the officer;
 - (b) the officer shall complete and sign the certificate as witness;
 - (c) the person shall go to an unoccupied voting compartment at the polling place and there, in private—
 - (i) mark his or her vote on the ballot paper in accordance with section 132; and
 - (ii) fold the ballot paper so as to conceal the vote;
 - (d) the person shall return the folded ballot paper to the officer;
 - (e) the officer shall, in the presence of the person, without unfolding the ballot paper, place it in the envelope on which the declaration referred to in paragraph (a) appears, fasten the envelope and place it in a ballot box at the polling place;
 - (f) the person shall then leave the polling place.

Division 10.4 Voting otherwise than at a polling place

136 Definitions for div 10.4

- (1) In this division:

authorised delivery service means—

- (a) Australia Post; or
- (b) if, under subsection (2), the commissioner decides that a delivery service be used instead of Australia Post—that delivery service; or
- (c) if, under subsection (2), the commissioner decides that a delivery service be used in addition to Australia Post—Australia Post or that delivery service.

post means send using an authorised delivery service.

- (2) For subsection (1), definition of *post*, the commissioner may, in writing, decide that a delivery service be used instead of or in addition to Australia Post.

136A Applications for postal voting papers

- (1) In this section:

eligible elector, for an election, means an elector who is entitled to vote at the election and—

- (a) who expects to be unable to attend—
 - (i) at a polling place on polling day; or
 - (ii) at a place where a vote may be made before an officer under section 136B before polling day; or
- (b) whose address is a suppressed address.

- (2) An eligible elector for an election (or a person authorised by the eligible elector) may apply to an authorised officer for declaration voting papers for postal voting (*postal voting papers*) for the election.
- (3) The application may be made orally or in writing.
- (4) The application must include a declaration that the applicant is an eligible elector for the election.
- (5) The application must be received by an authorised officer before 8 pm on the day before polling day.

Note If a form is approved under s 340A (Approved forms) for an application, the form must be used.

- (6) If an authorised officer receives an application under this section from, or on behalf of, a person claiming to be an eligible elector for an election (the *applicant*), the officer must—
 - (a) if satisfied that the applicant’s name is on the certified list of electors for an electorate—post postal voting papers for the electorate to the applicant; or
 - (b) if not so satisfied—post postal voting papers for the electorate in which in the applicant claims to be enrolled to the applicant.
- (7) However, the authorised officer must not post postal voting papers to the applicant—
 - (a) if the applicant has nominated a postal address outside Australia—if the application is received by the officer after 5 pm on the Friday 8 days before polling day; or
 - (b) in any other case—if the application is received by the officer after the last mail clearance, at the post office nominated by the commissioner in the postal voting papers, on the last Thursday before polling day; or

- (c) in any case—if the officer has reason to believe that the applicant is at a place where the normal transmission of mail has been significantly disrupted or curtailed or is otherwise unreliable.
- (8) Despite subsections (6) and (7), the authorised officer may give the postal voting papers to the applicant using a courier or other agent (other than an authorised delivery service), if the officer believes on reasonable grounds that—
- (a) the applicant is a person to whom subsection (7) applies; and
 - (b) the papers are likely to reach the applicant in sufficient time for the applicant's ballot paper to be completed and posted or given in accordance with section 144A (Requirements for casting postal votes) if the papers are sent to the applicant using the agent.
- (9) Despite subsections (6) and (8), the authorised officer must not post or give postal voting papers to the applicant earlier than the 19th day before polling day.
- (10) If postal voting papers are sent or given to the applicant in accordance with this section, neither the authorised officer nor the commissioner is responsible for ensuring that the papers reach the applicant.

Note Section 144A deals with how to cast a postal vote.

136B Ordinary or declaration voting in ACT before polling day

- (1) In this section:
- eligible elector*, for an election, means an elector who is entitled to vote at the election and—
- (a) who expects to be unable to attend at a polling place on polling day; or
 - (b) whose address is a suppressed address.

relevant period means the period—

- (a) beginning on the 3rd Monday before polling day or, if that Monday is a public holiday, the next business day; and
 - (b) ending at 8 pm on the day before polling day.
- (2) The commissioner may determine the days and times during the relevant period for voting under this section.
 - (3) This section applies if a person attends before an authorised officer, on a day and at a time determined under subsection (2), and makes a declaration to the effect that the person is an eligible elector.
 - (4) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (5) If this section applies, the officer must issue a ballot paper for the relevant electorate to the person if satisfied that the certified list of electors for the electorate—
 - (a) states the person's name; and
 - (b) states an address for the person or indicates that the person's address is suppressed; and
 - (c) has not been marked so as to indicate that a ballot paper has already been issued to the person.
- (6) Despite subsection (5), an officer shall not issue a ballot paper to a person who indicates that he or she has already voted at the election.
- (7) Immediately after issuing a ballot paper to the person, the officer shall record the issue on the certified list of electors.
- (8) Section 134 applies to the casting of an ordinary vote under this section as if—
 - (a) it were a vote under section 133; and

- (b) the reference in section 134 to an *unoccupied voting compartment* were a reference to an unoccupied part of the place where the person attends before the officer concerned.
- (9) Sections 120 to 123 apply in relation to polling under this section as if the place where that polling is conducted were a polling place.
- (10) Before any vote is taken under this section the OIC shall exhibit each ballot box empty and shall then securely fasten its cover.
- (11) At the conclusion of each day's polling under this section and in the presence of any scrutineers the ballot boxes shall be closed and sealed.
- (12) At the beginning of the second and each subsequent day's polling under this section and in the presence of any scrutineers the seals on the ballot boxes shall be examined and opened.
- (13) At the close of polling under this section, the OIC shall, in the presence of any scrutineers—
- (a) close and seal the ballot boxes containing ballot papers for ordinary voting or declaration voting; and
 - (b) parcel and enclose in sealed wrapping all unused ballot papers; and
 - (c) parcel and enclose in sealed wrapping all other electoral papers used at the polling place.
- (14) The OIC shall give the articles referred to in subsection (13) to the commissioner.
- (15) The commissioner shall keep the articles referred to in subsection (13) in safe custody for the purposes of scrutiny under part 12.
- (16) Ballot papers cast as ordinary votes under this section may only be removed from ballot boxes and counted after the close of polling on polling day.

- (17) If this section applies and the authorised officer is satisfied that—
- (a) the certified list of electors for the electorate does not specify the person's name; or
 - (b) the certified list of electors for the electorate has been marked so as to indicate that a ballot paper has already been issued to the person but the person claims not to have voted already at the election;
- the authorised officer shall issue declaration voting papers to the person.
- (18) Despite subsection (17), an officer shall not issue declaration voting papers to a person who indicates that he or she has already voted at the election.
- (19) If an authorised officer issues declaration voting papers to the person, the officer must—
- (a) give the person a written statement indicating the consequences of casting a declaration vote under this section; and
 - (b) record the person's name.
- Note* If a form is approved under s 340A for a statement, the form must be used.
- (20) Section 135 (4) applies to the casting of a declaration vote under this section as if—
- (a) it were a declaration vote under section 135; and
 - (b) the reference in section 135 (4) to an ***unoccupied voting compartment*** were a reference to an unoccupied part of the place where the person attends before the officer concerned.

136C Declaration voting outside ACT on or before polling day

(1) In this section:

eligible elector, for an election, means an elector who is entitled to vote at the election and—

- (a) who expects to be unable to attend at a polling place on polling day; or
- (b) whose address is a suppressed address.

relevant period means the period—

- (a) beginning on the 3rd Monday before polling day or, if that Monday is a public holiday, the next business day; and
- (b) ending at 6 pm in the ACT on polling day.

(2) The commissioner may determine the days and times during the relevant period for voting under this section.

(3) This section applies if a person attends before an authorised officer outside the ACT, on a day and at a time determined under subsection (2), and makes a declaration to the effect that the person is an eligible elector.

(4) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

(5) If this section applies, the authorised officer shall issue declaration voting papers to the person.

(6) Despite subsection (5), an officer shall not issue declaration voting papers to a person who indicates that he or she has already voted at the election.

(7) If an authorised officer issues declaration voting papers to the person the officer shall—

- (a) give the person a written statement indicating the consequences of casting a declaration vote under this section; and

(b) record the name of the person.

Note If a form is approved under s 340A (Approved forms) for a statement, the form must be used.

- (8) Section 135 (4) applies to the casting of a declaration vote under this section as if—
- (a) it were a declaration vote under section 135; and
 - (b) the reference in section 135 (4) to an *unoccupied voting compartment* were a reference to an unoccupied part of the place where the person attends before the officer concerned.

137 Record of issue of declaration voting papers

- (1) An officer who issues voting papers under section 136A, 136B (17) or 136C shall—
- (a) make a record of the time and date of issue; and
 - (b) if the officer is not the commissioner—give the record to the commissioner.
- (2) If an application is made for a postal vote, the record shall be endorsed on the application.

138 Inspection of records

- (1) Subject to subsection (2), the commissioner shall make each record referred to in section 137, or a copy, available for public inspection at the office of the commissioner within ordinary office hours during the period of 40 days beginning on the 3rd day after polling day.
- (2) A document referred to in subsection (1) that is made available for public inspection shall not specify a suppressed address.

139 Receipt of declaration voting papers

- (1) An officer who receives completed voting papers in relation to a vote cast under section 136A shall—
 - (a) endorse the time and date of receipt on the envelope; and
 - (b) if the officer is not the commissioner—give the papers to the commissioner or an authorised officer.

Note For restrictions on sending completed ballot and voting papers by fax, see s 329.

- (2) The commissioner shall keep the papers in safe custody for the purposes of scrutiny under part 12.

140 Registered declaration voters

- (1) The commissioner shall keep a register, called the register of declaration voters.
- (2) The register may be kept electronically.
- (3) If an elector is registered as a general postal voter under the Commonwealth Electoral Act—
 - (a) the elector shall be taken to be a registered declaration voter for this Act; and
 - (b) the particulars so registered under the Commonwealth Electoral Act in relation to the elector shall, so far as practicable, be taken to be entered on the register kept under this Act.
- (4) The register shall contain the following particulars in relation to each elector to whom subsection (3) applies:
 - (a) surname or family name;
 - (b) each given name;
 - (c) address, other than—

- (i) that of an eligible overseas elector; or
- (ii) a suppressed address.

141 Issue of voting papers to registered declaration voters

As soon as practicable after the beginning of the pre-election period for an election, the commissioner shall post to each elector enrolled for the electorate in which the election is to be held who is a registered declaration voter declaration voting papers for the election.

Note Section 144A deals with how to cast a postal vote.

142 Correcting formal errors

If an officer is satisfied that—

- (a) an application for declaration voting papers for postal voting; or
- (b) the declaration or certificate in completed declaration voting papers;

contains a formal error, the officer may amend the application, declaration or certificate to correct the error.

143 Soliciting applications for postal declaration votes

- (1) A person commits an offence if the person—
 - (a) applies for declaration voting papers for postal voting for an election for someone else; and
 - (b) does not have the other person's consent to make the application.

Maximum penalty: 30 penalty units.

- (2) A person commits an offence if the person does anything to induce someone else—
- (a) to complete an application form for declaration voting papers for postal voting; and
 - (b) to return the completed form to an address that is not an address authorised by the commissioner.

Maximum penalty: 30 penalty units.

- (3) A person commits an offence if the person does anything to induce someone else to complete an application form for declaration voting papers for postal voting that is not the form approved under section 340A for the application form.

Maximum penalty: 30 penalty units.

144 Transmission of applications for postal declaration votes

A person who accepts for transmission to the commissioner a completed application for declaration voting papers for postal voting shall transmit the application to the commissioner as soon as practicable.

Maximum penalty: 10 penalty units.

144A Requirements for casting postal votes

- (1) This section applies to a person if the person has received declaration voting papers for an election under section 136A (Applications for postal voting papers) or section 141 (Issue of voting papers to registered declaration voters).
- (2) To cast a postal vote, the person must—
- (a) complete and sign the declaration; and
 - (b) mark the person's vote on the ballot paper; and

- (c) fold the ballot paper, place it in the envelope addressed to the commissioner and fasten the envelope; and
- (d) either—
 - (i) post the envelope and contents to the commissioner before polling day; or
 - (ii) give the envelope and contents to the commissioner or another officer by polling day.

Note For restrictions on sending completed ballot and voting papers by fax, see s 329.

- (3) This section is subject to section 156 (Assistance to voters).

145 Interference with declaration voting

Except for section 156, or at the request of the elector, a person shall not, without reasonable excuse—

- (a) communicate with an elector while he or she is casting a declaration vote; or
- (b) interfere with an elector's casting of a declaration vote; or
- (c) do anything to find out how an elector voted by declaration vote; or
- (d) enable any other person to find out how an elector voted by declaration vote.

Maximum penalty: 30 penalty units.

146 Soliciting completed declaration votes

A person shall not, without reasonable excuse, do anything for the purpose of inducing an elector to give to the person completed declaration voting papers.

Maximum penalty: 30 penalty units.

147 Transmission of completed declaration votes

A person who accepts for transmission to the commissioner completed declaration voting papers shall transmit them to the commissioner as soon as practicable.

Maximum penalty: 10 penalty units.

148 Opening envelopes containing declaration votes

Unless authorised by or under this Act, a person shall not, without reasonable excuse, open an envelope that appears to contain a completed declaration vote.

Maximum penalty: 5 penalty units.

Division 10.5 Mobile polling

149 Definitions for div 10.5

In this division:

special hospital means a hospital declared under section 149A.

visiting officer means an officer who makes a visit referred to in section 150 (1), (2) or (3).

149A Declaration of special hospitals

- (1) The commissioner may declare a hospital that is not a polling place to be a special hospital for this division.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

150 Mobile polling—institutions

- (1) The OIC of a polling place that is a hospital shall arrange for an officer to visit patients at the hospital (other than outpatients) between 8 am and 6 pm on polling day for the purpose of taking their votes.
- (2) The commissioner shall arrange for an officer to visit patients at a special hospital (other than outpatients) between 8 am and 6 pm—
 - (a) on a day that is not more than 5 days before polling day; or
 - (b) on polling day;for the purpose of taking their votes.
- (3) The commissioner may arrange for an officer to visit electors detained at a correctional centre to take their votes.
- (4) A visit mentioned in subsection (3) must be made at a time, and in accordance with any conditions, arranged between the commissioner and the person in charge of the correctional centre.

151 Functions of visiting officers

- (1) When visiting under section 150, the visiting officer—
 - (a) shall take a ballot box, ballot papers, the certified list of electors and anything else necessary to enable a person to vote; and
 - (b) shall be accompanied by at least 1 other officer and any scrutineer who wishes to attend.
- (2) The number of scrutineers for a particular candidate who are present at a hospital, special hospital or correctional centre with the visiting officer must not be more than the number of officers at the hospital, special hospital or correctional centre.

- (3) While a visiting officer is with a person in a room or other place for the purpose of taking the person's vote, this Act has effect, so far as practicable, as if—
 - (a) the room or place were a polling place; and
 - (b) the visiting officer were the OIC of the polling place.
- (4) A visit under section 150 to a patient in a hospital or special hospital shall not be made if the visiting officer is informed by a doctor, or a member of the staff at the hospital, that the visit is forbidden on medical grounds.
- (5) A visit under section 150 to a person detained at a correctional centre must not be made if the person in charge of the centre tells the visiting officer that the visit is prohibited on security grounds.

152 Failure to visit institution

A failure to make a visit under section 150 or to take votes in accordance with section 151, does not invalidate the result of an election.

153 Custody of ballot boxes and electoral papers

- (1) After a visiting officer has completed all his or her visits under section 150, the officer shall, in the presence of any scrutineers—
 - (a) close and seal the ballot boxes containing ballot papers for ordinary voting or declaration voting; and
 - (b) parcel and enclose in sealed wrapping all unused ballot papers; and
 - (c) parcel and enclose in sealed wrapping all other electoral papers used for the purposes of the visits.
- (2) The visiting officer shall give the articles referred to in subsection (1) to the commissioner.

- (3) The commissioner shall keep the articles referred to in subsection (1) in safe custody for the purposes of scrutiny under part 12.

Division 10.6 Miscellaneous

154 Arrangements at polling places

At each polling place the polling shall be conducted as follows:

- (a) before any vote is taken the OIC shall exhibit each ballot box empty, and shall then securely fasten its cover;
- (b) the poll shall open at 8 am and shall not close until all electors present in the polling place at 6 pm and desiring to vote, have voted;
- (c) the polling place shall be closed at 6 pm and no person shall be admitted after that hour for the purpose of voting.

155 Particulars on ballot papers before issue

An officer shall not issue a ballot paper for the purposes of an election unless the particulars required by division 9.2 are printed or endorsed on the ballot paper.

156 Assistance to voters

- (1) An elector who is unable to vote may be assisted in voting if the elector would otherwise be unable to vote.
- (2) An assistant shall be—
 - (a) if the elector is a postal voter—a nominee of the elector; or
 - (b) in any other case—a nominee of the elector or, if there is no such nominee, an officer.

- (3) An assistant may enter a voting compartment for the purpose of assisting an elector to vote, but an officer shall not do so except in the presence of—
- (a) a scrutineer; or
 - (b) if no scrutineer is present—another officer.
- (4) Subject to subsection (3), an assistant may assist an elector in any of the following ways:
- (a) by acting as an interpreter;
 - (b) for a declaration vote—by completing, or assisting the elector to complete, the declaration;
 - (c) by explaining the ballot paper and the requirements of this Act relating to its marking;
 - (d) by marking, or assisting the elector to mark, the ballot paper at the elector's direction;
 - (e) by folding the ballot paper and depositing it in a ballot box or declaration envelope, or with an officer, as required by this Act.

156A Assistance to voters unable to enter polling place

- (1) This section applies if the OIC of a polling place is satisfied that a voter cannot enter the polling place because of a physical disability, illness, advanced pregnancy or another condition.
- (2) The voter may vote outside the polling place, but close to the polling place, and may be assisted in voting.
- (3) Before allowing the voter to vote outside the polling place, the OIC must—
- (a) tell any scrutineers at the polling place that the voter is to vote outside the polling place; and

- (b) allow, from the scrutineers present, 1 scrutineer for each candidate to be present when the voter votes.
- (4) The voter must—
 - (a) mark the voter’s vote on the ballot paper in the OIC’s presence; and
 - (b) fold the ballot paper to conceal the names of the candidates; and
 - (c) give the ballot paper to the OIC.
- (5) If the voter is casting an ordinary vote, the OIC must ensure that the folded ballot paper is immediately returned to the polling place and put in the ballot box in the presence of the scrutineers (if any) who were present when the voter voted.
- (6) If the voter is casting a declaration vote, the OIC must—
 - (a) in the presence of the voter, without unfolding the ballot paper, place the ballot paper in the envelope on which the voter has completed and signed the declaration and seal the envelope; and
 - (b) place the envelope in a ballot box at the polling place.
- (7) This section is subject to section 156 (Assistance to voters).

157 Spoilt ballot papers

- (1) An officer shall issue another unused ballot paper to an elector who—
 - (a) satisfies the officer that a ballot paper previously issued to the elector has been inadvertently spoiled; and
 - (b) gives the spoilt ballot paper to the officer.
- (2) An officer who receives a spoilt ballot paper shall—
 - (a) write ‘spoilt’ on the back of it; and

- (b) place it in an envelope, seal the envelope and endorse it so as to indicate the type of spoilt ballot paper enclosed; and
 - (c) sign the endorsement.
- (3) At the close of polling, the OIC shall enclose the envelope in a sealed parcel and give it to the commissioner.
- (4) This section does not apply in relation to an elector who votes electronically.

158 Custody of ballot boxes and electoral papers

- (1) At the close of polling, the OIC of a polling place shall, in the presence of any scrutineers—
- (a) close and seal the ballot boxes containing ballot papers for ordinary voting or declaration voting; and
 - (b) parcel and enclose in sealed wrapping all unused ballot papers; and
 - (c) parcel and enclose in sealed wrapping all other electoral papers used at the polling place.
- (2) The commissioner shall keep the articles referred to in subsection (1) in safe custody for the purposes of scrutiny under part 12.
- (3) Subsection (1) (a) does not apply to ballot boxes containing ballot papers for ordinary voting if the polling place is also a scrutiny centre and the procedures set out in section 182 are to be carried out in relation to those ballot boxes and ballot papers at that centre.

159 Extension of time for conducting elections

- (1) Despite any other provision of this Act, before or after the day when an election is required to be held, the Executive may, by written notice, make provision for—
- (a) extending the time for holding the election; or

(b) meeting any difficulty that might otherwise interfere with the due conduct of the election; or

and any provision so made shall be valid and sufficient for that purpose.

(2) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

(3) The commissioner must give additional public notice of the notice required under this section.

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1). The requirement in s (3) is in addition to the requirement for notification on the legislation register as a notifiable instrument.

160 Suspension and adjournment of polling

(1) The commissioner may suspend the polling at a polling place on polling day if for any reason it is not practicable to proceed with it.

(2) Subsection (3) applies if—

(a) the polling is suspended; and

(b) the commissioner believes on reasonable grounds that it is not reasonably practicable for an elector affected by the suspension to cast a vote at another polling place.

(3) The commissioner must determine a day (that is as soon as practicable, but within 21 days, after the suspension) as the day when polling is to resume.

(4) If it is impracticable to resume the polling at the same polling place, the determination must state the polling place where polling may be resumed.

(5) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (6) On the resumption of polling, only an elector who was entitled to vote on the day when the poll for the election was required to be held and who has not already voted is entitled to vote.

Division 10.7 Failure to vote

161 Default notice

- (1) For this division, a default notice, in relation to an elector, is a notice containing a statement to the effect that—
- (a) it is an offence to fail to vote at an election without a valid and sufficient reason; and
 - (b) the elector appears to have failed to vote at an election; and
 - (c) if the elector does not wish to have the matter dealt with by a court, the elector may, within the time specified in the notice—
 - (i) if the elector voted at the election—give the commissioner particulars in writing of the voting; or
 - (ii) if the elector failed to vote at the election—give the commissioner particulars in writing of any valid and sufficient reason for the failure, or pay the amount of the prescribed penalty.

Note If a form is approved under s 340A (Approved forms) for a default notice, the form must be used.

- (2) For subsection (1) (c) (ii), the prescribed penalty is \$20 or any higher penalty prescribed by the regulations.

162 First notice

- (1) As soon as practicable after polling day for an election, the commissioner shall send a default notice to each elector who was required to vote at the election and appears to the commissioner to have failed to do so.

- (2) Subsection (1) does not apply to an elector who the commissioner is satisfied—
- (a) is dead; or
 - (b) had a valid and sufficient reason for failing to vote at the election.

163 Second notice

If an elector to whom a default notice has been sent under section 162 fails to respond to the notice within the time specified, the commissioner shall send a second default notice to the elector, endorsed to the effect that the elector has failed to respond to the first notice.

164 Final notice

- (1) The commissioner shall send a final default notice to an elector if—
- (a) a default notice under section 162 or 163 has been sent to the elector; and
 - (b) the time for responding to the notice has ended; and
 - (c) the elector has not paid the prescribed penalty; and
 - (d) the commissioner is not satisfied that the elector—
 - (i) voted at the election; or
 - (ii) had a valid and sufficient reason for failing to vote at the election.
- (2) A final default notice shall contain a statement to the effect that—
- (a) the commissioner is not so satisfied; and
 - (b) if the elector does not wish to have the matter dealt with by a court—the elector may, within the time specified in the notice, pay the amount of the prescribed penalty.

165 Discharge of liability

If an elector who failed to vote at an election pays the amount of the prescribed penalty in accordance with a default notice—

- (a) any liability of the elector under section 129 in relation to the failure is discharged; and
- (b) proceedings for an offence against that section shall not be instituted against the elector in relation to the failure.

166 Response on behalf of elector

If a person responds to a default notice on behalf of an elector who is unable to do so, the response shall be taken to be that of the elector.

Part 11 Polling in Antarctica

167 Definitions for pt 11

In this part:

Antarctica means—

- (a) the Australian Antarctic Territory; or
- (b) the Territory of Heard Island and McDonald Islands; or
- (c) Macquarie Island.

assistant returning officer, in relation to a station, means the assistant returning officer appointed under section 168 in relation to the station.

research personnel means personnel who are to be, or have been, engaged in work at a station.

returning officer, in relation to a station, means the returning officer appointed under section 168 in relation to the station.

station means—

- (a) a research station in Antarctica that is operated by the Commonwealth and is declared by the commissioner, in writing, to be a permanent research station; or
- (b) in relation to a particular election, a ship that is declared by the commissioner, in writing, to be a station for this part in relation to the election.

transmit means transmit by fax, telex or in another way approved under section 167B.

167A Declaration of ship as a station

The commissioner may declare a ship as a station only if the commissioner is satisfied that, on polling day for an election, the ship is likely to be at sea transporting research personnel to or from Antarctica.

167B Approval of ways of transmission

- (1) The commissioner may approve a way of transmission for this part.
- (2) The approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

168 Returning officers and assistants for Antarctic stations

- (1) The commissioner must appoint a returning officer, and an assistant returning officer, for each station.

Note 1 For the making of appointments (including acting appointments), see [Legislation Act 2001](#), pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see [Legislation Act 2001](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) The commissioner or the person in charge of a station may appoint an acting returning officer, or acting assistant returning officer, for a station.
- (3) However, the person in charge of a station must not be appointed to be the returning officer, or assistant returning officer, for the station.

170 Application of Act to polling in Antarctica

Subject to this part, this Act applies, so far as practicable, to the taking of a poll in Antarctica as if—

- (a) a reference in the Act to a polling place were a reference to the relevant station; and

- (b) a reference in the Act to the OIC of a polling place were a reference to the returning officer; and
- (c) a reference in the Act to an officer were a reference to the assistant returning officer.

171 Antarctic electors

- (1) Subject to subsection (2), an elector—
 - (a) who is, for the Commonwealth Electoral Act, an Antarctic elector; and
 - (b) whose address, recorded on the Commonwealth roll when the elector became a person referred to in paragraph (a), was an address in an electorate;

is an Antarctic elector for this Act in relation to the electorate where that address is located.

- (2) A person does not become an Antarctic elector for the purposes of an election under this Act if the person became an Antarctic elector for the Commonwealth Electoral Act after the hour of nomination for the election.

172 Arrangements for the polling in Antarctica

- (1) As soon as practicable after the close of nominations for an election in relation to an electorate for which an Antarctic elector is enrolled—
 - (a) the commissioner shall transmit to the returning officer at whose station the elector is based—
 - (i) an extract from the certified list of electors for the electorate containing the particulars relating to the elector; and
 - (ii) directions for the preparation by the officer of ballot papers for the election; and

- (b) the returning officer shall prepare ballot papers in accordance with the directions.
- (2) The directions shall ensure, so far as practicable, that the ballot papers are the same as ballot papers prepared under division 9.2 for the election.

173 Conduct of the polling

- (1) The polling at a station shall be conducted as follows:
 - (a) before any vote is taken, the returning officer shall exhibit a ballot box empty, and shall then securely fasten its cover;
 - (b) subject to subsection (2), the poll shall be conducted during the hours on the days the returning officer directs;
 - (c) the returning officer or the assistant returning officer shall, at all times when the poll is open, be present in that part of the station where the polling is taking place.
- (2) The polling at a station shall not continue beyond the time that is 6 pm in the ACT on polling day for the election.

174 Claims to vote

The returning officer or assistant returning officer for a station shall—

- (a) hand a ballot paper to each Antarctic elector who attends before the officer during the hours of polling and claims to vote at the election; and
- (b) record the issue of the ballot paper to the elector.

175 Proceedings at close of poll

At the close of the poll, the returning officer shall, in the presence of the assistant returning officer—

- (a) open the ballot box; and

- (b) transmit to the authorised officer—
 - (i) particulars of each elector who has voted at the station in the election; and
 - (ii) unless subparagraph (iii) applies, particulars of the marking of each ballot paper; and
 - (iii) if the returning officer is unable to read or understand clearly the particulars referred to in subparagraph (ii)—a statement to explain that inability; and
- (c) prepare a written statement of the information transmitted.

Note A ballot paper completed by an Antarctic elector may be faxed to the commissioner, see s 329.

176 Result of polling in Antarctica

- (1) On receipt of the transmission under section 175, the authorised officer shall—
 - (a) in relation to each ballot paper marked by an Antarctic elector—transcribe the particulars of the elector’s marks onto a ballot paper for the relevant electorate; and
 - (b) seal in an envelope the ballot paper onto which the particulars are transcribed; and
 - (c) sign the envelope and endorse it to the effect that it contains a ballot paper recording a vote by an Antarctic elector that is to be admitted to the scrutiny for the election; and
 - (d) send the envelope to the commissioner.
- (2) An authorised officer shall not mark a ballot paper under this section in a way that is likely to enable it to be identified as representing the vote of an Antarctic elector.

177 Preservation of documents

- (1) As soon as practicable after the close of the poll for an election, the returning officer for each station shall forward to the commissioner—
 - (a) a copy of the record of the issue of each ballot paper; and
 - (b) a copy of the statement referred to in section 175 (c); and
 - (c) the ballot papers used for voting at the station.
- (2) The commissioner shall keep the documents referred to in subsection (1) in safe custody for the purposes of scrutiny under part 12.

Part 12 The scrutiny

178 Scrutiny

- (1) The result of the polling at an election shall be ascertained by scrutiny in accordance with this part.
- (2) All the proceedings at the scrutiny shall be open to the inspection of the scrutineers.
- (3) The commissioner shall arrange for the following articles, documents and data to be dealt with at scrutiny centres for this part:
 - (a) applications for postal votes in the election;
 - (b) records of issued declaration voting papers;
 - (c) completed declaration voting papers received by the commissioner, the OIC of a polling place or another officer;
 - (d) ballot boxes containing ballot papers for ordinary voting or declaration voting;
 - (e) electronic ballot papers;
 - (f) envelopes containing ballot papers recording votes by Antarctic electors.
- (4) The OIC for a scrutiny centre may adjourn the scrutiny at the centre from time to time.

179 Preliminary scrutiny of declaration voting papers etc

- (1) The commissioner shall arrange for the conduct of the preliminary scrutines necessary in relation to a poll until the following documents have been dealt with in accordance with this section:
 - (a) all completed declaration voting papers (including those used for postal voting) received by the commissioner or another officer on or before polling day;

- (b) all completed declaration voting papers used for postal voting received by the commissioner before the end of the 6th day after the close of the poll;
 - (c) any envelope referred to in section 176 (1) (d) containing a ballot paper recording the vote of an Antarctic elector.
- (2) A preliminary scrutiny shall not be conducted earlier than the 5th day before polling day.
- (3) The commissioner shall display a notice in a prominent place at the office of the commissioner specifying the date and time when, and the place where, a preliminary scrutiny is to begin.
- (4) The notice shall be so displayed no later than 4 pm on the day before the beginning of the preliminary scrutiny.
- (5) A preliminary scrutiny shall be conducted in accordance with schedule 3.
- (6) Schedule 3 applies, so far as practicable, in relation to a vote cast by an Antarctic elector as if—
 - (a) the vote were a declaration vote other than a postal vote; and
 - (b) a declaration signed by the elector specifying the electorate in relation to which the elector is an Antarctic elector appeared on the envelope referred to in section 176 (1) (d); and
 - (c) a reference in that schedule to a set of declaration voting papers were a reference to that envelope.
- (7) At a preliminary scrutiny, declaration voting papers shall not be rejected for further scrutiny because of a formal error.
- (8) A preliminary scrutiny shall be taken to be part of the scrutiny in relation to an election.

180 Formality of ballot papers

- (1) Except as provided by this section, a ballot paper is formal and effect shall be given to the elector's intention as far as that intention is clear.
- (2) A ballot paper is informal if—
 - (a) in the opinion of the OIC of a scrutiny centre—
 - (i) it is not authentic; or
 - (ii) it has writing on it by which the elector can be identified; or
 - (b) no first preference is marked in a candidate square; or
 - (c) a first preference is marked in 2 or more candidate squares; or
 - (d) for a completed declaration vote ballot paper that has not been dealt with at a preliminary scrutiny under section 179—it is not enclosed in the appropriate envelope on which appears a declaration made by an elector.
- (3) In determining whether a ballot paper is formal—
 - (a) a preference marked outside a candidate square shall be taken to be marked in the square if the voter's intention to indicate that preference for that candidate is clear; and
 - (b) subject to subsection (2) (a), any other writing outside a candidate square shall be disregarded.
- (4) A ballot paper on which the particulars are endorsed by an officer under section 155 is not informal—
 - (a) if no other candidate has the same surname—only because the surname of a candidate has been written on the ballot paper; or
 - (b) only because of a spelling mistake in the particulars endorsed on the ballot paper.

- (5) If it is necessary for this part, the commissioner may determine the formality of a ballot paper and, for that purpose, may reverse any decision made by another officer.

181 Death of candidate

If a candidate dies before the end of polling day, and the number of candidates remaining is greater than the number of candidates to be elected, a ballot paper is not informal only because of—

- (a) the inclusion on the ballot paper of the name of the deceased candidate; or
- (b) the marking of any consecutive number in a candidate square adjacent to that name; or
- (c) the omission to place any number in a candidate square adjacent to that name, or any resultant failure to indicate in consecutive order the elector's preferences.

182 First count—ordinary ballot papers

- (1) This section applies only to paper ballot papers.
- (2) As soon as practicable after the close of the poll for an election, the OIC for a scrutiny centre shall arrange for the procedures set out in this section to be carried out.
- (3) First, the OIC shall—
 - (a) exhibit for inspection by any scrutineer each ballot box containing ballot papers recording ordinary votes; and
 - (b) record the condition of the ballot box before opening it.
- (4) Second, the OIC shall arrange for an officer to—
 - (a) open each ballot box; and
 - (b) sort the ballot papers from each ballot box into separate parcels for each electorate; and

- (c) in relation to the ballot papers for each electorate—
 - (i) count all informal ballot papers, reject them from further scrutiny under this section, and place them in a separate parcel; and
 - (ii) sort the unrejected ballot papers into separate parcels according to the first preferences marked on them and count the ballot papers in each parcel.
- (5) Third, the OIC shall, in relation to the ballot papers for each electorate—
 - (a) make out and sign a statement (countersigned by an officer and each scrutineer who wishes to do so) setting out—
 - (i) the number of unrejected ballot papers on which a first preference is recorded for each candidate; and
 - (ii) the number of informal ballot papers; and
 - (b) transmit particulars of the numbers so recorded to the commissioner, by telephone or other expeditious way; and
 - (c) seal up the parcels, endorse on each a description of the contents and permit each scrutineer who wishes to do so to countersign the endorsement; and
 - (d) send the parcels to the commissioner without delay, together with the statement referred to in paragraph (a).
- (6) Despite subsection (4) (b), the total number of ballot papers for a particular electorate that are to be dealt with at a particular scrutiny under this section shall not be fewer than 20.
- (7) If subsection (6) applies, the OIC shall—
 - (a) count the number of those ballot papers; and
 - (b) seal them in a separate parcel; and

- (c) endorse the parcel with a description of the contents (including the number of ballot papers); and
 - (d) send the parcel to another scrutiny centre, as directed by the commissioner, for this part.
- (8) The OIC may arrange for preferences marked on paper ballot papers to be entered into the approved computer program.

183 First count—declaration ballot papers

As soon as practicable after declaration vote ballot papers have been admitted to a scrutiny under this section because of schedule 3 but not before the close of the poll for the election, the OIC for the relevant scrutiny centre shall arrange for the ballot papers to be dealt with in accordance with section 182 as if they were ordinary vote ballot papers.

183A First count—electronic ballot papers

As soon as practicable after the close of the poll for an election, the OIC for a scrutiny centre must arrange for preferences from electronic voting to be entered into the approved computer program and for the electronic counting of the votes using the program.

184 Second count—first preferences

- (1) If preferences marked on paper ballot papers have not been entered on the approved computer program under section 182 (8), the commissioner shall—
- (a) arrange for an officer at a scrutiny centre to open the parcels referred to in section 182 (5) (d) (including those to which that paragraph applies under section 183) and, so far as practicable, conduct a second scrutiny of the ballot papers in accordance with section 182 (4) and (5); and
 - (b) from the result of the second scrutiny, ascertain—

- (i) the number of unrejected ballot papers on which a first preference is recorded for each candidate; and
 - (ii) the number of informal ballot papers for each electorate.
- (2) The commissioner must, using the approved computer program, ascertain from the result of the first scrutiny of electronic ballot papers and any paper ballot papers from which preferences have been entered on the computer program under section 182 (8)—
 - (a) the number of unrejected ballot papers on which a first preference is recorded for each candidate; and
 - (b) the number of informal ballot papers for each electorate.
- (3) For subsection (1), the officer conducting the second scrutiny may reverse a decision made at the scrutiny under section 182.

185 Ascertaining result of poll

- (1) The commissioner shall arrange for—
 - (a) the further scrutiny of the ballot papers referred to in section 184 (1) (b) (i) and (2) (a); and
 - (b) the ascertainment of the successful candidates;in accordance with schedule 4.
- (2) If it is necessary to do so for schedule 4, the commissioner shall—
 - (a) determine the numbers of ballot papers or votes; or
 - (b) calculate a quota or transfer value; or
 - (c) identify a candidate.

186 Objections by scrutineers

- (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 the officer's decision to admit or reject the ballot paper.
- (2) Subsection (1) shall not be taken to prevent the officer from rejecting a ballot paper as being informal if there is no objection by a scrutineer.

187 Recount of ballot papers

- (1) The commissioner may, at any time before the declaration of the result of an election, arrange for a recount of some or all of the ballot papers for the election—
 - (a) on the commissioner's own initiative; or
 - (b) on application under section 187A by a candidate for the election.
- (2) The commissioner must, if directed by the electoral commission under section 187B (Review of decision of commissioner to refuse to arrange for recount), arrange for a recount of some or all of the ballot papers for the election.
- (3) In recounting ballot papers, the commissioner—
 - (a) may reverse a decision made earlier in the scrutiny; but
 - (b) must deal with the ballot papers in a way that is consistent with this part.
- (4) Before a recount is conducted, the commissioner must tell each candidate, in writing, the date, time and place fixed for the recount.

187A Application for recount of ballot papers etc

- (1) A candidate for an election may apply to the commissioner for a recount of some or all of the ballot papers for the election.

- (2) The application must—
 - (a) be in writing; and
 - (b) set out the reasons for the requested recount.
- (3) The commissioner must—
 - (a) arrange for the requested recount; or
 - (b) refuse to arrange for the requested recount.

187B Review of decision of commissioner to refuse to arrange for recount

- (1) This section applies if—
 - (a) a candidate for an election applies to the commissioner under section 187A for a recount of some or all of the ballot papers for an election (the *requested recount*); and
 - (b) the commissioner refuses to arrange for the requested recount.
- (2) The candidate may apply to the electoral commission for review of the commissioner's decision.
- (3) The application to the electoral commission must—
 - (a) be in writing; and
 - (b) set out the applicant's reasons for making the application.
- (4) On review of the decision, the electoral commission may—
 - (a) confirm the commissioner's decision; or
 - (b) set the decision aside and direct the commissioner to arrange for—
 - (i) the requested recount; or
 - (ii) another recount of some or all of the ballot papers.

- (5) In considering the application, the electoral commission may have regard to the commissioner's reasons for refusing to arrange for the requested recount.
- (6) Unless the decision to refuse to arrange for the requested recount was made by a delegate of the commissioner, the commissioner must not—
 - (a) be present during any deliberation of the electoral commission in relation to the application; or
 - (b) take part in any decision of the electoral commission in relation to the application.

187C Recount of electronic scrutiny of ballot papers

- (1) This section sets out the alternative ways in which a recount of the electronic scrutiny of ballot papers may be conducted.
- (2) The recount may be conducted by recounting data from electronic ballot papers kept on a backup copy of electronic data produced at a polling place or scrutiny centre.
- (3) If an approved computer program is used to find out the result of a scrutiny, the recount may be conducted—
 - (a) by rerunning the program; or
 - (b) by reloading the data into a different copy of the program and running the program.
- (4) If practicable, the recount may be conducted—
 - (a) by re-examining the accuracy of any preference data entered into the computer program from paper ballot papers; or
 - (b) by conducting—
 - (i) a partial or full manual scrutiny of paper ballot papers from which preference data has been entered into the computer program; or

- (ii) a combination of manual scrutiny of those paper ballot papers and a computerised scrutiny of electronic ballot papers.

188 Reservation of disputed ballot papers

- (1) The officer conducting a recount—
 - (a) may, if the officer considers appropriate; and
 - (b) shall, at the request of any scrutineer;reserve any ballot paper for the decision of the commissioner.
- (2) The commissioner shall decide whether any ballot paper so reserved is to be admitted or rejected.

189 Declaration of result of election

- (1) As soon as practicable after the result of the poll in an election has been ascertained, the commissioner shall—
 - (a) declare elected each successful candidate ascertained in accordance with schedule 4;
 - (b) declare the result of the election; and
 - (c) notify the clerk of the Assembly of the names of the candidates elected.
- (2) The declaration shall be made in public at the place of nomination during ordinary office hours.
- (3) If a day is polling day for 2 or more elections, the results of all the elections shall be declared, so far as practicable, on the same day.
- (4) If a poll is not required for an election, a declaration under section 111 (1) or 112 shall not be made before the day that would have been polling day for the election.

Part 13 Casual vacancies

190 Definitions for pt 13

In this part:

former MLA, in relation to a casual vacancy, means the person who was elected to the seat in which the vacancy has occurred at the last election before the vacancy occurred.

Speaker includes—

- (a) if there is a vacancy in the office of Speaker—the Deputy Speaker; and
- (b) if there is a vacancy in the offices of Speaker and Deputy Speaker—the clerk of the Legislative Assembly.

191 Notice of casual vacancy

- (1) This section applies if—
 - (a) the Speaker notifies the commissioner, in writing, that the seat of an MLA has become vacant otherwise than because of—
 - (i) the dissolution of the Assembly; or
 - (ii) the expiry of the term for which MLAs were elected at an election; or
 - (iii) the failure or partial failure of an election; and
 - (b) the commissioner is satisfied that it is practicable to fill the vacancy in accordance with section 194.
- (2) The commissioner must give public notice of the following—
 - (a) that there is a casual vacancy in the Assembly;
 - (b) that a person may apply to be a candidate in accordance with section 192;

- (c) in accordance with section 192—the time and day applications close;
- (d) if required under section 194—the time and place for a recount of the ballot papers counted for the former MLA at the last election at which he or she was elected.

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

- (3) The commissioner must, so far as practicable, give a copy of the public notice to any person who, in the opinion of the commissioner, may be entitled to make an application under section 192 in relation to the vacancy.
- (4) The commissioner must tell the Speaker if the commissioner is not satisfied that it is practicable to fill the vacancy in accordance with section 194.

192 Candidates for casual vacancy

- (1) A person may apply to be a candidate for a seat in relation to which a casual vacancy has occurred if—
 - (a) the person was a candidate in the last election for the electorate in which the vacancy has occurred; and
 - (b) the person was not elected; and
 - (c) he or she is an eligible person.
- (2) An application under subsection (1) shall—
 - (a) contain—
 - (i) a statement by the applicant that he or she consents to be an MLA if elected; and
 - (ii) a declaration by the applicant, made in the presence of an elector, that he or she is an eligible person; and

- (iii) the signature of the applicant and of the elector who witnessed the applicant's declaration; and
- (b) reach the commissioner before noon on the 10th day after the day on which public notice of the vacancy was given under section 191 (2).

Note 1 If a form is approved under s 340A (Approved forms) for an application, the form must be used.

Note 2 **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

- (3) An applicant may withdraw his or her application by giving the commissioner written notice of withdrawal before applications close.
- (4) The commissioner shall reject a purported application that is not substantially in accordance with subsection (2) and give the person in relation to whom it was made written notice setting out the reasons for the rejection.

Note For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.

- (5) In this section:

eligible person means a person who—

- (a) is eligible to be an MLA; or
- (b) would, apart from section 103 (2) (b), be eligible to be an MLA.

193 Publication of candidates' details

- (1) If 1 or more persons have applied to be a candidate in accordance with section 192, the commissioner shall, as soon as practicable after the close of applications—
 - (a) publicly produce all the applications and declare each person who has duly applied to be a candidate; and
 - (b) arrange for a notice containing particulars relating to each candidate (other than any suppressed address) to be displayed at the office of the commissioner.
- (2) If there are no candidates in relation to a casual vacancy, the commissioner shall declare that there are no candidates and inform the Speaker accordingly.

194 Determination of candidate to fill vacancy

- (1) If there is only 1 candidate in relation to a casual vacancy, the commissioner shall declare the candidate elected.
- (2) If there is more than 1 candidate in relation to a casual vacancy, the commissioner must, after making a declaration under section 193 (1) (a), conduct the recount in accordance with schedule 4, part 4.3.
- (3) The recount must be conducted, as far as practicable, at the time and place stated for the recount in the notice under section 191 (2).
- (4) The commissioner shall declare elected the successful candidate ascertained in accordance with schedule 4, part 4.3.
- (5) This Act applies, so far as practicable, to a recount under subsection (2) as if it were a scrutiny under part 12.

195 Assembly nominees

- (1) If—
- (a) the commissioner informs the Speaker that a casual vacancy has not been filled for a reason specified in section 191 (4) or 193 (2); and
 - (b) the Speaker notifies the commissioner that the Assembly has chosen a person to hold the vacant office as an MLA for the rest of the term of the former MLA;

the commissioner shall declare elected the person chosen.

- (2) If the name of the former MLA appeared on the ballot paper for the last election as a party candidate, the person chosen to hold the vacant office shall be a member of the party who is nominated by the party.
- (3) If a person chosen in accordance with subsection (2) ceases to be a member of the party before the Assembly next meets after the declaration under subsection (1), the person shall be taken not to have been chosen.
- (4) If—
- (a) the name of the former MLA appeared on the ballot paper for the last election as a candidate other than a party candidate; or
 - (b) if subsection (2) would otherwise apply—there is no member of the relevant party available to be chosen;

the person chosen shall be a person who has not been a member of a registered party at any time during 12 months immediately before the time when the choice is made.

- (5) If a person chosen in accordance with subsection (4) becomes a member of a registered party before the Assembly next meets after the declaration under subsection (1), the person shall be taken not to have been chosen.

- (6) For subsection (3), a person shall not be taken to have ceased to be a member of a registered party merely because the party has ceased to exist or has been removed from the register of political parties.

196 Term of office of MLA declared elected under pt 13

The term of office of an MLA declared elected under—

- (a) section 194 (1) or (4); or
- (b) section 195 (1);

begins at the end of the day when the election of the MLA is declared and, unless sooner ended by resignation or disqualification, or by dissolution of the Assembly, ends on the polling day for the next election.

197 Dissolution or pre-election period

The commissioner shall not take any action, or any further action, under this part in relation to a casual vacancy after the Assembly is dissolved or a pre-election period begins in relation to the electorate in which the casual vacancy has occurred.

Part 14 **Election funding, expenditure and financial disclosure**

Division 14.1 **Preliminary**

198 **Definitions for pt 14**

In this part:

amount includes value.

associated entity means an entity that—

- (a) is controlled by 1 or more parties or MLAs; or
- (b) operates, completely or to a significant extent, for the benefit of 1 or more registered parties or MLAs.

Australian government body means—

- (a) a government agency; or
- (b) a Commonwealth, State or local government (*another Australian government*); or
- (c) an authority of another Australian government; or
- (d) a corporation in which another Australian government has a controlling interest.

Note 1 *Government agency*—see the dictionary.

Note 2 *State* includes the Northern Territory (see [Legislation Act](#), dict, pt 1).

called, an extraordinary election is *called* on—

- (a) for an extraordinary election mentioned in section 101 (1) (a) or (b)—the day the notice under the [Self-Government Act](#), section 16 or section 48 is published in the Commonwealth gazette; or

- (b) for an extraordinary election mentioned in section 101 (1) (c) or (d)—the day the determination under section 101 (2) or (3) is notified under the [Legislation Act](#).

capped expenditure period means—

- (a) for an ordinary election—the period starting on 1 January in the year in which the ordinary election is to be held and ending on polling day for the election; or
- (b) for an extraordinary election—the period starting on the day the extraordinary election is called and ending on polling day for the election.

disclosure period—see section 201.

electoral advertisement means an advertisement containing electoral matter, whether or not consideration was given for its publication or broadcast.

electoral expenditure, in relation to an election—

- (a) means expenditure incurred on—
- (i) broadcasting an electoral advertisement; or
 - (ii) publishing an electoral advertisement; or
 - (iii) displaying an electoral advertisement at a theatre or other place of entertainment; or
 - (iv) producing an electoral advertisement mentioned in subparagraph (i), (ii) or (iii); or
 - (v) producing, broadcasting, publishing, displaying or distributing any electoral matter (other than material mentioned in subparagraph (i), (ii) or (iii))—
 - (A) to which section 292 applies, or would apply but for section 294 (1) (a), (b), (e), (f), (g), (h), (i), or (j); and

- (B) that is not paid for by the Legislative Assembly or the Territory; or
 - (vi) consultant's or advertising agent's fees in relation to—
 - (A) services relating to electoral matter mentioned in subparagraph (i) to (v); or
 - (B) material relating to electoral matter mentioned in subparagraph (i) to (v); or
 - (vii) carrying out an opinion poll or other research undertaken to support the production of electoral matter mentioned in subparagraph (i) to (vi); but
- (b) does not include administrative expenditure.

eligible vote, in relation to an election, means a first preference recorded on a formal ballot paper in the election.

entity means—

- (a) an incorporated or unincorporated body; or
- (b) a trustee of a trust.

financial controller, in relation to an associated entity, means—

- (a) if the entity is a company—the secretary of the company; or
- (b) if the entity is the trustee of a trust—the trustee; or
- (c) in any other case—the person responsible for maintaining the financial records of the entity.

financial institution means—

- (a) a bank; or
- (b) a credit union; or
- (c) a building society; or
- (d) an entity prescribed under the regulations.

financial representative means—

- (a) for a party grouping—the reporting agent of the party; or
- (b) for a non-party MLA—the MLA; or
- (c) for a non-party candidate grouping—the candidate; or
- (d) for a non-party prospective candidate grouping—the prospective candidate; or
- (e) for an associated entity—the entity’s financial controller; or
- (f) for a third-party campaigner—
 - (i) if the third-party campaigner is an individual—the third-party campaigner; or
 - (ii) in any other case—the person responsible (however described) for the management of the third-party campaigner.

gift—see section 198AA.

incurs electoral expenditure—see section 202A.

index number, for a quarter, means the all groups consumer price index number, being the weighted average of the 8 capital cities, published by the Australian statistician for that quarter.

loan means any of the following:

- (a) an advance of money;
- (b) a provision of credit or any other form of financial accommodation;
- (c) a payment of an amount for, on account of, on behalf of or at the request of the receiver, if there is an express or implied obligation to repay the amount;
- (d) a transaction (whatever its terms or form) that is, in substance, a loan of money.

non-party candidate grouping means—

- (a) a candidate for an election who is not a party candidate; and
- (b) any other person who has incurred electoral expenditure with the authority of the candidate to support the candidate in contesting the election.

non-party MLA means an MLA who is not a member of a party.

non-party prospective candidate grouping means—

- (a) a prospective candidate for an election who is not a prospective candidate for a party; and
- (b) any other person who has incurred electoral expenditure with the authority of the prospective candidate to support the prospective candidate in contesting the election.

party means a registered party.

party grouping means—

- (a) a party; and
- (b) an MLA for the party; and
- (c) a candidate for the party; and
- (d) a prospective candidate for the party.

person includes an unincorporated association.

Note ***Person*** includes a corporation (see [Legislation Act](#), s 160).

prospective candidate—a person is a ***prospective candidate*** for an election if—

- (a) the person has—
 - (i) won party preselection, or endorsement, to be a candidate for the party for the election; or

- (ii) publicly announced that the person intends to be a candidate for the election; or
 - (iii) been nominated to be a candidate for the election under section 105 and the nomination has not been cancelled under section 107 or rejected under section 110; and
- (b) the commissioner has not declared the candidates for the election under section 109.

register means—

- (a) in relation to a reporting agent appointed by a party or MLA—the register of party and MLA reporting agents kept under section 205 (1); or
- (b) in relation to a reporting agent appointed by a candidate—the register of candidate reporting agents kept under section 205 (2).

registered industrial organisation means an organisation registered under the *Fair Work (Registered Organisations) Act 2009* (Cwlth) or under a law of a State or another Territory providing for the registration of industrial organisations.

reporting agent, for a party, MLA or candidate, means—

- (a) a person appointed by the party, MLA or candidate under section 203 (Appointed agents) and whose registration under section 205 (Registers of reporting agents) has not been cancelled; or
- (b) the person taken to be the reporting agent for the party, MLA or candidate under section 204 (Non-appointed agents).

third-party campaigner—

- (a) means a person or entity that incurs \$1 000 or more in electoral expenditure in the disclosure period for an election; but

- (b) does not include the following:
- (i) a party, MLA, associated entity, candidate, prospective candidate, party grouping, non-party candidate grouping or non-party prospective candidate grouping;
 - (ii) a broadcaster;
 - (iii) a publisher of a news publication (except a publication published for, or for the benefit of, an entity mentioned in subparagraph (i));
 - (iv) an Australian government body;
 - (v) the Legislative Assembly.

198A Reference to things done by party etc

In this part, a reference to something done by or with the authority of a party is, if the party is not a corporation, a reference to things being done by or with the authority of members of the party on behalf of the party.

198AA Meaning of *gift*—pt 14

- (1) For this part, each of the following is a *gift*:
- (a) a disposition of property made by a person to another person without consideration in money or money's worth or with inadequate consideration;
 - (b) the provision of a service (other than volunteer labour) for no consideration or inadequate consideration.
- (2) For this part, each of the following is also a *gift*:
- (a) if an annual subscription paid to a party by a person for the person's membership of the party is more than \$250—the amount of the subscription that is more than \$250;

- (b) if a fundraising contribution in relation to a single fundraising event is more than \$250—the amount of the contribution that is more than \$250.
- (3) However, for this part, none of the following is a *gift*:
- (a) a disposition of property under a will;
 - (b) an annual subscription for membership of a party of \$250 or less;
 - (c) if an annual subscription for membership of a party is more than \$250—the first \$250 of the subscription;
 - (d) a fundraising contribution in relation to a single fundraising event of \$250 or less;
 - (e) if a fundraising contribution in relation to a single fundraising event is more than \$250—the first \$250 of the contribution;
 - (f) a gift mentioned in subsection (1) if—
 - (i) the gift is given to an individual in a private capacity for the individual's personal use; and
 - (ii) the individual does not use the gift solely or substantially for a purpose related to an election;
 - (g) a payment under division 14.3 (Election funding) or division 14.3A (Administrative expenditure funding).
- (4) In this section:
- disposition of property*** means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes—
- (a) the allotment of shares in a company; and
 - (b) the creation of a trust in property; and
 - (c) the grant or creation of any lease, mortgage, charge, servitude, licence, power, partnership or interest in property; and

- (d) the release, discharge, surrender, forfeiture or abandonment (at law or in equity) of any debt, contract or thing in action or of any interest in property; and
- (e) the exercise by a person of a general power of appointment of property in favour of any other person; and
- (f) a transaction entered into by a person with intent to diminish (directly or indirectly) the value of the person's own property and to increase the value of the property of any other person.

fundraising contribution—

- (a) means an amount paid by a person as a contribution, entry fee or other payment to entitle the person or someone else to participate in or otherwise obtain a benefit from a fundraising event; and
- (b) includes an amount paid for—
 - (i) a ticket in a raffle; and
 - (ii) an item at a fundraising auction; and
 - (iii) a meal or beverage; and
 - (iv) attending a conference, seminar or similar function.

fundraising event means an event, however described, where any part of the funds raised are retained by a political party, an MLA, an associated entity, a candidate, or a third-party campaigner.

property includes money.

volunteer labour—

- (a) for a member of a party—a member of a party provides ***volunteer labour*** to the party if the person provides a service to the party for no consideration or for inadequate consideration; or

- (b) in any other case—a person provides *volunteer labour* to someone else (the *recipient*) if the person provides a service to the recipient for no consideration or for inadequate consideration, other than a service for which the person usually charges a fee.

198B Candidate remains candidate after election

For this part, a candidate is taken to remain a candidate for 30 days after the election in which the person was a candidate.

199 Related bodies corporate

- (1) For this part, bodies corporate that are related shall be taken to be the same person.

- (2) In subsection (1):

related, in relation to 2 bodies corporate, means that one body corporate is—

- (a) a holding company; or
- (b) a subsidiary; or
- (c) a subsidiary of a holding company;

of the other body corporate.

200 Activities of candidates and prospective candidates

For this part, gifts received, expenditure incurred, and amounts received, paid or owed, by or on behalf of a party candidate or prospective candidate for a party in relation to the candidate's or prospective candidate's campaign, the party or an election, are taken to be received, incurred, paid or owed by the party.

201 Disclosure periods

(1) For this part, the *disclosure period* in relation to an election is the period beginning on the disclosure day and ending at the end of the 30th day after polling day.

(2) In subsection (1):

disclosure day, in relation to an election, means—

- (a) for a candidate who was a candidate in an election the polling day for which was within 5 years before polling day for the firstmentioned election—the 31st day after polling day for the last election before the firstmentioned election; or
- (b) for a candidate to whom paragraph (a) does not apply—
 - (i) if the candidate won party preselection, or endorsement, for the election—the day when preselection, or endorsement, was won; or
 - (ii) in any other case—the earlier of the following days:
 - (A) the day when the person publicly announced that he or she would be a candidate in the election; or
 - (B) the day when the person was nominated in accordance with section 105; or
- (c) for a third-party campaigner—the 31st day after polling day for the last previous election.

202 Gifts—determination of amounts

For this part, the regulations may prescribe principles for determining the amount of a gift that consists of, or includes, a disposition of property other than money.

202A When person or entity *incurs* electoral expenditure—pt 14

For this part, a person or entity *incurs* electoral expenditure when the service or product to which the expenditure relates is provided or delivered.

Examples

- 1 Electoral expenditure on an electoral advertisement is incurred when the advertisement is broadcast.
- 2 Electoral expenditure on electoral matter is incurred when the matter is distributed.
- 3 Electoral expenditure on an electoral matter published on a website is incurred when the matter is first published on the website.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

Division 14.2 Reporting agents

203 Appointed agents

- (1) A party, MLA or candidate may appoint a reporting agent.
- (2) The appointment of a reporting agent under subsection (1) has no effect unless—
 - (a) the person appointed is an adult; and
 - (b) written notice of the appointment is given to the commissioner—
 - (i) if the appointment is made by a party—by the secretary of the party; or
 - (ii) in any other case—by the MLA or candidate making the appointment; and
 - (c) the name, address and date of birth of the person appointed are set out in the notice; and

(d) the person appointed has consented in writing to the appointment.

Note For how documents may be given, see [Legislation Act 2001](#), pt 19.5.

- (3) The appointment of a reporting agent by a party, MLA or candidate ends any other current appointment of a reporting agent by the entity.
- (4) If a party ceases to be registered under part 7 (Registration of political parties) and, immediately before it ceased to be registered, a person was its reporting agent under subsection (1), the person is taken to continue to be its reporting agent as if it had continued to be registered.
- (5) A person taken to be a reporting agent in accordance with subsection (4) or section 204 (2) is taken to continue in the position until the person resigns from the position with the commissioner's consent.

204 Non-appointed agents

- (1) If there is no appointment in force under section 203 (Appointed agents) in relation to a party, the registered officer of the party is taken to be its reporting agent.
- (2) If a party ceases to be registered under part 7 (Registration of political parties) and no-one is taken under section 203 (4) to be its reporting agent, the person who was its registered officer immediately before it ceased to be registered is taken to be its reporting agent as if it had continued to be registered.
- (3) If there is no appointment under section 203 in force in relation to an MLA, the MLA shall be taken to be his or her own reporting agent.
- (4) If there is no appointment under section 203 in force in relation to a candidate, the candidate shall be taken to be his or her own reporting agent.

205 Registers of reporting agents

- (1) The commissioner must keep a register called the register of party and MLA reporting agents.
- (2) The commissioner shall keep a register called the register of candidate reporting agents.
- (3) The commissioner shall register the name and address of each reporting agent appointed in accordance with section 203 in the appropriate register.
- (4) The commissioner shall cancel the registration of a reporting agent if—
 - (a) the person gives the commissioner written notice that he or she has resigned the appointment; or
 - (b) the MLA, candidate or secretary of the party that appointed the person gives the commissioner written notice that the person has ceased to be the reporting agent; or
 - (c) it comes to the commissioner's notice that the person can no longer exercise the functions of a reporting agent.

Note The appointment of a reporting agent ends any other current appointment of a reporting agent by the party, MLA or candidate (see s 203 (3)).

- (5) If a registered reporting agent dies, the MLA, candidate or secretary of the party, that appointed the agent must give the commissioner written notice within 28 days after the day of the death.

Division 14.2B Limitations on electoral expenditure

205D Meaning of *expenditure cap*—div 14.2B

For this division, the *expenditure cap* is—

- (a) for an election held in 2016—\$40 000; or
- (b) for an election held in a later year—the amount declared under section 205E for the year.

205E Working out indexation for expenditure cap

- (1) The commissioner must, not later than 1 December in a year, declare an amount for section 205D for the following year.
- (2) The amount must be worked out as follows:

$$EC + (EC \times CPI \text{ percentage increase})$$

CPI percentage increase, for a year, means the annual percentage increase in the CPI from the September quarter of the previous year to the September quarter of the year the calculation is made.

EC means the expenditure cap for the year the calculation is made.

- (3) If the calculation in subsection (2) results in a reduction of the expenditure cap, the amount declared must be the same amount as the expenditure cap in the previous year.
- (4) If the calculation in subsection (2) results in an expenditure cap that is not a multiple of \$5, the amount declared must be rounded up to the next whole dollar amount that is a multiple of 5.
- (5) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (6) In this section:

CPI means the all groups consumer price index number, being the weighted average of the 8 capital cities, published by the Australian statistician.

205F Limit on electoral expenditure—party groupings

- (1) This section applies to electoral expenditure in relation to an election that is incurred by or on behalf of a party grouping in the capped expenditure period for the election.
- (2) The electoral expenditure must not exceed the expenditure cap for the election multiplied by the sum of, for each electorate, the lesser of—
- (a) 5; and
 - (b) the number of candidates for the party for election in the electorate.
- (3) If the electoral expenditure exceeds the amount allowed under subsection (2), the party grouping is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure exceeds the amount allowed under subsection (2).
- (4) The commissioner may recover an amount payable under subsection (3) from the party.

205G Limit on electoral expenditure—MLAs, associated entities, candidates and third-party campaigners

- (1) This section applies to electoral expenditure in relation to an election that is incurred by or on behalf of any of the following (an *expendor*) in the capped expenditure period for the election:
- (a) a non-party MLA;
 - (b) an associated entity;
 - (c) a non-party candidate grouping;

- (d) a third-party campaigner.
- (2) The electoral expenditure must not exceed the expenditure cap for the election.
- (3) If the electoral expenditure exceeds the expenditure cap for the election, the expender is liable to pay a penalty to the Territory equal to twice the amount by which the electoral expenditure exceeds the expenditure cap for the election.
- (4) The commissioner may recover an amount payable under subsection (3) from—
 - (a) if the expender is a non-party candidate grouping—the non-party candidate; or
 - (b) for any other expender—the expender.

Division 14.2C Limit on spending—payments from related party

205K Limit on spending—payments from related party

- (1) This section applies to a payment or payments received by a party from a related political party (other than a payment or payments made to the party under this Act, or a corresponding Act of the Commonwealth, a State or another Territory).
- (2) The party must not, in a financial year, spend more than \$10 000 of the payment or payments on electoral expenditure in relation to an election.

Note **Election**—see the dictionary.
- (3) If the party contravenes subsection (2), an amount equal to twice the amount by which the spending exceeds \$10 000 is payable to the Territory.

- (4) However, if the party returns the amount by which the spending exceeds \$10 000 within 30 days after the amount is spent, no amount is payable to the Territory.

Division 14.3 Election funding

206 Who eligible votes are cast for

For this division, an eligible vote cast for a party candidate is taken to be cast for the party and not for the candidate.

207 Entitlement to funds

- (1) The prescribed amount is payable for each eligible vote cast for a candidate or party in an election.
- (2) The prescribed amount is—
- (a) for an election held in the 6-month period beginning on 1 July 2016—\$8; and
- (b) for an election held in a subsequent 6-month period—the prescribed amount for the period worked out under this section.
- (3) The commissioner must work out the prescribed amount for the 6-month period beginning on 1 January 2013 and for each subsequent 6-month period.
- (4) The prescribed amount must be worked out as follows:
- (a) for a 6-month period beginning on 1 January—

$$P \times \frac{INS}{INM}$$

- (b) for a 6-month period beginning on 1 July—

$$P \times \frac{INM}{INS}$$

INM means the index number for the previous March quarter.

INS means the index number for the previous September quarter.

P means the prescribed amount for the previous 6-month period.

- (5) The prescribed amount, and each number used to work out the prescribed amount, must be worked out—
 - (a) if the amount or number, if worked out to 4 decimal places, would end with a number greater than 4—to 3 decimal places and increased by 0.001; and
 - (b) in any other case—to 3 decimal places.
- (6) If the Australian statistician publishes an index number for a quarter in substitution for an index number previously published for that quarter, the commissioner must disregard the publication of the later index number for this section.
- (7) However, if the Australian statistician changes the reference base for the consumer price index, then, in applying this section after the change, the commissioner must have regard only to index numbers published in terms of the new reference base.
- (8) This section, as in effect immediately before the day the *Electoral Amendment Act 2015* commences, continues to apply until 30 June 2016.
- (9) Subsection (8) and this subsection expire on 30 June 2016.

208 Threshold

- (1) A payment under this division may only be made for the votes cast for a candidate in an election if the number of eligible votes cast in the candidate's favour is at least 4% of the number of eligible votes cast in the election by the electors of the electorate for which the candidate was nominated.

- (2) A payment under this division may only be made for the votes cast for a party in an election by the electors of an electorate if the number of eligible votes cast in the party's favour is at least 4% of the number of eligible votes cast by those electors in that election.

212 Making of payments

- (1) If an amount is payable under this division for votes cast in an election for 1 or more candidates endorsed by a party, the commissioner must make the payment to the registered officer of the party.
- (2) If an amount is payable under this division for votes cast in an election for a candidate who was not endorsed by a party for the election, the commissioner must make the payment to the candidate.
- (3) If a payment is made under this section and the recipient is not entitled to receive the whole or a part of the amount paid, the amount or the part of the amount may be recovered by the Territory as a debt due.

214 Death of candidate

- (1) If a candidate for whom eligible votes were cast in an election dies, a payment under this division in relation to the eligible votes cast for the candidate may be made despite the death of the candidate.
- (2) If a candidate mentioned in subsection (1) was not endorsed by a party for the election, the payment may be made to the legal personal representative of the candidate.

215 Application voluntary

Nothing in this division shall be taken to require a person to accept payment of an amount payable under section 207.

Division 14.3A Administrative expenditure funding

215A Period between polling day and declaration of poll

For this division, a person is taken to have been an MLA between polling day for an election and the declaration of the poll for the election if the person—

- (a) was an MLA whose term ended on the polling day; and
- (b) was declared re-elected on the declaration of the poll.

215B Eligibility of party for payment for administrative expenditure

A party is eligible for payment for administrative expenditure for a quarter if, for all or part of the quarter, at least 1 MLA is a member of the party.

215C Payment to eligible parties for administrative expenditure

- (1) This section applies if a party is eligible for payment for administrative expenditure for a quarter.
- (2) The commissioner must pay the party the quarterly entitlement of each MLA who was a member of the party in the quarter.
- (3) The quarterly entitlement of an MLA who was a member of the party in the quarter is worked out as follows:

$$A \times \frac{D}{Q}$$

A means—

- (a) for a quarter in 2012—\$5 000; or
- (b) for a quarter in a later year—the quarterly amount for the year declared under section 215F.

D means the number of days in the quarter that the MLA was a member of the party.

Q means the number of days in the quarter.

215D Eligibility of non-party MLAs for payment for administrative expenditure

A non-party MLA is eligible for payment for administrative expenditure for a quarter if the MLA is an MLA for all or part of the quarter.

215E Payment to non-party MLAs for administrative expenditure

- (1) This section applies if a non-party MLA is eligible for payment for administrative expenditure for a quarter.
- (2) The commissioner must pay the non-party MLA the MLA's quarterly entitlement worked out as follows:

$$A \times \frac{D}{Q}$$

A means—

- (a) for a quarter in 2012—\$5 000; or
- (b) for a quarter in a later year—the quarterly amount for the year declared under section 215F.

D means the number of days in the quarter that the MLA is a non-party MLA.

Q means the number of days in the quarter.

215F Working out indexation for administrative expenditure

- (1) The commissioner must declare a quarterly amount for a year for—
 - (a) section 215C (3), definition of *A*, paragraph (b); and

(b) section 215E (2), definition of *A*, paragraph (b).

(2) The quarterly amount is worked out as follows:

$$P \times \frac{INS1}{INS2}$$

INS1 means the index number published for the September quarter in the preceding year.

INS2 means the index number published for the September quarter in the year immediately before the preceding year.

P means—

(a) for 2013—\$5 000; and

(b) for a later year—the amount worked out under this subsection for the preceding year.

(3) However, if for a particular year the amount under subsection (2) is less than *P*, the amount for the year is *P*.

(4) The quarterly amount, and each number used to work out the quarterly amount under subsection (2), must be worked out—

(a) if the amount or number, if worked out to 3 decimal places, would end with a number greater than 4—to 2 decimal places and increased by 0.01; or

(b) in any other case—worked out to 2 decimal places.

(5) If the Australian statistician publishes an index number for a quarter in substitution for an index number previously published for that quarter, the commissioner must disregard the publication of the later index number for this section.

(6) However, if the Australian statistician changes the reference base for the consumer price index, then, in applying this section after the change, the commissioner must have regard only to index numbers published in terms of the new reference base.

- (7) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

215G Payments for administrative expenditure not to be used for electoral expenditure

- (1) If an amount is paid to a party or non-party MLA for administrative expenditure under this division, the party or non-party MLA must not use any part of the amount for electoral expenditure in relation to an ACT, federal, state or local government election.
- (2) If a party or non-party MLA contravenes subsection (1), the party or MLA is liable to pay a penalty to the Territory equal to twice the amount used.
- (3) The commissioner may recover an amount payable under subsection (2) from the party or non-party MLA.

Division 14.4 Gifts and certain loans—records and disclosure

215H Application—div 14.4

- (1) This division does not apply to a gift that is returned to the giver within 30 days after its receipt.
- (2) However, if the gift is returned to the giver within 30 days after its receipt, any return under this division that includes the amount or value of the gift must also include a statement that the gift was returned to the giver.

216 Definitions—div 14.4

In this division:

anonymous gift means a gift made anonymously that is less than \$1 000.

anonymously—a gift is made ***anonymously*** if the person receiving the gift does not know the defined details for the gift.

defined details, in relation to a gift, means—

- (a) for a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association;
- (b) for a gift from a trust fund or the funds of a foundation—
 - (i) the names and addresses of the trustees of the fund or foundation; and
 - (ii) the name, title or description of the trust fund or foundation; or
- (c) in any other case—the name and address of the person or organisation that made the gift.

216A Records and regular disclosure of gifts

- (1) This section applies if 1 of the following (a ***receiver***) receives 1 or more gifts in the relevant period:
 - (a) a party grouping;
 - (b) a non-party MLA;
 - (c) an associated entity;
 - (d) a non-party candidate grouping;
 - (e) a non-party prospective candidate grouping.

Note A gift received by or on behalf of a party candidate is taken to be received by the party (see s 200).

- (2) The financial representative of the receiver must record the following information for each gift (other than free facilities use):
- (a) the date the gift is received;
 - (b) the amount of the gift;
 - (c) for a gift other than an anonymous gift—the defined details for the gift;
 - (d) for an anonymous gift—that the gift is made anonymously.
- (3) The financial representative of the receiver must give the commissioner a return containing the information mentioned in subsection (2) for a gift or gifts—
- (a) if the total amount of the gifts received from 1 person in the relevant period is \$1 000 or more; and
 - (b) if the financial representative has given the commissioner a return under paragraph (a) in relation to a person, and the person makes additional gifts in the relevant period—if the total amount of the additional gifts received from the person in the relevant period is \$1 000 or more.

Note 1 If a form is approved under s 340A for this provision, the form must be used.

Note 2 For how a return may be given, see the [Legislation Act](#), pt 19.5.

- (4) The financial representative of the receiver must give the return, in writing, to the commissioner not later than—
- (a) for an ordinary election—if the total amount of the gifts received from the person reaches \$1 000—
 - (i) in the quarter beginning on 1 April in the capped expenditure period—7 days after the end of the quarter; or
 - (ii) after 30 June in the capped expenditure period—7 days after the day the total amount received from the person reaches \$1 000; or

- (b) for an extraordinary election—if the total amount of the gifts received from the person reaches \$1 000 in the capped expenditure period—7 days after the day the total amount received from the person reaches \$1 000; or
- (c) in any other case—30 days after the end of the quarter in which the total amount received from the person reaches \$1 000.

Note 1 **Quarter** means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October in any year—see the [Legislation Act](#), dictionary, pt 1.

Note 2 The [Electronic Transactions Act 2001](#), s 8 provides for the giving of information by means of an electronic communication in certain circumstances.

- (5) If the financial representative for a receiver is not required to give a return to the commissioner under subsection (3), the financial representative must give a return to the commissioner, not later than 60 days after the end of the relevant period, stating that the receiver did not receive a total amount of gifts from 1 person in the relevant period exceeding \$1 000.
- (6) In this section:

free facilities use means a gift of the use of facilities for a routine meeting of a receiver and—

- (a) includes use of a room and anything reasonably necessary for the conduct of the meeting in the room; but
- (b) does not include any food, drink or other gift associated with the use of the facilities.

Examples—things reasonably necessary for conduct of meeting in room

tables, chairs, photocopier, microphone, computer

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

relevant period means—

- (a) for a party grouping, non-party MLA or associated entity—a financial year; and
- (b) for a non-party candidate grouping or non-party prospective candidate grouping—the period—
 - (i) if the candidate was a candidate at an election the polling day for which was within 5 years before polling day for the election at which the candidate is a candidate—starting on the 31st day after the polling day for the last election at which the candidate was a candidate; and
 - (ii) in any other case—starting on the earlier of—
 - (A) the day when the candidate publicly announced that he or she would be a candidate in the election; and
 - (B) the day when the candidate was nominated as a candidate for the election in accordance with section 105; and
 - (iii) ending on the 30th day after polling day for the election.

217 Disclosure of gifts by non-party candidates

- (1) The reporting agent of a non-party candidate shall, within 60 days after the polling day in the election, give the commissioner a return.

Note 1 If a form is approved under s 340A (Approved forms) for a return, the form must be used.

Note 2 For how a return may be given, see [Legislation Act 2001](#), pt 19.5.

- (2) A return shall specify the following matters in relation to the disclosure period for the election:
- (a) the total amount of any gifts received by the non-party candidate;

- (b) the number of persons who made gifts to the non-party candidate;
 - (c) the date each gift was received;
 - (d) the amount of each gift received;
 - (e) the defined details of each gift received.
- (3) However, the reporting agent is not required to state the matters mentioned in subsection (2) (c) to (e) for a gift by a person if the amount of the gift and the total of all other gifts made to the non-party candidate by the person is less than \$1 000.
- (4) A reference in this section to a gift is a reference to a gift other than a gift made in a private capacity to a non-party candidate for his or her personal use that the non-party candidate has not used, and will not use, solely or substantially for a purpose related to an election.

218A Certain loans not to be received

- (1) A party, MLA, candidate, third-party campaigner or associated entity (the *receiver*) must not receive a loan of \$1 000 or more for electoral expenditure from a person or entity (the *giver*) that is not a financial institution, unless the receiver complies with this section.
- (2) The receiver of the loan must immediately make a record of the following:
- (a) the terms of the loan;
 - (b) if the giver is a registered industrial organisation—
 - (i) the name of the organisation; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the organisation;
 - (c) if the giver is an unincorporated body—
 - (i) the name of the body; and

- (ii) the names and addresses of the members of the executive committee (however described) of the body;
- (d) if the loan was paid out of a trust fund or the funds of a foundation—
 - (i) the names and addresses of the trustees of the fund or foundation; and
 - (ii) the title or other description of the trust fund, or the name of the foundation;
- (e) in any other case—the name and address of the giver.
- (3) If the receiver receives a loan to which subsection (1) applies but does not comply with subsection (2), the financial representative for the receiver must pay to the Territory an amount equal to the amount of the loan.
- (4) The amount payable under subsection (3) is a debt payable to the Territory by the financial representative for the receiver and may be recovered by proceedings in a court of competent jurisdiction.
- (5) For this section, if credit is given on a credit card for card transactions, each transaction is taken to be a separate loan.
- (6) In this section:
credit card includes a debit card.

219 Nil returns

If no details are required to be included in a return under section 217, the return shall be given to the commissioner and shall include a statement to the effect that no gifts of a kind required to be disclosed were received.

220 Disclosure of gifts by third-party campaigners

- (1) This section applies if a third-party campaigner—
- (a) incurs electoral expenditure in the disclosure period for an election; and
 - (b) receives from a person 1 or more gifts—
 - (i) all or part of which is used by the third-party campaigner to—
 - (A) enable the third-party campaigner to incur electoral expenditure in the disclosure period; or
 - (B) reimburse the third-party campaigner for incurring electoral expenditure in the disclosure period; and
 - (ii) the total amount of which is \$1 000 or more.

- (2) Within 60 days after polling day for the election, the third-party campaigner must give the commissioner a return for the gift or gifts.

Note 1 If a form is approved under s 340A for this provision, the form must be used.

Note 2 For how a return may be given, see the [Legislation Act](#), pt 19.5.

- (3) The return must state, for each gift—
- (a) the date the gift is received; and
 - (b) the amount of the gift; and
 - (c) for a gift other than an anonymous gift—the defined details for the gift; and
 - (d) for an anonymous gift—that the gift is made anonymously.

222 Restrictions on acceptance of gifts

- (1) A party, MLA, non-party candidate or associated entity (the *receiver*) must not accept a gift of \$1 000 or more made by someone else (the *giver*) to or for the benefit of the receiver unless—
 - (a) the receiver knows the defined details of the gift; or
 - (b) both the following subparagraphs apply:
 - (i) the giver tells the receiver the defined details of the gift before the gift is made;
 - (ii) when the gift is made, the receiver has no grounds for believing that the defined details given by the giver are not true.
- (2) Subsection (1) applies—
 - (a) for a party, MLA or associated entity—to gifts received at any time; or
 - (b) for a non-party candidate—to gifts received during the disclosure period.
- (3) A party, MLA or associated entity must not accept an anonymous gift in a financial year if acceptance of the gift means that the total of anonymous gifts given to or for the benefit of the party, MLA or entity would be more than \$25 000 in the financial year.
- (4) A candidate at an election must not accept an anonymous gift during the disclosure period for the election if acceptance of the gift means that the total of anonymous gifts given to or for the benefit of the candidate would be more than \$25 000 in the period.
- (5) For this section, 2 or more gifts made by the same person to or for the benefit of a party, MLA, non-party candidate or associated entity are taken to be a single gift.

- (6) If the receiver contravenes subsection (1), the financial representative of the receiver must pay to the Territory an amount equal to the amount of the gift.
- (7) If the receiver contravenes subsection (3) or (4), the financial representative of the receiver must pay to the Territory an amount equal to the amount by which the anonymous gifts exceed \$25 000.
- (8) The amount payable under subsection (6) is a debt payable to the Territory by the financial representative for the receiver and may be recovered by proceedings in a court of competent jurisdiction.

Division 14.5 Disclosure of electoral expenditure

223 Definitions for div 14.5

In this division:

participant in an election means—

- (a) a party or candidate; or
- (b) a person (other than a party or candidate) by whom, or with the authority of whom, electoral expenditure in relation to an election is incurred.

224 Returns of electoral expenditure

- (1) If electoral expenditure in relation to an election is incurred in the capped expenditure period by a party grouping, the reporting agent of the party must, within 60 days after polling day for the election, give the commissioner a return stating details of the expenditure.

Note 1 If a form is approved under s 340A for a return, the form must be used.

Note 2 For how a return may be given, see the [Legislation Act](#), pt 19.5.

- (2) If electoral expenditure in relation to an election is incurred in the capped expenditure period by a non-party MLA, the reporting agent of the MLA must, within 60 days after polling day for the election, give the commissioner a return stating details of the expenditure.

- (3) If electoral expenditure in relation to an election is incurred in the capped expenditure period by an associated entity, the reporting agent of the entity must, within 60 days after polling day for the election, give the commissioner a return stating the details of the expenditure.
- (4) If electoral expenditure in relation to an election is incurred in the capped expenditure period by a non-party candidate grouping, the reporting agent of the candidate must, within 60 days after polling day for the election, give the commissioner a return stating details of the expenditure.
- (5) If electoral expenditure in relation to an election is incurred in the capped expenditure period by a third-party campaigner, the third-party campaigner must, within 60 days after polling day for the election, give the commissioner a return stating details of the expenditure.

225 Nil returns

- (1) If no electoral expenditure in relation to an election is incurred by or with the authority of a candidate in the election, a return under section 224 in relation to the candidate shall be given to the commissioner and shall include a statement to the effect that no expenditure of a kind required to be disclosed has been incurred by or with the authority of the candidate.
- (2) If no electoral expenditure in relation to an election is incurred by or with the authority of a party that endorsed a candidate in the election, a return under section 224 in relation to the party shall be given to the commissioner and shall include a statement to the effect that no expenditure of a kind required to be disclosed has been incurred by or with the authority of the party.

226 Returns by broadcasters and publishers

- (1) If an election has taken place—
- (a) each broadcaster who broadcast an electoral advertisement during the pre-election period with the authority of a participant in the election; and
 - (b) each publisher who published an electoral advertisement in a news publication during the pre-election period with the authority of a participant in the election;

shall give the commissioner a return before the end of 8 weeks after polling day in the election.

Note 1 If a form is approved under s 340A (Approved forms) for a return, the form must be used.

Note 2 For how a return may be given, see [Legislation Act 2001](#), pt 19.5.

- (2) A return shall specify the following particulars in relation to the advertisement:
- (a) the broadcasting service as part of which the advertisement was broadcast or the news publication in which the advertisement was published;
 - (b) the name and address of the person at whose request the advertisement was broadcast or published;
 - (c) the name and address of the participant in the election with whose authority the advertisement was broadcast or published;
 - (d) the date or dates when, and, for an advertisement that was broadcast, the times between which, the advertisement was broadcast or published;
 - (e) for a published advertisement—the page on which the advertisement was published and the space occupied by it;

- (f) whether or not, on each occasion when the advertisement was broadcast or published, a charge was made by the broadcaster or publisher for the broadcasting or publication of the advertisement;
 - (g) if a charge referred to in paragraph (f) was made—the amount of the charge.
- (3) If a broadcaster or publisher specifies in a return the amount of a charge in accordance with subsection (2) (g), the broadcaster or publisher shall state in the return whether or not the charge is at less than normal commercial rates having regard to—
- (a) for a broadcast advertisement—the length of the advertisement and the day or days when, and the times between which, it was broadcast; or
 - (b) for a published advertisement—the space occupied by the advertisement and the nature of the news publication.
- (4) A publisher is not required to give the commissioner a return under subsection (1) in relation to an election if the amount of the charges made by the publisher in relation to the publication of any advertisements to which that subsection applies, in relation to that election and any other election that took place on the same day as the firstmentioned election, does not exceed \$1 000.
- (5) A return under subsection (1) may refer to more than 1 advertisement.

227 Multiple elections on same day

- (1) If—
- (a) the voting at 2 or more elections took place on the same day; and
 - (b) a person would, apart from this subsection, be required to give the commissioner 2 or more returns under this division relating to those elections;

the person may give the commissioner a single return, in a form approved under section 340A (Approved forms), setting out the particulars that the person would have been required to set out in those separate returns.

- (2) It is sufficient compliance with this division if the return sets out details of the expenditure without showing the extent to which it relates to any election.

Division 14.6 Annual returns

228 Meaning of *defined particulars* for div 14.6

In this division:

defined particulars, in relation to a sum or amount, means—

- (a) if the sum or amount was received from, paid to or owed to, an unincorporated association, other than a registered industrial organisation—
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
- (b) if the sum or amount was paid out of or into, or incurred as a debt to, a trust fund or the funds of a foundation—

- (i) the names and addresses of the trustees of the fund or foundation; and
- (ii) the name, title or description of the trust fund or foundation; and
- (c) the name and address of the person or organisation that paid, received or is owed the sum or amount; and
- (d) such other particulars as are prescribed.

230 Annual returns by parties and MLAs

- (1) The reporting agent of a party or MLA must, not later than 31 August after the end of each financial year, give the commissioner a return.

Note 1 If a form is approved under s 340A (Approved forms) for a return, the form must be used.

Note 2 For how a return may be given, see [Legislation Act 2001](#), pt 19.5.

- (2) However, the return may be the audited annual accounts of the party or MLA in a form approved by the commissioner.
- (3) The approval is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

- (4) The return must state—
- (a) the amount received by, or on behalf of, the party or MLA during the financial year, together with the particulars required by section 232 (1) (Amounts received); and
 - (b) the amount paid by, or on behalf of, the party or MLA during the financial year; and
 - (c) the outstanding amount, at the end of the financial year, of debts claimed against or incurred by, or on behalf of, the party or MLA, together with the particulars required by section 234 (1) (Outstanding amounts).

- (5) For subsection (4) (a), an amount is received by, or on behalf of, an MLA only if the amount is a gift received by the MLA in his or her capacity as an MLA or a Minister.

Examples of amounts not required to be stated in a return

- 1 Income derived in a private capacity eg interest on bank accounts and dividends on shares.
- 2 Salary, allowances and other benefits (including superannuation benefits) as an MLA or a Minister.
- 3 A gift given to the MLA in a private capacity for his or her personal use eg a birthday gift from a family member.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act 2001](#), s 126 and s 132).

- (6) For subsection (4) (b) or (c), an amount paid, or an outstanding amount of debts incurred, by or on behalf of an MLA includes an amount paid, or an outstanding amount of debts incurred, by or on behalf of the MLA for a purpose that relates solely or substantially to his or her position as MLA on electoral expenditure.
- (7) However, subsection (4) (b) or (c) does not require disclosure of any amount paid, or to be paid, by or on behalf of an MLA using funds provided by the Legislative Assembly to assist the MLA in exercising his or her functions as an MLA.
- (8) A return under this section must not include a list of the members of a party.
- (9) If the registration of a party is cancelled during a financial year, this section applies to the party in relation to the year as if a reference to the reporting agent of the party were a reference to the person who was the reporting agent of the party immediately before the cancellation.
- (10) If a person ceases to be an MLA during a financial year, this section applies to the person in relation to the year as if the person were the reporting agent.

231 Periods of less than financial year

- (1) This section applies if, during a financial year—
 - (a) a political party becomes, or ceases to be, a registered party; or
 - (b) a person becomes, or ceases to be, an MLA.
- (2) A return under section 230 (Annual returns by parties and MLAs) for the political party or person for the financial year need only include particulars for the part of the year when the party was registered or the person was an MLA.

231B Annual returns by associated entities

- (1) If an entity is an associated entity at any time during a financial year, the entity's financial controller must give the commissioner a return not later than 31 August after the end of the financial year.

Note 1 If a form is approved under s 340A (Approved forms) for a return, the form must be used.

Note 2 For how a return may be given, see [Legislation Act 2001](#), pt 19.5.

- (2) The return must state—
 - (a) the amount received by, or on behalf of, the entity during the financial year, together with the particulars required by section 232 (2) (Amounts received); and
 - (b) the amount paid by, or on behalf of, the entity during the financial year; and
 - (c) if the entity is an associated entity at the end of the financial year—the outstanding amount, at the end of the year, of debts incurred by, or on behalf of, the entity, together with the particulars required by section 234 (2) (Outstanding amounts).
- (3) An amount received when the entity was not an associated entity is not to be counted for subsection (2) (a) and (b).

- (4) If an amount required to be stated under subsection (2) (b) was—
- (a) paid to or for the benefit of 1 or more parties or MLAs; and
 - (b) paid out of funds generated from capital of the entity;
- the return must set out the required details of each person who contributed to that capital on or after 29 November 1996.
- (5) For subsection (4), the required details of a person are—
- (a) the person's name and address; and
 - (b) the total of the person's contributions to the capital of the associated entity mentioned in that subsection up to the end of the financial year.
- (6) Subsection (5) does not apply to contributions that have been included in a previous return under this section.

232 Amounts received

- (1) If the sum of all amounts received by, or on behalf of, a party or MLA from a particular person or organisation during a financial year is \$1 000 or more, the return by the party or MLA under section 230 (Annual returns by parties and MLAs) must state—
- (a) the amount of the sum; and
 - (b) the defined particulars; and
 - (c) for each amount received—
 - (i) the date it was received; and
 - (ii) the amount.
- (2) If an associated entity receives 1 or more amounts from a particular person or organisation during a financial year that total \$1 000 or more, the return by the entity under section 231B (Annual returns by associated entities) must state—
- (a) the sum of the amounts; and

- (b) the defined particulars; and
 - (c) for each amount received—
 - (i) the date it was received; and
 - (ii) the amount.
- (3) Subsection (2) does not apply to any of the following amounts:
- (a) for an associated entity licensed under the *Liquor Act 2010*—
an amount received that—
 - (i) is for the supply of liquor or food in accordance with the licence; and
 - (ii) is not more than reasonable consideration for the supply;
 - (b) for an associated entity licensed under the *Gaming Machine Act 2004*—an amount received for the playing of gaming machines in accordance with the licence;
 - (c) an amount prescribed by regulation.
- (4) For subsections (1) and (2), if the amount was received—
- (a) as free facilities use, the return need only state—
 - (i) the defined particulars; and
 - (ii) for each free facilities use received—the date it was received; or
 - (b) as a loan, the return must state the information required by section 218A (2) (Certain loans not to be received).
- (5) In this section:
free facilities use—see section 216A (6).

234 Outstanding amounts

- (1) If, at the end of a financial year, the sum of all debts within the meaning of section 230 (4) (c) that are owed by a party or MLA to a particular person or organisation is \$1 000 or more, the return by the party or MLA under section 230 shall specify the sum and include the defined particulars.
- (2) If an entity is an associated entity at the end of a financial year and, at the end of that year, the sum of all debts within the meaning of section 231B (2) (c) that are owed by the entity to a particular person or organisation is \$1 000 or more, the return by the entity under section 231B in relation to the financial year shall set out the sum and include the defined particulars.

234A Regulations

- (1) The regulations may require greater detail to be provided in returns under section 230 or 231B than is required by this division.
- (2) Without limiting subsection (1), the regulations may require that the total amounts referred to in section 230 (4) or 231B (2) be broken down in the way specified in the regulations.
- (3) The regulations may reduce the amount of information to be provided in returns under section 231B.

Division 14.7 Compliance

235 Definitions for div 14.7

In this division:

investigation notice means a notice under section 237 (3) (Investigation notices generally) or section 237A (2) (Investigation notices about associated entities).

return includes a notice under section 240 (1) (c) or (4) (Inability to complete returns).

236 Offences

- (1) A person commits an offence if—
- (a) the person is required to give the commissioner a return under this part within a stated time; and
 - (b) the person fails to give the commissioner the return within the time.

Maximum penalty:

- (a) for a return required to be given by the reporting agent of a party—50 penalty units; and
- (b) for any other return—20 penalty units.

- (2) A person commits an offence if—
- (a) the person is required to give the commissioner a return under this part; and
 - (b) the person gives the commissioner the return; and
 - (c) the return is incomplete.

Maximum penalty: 20 penalty units.

- (3) A person commits an offence if the person fails to keep records in accordance with section 239.

Maximum penalty: 20 penalty units.

- (4) Subsections (1), (2) and (3) do not apply if the person has a reasonable excuse.
- (5) An offence against subsection (1), (2) or (3) is a strict liability offence.
- (6) A person commits an offence if—
- (a) the person is required to give the commissioner a return under this part; and

- (b) the person gives a return to the commissioner containing particulars that are, to the person's knowledge, false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (7) A person (the *informer*) commits an offence if—
- (a) another person is required to give the commissioner a return under this part; and
- (b) the informer gives the other person information relevant to the return that is, to the informer's knowledge, false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (8) A prosecution in relation to an offence against this section may be started at any time within 4 years after the offence was committed.

237 Investigation notices generally

- (1) In this section:

prescribed person means a person who, in the commissioner's opinion, is or may be required to give the commissioner a return under this part in relation to an election.

- (2) The commissioner may conduct an investigation into compliance with this part.
- (3) For an investigation, the commissioner may give a notice (an *investigation notice*) in relation to a reporting agent or prescribed person to—
- (a) the agent or prescribed person; or
- (b) for the reporting agent of a party—any officer, employee or representative of the party; or

- (c) for a prescribed person that is a corporation—any of its officers or employees; or
- (d) anyone else the commissioner has reasonable grounds for believing can produce a document or anything else, or give evidence, about anyone’s compliance with this part.

Note For how documents may be given, see [Legislation Act 2001](#), pt 19.5.

- (4) The investigation notice must require the person to whom it is given—
 - (a) to produce to the commissioner, within the time and in the way stated in the notice, a document, or something else, stated in the notice; or
 - (b) to appear, at a time and place stated in the notice, before the commissioner to give evidence, orally or in writing, and to produce a document, or something else, stated in the notice.
- (5) The time stated in the notice must be not earlier than 28 days after the notice is given to the person.
- (6) If the investigation notice requires an officer, employee or representative of a party other than its reporting agent to appear before the commissioner, the reporting agent of the party is entitled—
 - (a) to attend the investigation; or
 - (b) to nominate someone else to attend on the reporting agent’s behalf.
- (7) If the investigation notice requires someone other than the financial controller of an associated entity to appear before the commissioner in relation to an investigation into the entity, the financial controller is entitled—
 - (a) to attend the investigation; or

- (b) to nominate someone else to attend on the financial controller's behalf.
- (8) If—
- (a) an investigation notice relates to an investigation into—
- (i) a return given to the commissioner under this part by the reporting agent of an MLA; or
- (ii) a failure of a reporting agent of an MLA to give the commissioner a return under this part within the time required; and
- (b) the notice requires someone other than the reporting agent of the MLA to appear before the commissioner;
- the reporting agent is entitled—
- (c) to attend the investigation; or
- (d) to nominate someone else to attend on the reporting agent's behalf.
- (9) The commissioner may conduct the investigation even though the person to whom the notice was given contravenes the notice.
- (10) The commissioner may require a person to whom an investigation notice has been given to give evidence on oath, and for that purpose may administer an oath.

Note For the taking of an oath or the making of an affirmation, see the [Oaths and Affirmations Act 1984](#).

237A Investigation notices about associated entities

- (1) This section applies if—
- (a) the commissioner believes on reasonable grounds that a person can produce a document or anything else, or give evidence, about whether an entity is, or was at a particular time, an associated entity; and

- (b) the person is, or has been, the financial controller or an officer or employee of the entity.
- (2) The commissioner may give to the person a notice (an *investigation notice*) requiring the person—
 - (a) to produce to the commissioner, within the time and in the way stated in the notice, a document, or something else, stated in the notice; or
 - (b) to appear, at a time and place stated in the notice, before the commissioner to give evidence, orally or in writing, and to produce a document, or something else, stated in the notice.
- (3) The time stated in the notice must not be earlier than 28 days after the day the notice is given to the person.
- (4) If the investigation notice requires someone other than the financial controller of the associated entity to appear before the commissioner, the financial controller is entitled—
 - (a) to attend the investigation; or
 - (b) to nominate someone else to attend on the financial controller's behalf.
- (5) The commissioner may conduct the investigation even though the person to whom the notice was given contravenes the notice to attend.
- (6) If the commissioner gives an investigation notice to a person, the commissioner must also give the person an internal review notice about the decision to give the person the notice.
- (7) The person is taken not to have failed to comply with the notice if the person makes application under section 247 (Applications for internal review) for review of the decision and the application has not been decided.

- (8) The commissioner may require a person to whom an investigation notice has been given to give evidence on oath, and for that purpose may administer an oath.

Note For the taking of an oath or the making of an affirmation, see the *Oaths and Affirmations Act 1984*.

- (9) This section is in addition to, and does not limit, section 237 (Investigation notices generally).

237B Investigation notice offences

- (1) A person must not, without reasonable excuse, contravene an investigation notice.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person must not, in response to an investigation notice, give evidence that the person knows is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

238 Investigation—search warrants

- (1) The commissioner may make an application to a magistrate for the issue of a warrant if—
- (a) the commissioner has reasonable grounds for suspecting that there may be, at that time or within the next 24 hours, in or on any premises, an article that may afford evidence relating to a contravention of section 236 (a *relevant article*); and
 - (b) the commissioner has reasonable grounds for believing that, if an investigation notice under section 237 were issued for the production of the relevant article, it might be concealed, lost, mutilated, destroyed or disposed of.

- (2) A magistrate may, on application in accordance with subsection (1), issue a warrant authorising the commissioner or any other person named in the warrant, with the assistance the commissioner or person considers necessary, and if necessary by force—
 - (a) to enter the premises; and
 - (b) to search the premises for relevant articles; and
 - (c) to seize any relevant article found in or on the premises.
- (3) A magistrate shall not issue a warrant unless—
 - (a) an affidavit has been lodged with the magistrate setting out the grounds on which the issue of the warrant is being sought; and
 - (b) the commissioner or another person has given the magistrate, either orally or by affidavit, any further information the magistrate requires about the grounds on which the issue of the warrant is being sought; and
 - (c) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.
- (4) If a magistrate issues a warrant, he or she shall endorse on the affidavit lodged in accordance with subsection (3) the grounds relied on to justify the issue of the warrant.
- (5) A warrant shall—
 - (a) state the purpose for which it is issued, including a reference to the alleged offence in relation to which it is issued; and
 - (b) specify the hours during which the entry is authorised or state that the entry is authorised at any time of the day or night; and
 - (c) include a description of the kind of articles to which it relates; and
 - (d) specify the date, not later than 1 month after the date of issue of the warrant, when the warrant ceases to have effect.

- (6) If an article is seized by a person under a warrant—
- (a) the person may keep the article for as long as is necessary and reasonable for the purposes of the investigation to which it is relevant; and
 - (b) when retention of the article ceases to be necessary and reasonable for those purposes, he or she shall cause it to be delivered to the person who appears to be entitled to possession of the article.
- (7) If a document is retained under subsection (6) (a)—
- (a) the person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the commissioner to be a true copy and the certified copy shall be received in all courts as evidence as if it were the original; and
 - (b) until the certified copy is supplied, the commissioner shall, at the times and places the commissioner considers appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of, or take extracts from, the document.

239 Records

- (1) If a person makes or obtains an article that is or includes a record relating to a matter particulars of which are, or could be, required to be set out in a return under this part relating to an election, he or she shall keep the record for not less than 4 years beginning on polling day for that election.
- (2) If a party, MLA or associated entity makes or obtains an article that is or includes a record relating to a matter particulars of which are, or could be, required to be set out in a return under division 14.6 (Annual returns), the party, MLA or associated entity must keep the record for not less than 4 years beginning on the day after the last day when the return must be given to the commissioner.

- (3) If a person, party, MLA or associated entity (the *transferor*) would, in the normal course of business or administration, transfer to someone else a record mentioned in subsection (1) or (2)—
- (a) the transferor is taken not to have contravened the subsection by transferring the record; and
 - (b) the person to whom the record is transferred must keep the record for the period for which the transferor would have been required to keep the record if the record had not been transferred.

Division 14.8 Miscellaneous

240 Inability to complete returns

- (1) If a person who is required to give the commissioner a return under division 14.4, 14.5 or 14.6 considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may—
- (a) prepare the return to the extent that it is possible to do so without those particulars; and
 - (b) give the commissioner the return so prepared; and
 - (c) give the commissioner written notice—
 - (i) identifying the return; and
 - (ii) stating that the return is incomplete because he or she is unable to obtain certain particulars; and
 - (iii) identifying those particulars; and
 - (iv) setting out the reasons why he or she is unable to obtain those particulars; and

- (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief, the reasons for it and the name and address of the other person.
- (2) A person who complies with subsection (1) shall not, because of the omission of the particulars referred to in subsection (1) (c) (iii), be taken, for section 236 (2) (a), to have given a return that is incomplete.
 - (3) If the commissioner has been informed under subsection (1) (c) or (4) (e) that a person can supply particulars that have not been included in a return, the commissioner may, by written notice served on that person, require the person to give the commissioner written notice of the particulars within the period specified in the notice.
 - (4) If a person who is required to give the commissioner particulars under subsection (3) considers that he or she is unable to obtain some or all of the particulars, the person shall give to the commissioner a written notice—
 - (a) specifying the particulars (if any) that the person is able to give; and
 - (b) stating that the person is unable to obtain certain particulars;
 - (c) identifying those particulars; and
 - (d) specifying the reasons why the person considers he or she is unable to obtain those particulars; and
 - (e) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—specifying the name and address of that other person and the reasons why he or she believes that the other person is able to give those particulars.
 - (5) If—
 - (a) a notice is given to a person under subsection (3); and

- (b) the person complies with that notice or gives the commissioner a notice under subsection (4);

he or she shall not, only because of the omission of the required particulars, be taken to have given an incomplete return.

241 Noncompliance with pt 14

- (1) The failure of a person to comply with a provision of this part in relation to an election does not invalidate that election.
- (2) Without limiting subsection (1)—
 - (a) if—
 - (i) a party endorsed a candidate in an election; and
 - (ii) the candidate was elected at the election;a failure by the reporting agent of the party to comply with this part in relation to that election does not invalidate the candidate's election;
 - (b) a failure by the reporting agent of a candidate who is elected at an election to comply with his or her part in relation to the election does not invalidate the candidate's election.

242 Amendment of returns

- (1) If the commissioner is satisfied that a return under this part contains a formal error or is subject to a formal defect, the commissioner may amend the return to the extent necessary to correct the error or remove the defect.
- (2) A person authorised by subsection (3) may, by written notice signed by the person and given to the commissioner, request the permission of the commissioner to make a specified amendment of a return for the purpose of correcting an error or omission.

- (3) A request may be made by—
 - (a) the person who gave the return; or
 - (b) if the return was given for a party, MLA or candidate—the reporting agent of the party, MLA or candidate; or
 - (c) if the return was given in relation to an associated entity—the financial controller of the entity.
- (4) On a request under subsection (2), the commissioner shall permit the person making the request to amend the return accordingly if the commissioner is satisfied that the request is justified.
- (5) If the commissioner decides to refuse a request under subsection (2), the commissioner shall give the person making the request an internal review notice about the decision.
- (6) The amendment of a return under this section does not affect the liability of a person to be convicted of an offence against section 236 (2) or (3) arising out of the giving of the return.

243 Copies of returns to be available for public inspection

- (1) The commissioner must make available for public inspection, in accordance with subsections (2) and (3), a copy of each return given to the commissioner under division 14.4 (Gifts and certain loans—records and disclosure), 14.5 (Disclosure of electoral expenditure) and division 14.6 (Annual returns).
- (2) A copy of a return under division 14.4 or 14.5 must be made available for public inspection from the beginning of February in the year after (or for an extraordinary election, 90 days after) polling day in the election to which the return relates.
- (3) A copy of a return under division 14.6 must be made available for public inspection from 7 September after the end of the financial year to which the return relates.

- (4) A person may, on request, obtain a copy of a return if a copy of the return is available for public inspection under this section.

Note A fee may be determined under s 340B (Determination of fees) for this subsection.

- (5) However, if the commissioner makes a return available for public inspection by publishing the return, or the information in the return, and the return includes information about a gift made by an individual, the commissioner must not publish the individual's home address other than—

- (a) the suburb or postcode of the individual's home address; or
(b) any post office box details.

Example—publishing

on the commission website

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

243A Commissioner must publish certain information given under s 216A

- (1) This section applies if the commissioner is given information under section 216A (Records and regular disclosure of gifts).
- (2) The commissioner must as soon as practicable publish the information in the way the commissioner considers appropriate.

Examples—publishing information

1 on the commission website

2 in a newspaper

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) However, if a gift was made by an individual, the commissioner must not publish the individual's home address other than—
- (a) the suburb or postcode of the individual's home address; or
 - (b) any post office box details.

Note The individual's private address details may, on request, be inspected at the commissioner's office during ordinary business hours (see s 243).

Part 15 Notification and review of decisions

244 Meaning of *internal review notice*—Act

In this Act:

internal review notice—see the [ACT Civil and Administrative Tribunal Act 2008](#), section 67B (1).

245 Definitions—pt 15

In this part:

internally reviewable decision means a decision mentioned in schedule 5, column 3 under a provision of this Act mentioned in column 2 in relation to the decision; or

person includes a political party.

reviewable decision means a decision of the electoral commission in relation to an internally reviewable decision.

246 Internal review notices

If the commissioner makes an internally reviewable decision, the commissioner must give an internal review notice to each entity mentioned in schedule 5, column 4 in relation to the decision.

Note 1 The commissioner must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67B).

Note 2 The requirements for internal review notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

247 Applications for internal review

- (1) The following may apply to the electoral commission for review of an internally reviewable decision:
 - (a) an entity mentioned in schedule 5, column 4 in relation to the decision;
 - (b) any other person whose interests are affected by the decision.
- (2) The application must—
 - (a) be in writing; and
 - (b) state the applicant's name and address; and
 - (c) set out the applicant's reasons for making the application.

Note If a form is approved under s 340A for the application, the form must be used.
- (3) The application must be given to the electoral commission at the commission's office—
 - (a) within 28 days after—
 - (i) for a decision to register a political party—the day of notification under the [Legislation Act](#) of the notice under section 92 (3) (Registration of political parties) of the decision; or
 - (ii) in any other case—the day the applicant is given the internal review notice; or
 - (b) within any longer period allowed by the commission before or after the end of the 28-day period.

248 Stay of reviewable decisions

- (1) Before considering an application for review of an internally reviewable decision, the electoral commission may, on application by an entity affected by the decision or on its own initiative, make a written order (the *stay order*) staying or otherwise affecting the operation or implementation of the decision or a part of the decision
- (2) In considering an application for a stay order, the electoral commission must consider—
 - (a) the interests of any other person affected by the decision; and
 - (b) the need to ensure, as far as practicable, that the review process and the commission's decision on the review are effective.

249 Review by electoral commission

- (1) This section applies if the electoral commission is considering an application for review of an internally reviewable decision.
- (2) The electoral commission must—
 - (a) confirm the decision; or
 - (b) vary the decision; or
 - (c) set aside the decision and substitute its own decision.
- (3) The commissioner must not—
 - (a) be present during any deliberation of the electoral commission in relation to the review of the internally reviewable decision; or
 - (b) take part in any decision of the electoral commission in relation to the review of the internally reviewable decision.
- (4) Subsection (3) does not apply to an internally reviewable decision made by a delegate of the commissioner.

249A Reviewable decision notices

If the electoral commission makes a reviewable decision, the commission must give a reviewable decision notice to each entity that is given an internal review notice.

Note 1 The electoral commission must also take reasonable steps to give a reviewable decision notice to anyone whose interests are affected by the decision (see [ACT Civil and Administrative Tribunal Act 2008](#), s 67A).

Note 2 The requirements for reviewable decision notices are prescribed under the [ACT Civil and Administrative Tribunal Act 2008](#).

249B Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) an entity that is given a reviewable decision notice;
- (b) any other person whose interests are affected by the decision.

Note If a form is approved under the [ACT Civil and Administrative Tribunal Act 2008](#) for the application, the form must be used.

Part 16 Disputed elections, eligibility and vacancies

Division 16.1 Preliminary

250 Definitions for pt 16

In this part:

application means an application disputing the validity of an election made in accordance with section 258.

bribery means a contravention of section 285.

contravention, of a section of this Act or the *Crimes Act 1914* (Cwlth), includes—

- (a) attempting or conspiring to contravene that section; or
- (b) aiding, abetting, counselling or procuring the contravention of that section.

Court of Disputed Elections—see section 252 (2).

election includes—

- (a) a recount of votes under section 194; and
- (b) the choice of a person to fill a casual vacancy under section 195.

file means to file in the registrar's office.

proceeding means a proceeding before the Court of Disputed Elections.

registrar means the registrar of the Supreme Court.

Speaker—see section 251.

undue influence means a contravention of section 288 (Violence and intimidation) or the *Crimes Act 1914* (Cwlth), section 28 (Interfering with political liberty).

251 Meaning of *Speaker* for pt 16

(1) In this part:

Speaker includes—

- (a) if the Speaker is unavailable—the Deputy Speaker; or
- (b) if both the Speaker and Deputy Speaker are unavailable—another MLA who is not the subject of a proceeding and is appointed by the Assembly to act as the Speaker for this part; or
- (c) if both the Speaker and Deputy Speaker are unavailable and no MLA is appointed for paragraph (b)—the clerk of the Assembly.

(2) For subsection (1), the Speaker or Deputy Speaker is unavailable if—

- (a) the office-holder is absent from duty; or
- (b) there is a vacancy in the office; or
- (c) the office-holder is the subject of a proceeding.

Division 16.2 Jurisdiction and powers of Supreme Court

252 Court of Disputed Elections

(1) The Supreme Court has jurisdiction to hear and determine—

- (a) applications disputing the validity of elections; and

- (b) questions referred to the court by resolution of the Legislative Assembly relating to—
 - (i) the eligibility of persons who have been declared elected to be members of the Assembly; or
 - (ii) vacancies in the membership of the Assembly.
- (2) When exercising jurisdiction under subsection (1), the Supreme Court shall be known as the Court of Disputed Elections.

253 Powers of the court

Subject to this part, the Supreme Court has the same powers (so far as they are applicable) when exercising jurisdiction under this part as it has when exercising its original jurisdiction.

255 Decisions are final

A decision of the Court of Disputed Elections is final, is not subject to appeal and shall not be called into question.

Division 16.3 Disputed elections

256 Validity may be disputed after election

- (1) The validity of an election shall not be disputed except by application to the Court of Disputed Elections after the result of the election is declared.
- (2) Without limiting subsection (1), if any of the following matters in relation to an election is called into question, the validity of the election is to be taken to be in dispute:
 - (a) the acceptance or rejection of a nomination of a candidate by the commissioner;
 - (b) the eligibility of a person to be nominated as a candidate, to be elected or to be an MLA;

- (c) any matter connected with the printing or endorsement of ballot papers;
- (d) any matter connected with the issue, or scrutiny, of ballot papers by an officer;
- (e) any matter connected with electronic voting;
- (f) any matter connected with the admission or rejection of declaration votes by an officer at the preliminary scrutiny.

257 Persons entitled to dispute elections

The following persons are entitled to dispute the validity of an election:

- (a) a candidate in the election;
- (b) an elector entitled to vote at the election;
- (c) the commissioner.

258 Form of application

- (1) An application disputing the validity of an election shall—
 - (a) specify the declarations sought; and
 - (b) set out the facts relied on to invalidate the election with sufficient particularity to identify the matters on which the applicant relies as justifying those declarations; and
 - (c) set out the applicant's full name and address and the capacity in which he or she is making the application; and
 - (d) be signed by the applicant.
- (2) The signature of an applicant other than the commissioner shall be witnessed by another person whose signature, full name, address and occupation shall be set out in the application.

259 Time for filing application

An application shall be filed within 40 days after the result of the election is declared.

260 Deposit as security for costs

- (1) At the time of filing an application, the applicant shall deposit with the registrar as security for costs the amount prescribed by the *Court Procedures Rules 2006*.
- (2) The amount deposited shall be set off against any costs ordered to be paid by the applicant.

261 Registrar to serve copies of application on certain persons

The registrar shall, after an application is filed under section 259, serve a sealed copy of the application on—

- (a) the Speaker; and
- (b) the person whose election is being disputed; and
- (c) if the commissioner is not the applicant—the commissioner.

262 Parties to application under div 16.3

- (1) The following people are entitled to appear in a proceeding under this division:
 - (a) the applicant;
 - (b) the commissioner;
 - (c) if a person whose election is being disputed files a notice of appearance within 7 days after the day when the person is served with a copy of the application under section 261—the person;
 - (d) anyone else with the leave of the Court of Disputed Elections.

- (2) A person other than the applicant who appears under subsection (1) is to be taken to be a respondent to the application.
- (3) This section does not apply to an application under section 263.

263 Withdrawal and abatement of application

- (1) In this section:
 - election application* means an application disputing the validity of an election made in accordance with section 258.
 - leave application* means an application for leave to withdraw an election application.
- (2) An applicant may withdraw an election application only with the leave of the Supreme Court.
- (3) An applicant is not entitled to make a leave application unless notice of the applicant's intention to do so has been given—
 - (a) by public notice; and
 - (b) to the commissioner; and
 - (c) to each of the respondents to the relevant election application.

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).
- (4) A leave application shall not be made without the consent of all the applicants to the relevant election application.
- (5) The following persons are entitled to appear as respondents to a leave application:
 - (a) the commissioner;
 - (b) a respondent to the relevant election application;
 - (c) any other person with the leave of the Supreme Court.

- (6) Unless the Supreme Court orders otherwise, if an election application is withdrawn, the applicant is liable to pay the costs of the respondent in relation to that application and the leave application.
- (7) In determining a leave application, the Supreme Court shall inquire into the reasons for it and determine whether it was—
- (a) the result of an agreement, arrangement or understanding; or
 - (b) in consideration of—
 - (i) the seat in the Assembly that is in issue being vacated at any time in the future; or
 - (ii) the withdrawal of any other election application; or
 - (iii) any other matter.
- (8) The Supreme Court shall publish its reasons for a determination as if it were a judgment and give a copy of them to the commissioner.
- Note* For what must be included in a statement of reasons, see the [Legislation Act](#), s 179.
- (9) If, before the hearing of an election application, a respondent other than the commissioner—
- (a) dies or gives the prescribed notice that he or she does not intend to oppose the application; or
 - (b) resigns from, or otherwise ceases to hold, the seat in the Assembly that is in issue;
- then—
- (c) the person ceases to be a respondent; and
 - (d) the person, or his or her personal representative, must—
 - (i) give public notice that the person ceases to be a respondent; and

(ii) give a copy of the public notice to the registrar; and

Note **Public notice** means notice on an ACT government website or in a daily newspaper circulating in the ACT (see [Legislation Act](#), dict, pt 1).

- (e) if a person who might have been an applicant in relation to the election files a notice of appearance within the prescribed period—that person is entitled to appear as a respondent to the application.
- (10) A person who has ceased to be a respondent to an election application is not entitled to appear as a party in proceedings in relation to that application.
- (11) The registrar shall notify the commissioner of the receipt of a notice mentioned in subsection (9) (d) (ii).
- (12) An election application shall be abated by the death of a sole applicant or the last survivor of several applicants.
- (13) The abatement of an election application does not affect the liability of the applicant or any other person for costs awarded against the applicant or other person.

264 Hearing of applications

- (1) The registrar shall, as soon as practicable after the time for filing applications in relation to an election under section 259 has passed, prepare a list of the applications pending in the order of filing and shall make a copy of the list available for inspection at the registrar's office.
- (2) Subject to subsection (3), an application shall, as far as practicable, be heard in the order in which it appears in the list.
- (3) All applications in relation to an election for an electorate shall be heard together.

265 Declarations and orders

The Court of Disputed Elections shall hear and determine an application and may—

- (a) declare the election void; or
- (b) declare that a person who has been declared elected was not duly elected; or
- (c) declare that a person who has not been declared elected was duly elected; or
- (d) dismiss the application in whole or in part;

and may make any orders in relation to the application that the court considers appropriate.

266 Illegal practices

- (1) Without limiting the grounds on which the Court of Disputed Elections may make a declaration under section 265 (a) or (b), the court may make such a declaration on the ground of any illegal practice in connection with the election.
- (2) The Court of Disputed Elections shall not make a declaration under section 265 (a) or (b)—
 - (a) on the ground of any illegal practice (other than bribery or undue influence); or
 - (b) on the ground of bribery or undue influence by a person who was not a candidate for the election without the knowledge or consent of a candidate in the election;

unless satisfied that—

- (c) the result of the election was, or was likely to have been, affected by the illegal practice; and
- (d) it is just to make the declaration.

- (3) If the Court of Disputed Elections finds any illegal practice in connection with an election (whether the court makes a declaration under section 265 (a) or (b) on that ground or not), the registrar shall report the finding to—
- (a) the Speaker; and
 - (b) the Minister; and
 - (c) the commissioner; and
 - (d) the director of public prosecutions.
- (4) Any finding by the Court of Disputed Elections in relation to any illegal practice in connection with an election is not to be taken to be a bar to, or to prejudice in any way, any prosecution in relation to the act alleged before the court to have constituted the illegal practice.
- (5) In this section:

illegal practice means a contravention of this Act, and includes undue influence.

Note *Contravention* and *undue influence* are defined in s 250.

267 Bribery or undue influence by person elected

If the Court of Disputed Elections finds that a person who was declared elected committed, or attempted to commit, bribery or undue influence in connection with any election, the court shall declare the election of that person void.

268 Immaterial delays and errors

- (1) The Court of Disputed Elections shall not make a declaration under section 265 (a), (b) or (c) on the ground that there was a delay in—
- (a) declaring the nominations for the election; or
 - (b) providing certified extracts of electors to candidates for the election; or

- (c) polling for the election; or
 - (d) declaring the result of the election.
- (2) The Court of Disputed Elections shall not make a declaration under section 265 (a), (b) or (c) on the ground of any absence of, or any error or omission by, an officer unless the absence, error or omission affected, or was likely to have affected, the result of the election.
- (3) In determining whether an absence, error or omission that prevented an elector from voting affected the result of an election or not, the Court of Disputed Elections shall not have regard to any evidence of the way in which the elector intended to vote.

269 Inquiries by court

- (1) In determining an application, the Court of Disputed Elections may make the inquiries it considers appropriate, including but not limited to—
- (a) an inquiry about the identity of persons who voted; and
 - (b) an inquiry into the accuracy of approved computer programs used in electronic voting and the electronic scrutiny of votes; and
 - (c) an inquiry about whether ballot papers were improperly admitted or rejected, or not.
- (2) The Court of Disputed Elections shall not inquire into the correctness of any roll.
- (3) If the Court of Disputed Elections makes an inquiry in relation to ballot papers marked under part 11, a statement of particulars of the marking of ballot papers prepared by an officer under section 175 (c) is conclusive evidence of the particulars contained in the statement unless the court orders otherwise.

270 Rejected ballot papers

In determining an application, the Court of Disputed Elections may have regard to any declaration vote ballot papers rejected at the preliminary scrutiny if the court is of the opinion that the ballot papers should not have been rejected.

271 Evidence that persons were not permitted to vote

In determining an application, the Court of Disputed Elections shall not have regard to any evidence that a person was not permitted to cast a vote in an election unless the court is satisfied that the person—

- (a) claimed to vote in accordance with this Act; and
- (b) complied with the requirements of this Act in relation to voting to the extent that he or she was permitted to do so.

272 Inspection of electoral papers

A party to an application may—

- (a) with the leave of the Court of Disputed Elections; and
- (b) in the presence of the commissioner or a member of staff of the electoral commission;

inspect, and make copies of or take extracts from, the electoral papers (except ballot papers) in the possession of the commissioner that were used in connection with the election being disputed.

273 Commissioner not prevented from accessing documents

Unless the Court of Disputed Elections otherwise orders, the filing of an application is not to be taken to prevent the commissioner, another member of the electoral commission or a member of the staff of the commission from having access to any document to which that person would otherwise be entitled to have access for the purpose of exercising a function under this Act.

274 Registrar to serve copies of declarations on certain persons

The registrar shall, after an application is determined, serve a sealed copy of the declarations and orders (if any) made by the Court of Disputed Elections on—

- (a) the Speaker; and
- (b) each party to the application.

275 Effect of declarations

- (1) If the Court of Disputed Elections declares an election void, another election shall be held in accordance with section 101.
- (2) If the Court of Disputed Elections declares that a person who has been declared elected was not duly elected, that person is to be taken not to have been duly elected.
- (3) If the Court of Disputed Elections declares that a person who has not been declared elected was duly elected, that person is to be taken to have been duly elected.
- (4) A declaration by the Court of Disputed Elections referred to in subsection (1), (2) or (3) takes effect on the end of the day when the declaration by the court is made.

Division 16.4 Eligibility and vacancies

276 Speaker to state case

If the Assembly passes a resolution referring to the Court of Disputed Elections a question relating to—

- (a) the eligibility of a person who has been declared elected to be an MLA; or

- (b) a vacancy in the membership of the Assembly;

the Speaker shall give to the registrar a statement setting out the question referred, together with any documents in the possession of the Assembly that relate to that question.

277 Parties to a referral

The following persons are entitled to appear in a proceeding under this division:

- (a) any person who, in the opinion of the Court of Disputed Elections, has a sufficient interest in the determination of the question referred;
- (b) any person on whom notice of that question is ordered to be served by the court.

278 Declarations and orders

The Court of Disputed Elections shall hear and determine a question referred to it and may—

- (a) declare that a person who has been declared elected is not eligible to be an MLA; or
- (b) declare a vacancy in the membership of the Assembly; or
- (c) refuse to make a declaration;

and may make the orders in relation to the referral that the court considers appropriate.

279 Registrar to serve copy of declarations on Speaker

The registrar shall, after a question referred to the Court of Disputed Elections is determined, serve a sealed copy of the declarations and orders (if any) made by the court on—

- (a) the Speaker; and
- (b) each party to the referral.

280 Effect of declarations

- (1) If the Court of Disputed Elections —
- (a) declares that a person who has been declared elected is not eligible to be an MLA; or
 - (b) declares a vacancy in the membership of the Assembly;
- on the end of the day when the declaration is made a vacancy in the membership of the Assembly arises.
- (2) A vacancy under subsection (1) shall be filled in accordance with part 13.

Division 16.5 Proceedings

281 Procedure

In a proceeding, the Court of Disputed Elections —

- (a) shall be guided by the substantial merits and good conscience of the case; and
- (b) is not bound by technicalities, legal forms or the rules of evidence, but may inform itself in the way it considers appropriate.

282 Legal representation limited

In a proceeding, a party is entitled to be represented by only 1 lawyer appearing as counsel.

283 Admissibility of evidence

- (1) A person who appears as a witness in a proceeding is not excused from answering a question or producing a document or other thing that the person is required by the Court of Disputed Elections to answer or produce on the ground that the answering of the question or the producing of the document or thing may tend to incriminate the person or on the ground of privilege.

- (2) A statement or disclosure made, or a document or other thing produced, by a person in the course of a proceeding, or any information, document or other thing obtained as a direct or indirect consequence of the making of the statement or disclosure, or of the production of the firstmentioned document or thing, is not admissible in evidence in any civil or criminal proceeding except—
- (a) a proceeding before the Court of Disputed Elections; or
 - (b) a proceeding for an offence relating to the giving of false evidence.

284 Costs may be ordered against Territory

Even if the Territory is not a party to a proceeding, the Court of Disputed Elections may order the Territory to pay all or part of the costs of the proceeding.

Part 17 Electoral offences

Division 17.1 Bribery and improper influence

285 Bribery

- (1) A person shall not offer, solicit or accept an electoral bribe.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) In this section:

bribe does not include a declaration of public policy or a promise of public action.

electoral bribe means a bribe for the purpose of—

- (a) influencing the vote of an elector; or
- (b) influencing the candidature of a person in an election; or
- (c) otherwise influencing the course or result of an election; or
- (d) inducing a person not to apply, or to withdraw an application, under section 192 to be a candidate for a seat in relation to which a casual vacancy has occurred, if that person is an eligible person within the meaning of that section; or
- (e) inducing a person not to apply, or to withdraw an application, to the Court of Disputed Elections under division 16.3 to dispute the validity of an election, if that person is entitled to dispute the validity of the election under section 257.

286 Influencing of votes by officers

In the exercise of a function under this Act, an officer shall not, without reasonable excuse, do anything for the purpose of influencing the vote of another person.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

287 Influencing votes of hospital and nursing home patients

The proprietor of a hospital or nursing home, or an employee or agent of such a proprietor, shall not, without reasonable excuse, do anything for the purpose of influencing the vote of a patient or resident of the hospital or nursing home.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Division 17.2 Protection of rights

288 Violence and intimidation

A person shall not, by violence or intimidation, hinder or interfere with—

- (a) the free exercise of a right under this Act; or
- (b) the free performance of a duty under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

289 Discrimination on grounds of certain gifts

- (1) A person shall not discriminate against another person on the ground of the making by the other person of a gift to—
 - (a) a political party; or

(b) a candidate in an election.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(2) In this section:

discriminate against, in relation to a person, means—

- (a) deny the person access to membership of any trade union, club or other body, whether incorporated or not; or
- (b) not allow the person to work or to continue to work; or
- (c) subject the person to any form of intimidation or coercion; or
- (d) subject the person to any other detriment.

gift—see section 198AA.

290 Employees' right to leave of absence for voting

(1) On notification from an employee before a polling day, the employer shall allow the employee, without penalty or any disproportionate deduction of pay, to take any necessary leave (not exceeding 2 hours) for the purpose of voting.

Maximum penalty: 10 penalty units.

(2) Subsection (1) does not apply if the absence of the employee from employment could—

- (a) endanger any person, animal or thing; or
- (b) cause substantial loss to any person.

(3) An employee shall not notify an employer under subsection (1) if he or she does not have a genuine intention of voting during the period of the leave to be granted for the purpose of voting.

Maximum penalty: 5 penalty units.

Division 17.3 Campaigning offences

291 Definitions for div 17.3

In this division:

polling place includes—

- (a) a place where a vote may be made before an officer under section 136B (Ordinary or declaration voting in ACT before polling day) or section 136C (Declaration voting outside ACT on or before polling day); and
- (b) a place where mobile polling is taking place under division 10.5 (Mobile polling).

reportage or commentary, in relation to a news publication, means everything in the newspaper or periodical except—

- (a) advertisements; and
- (b) letters to the editor.

292 Dissemination of unauthorised electoral matter

- (1) A person commits an offence if—
 - (a) the person disseminates electoral matter; and
 - (b) the matter does not include—
 - (i) the name of the person who authorised the matter or its author; and
 - (ii) a statement to the effect that the named person authorised, or is the author of, the matter; and

- (iii) if the matter is published for a registered party, a candidate for election or a person who has publicly indicated that he or she intends to be a candidate for election—a statement to the effect that the matter is published for the party, candidate or person.

Maximum penalty: 10 penalty units.

- (2) In this section:

statement means a statement in a form in which the matter is disseminated.

Example

Electoral matter disseminated in sound and video form could state the authoriser's name in sound or on-screen printed form.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

293 Exceptions for news publications

- (1) Section 292 does not apply to the dissemination of electoral matter contained in reportage or commentary in a particular news publication if the publication includes a statement to the effect that a person named in the statement has authorised publication of all electoral matter contained in reportage or commentary in the publication.
- (2) Section 292 does not apply to the dissemination of electoral matter contained in a letter to the editor in a particular news publication if—
 - (a) the author's name and the place where the author lives are stated at the end of the letter; and
 - (b) the publication includes a statement to the effect that a person named in the statement has authorised publication of all electoral matter contained in letters to the editor in the publication.

- (3) For subsection (2) (a), it is sufficient to identify where the author lives by reference to—
- (a) the suburb or town of, or nearest to, the author’s residence; and
 - (b) if the residence is outside the ACT—the State, other Territory or other country of the residence.
- (4) In this section:
letter to the editor includes electronic commentary of a similar kind.

293A Exception for personal views on social media

- (1) Section 292 does not apply to the dissemination of electoral matter by an individual if—
- (a) the electoral matter—
 - (i) is disseminated on or through social media; and
 - (ii) forms part of the expression of the individual’s personal political views; and
 - (b) the individual is not paid to express those views.

Note The defendant has an evidential burden in relation to the matters mentioned in s (1) (see [Criminal Code](#), s 58).

- (2) In this section:

social media means internet-based or mobile broadcasting-based technology or applications through which individuals can create and share content generated by the individual.

Examples

internet forums, blogs, wikis, text messaging, online or mobile broadcasting social networks

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

294 Exceptions for dissemination of electoral matter on certain items

- (1) Section 292 does not apply to the dissemination of electoral matter on any of the following items unless the item includes a representation of a ballot paper:
- (a) a letter from an MLA that includes the name of the MLA and an indication that he or she is an MLA;
 - (b) a press release published by or for an MLA that includes the name of the MLA and an indication that he or she is an MLA;
 - (c) a report under the *Annual Reports (Government Agencies) Act 2004*;
 - (d) a publication of a government agency that includes—
 - (i) the name of the agency; and
 - (ii) the City of Canberra Arms; and
 - (iii) the words ‘Australian Capital Territory’, ‘Australian Capital Territory Legislative Assembly’, ‘ACT Legislative Assembly’, ‘Australian Capital Territory Government’ or ‘ACT Government’;
 - (e) a business or visiting card that promotes the candidacy of a person in an election;
 - (f) a letter or card on which the name of the sender appears;
 - (g) a T-shirt;
 - (h) a badge or button;
 - (i) a pen or pencil;
 - (j) a balloon;
 - (k) an item prescribed by regulation.

- (2) In this section:

City of Canberra Arms—see the *City of Canberra Arms Act 1932*, section 4.

295 Exception for certain Commonwealth licence holders

Section 292 does not apply to the dissemination of electoral matter on radio or television by the holder of a licence under the *Broadcasting Services Act 1992* (Cwlth) that is subject to a condition relating to election advertisements.

296 Advertorials

- (1) This section applies to an advertisement in a news publication that—
- (a) appears to be reportage or commentary; and
 - (b) includes electoral matter.
- (2) The proprietor of the news publication must ensure that the word ‘advertisement’ is included, in legible form, as a headline to the advertisement on each page on which the advertisement appears.

Maximum penalty: 10 penalty units.

297 Misleading or deceptive electoral matter

- (1) A person shall not disseminate, or authorise to be disseminated, electoral matter that is likely to mislead or deceive an elector about the casting of a vote.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) It is a defence to a prosecution for an offence against subsection (1) if it is established that the defendant did not know, and could not reasonably be expected to have known, that the electoral matter was likely to mislead or deceive an elector about the casting of a vote.

298 Inducement to illegal voting—representations of ballot papers

A person shall not disseminate, or authorise to be disseminated, electoral matter including a representation of a ballot paper, or part of a ballot paper, likely to induce an elector to mark his or her vote otherwise than in accordance with the directions on the ballot paper.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

299 Graffiti

- (1) A person shall not, without reasonable excuse, mark any electoral matter directly on any defined place or object without the consent of—

- (a) for a place—the lessee or lawful occupier of the place; or
- (b) for an object—the owner or lawful possessor of the object.

Maximum penalty: 10 penalty units.

- (2) The Territory or a Territory authority shall not give consent for subsection (1).
- (3) In a prosecution for an offence against subsection (1) in relation to a defined place or object leased, occupied, owned or possessed by the Territory or a Territory authority, it is to be conclusively presumed that the Territory or the Territory authority, as the case requires, did not consent to any marking of electoral matter on the place or object.
- (4) In this section:

defined place or object means a building, footpath, hoarding, roadway, vehicle, vessel or any public or private place (whether on land or water or in the air).

lessee—see the *Planning and Development Act 2007*, section 234.

mark means write, draw or depict.

300 Defamation of candidates

- (1) A person shall not make or publish, or authorise to be made or published, a false and defamatory statement about the personal character or conduct of a candidate.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) It is a defence to a prosecution for an offence against subsection (1) if it is established that the defendant believed on reasonable grounds that the relevant statement was true.
- (3) A person who makes a false and defamatory statement in relation to the personal character or conduct of a candidate in contravention of this section may, at the suit of the candidate, be restrained by injunction from repeating the statement or any similar false and defamatory statement.

301 Publication of statements about candidates

- (1) A person shall not publish, or authorise to be published, on behalf of a body (whether incorporated or unincorporated) a statement—
- (a) expressly or impliedly claiming that a candidate in an election is associated with, or supports the policy or activities of, that body; or
- (b) expressly or impliedly advocating that a candidate should be given the first preference vote in an election;

without the written authority of the candidate.

Maximum penalty: 30 penalty units.

- (2) In proceedings for an offence against subsection (1), it shall be presumed, unless the contrary is proved, that a statement purported to be made on behalf of a body was made on behalf of the body.

- (3) This section does not apply to a statement—
- (a) published on behalf of a political party; and
 - (b) that relates to a candidate nominated by the party who has publicly declared his or her candidature to be on behalf of, or in the interests of, the party.

302 Disruption of election meetings

- (1) A person shall not, without reasonable excuse, disrupt an election meeting.

Maximum penalty: 5 penalty units.

- (2) The chairperson of an election meeting may request a police officer to remove from the meeting any person who, in the opinion of the chairperson, is disrupting the meeting.

- (3) On a request from the chairperson under subsection (2), a police officer may take reasonable action to remove from the meeting the person disrupting the meeting.

- (4) A person who is the subject of a request referred to in subsection (2) shall not, without reasonable excuse, return to the meeting without the authority of the chairperson after leaving it or being removed from it.

Maximum penalty: 10 penalty units.

- (5) In this section:

election meeting means a lawful public meeting held during a pre-election period in association with the relevant election.

303 Canvassing within 100m of polling places

- (1) A person shall not, during polling hours within the defined polling area in relation to a polling place—
- (a) do anything for the purpose of influencing the vote of an elector as the elector is approaching, or while the elector is at, the polling place; or
 - (b) do anything for the purpose of inducing an elector not to vote as the elector is approaching, or while the elector is at, the polling place; or
 - (c) exhibit a notice containing electoral matter that is able to be clearly seen by electors approaching, or at, the polling place, other than a notice authorised by the commissioner for display there.

Maximum penalty: 5 penalty units.

- (2) If the building where a polling place is located is situated on grounds within an enclosure, the commissioner may, by written notice, specify the boundary of that enclosure for subsection (7), definition of *defined polling area*, paragraph (b).
- (3) A notice is a notifiable instrument.
- Note* A notifiable instrument must be notified under the [Legislation Act 2001](#).
- (4) An officer may, if directed by the commissioner, remove or obliterate a notice that the commissioner or the officer believes on reasonable grounds to be exhibited in contravention of this section.
- (5) Subsection (4) does not authorise an officer to enter land that is subject to a territory lease.
- (6) A person shall not obstruct an officer in the exercise or attempted exercise of the officer's functions under subsection (4).

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

(7) In this section:

defined polling area, in relation to a polling place, means the area—

- (a) within the building where the polling place is located, and within 100m of the building; or
- (b) if the commissioner issues a notice under subsection (2) in relation to the polling place—within the boundary of the enclosure specified in the notice, and within 100m outside that boundary.

polling hours, in relation to a polling place, means—

- (a) for a polling place appointed under section 119—between the hours of 8 am and 6 pm on polling day; or
- (b) for a polling place where a vote may be made before an officer—any time when the place is open for the acceptance of votes; or
- (c) for a polling place where polling is authorised under division 10.5—the period when a mobile polling visit is being made to the building where that place is located.

304 Badges and emblems in polling places

Subject to section 123 (5), an officer or scrutineer shall not wear or display in a polling place a badge or emblem associated with a political party or candidate.

Maximum penalty: 10 penalty units.

305 How-to-vote material in polling places

- (1) A person shall not, except for the purposes of assisting another person to vote under section 156, exhibit or leave in a polling place any printed electoral matter.

Maximum penalty: 5 penalty units.

- (2) This section does not apply in relation to a notice authorised by the commissioner for display in the polling place.

306 Evidence of authorisation of electoral matter

In proceedings for an offence against this division—

- (a) electoral matter including a statement to the effect that it was authorised by a specified person is admissible as evidence of that fact; and
- (b) an issue of a news publication including a statement to the effect that a specified person authorised the publication of all electoral matter contained in reportage or commentary in that issue is admissible as evidence of that fact; and
- (c) electoral matter including a statement to the effect that it was disseminated by a specified person is admissible as evidence of that fact; and
- (d) electoral matter that includes a name purporting to be the author's name is admissible as evidence of that fact.

Division 17.4 Electronic voting offences

306A Interfering with electronic voting devices etc

A person must not, without reasonable excuse, destroy or interfere with any device or computer program that is used, or intended to be used, for or in connection with electronic voting.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

306B Interfering with electronic counting devices etc

A person must not, without reasonable excuse, destroy or interfere with any device or computer program that is used, or intended to be used, for counting votes electronically.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Division 17.5 Voting fraud

307 Voting fraud

- (1) A person shall not supply a ballot paper unless authorised to do so for this Act.

Maximum penalty: 50 penalty units.

- (2) A person shall not obtain a ballot paper by fraudulent means.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person other than an elector shall not mark a ballot paper, unless expressly authorised by this Act.

Maximum penalty: 50 penalty units.

- (4) A person shall not fraudulently put a ballot paper, or any other paper, in a ballot box.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (5) A person shall not fraudulently take a ballot paper out of—
- (a) a place where a vote may be made before an officer under section 136B or 136C; or
 - (b) a polling place; or
 - (c) a scrutiny centre.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (6) A person shall not, without reasonable excuse, interfere with a ballot box, or a ballot paper, unless authorised to do so for this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

Division 17.6 Electoral papers

310 Electoral papers—forfeiture

- (1) On conviction of a person for an offence against the [Criminal Code](#), part 3.6 (Forgery and related offences), any document or instrument in relation to which the offence was committed is forfeited to the Territory.
- (2) A forfeited document or instrument may be destroyed or dealt with as prescribed.

311 Electoral papers—unauthorised possession

A person shall not, without reasonable excuse, except for this Act—

- (a) possess an electoral paper; or

- (b) possess an instrument designed or adapted particularly for producing an electoral paper, or an official mark on an electoral paper.

Maximum penalty: 30 penalty units.

313 Electoral papers—defacement etc

Unless authorised by or under this Act, a person shall not fraudulently deface, remove, mutilate or destroy an electoral paper.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

314 Electoral papers—signatures

- (1) Subject to subsection (2), if a person is required by this Act to sign an electoral paper, he or she shall sign it with his or her personal signature.

Maximum penalty: 10 penalty units.

- (2) If a person is unable to sign his or her name in writing, the person is to be taken to have signed an electoral paper if—
 - (a) the person makes a mark on the paper by way of signature; or
 - (b) another person signs the document in the presence of and at the direction of the person.

315 Electoral papers—witnesses

- (1) A person shall not witness the signature of an electoral paper unless—
 - (a) the paper is signed by the signatory; and
 - (b) he or she has seen the signatory sign the paper; and
 - (c) he or she is satisfied as to—
 - (i) the identity of the signatory; and

(ii) the truth of any statements made in the paper by the signatory; and

(d) he or she is able to sign his or her own name.

Maximum penalty: 10 penalty units.

(2) For subsection (1) (c), a witness may satisfy himself or herself on the basis of—

(a) personal knowledge of the signatory; or

(b) inquiries made of the signatory; or

(c) any other reasonable means.

(3) In this section:

signatory, in relation to a person witnessing the signature of an electoral paper, means the person whose signature is purported to be witnessed.

315A Ballot papers—photographs

(1) A person commits an offence if—

(a) the person takes a photograph of a ballot paper used by the person for voting in an election; and

(b) the photograph shows, or would be likely to show, how the person voted in the election.

Maximum penalty: 10 penalty units.

(2) A person commits an offence if—

(a) the person takes a photograph of a ballot paper used by another person (the *elector*) for voting in an election; and

(b) the photograph shows, or would be likely to show, how the elector voted in the election; and

- (c) either—
- (i) the person knows the identity of the elector; or
 - (ii) it would be possible for the person or someone else to find out the identity of the elector.

Maximum penalty: 10 penalty units.

- (3) In this section:

photograph includes a video recording.

Division 17.7 Official functions

316 Improper influence—members of electoral commission etc

A person shall not do anything improper for the purpose of influencing a member of—

- (a) the electoral commission; or
- (b) an augmented commission; or
- (c) a redistribution committee.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

317 Unauthorised actions by officers

An officer shall not, without reasonable excuse, contravene—

- (a) a provision of this Act for which no other penalty is provided; or
- (b) a direction given to him or her under this Act.

Maximum penalty: 10 penalty units.

318 Identification of voters and votes

- (1) Except as authorised under this Act, an officer shall not make any mark on a ballot paper that would be likely to enable the identification, directly or indirectly, of the person who votes on the ballot paper.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Except as authorised under this Act, an officer or a scrutineer shall not, directly or indirectly, disclose any information acquired in the exercise of his or her functions under this Act that would be likely to enable it to be known how an identified voter has voted.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) In subsection (2):

officer includes a person who has been, but is no longer, an officer.

scrutineer includes a person who has been, but is no longer, a scrutineer.

319 Responses to official questions

- (1) A person shall not, in answer to an official question, make a statement that is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) It is a defence to a prosecution for an offence against subsection (1) if it is established that the defendant did not know, and could not reasonably be expected to have known, that the relevant statement was false or misleading in a material particular.

- (3) In this section:

official question means a question asked by an officer in the exercise of his or her functions under this Act.

320 Control of behaviour at voting centres

- (1) A person shall not, without reasonable excuse, disrupt an activity being carried out under this Act at a voting centre.

Maximum penalty: 10 penalty units.

- (2) A person at a voting centre shall not, without reasonable excuse, disobey a direction given by the OIC by or under this Act.

Maximum penalty: 10 penalty units.

- (3) A person shall not, without reasonable excuse, enter or remain at a voting centre without the permission, express or implied, of the OIC.

Maximum penalty: 10 penalty units.

- (4) Subsection (3) does not apply—

- (a) to an officer; or
- (b) to a scrutineer who is entitled to be on the premises under section 123; or
- (c) if the voting centre is a polling place—to a voter who enters the place for the purpose of voting and remains no longer than is necessary and reasonable for that purpose.

- (5) A person who contravenes this section may be removed from the premises by a police officer or by an authorised officer.

- (6) In this section:

OIC, in relation to a voting centre, means the officer in charge of the centre.

voting centre means—

- (a) a place where a vote may be made before an officer under section 136B or 136C; or
- (b) a polling place; or
- (c) a scrutiny centre.

Part 18 Enforcement proceedings

Division 18.1 Injunctions

321 Restraining conduct

- (1) This section applies if a person (the *relevant person*) has engaged, is engaging, or proposes to engage, in conduct that was, is, or would be, a contravention of this Act or another Territory law in its application to elections.
- (2) The commissioner or, if the conduct relates to an election, a candidate in the election may apply to the Supreme Court for an injunction.
- (3) On application under subsection (2), the Supreme Court may grant an injunction—
 - (a) restraining the relevant person from engaging in the conduct; and
 - (b) if, in the court's opinion, it is desirable to do so, requiring the relevant person to do anything.
- (4) The Supreme Court may grant an injunction restraining a person from engaging in conduct of a particular kind—
 - (a) if satisfied that the person has engaged in conduct of that kind, whether or not it appears to the court that the person intends to engage again, or to continue to engage, in conduct of that kind; or
 - (b) if it appears to the court that, if an injunction is not granted, it is likely the person will engage in conduct of that kind, whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to someone else if the person engages in conduct of that kind.

322 Requiring things to be done

- (1) This section applies if a person (the *relevant person*) has failed, is failing, or proposes to fail to do something in contravention of this Act or another Territory law in its application to elections.
- (2) The commissioner or, if the conduct relates to an election, a candidate in the election may apply to the Supreme Court for an injunction requiring the relevant person to do the thing.
- (3) On application under subsection (2), the Supreme Court may grant an injunction requiring the relevant person to do the thing.
- (4) The Supreme Court may grant an injunction requiring a person to do something—
 - (a) if satisfied that the person has failed to do the thing, whether or not it appears to the court that the person intends to fail again, or to continue to fail, to do the thing; or
 - (b) if it appears to the court that, if an injunction is not granted, it is likely the person will fail to do the thing, whether or not the person has previously failed to do the thing and whether or not there is an imminent danger of substantial damage to someone else if the person fails to do the thing.

323 Commissioner not required to give undertakings as to damages

If the commissioner makes an application for an injunction to which this division applies, the Supreme Court must not require that, as a condition of granting the injunction, the commissioner give any undertakings about damages on his or her own behalf or on behalf of any other person.

324 Powers of the court

Subject to this division, the Supreme Court has the same powers (so far as they are applicable) in relation to injunctions under this division as it has in relation to injunctions under its original jurisdiction.

Division 18.2 Prosecutions

325 Investigation of complaints

The commissioner shall—

- (a) investigate; or
- (b) refer to the appropriate authority for investigation;

any complaint alleging a contravention of this Act, unless the commissioner believes on reasonable grounds that the complaint is frivolous or vexatious.

326 Commissioner may prosecute enrolment and voting offences

The commissioner may institute and conduct any prosecution in relation to an offence against section 73 (6) or 129 (1).

327 Service of certain process by mail

In addition to any other method by which a document may be served, process relating to a proceeding for an offence against section 129 (1) may be served on a person by sending it by prepaid post to the address of the person recorded on the roll.

Note For other ways of serving documents, see [Legislation Act 2001](#), pt 19.5.

Part 19 Miscellaneous

328 Extension of time for acts by officers

If—

- (a) an officer is required by this Act to do an act at a specified time or within a specified period; and
- (b) an officer other than the commissioner refuses or fails to do the act at that time or within that period;

the commissioner may grant an extension of time (not exceeding 48 hours) within which the act may be done.

329 Restrictions on sending completed ballot and voting papers by fax

- (1) This section applies to—
 - (a) a completed ballot paper (other than a ballot paper completed by an Antarctic elector); and
 - (b) a completed declaration voting paper.
- (2) Despite the *Legislation Act 2001*, part 19.5 (Service of a document), a document (including a copy of the document) to which this section applies cannot be served on a person by faxing it to the person.

Note For other ways of serving the documents and other documents under this Act, see *Legislation Act 2001*, pt 19.5.

330 Forms—provision and assistance

- (1) The commissioner shall ensure that any forms provided for, or required by or under, this Act are kept at the office of the commissioner and are provided, on request, to members of the public.
- (2) It is the duty of the staff of the electoral commission to assist, on request, members of the public in completing any of those forms.

332 Correcting delays, errors and omissions

- (1) The commissioner may remedy, remove or supply any delay, error or omission in the preparation, printing, issue or transmission of any roll, certified extract of electors, certified list of electors or ballot papers by written notice specifying the matter to be dealt with and the course of action to be followed, and that course (if followed) is to be taken to be valid and sufficient for the purpose of remedying, removing or supplying the defect, error or omission.
- (2) A notice is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).

333 Voting statistics to be published

- (1) The electoral commission shall, as soon as practicable after an election is held, publish statistics in relation to voting at the election.
- (2) A person may obtain copies of the statistics in paper or electronic form.

Note A fee may be determined under s 340B (Determination of fees) for this subsection.

334 Collecting further statistical information

When—

- (a) the time for filing an application disputing the validity of an election has ended; and
- (b) the Court of Disputed Elections has determined any such applications in relation to the election;

the commissioner may use ballot papers, certified lists of electors, declaration voting papers and other electoral papers used in the election to collect statistical information.

335 Storage and destruction of electoral papers

- (1) This section applies to electoral papers in the commissioner's possession that were used for an election.
- (2) The commissioner must securely store the electoral papers until whichever of the following happens last:
 - (a) the beginning of the pre-election period for the next general election;
 - (b) the electoral papers are no longer required by the commissioner, another member of the electoral commission or a member of the staff of the commission for exercising a function under this Act.
- (3) The commissioner may destroy the electoral papers only when the last of the matters mentioned in subsection (2) happens.

336 Administrative arrangements with Commonwealth and States

The Minister may arrange with the appropriate Minister of the Commonwealth or a State—

- (a) for officers or employees of the public service of the Commonwealth or State, or of an authority of the Commonwealth or State, to exercise the powers of an officer under this Act; or
- (b) to make a member of the electoral commission, the commissioner or a member of the staff of the commission available for the exercise of powers on behalf of the corresponding electoral authority of the Commonwealth or State.

337 Evidentiary certificates

- (1) In a proceeding under this Act, a certificate signed by the commissioner stating any of the following matters is evidence of the matters so stated:
- (a) that on a specified day a person was, or was not, enrolled for an electorate;
 - (b) that, in relation to an election, a person was or was not—
 - (i) an eligible overseas elector; or
 - (ii) an Antarctic elector; or
 - (iii) an elector serving a sentence of imprisonment outside the ACT;
 - (c) that a person was, or was not, declared as a candidate for an election;
 - (d) that a nomination of a person to be a candidate in an election was rejected;
 - (e) that an election was duly held;
 - (f) that a person was, or was not, given a ballot paper for an election;
 - (g) that a person voted, or failed to vote, in an election;
 - (h) that on a stated day, or during a stated period, a stated person was, or was not, registered as the reporting agent of a stated registered party, MLA or candidate;
 - (i) that on a stated day, or during a stated period, no reporting agent was registered for a stated registered party, MLA or candidate;
 - (j) that on a specified day a person was, or was not, an officer;
 - (k) that on a specified day a person was, or was not, the delegate of the electoral commission or the commissioner.

- (2) In subsection (1), a reference to a person or thing is a reference to a person or thing specified in the certificate.

338 Acts and omissions of representatives

- (1) In this section:

person means an individual.

Note See the [Criminal Code](#), pt 2.5 for provisions about corporate criminal responsibility.

representative, of a person, means an employee or agent of the person.

state of mind, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against this Act.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) the representative had the state of mind.
- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is also taken to have been done or omitted to be done by the person.

- (5) However, subsection (4) does not apply if the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
- (6) A person who is convicted of an offence cannot be punished by imprisonment for the offence if the person would not have been convicted of the offence without subsection (3) or (4).

340 Director-general to provide assistance etc

The director-general of the administrative unit responsible for the *Public Sector Management Act 1994*, division 3.4 shall comply with any request by the electoral commission, the commissioner or an augmented commission for information or assistance reasonably required for this Act.

340A Approved forms

- (1) The commissioner may approve forms for this Act.
- (2) If the commissioner approves a form for a particular purpose, the approved form must be used for that purpose.

Note For other provisions about forms, see *Legislation Act 2001*, s 255.

- (3) An approved form is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

340B Determination of fees

- (1) The electoral commission may determine fees for this Act.

Note The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

341 Regulation-making power

- (1) The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the [Legislation Act 2001](#).

- (2) A regulation may create offences and fix maximum penalties of not more than 10 penalty units for the offences.
- (3) The Executive must consult with the electoral commission and the relevant Assembly committee before making a regulation under this Act.
- (4) Subject to any disallowance or amendment under the [Legislation Act](#), chapter 7, a regulation under this Act commences—
- (a) if there is a motion to disallow the regulation and the motion is negated by the Legislative Assembly—on the day after the day the motion is negated; or
 - (b) on the day after the 6th sitting day after the day it is presented to the Legislative Assembly under that chapter; or
 - (c) if the regulation provides for a later date or time of commencement—on that date or at that time.

Schedule 1 Form of ballot paper

(see s 114)

Legislative Assembly for the Australian Capital Territory

Ballot paper

Election of [1] Member(s)

Electorate of [1]

Number [1] boxes from 1 to [1] in the order of your choice

Then you may show as many further preferences as you wish by writing numbers from [3] onwards in other boxes.

A [4]	B [4]	C [4]	[5]
<input type="text"/> [6]	<input type="text"/> [6]	<input type="text"/> [6]	<input type="text"/> [6] [7]
<input type="text"/> [6]	<input type="text"/> [6]	<input type="text"/> [6]	<input type="text"/> [6] [7]
<input type="text"/> [6]	<input type="text"/> [6]	<input type="text"/> [6]	<input type="text"/> [6] [7]

Remember, number at least [1] boxes from 1 to [1] in the order of your choice.

1. Insert number of vacancies
2. Insert name of electorate
3. Insert the number that is 1 more than the number of vacancies
4. Insert name, or abbreviation of name, of registered party, as required
5. Insert 'UNGROUPED' if there are ungrouped candidates
6. Insert name of candidate
7. Insert name, or abbreviation of name, of registered party, or 'INDEPENDENT', as required

Schedule 2 **Ballot papers—printing of names and collation**

(see s 116)

1 In this schedule:

column, in relation to a ballot paper, means a column of candidates' names printed on the ballot paper in accordance with section 116.

2 (1) The ballot papers for an election shall be printed so that, for each column—

- (a) separate batches are printed equal in number to the number of names in the column; and
- (b) in the first batch, the names in the column are printed in an order determined by the commissioner by lot; and
- (c) in each batch after the first, the names in the column are printed in the order specified in the table at the end of this schedule; and
- (d) so far as practicable, the number of ballot papers in each batch for the column is equal to the number of ballot papers in each other batch for the column.

(2) In the table at the end of this schedule—

- (a) the number '1' appearing in a column shall be taken to represent the name determined in accordance with clause 1 (b) to be in the first position in the corresponding column on the ballot paper; and
- (b) the number '2' appearing in a column shall be taken to represent the name determined in accordance with clause 1 (b) to be in the second position in the corresponding column on the ballot paper;

and so on.

- 3** The commissioner shall ensure that ballot papers distributed to a polling place for the purposes of an election are so collated that the ballot paper immediately following another ballot paper in the issue is in a form different from that of the other ballot paper.
- 4** The OIC of a polling place shall ensure, so far as practicable, that the form of a ballot paper issued by an officer to a person claiming to vote at that place is different from that of the previous ballot paper so issued by the officer.

TABLE

For 5-member electorates

1st batch	2nd batch	3rd batch	4th batch	5th batch	6th batch	7th batch	8th batch	9th batch	10th batch	11th batch	12th batch
1	1	1	1	1	1	1	1	1	1	1	1
2	2	2	3	3	3	4	4	4	5	5	5
3	4	5	2	5	4	5	2	3	4	3	2
4	5	3	5	4	2	2	3	5	3	2	4
5	3	4	4	2	5	3	5	2	2	4	3
13th batch	14th batch	15th batch	16th batch	17th batch	18th batch	19th batch	20th batch	21st batch	22nd batch	23rd batch	24th batch
2	2	2	2	2	2	2	2	2	2	2	2
3	3	3	4	4	4	5	5	5	1	1	1
4	5	1	3	1	5	1	3	4	5	4	3
5	1	4	1	5	3	3	4	1	4	3	5
1	4	5	5	3	1	4	1	3	3	5	4
25th batch	26th batch	27th batch	28th batch	29th batch	30th batch	31st batch	32nd batch	33rd batch	34th batch	35th batch	36th batch
3	3	3	3	3	3	3	3	3	3	3	3
4	4	4	5	5	5	1	1	1	2	2	2
5	1	2	4	2	1	2	4	5	1	5	4
1	2	5	2	1	4	4	5	2	5	4	1
2	5	1	1	4	2	5	2	4	4	1	5

37th batch	38th batch	39th batch	40th batch	41st batch	42nd batch	43rd batch	44th batch	45th batch	46th batch	47th batch	48th batch
4	4	4	4	4	4	4	4	4	4	4	4
5	5	5	1	1	1	2	2	2	3	3	3
1	2	3	5	3	2	3	5	1	2	1	5
2	3	1	3	2	5	5	1	3	1	5	2
3	1	2	2	5	3	1	3	5	5	2	1
49th batch	50th batch	51st batch	52nd batch	53rd batch	54th batch	55th batch	56th batch	57th batch	58th batch	59th batch	60th batch
5	5	5	5	5	5	5	5	5	5	5	5
1	1	1	2	2	2	3	3	3	4	4	4
2	3	4	1	4	3	4	1	2	3	2	1
3	4	2	4	3	1	1	2	4	2	1	3
4	2	3	3	1	4	2	4	1	1	3	2

Schedule 3 Preliminary scrutiny of declaration voting papers

(see s 179)

1 In this schedule:

envelope means an envelope on which appears a declaration, in the form approved under section 340A (Approved forms) for the declaration, made by an elector for the purpose of casting a declaration vote.

2 The OIC of a scrutiny centre shall arrange for a preliminary scrutiny at the centre to be conducted in accordance with this schedule.

4 An officer must produce at the centre each set of declaration voting papers that has not been dealt with at an earlier preliminary scrutiny.

5 An officer shall sort the declaration voting papers to which the preliminary scrutiny relates into the following groups:

- (a) 1 group containing papers to which clause 6 applies;
- (b) 1 group containing the remainder.

6 (1) In this clause:

relevant provision means—

- (a) for a vote under section 135—section 135 (4); or
- (b) for a vote under section 136B—section 135 (4) as applied by section 136B (18); or
- (c) for a vote under section 136C—section 135 (4) as applied by section 136C (8); or
- (d) for a vote under section 144A—section 144A (2).

-
- (2) This clause applies to a set of declaration voting papers if the officer is satisfied that—
- (a) the signature on the declaration is that of the elector; and
 - (b) the certificate by the witness is in accordance with the relevant provision; and
 - (c) for a postal vote if the papers were posted to the commissioner—the papers were so posted before the close of the poll; and
 - (d) for the vote of an Antarctic elector—the envelope referred to in section 176 (1) (c) is endorsed and signed by an authorised officer in accordance with that paragraph.
- (3) For subclause (2) (b), if an officer referred to in section 135 (4) omits to sign the certificate, the certificate shall nevertheless be taken to be in accordance with the relevant provision, if—
- (a) the issue of the relevant declaration voting papers was recorded under division 10.3 or 10.4; and
 - (b) the OIC is satisfied the papers were properly issued to the elector.
- 7 An officer shall sort the declaration voting papers to which clause 6 applies into the following groups:
- (a) 1 group containing envelopes on which appear declarations by electors enrolled for the electorate indicated in the declaration;
 - (b) 1 group containing the remainder.
- 8 An officer shall sort the remaining declaration voting papers referred to in clause 7 (b) into the following groups:
- (a) 1 group containing papers to which clause 9 applies;
 - (b) 1 group containing the remainder.

- 9 This clause applies to a set of declaration voting papers if the OIC is satisfied that—
- (a) the elector who signed the declaration was, when the roll closed for the election, entitled to be enrolled; and
 - (b) the omission of the elector's name from the roll resulted from an official error.
- 10 (1) An officer shall withdraw the ballot papers from the envelopes in the groups of declaration voting papers to which clause 7 (a) or 9 applies and, without unfolding or inspecting the ballot papers or allowing any other person to do so, admit them to scrutiny under section 183.
- (2) If 2 or more sets of papers to which clause 7 (a) or 9 applies are in the name of a particular elector—
- (a) the OIC shall determine which set shall be dealt with in accordance with subclause (1); and
 - (b) the remaining set shall be set aside.
- (3) The OIC shall ensure that ballot papers referred to in subclause (1) are kept in a separate sealed ballot box until they are dealt with under section 183.
- 11 The OIC shall, in accordance with clauses 4 to 10, conduct a further scrutiny of the groups of remaining declaration voting papers to which clause 5 (b) or 8 (b) apply and, if there are any papers to which either paragraph applies after the further scrutiny, the OIC shall—
- (a) reject them from further scrutiny; and
 - (b) seal them, together with any papers to which clause 10 (2) (b) applies, in a parcel endorsed with a description of the contents, the name of the electorate and the date.

Schedule 4 Ascertaining result of poll

(see s 185)

Part 4.1 Preliminary

1 Interpretation for sch 4

In this schedule:

ballot paper means a ballot paper that is formal under part 12.

continuing candidate means a candidate, other than a successful candidate, an excluded candidate or a candidate who died before polling day.

count means an allotment of votes under clause 3 (1), 6 (3), 9 (2) (c) or 14 (2).

count votes—see clause 1A.

excluded candidate means a candidate excluded under clause 8.

next available preference means the next highest preference recorded for a continuing candidate on a ballot paper.

quota—

(a) for this schedule generally—see clause 1B; and

(b) for part 4.3 (Casual vacancies)—see clause 12.

successful candidate means a candidate who is successful under clause 3, 4, 6, 9 or 14.

surplus, in relation to a successful candidate, means the candidate's total votes less the quota, if the resulting number of votes is 1 or greater.

total votes, in relation to a candidate, means the sum of all votes allotted to the candidate.

transfer value—

- (a) for this schedule generally—see clause 1C; and
- (b) for part 4.3 (Casual vacancies)—see clause 13.

1A Meaning of *count votes*—sch 4

- (1) For this schedule, *count votes*, in relation to a candidate, means the number of votes worked out as follows:

$$BP \times TV$$

- (2) However, any fraction is to be disregarded.
- (3) In this clause:

BP means the number of ballot papers to be dealt with at a count that record the next available preference for the candidate.

TV means the transfer value of those ballot papers.

1B Meaning of *quota*—sch 4

- (1) For this schedule, *quota* means the quota of an electorate for an election worked out as follows:

$$\frac{BP}{N + 1} + 1$$

Note *Quota*, for pt 4.3 (Casual vacancies)—see cl 12.

- (2) However, any fraction is to be disregarded.
- (3) In this clause:

BP means the number of ballot papers for the election.

N means the number of positions to be filled at the election.

1C **Meaning of *transfer value*—sch 4**

- (1) For this schedule, the *transfer value* of a ballot paper is the transfer value worked out under this clause.

Note *Transfer value*, for pt 4.3 (Casual vacancies)—see cl 13.

- (2) For the allotment of votes from the surplus of a successful candidate, the *transfer value* of a ballot paper that specifies a next available preference is worked out as follows:

$$\frac{S}{CP}$$

- (3) For the allotment of votes under clause 9 (2) (c) (Votes of excluded candidates), the *transfer value* is—
- (a) for a ballot paper in relation to which votes were allotted to the excluded candidate under clause 3 (First preferences)—1; or
- (b) for a ballot paper in relation to which count votes were allotted to the excluded candidate under clause 6 (3) (Surplus votes) or clause 9 (2) (c) (Votes of excluded candidates)—the transfer value of the ballot paper when counted for that allotment.
- (4) However, if the transfer value of a ballot paper worked out in accordance with subclause (2) would be greater than the transfer value of the ballot paper when counted for the successful candidate, the *transfer value* of that ballot paper is the transfer value of the ballot paper when counted for the successful candidate.
- (5) In this clause:

CP means the number of ballot papers counted for the candidate at the count at which the candidate became successful and that specify a next available preference.

S means the surplus.

2 Disregarding preferences

- (1) This clause applies if effect is to be given to preferences indicated in candidate squares on a ballot paper under section 180.
- (2) If the same number is marked in 2 or more candidate squares on a ballot paper, those numbers and any greater number shall be disregarded in determining the elector's preferences.
- (3) If a number is missing from the series of consecutive whole numbers marked in the candidate squares on a ballot paper, the missing number and any greater number shall be disregarded in determining the elector's preferences.

Part 4.2 General

3 First preferences

- (1) For each ballot paper recording a first preference for a continuing candidate, 1 vote shall be allotted to the candidate.
- (2) For subclause (1), a ballot paper on which a first preference for a candidate who died before polling day is recorded shall be taken to record a first preference for the candidate for whom the next available preference is recorded.
- (3) After the allotment of votes under subclause (1), each continuing candidate's total votes shall be calculated and, if the votes equal or exceed the quota, the candidate is successful.

4 Scrutiny to cease

- (1) If, after a calculation under clause 3 (3), 6 (4) or 9 (2) (d), the number of successful candidates is equal to the number of positions to be filled, the scrutiny shall cease.
- (2) If, after a calculation under clause 3 (3) or 6 (4) or after all the ballot papers counted for an excluded candidate have been dealt with under clause 9—
 - (a) the number of continuing candidates is equal to the number of positions remaining to be filled; and
 - (b) no successful candidate has a surplus not already dealt with under clause 6;

each of those continuing candidates is successful and the scrutiny shall cease.

5 Scrutiny to continue

If the scrutiny has not ceased in accordance with clause 4 and—

- (a) 1 or more successful candidates have a surplus not already dealt with under clause 6—subject to clause 4, each surplus shall be dealt with in accordance with clause 6; or
- (b) there are no successful candidates with such a surplus—1 continuing candidate shall be excluded in accordance with clause 8 and the ballot papers counted for him or her shall be dealt with in accordance with clause 9.

6 Surplus votes

- (1) Subject to clause 7, this clause applies in relation to the surplus of a successful candidate.
- (2) Each ballot paper counted for the purpose of allotting votes to the successful candidate at the count at which the candidate became successful shall be dealt with as follows:
 - (a) if it does not specify a next available preference—it shall be set aside as finally dealt with for this part;
 - (b) if it specifies a next available preference—it shall be grouped according to the candidate for whom that preference is recorded.
- (3) The count votes for each continuing candidate shall be determined and allotted to him or her.
- (4) After the allotment under subclause (3), the continuing candidates' total votes shall be calculated and, if the total votes of a candidate equal or exceed the quota, the candidate is successful.

7 More than 1 surplus

- (1) In this clause—
 - (a) a reference to a *successful candidate* is a reference to a successful candidate with a surplus not already dealt with under clause 6; and
 - (b) a reference to the *earliest count* is a reference to the earliest count at which a successful candidate obtained a quota.
- (2) If there are 2 or more successful candidates, the surplus of the relevant candidate shall be dealt with in accordance with clause 6.
- (3) For subclause (2)—
 - (a) if only 1 successful candidate obtained a quota at the earliest count—that candidate is the relevant candidate;
 - (b) if 2 or more successful candidates obtained a quota at the earliest count—the candidate who, of those candidates, has the largest surplus is the relevant candidate; or
 - (c) if 2 or more successful candidates (*contemporary candidates*) who obtained a quota at the earliest count have the same surplus, being a surplus larger than that of any other candidate who obtained a quota at the count and—
 - (i) 1 of the contemporary candidates had more total votes than any other contemporary candidate at the last count—that candidate is the relevant candidate; or
 - (ii) 2 or more contemporary candidates have the same total votes, being a total larger than that of any other contemporary candidate (a *non-tied contemporary candidate*) at the last count—each non-tied contemporary candidate is no longer considered under this clause and—
 - (A) subparagraph (i) and this subparagraph are applied to each preceding count until a relevant candidate is worked out; or

(B) if a relevant candidate cannot be worked out by applying subparagraph (i) and this subparagraph to the preceding count—the contemporary candidate who is determined by the commissioner by lot is the relevant candidate.

(4) If—

- (a) a person becomes the relevant candidate under subclause (3) (c) (ii) (B); and
- (b) the ballot papers are recounted in accordance with section 187; and
- (c) the same candidates would, apart from this subclause, become the contemporary candidates once again under that subparagraph;

the person shall be taken to be the relevant candidate for subclause (2) in the recounting of those ballot papers.

8 Exclusion of candidates

- (1) If clause 5 or 15 requires a candidate to be excluded, the candidate with the least total votes shall be excluded.
- (2) If 2 or more candidates each have the same total votes, being fewer total votes than any other candidate and—
 - (a) 1 of the candidates had fewer total votes than any other of the candidates at the last count—that candidate is excluded; or
 - (b) 2 or more of the candidates have the same total votes, being a total fewer than that of any other candidate (a *non-tied candidate*) at the last count—each non-tied candidate is no longer considered under this clause and—
 - (i) paragraph (a) and this paragraph are applied to each preceding count until 1 candidate is excluded; or

(ii) if 1 candidate cannot be excluded by applying paragraph (a) and this paragraph to the preceding count—the candidate who is determined by the commissioner by lot is excluded.

(3) If—

- (a) a person is excluded under subclause (2) (b) (ii); and
- (b) the ballot papers are recounted in accordance with section 187; and
- (c) that paragraph would, apart from this subclause, be applicable once again to the same candidates;

the person shall be taken to be excluded in the recounting of those ballot papers.

9 Votes of excluded candidates

- (1) If a candidate is excluded in accordance with clause 8, the ballot papers counted for the candidate shall be sorted into groups according to their transfer values when counted for him or her.
- (2) Subject to subclause (3), each group under subclause (1) shall be dealt with as follows:
 - (a) if a ballot paper in the group does not specify a next available preference—it shall be set aside as finally dealt with for this part;
 - (b) if a ballot paper in the group specifies a next available preference—it shall be grouped according to the candidate for whom that preference is recorded;
 - (c) each continuing candidate's count votes shall be determined and allotted to him or her;
 - (d) continuing candidates' total votes shall be calculated and, if the votes of any of those candidates equal or exceed the quota, the candidate is successful.

- (3) The groups referred to in subclause (1) shall be dealt with under subclause (2) starting with the group with the highest transfer value and, subject to subclause 4 (1) or 15 (2), continuing in descending order until all the groups have been dealt with.

10 Setting aside ballot papers

If, after a calculation under clause 3 (3), 6 (4) or 9 (2) (d), the total votes of a candidate who became successful on that calculation equal the quota, the ballot papers counted for that candidate shall be set aside for this part.

Part 4.3 Casual vacancies

11 Application

- (1) This part applies in relation to the vacancy in the seat of a former MLA that is to be filled by recount under section 194.
- (2) For this part—
 - (a) *continuing candidate* means a candidate within the meaning of part 13, but does not include a candidate who died before the recount for the purposes of this part began; and
 - (b) the quota is calculated under clause 12; and
 - (c) the transfer value is determined under clause 13.

12 Quota

- (1) For this part, the *quota*, in relation to a count, is calculated as follows:

$$\frac{TVA}{2} + 1$$

- (2) In this clause:

TVA means the sum of the total votes allotted to the continuing candidates at the count, any fraction being disregarded.

13 Transfer value

- (1) For this part, the *transfer value* of ballot papers counted for the former MLA—
 - (a) for a ballot paper dealt with at the count at which the former MLA became successful—is the value ascertained in accordance with subclause (2) or (3), as the case requires;
 - (b) for a ballot paper dealt with at the count under clause 3—is 1; and

- (c) for a ballot paper dealt with at any other count—is the transfer value of the ballot paper when counted for the purpose of allotting count votes to the former MLA.
- (2) If, at the count at which the former MLA became successful, $NCP \times TV$ was greater than or equal to $Q - N$ —
- (a) for a ballot paper that did not specify a next available preference—the value is calculated as follows:

$$\frac{Q - N}{NCP}; \text{ and}$$

- (b) for a ballot paper that specified a next available preference—the value is zero.
- (3) If, at the count at which the former MLA became successful, $NCP \times TV$ was less than $Q - N$ —
- (a) for a ballot paper that did not specify a next available preference—the value is the transfer value of the ballot paper when counted for the purpose of allotting count votes to the former MLA; and
- (b) for a ballot paper that specified a next available preference—the value is calculated as follows:

$$\frac{Q - N - (NCP \times TV)}{CP}$$

- (4) In subclauses (2) and (3):

NCP means the number of ballot papers counted for the former MLA at the count at which he or she became successful that did not specify a next available preference.

TV means the transfer value of a ballot paper when counted at that count for the purpose of allotting count votes to the former MLA.

Q means the quota for the election at which the former MLA was last elected.

N means the former MLA's total votes after the last calculation before that count.

CP means the number of ballot papers counted for the former MLA at that count that specified a next available preference.

14 Recount—first count

- (1) If a ballot paper counted for the former MLA—
 - (a) does not specify a next available preference—it shall be set aside as finally dealt with for this part; or
 - (b) specifies a next available preference—it shall be grouped according to the candidate for whom that preference is recorded.
- (2) The count votes for each continuing candidate shall be determined and allotted to him or her, and each continuing candidate's total votes shall be calculated.
- (3) If, after the calculation under subclause (2), the total votes of a continuing candidate equal or exceed the quota, the candidate is successful and the scrutiny shall cease.

15 Recount—continuation

- (1) If the scrutiny has not ceased in accordance with clause 14 (3) or subclause (2) of this clause—
 - (a) 1 continuing candidate shall be excluded in accordance with clause 8; and
 - (b) the ballot papers counted for that candidate shall be dealt with in accordance with clause 9.
- (2) If, after a calculation under clause 9 (2) (d), a candidate is successful, the scrutiny shall cease.

16 Successful candidate is dead

- (1) If the candidate who is successful on a recount is dead, the recount shall be conducted again.
- (2) For subclause (1), a ballot paper on which a preference for that candidate is recorded shall be taken to record a preference for the candidate for whom the next available preference is recorded.

17 Multiple vacancies

- (1) If there are 2 or more vacancies in the seats of former MLAs that are required to be filled by recount under section 194, the recounts shall be conducted in the order in which the vacancies occurred.
- (2) If 2 or more of those vacancies occurred at the same time, the commissioner shall determine by lot the order in which the recounts are to be conducted.
- (3) If—
 - (a) a person is a candidate in relation to more than 1 casual vacancy; and
 - (b) the person becomes a candidate in relation to those casual vacancies before the commissioner declares elected the successful candidate in relation to any of those casual vacancies; and
 - (c) the person is successful in relation to 1 of those casual vacancies;

for the purpose of conducting the recount in relation to the casual vacancies other than the one in relation to which the person was successful, the person shall be taken not to be a continuing candidate.

Part 4.4 Deceased successful candidates

18 Application—pt 4.4

This part applies if a successful candidate dies on or after polling day but before the declaration of the result of the election.

19 Ballot papers for deceased successful candidate

- (1) The ballot papers counted for a deceased candidate must be dealt with in accordance with schedule 4, part 4.3 (Casual vacancies) as if they had been counted for a former MLA.
- (2) If 2 or more of the successful candidates die on or after polling day but before the declaration of the result of the election, the ballot papers counted for each deceased candidate must be dealt with in the order in which the candidates died.
- (3) If 2 or more of the successful candidates died at the same time, the commissioner must determine by lot the order in which the ballot papers for the deceased candidates are to be dealt with.
- (4) In applying schedule 4, part 4.3 for the purposes of this part:
continuing candidate means a candidate other than—
 - (a) a successful candidate; or
 - (b) a candidate who died before the recount for this part began; or
 - (c) a candidate who is excluded for clause 15 (Recount—continuation).

Schedule 5 Internally reviewable decisions

(see pt 15)

column 1 item	column 2 section	column 3 decision	column 4 entity
1	76 (5) (a)	enrol person	claimant
2	76 (5) (b)	reject claim for enrolment	claimant
3	77 (2) (b)	refuse request to suppress particulars of elector's address from extract from roll	elector
4	78 (2)	include particulars of elector's address suppressed on extract from roll	elector
5	81 (5) (b)	reject objection to enrolment of person	person who objects to enrolment
6	81 (8) (b)	remove person's name from roll	person whose name removed
7	90 (2)	refuse to register political party	applicant for registration
8	92 (1)	register political party	person who objects to registration
9	93 (1) or (2)	refuse to change registered particulars applied for under section 95 (2)	applicant for change of registered particulars

column 1 item	column 2 section	column 3 decision	column 4 entity
10	98 (5)	cancel registration of political party	registered party
11	237A	give investigations notice	person to whom notice given
12	242 (4)	refuse request to make stated amendment of return	person who gave return

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1 defines the following terms:

- ACAT
- administrative unit
- adult
- Australian citizen
- Australian statistician
- Commonwealth
- director-general (see s 163)
- doctor
- Executive
- exercise
- fail
- function
- home address
- individual
- lawyer
- person (see s 160)
- public holiday
- quarter
- reviewable decision notice
- Self-Government Act
- Speaker (except for parts 13 and 16)
- State
- statutory office-holder
- territory instrumentality
- territory lease.

abbreviation, of the name of a political party, includes an alternative name of the party.

address—

- (a) of a person, for this Act generally—means the person's principal place of residence (including a place of residence from which a person who is an elector is temporarily absent and to which the person intends to return to live in); and
- (b) of a person who is, or is nominated to be, the registered officer of a political party, for part 7 (Registration of political parties)—see section 87.

amount, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

anonymous gift, for division 14.4 (Gifts and certain loans—records and disclosure)—see section 216.

anonymously, for division 14.4 (Gifts and certain loans—records and disclosure)—see section 216.

Antarctica, for part 11 (Polling in Antarctica)—see section 167.

Antarctic elector means an elector who is an Antarctic elector under section 171.

application, for part 16 (Disputed elections, eligibility and vacancies)—see section 250.

approved computer program means the computer program approved under section 118A.

Assembly means the Legislative Assembly.

assistant returning officer, for part 11 (Polling in Antarctica)—see section 167.

associated entity, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

augmented commission in relation to a redistribution, means the augmented electoral commission established by section 47 for the purposes of the redistribution.

Australian government body, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

authorised delivery service, for division 10.4 (Voting otherwise than at a polling place)—see section 136.

authorised officer means an officer authorised by the commissioner for the purpose of the provision in which the expression occurs.

available for public inspection—see section 4A.

ballot paper—

- (a) includes an electronic ballot paper; and
- (b) if a regulation is in force under section 114 (7) (Ballot papers)—means a ballot paper in the form prescribed by regulation; and
- (c) for schedule 4 (Ascertaining result of poll)—see schedule 4, clause 1.

Note A ballot paper is required to be in the form set out in sch 1 (see s 114 (1)).

bribery, for part 16 (Disputed elections, eligibility and vacancies)—see section 250.

broadcast includes televise.

broadcaster means—

- (a) the Australian Broadcasting Corporation continued in existence under the [Australian Broadcasting Corporation Act 1983](#) (Cwlth), section 5; or
- (b) the Special Broadcasting Service Corporation continued in existence under the [Special Broadcasting Service Act 1991](#) (Cwlth), section 5; or
- (c) the holder of a licence under the [Broadcasting Services Act 1992](#) (Cwlth); or

(d) the provider of a broadcasting service under a class licence under that Act.

called, for an extraordinary election, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

candidate means—

- (a) except in part 13 (Casual vacancies)—a person declared to be a candidate under section 109 (Declaration of candidates); and
- (b) in part 13—a person declared to be a candidate under section 193 (Publication of candidates' details).

candidate square—see section 116 (1) (h) (Printing of ballot papers).

capped expenditure period, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

certified extract of electors, for an election in an electorate—see section 121.

certified list of electors, for an election in an electorate—see section 121.

closed, in relation to a roll, means closed in accordance with section 80.

column, for schedule 2 (Ballot papers—printing of names and collation)—see schedule 2, clause 1.

commissioner means the Electoral Commissioner appointed under section 12.

Commonwealth Electoral Act means the [Commonwealth Electoral Act 1918](#) (Cwlth).

Commonwealth roll means the roll of electors for the ACT required by the [Commonwealth Electoral Act](#), section 81.

continuing candidate—

- (a) for schedule 4 (Ascertaining result of poll) generally—see schedule 4, clause 1; and
- (b) for schedule 4, part 4.3 (Casual vacancies)—see schedule 4, clause 11 (2).

contravention, for part 16 (Disputed elections, eligibility and vacancies)—see section 250.

count, for schedule 4 (Ascertaining result of poll)—see schedule 4, clause 1.

count votes, for schedule 4 (Ascertaining result of poll)—see schedule 4, clause 1A.

Court of Disputed Elections, for part 16 (Disputed elections, eligibility and vacancies)—see section 252 (2).

declaration vote means a vote cast in accordance with any of the following provisions:

- (a) section 135 (Declaration voting at polling places);
- (b) section 136B (15) (Ordinary or declaration voting in ACT before polling day);
- (c) section 136C (Declaration voting outside ACT on or before polling day);
- (d) section 144A (Requirements for casting postal votes).

declaration voting papers, in relation to an election, means—

- (a) a declaration, in the form approved under section 340A (Approved forms) for this paragraph, to be completed by an elector; and
- (b) a ballot paper suitable for declaration voting at the election; and

- (c) for declaration voting papers other than for postal voting—a certificate, in the form approved under section 340A for this paragraph, to be completed by a witness to the declaration; and
- (d) an envelope, in the form approved under section 340A for this paragraph, addressed to the commissioner, on which appears a declaration referred to in paragraph (a).

defined details, for division 14.4 (Gifts and certain loans—records and disclosure)—see section 216.

defined particulars, for division 14.6 (Annual returns)—see section 228.

disclosure period, for part 14 (Election funding, expenditure and financial disclosure)—see section 201.

disseminate electoral matter (whether in printed or electronic form) means print, publish, distribute, produce or broadcast the electoral matter.

election means—

- (a) an election of an MLA or MLAs; and
- (b) in relation to an electorate—such an election for the electorate; and
- (c) for part 16 (Disputed elections, eligibility and vacancies)—see section 250.

election period, in relation to an election, means the period—

- (a) beginning on the first day of the pre-election period; and
- (b) ending when the result of the election is declared under section 189.

elector means a person who is enrolled, or is to be taken under this Act to be enrolled, for an electorate.

electoral advertisement, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

electoral commission means the Australian Capital Territory Electoral Commission established by section 5.

electoral expenditure, in relation to an election, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

electoral matter—see section 4.

electoral paper means a document, form or notice provided for or required under this Act.

electorate means an electorate, the name and boundaries of which are specified in a determination in force under section 35.

electronic form, of a roll or an extract from a roll, means a disk, tape or other device from which the information in the extract or roll may be reproduced by mechanical, electronic or other means.

electronic voting—see section 120 (2).

eligible overseas elector means a person who is an eligible overseas elector under section 74.

eligible vote, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

entity, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

envelope, for schedule 3 (Preliminary scrutiny of declaration voting papers)—see schedule 3, clause 1.

excluded candidate, for schedule 4 (Ascertaining result of poll)—see schedule 4, clause 1.

expenditure cap, for division 14.2B (Limitations on electoral expenditure)—see section 205D.

extract, from a roll—see section 59.

extraordinary election—see section 101.

file, for part 16 (Disputed elections, eligibility and vacancies)—see section 250.

financial controller, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

financial institution, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

financial representative, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

former MLA, for part 13 (Casual vacancies)—see section 190.

general election means a general election of MLAs.

gift, for part 14 (Election funding, expenditure and financial disclosure)—see section 198AA.

government agency means—

- (a) an administrative unit; or
- (b) a Territory instrumentality; or
- (c) a statutory office-holder and the staff assisting the statutory office-holder.

group, in relation to candidates in an election, means candidates whose names are grouped on the ballot papers in accordance with section 115 (Grouping of candidates' names).

hospital includes a convalescent home and an institution similar to a hospital or convalescent home.

hour of nomination—see section 108.

incurs, electoral expenditure, for part 14 (Election funding, expenditure and financial disclosure)—see section 202A.

index number, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

internally reviewable decision, for part 15 (Notification and review of decisions)—see section 245.

internal review notice—see section 244.

investigation notice, for division 14.7 (Compliance)—see section 235.

loan, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

MLA—

- (a) means a member of the Assembly; and
- (b) in division 14.3A (Administrative expenditure funding)—see section 215A.

newspaper means a newspaper circulating in the ACT.

news publication means a newspaper or periodical and includes an electronic publication of a similar kind.

next available preference, for schedule 4 (Ascertaining result of poll)—see schedule 4, clause 1.

non-party candidate grouping, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

non-party MLA, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

non-party prospective candidate grouping, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

officer means—

- (a) a person appointed under section 33 (Officers) to be an officer; or
- (b) a person exercising a power under this Act under an arrangement under section 70 (Joint roll arrangements with the Commonwealth) or section 336 (Administrative arrangements with Commonwealth and States); or

- (c) in relation to a particular matter—a person mentioned in paragraph (a) or (b) exercising a power in relation to the matter.

official error, in relation to a person voting or seeking to vote at an election, means the removal of the person's name under this Act from the roll for an electorate in which the person is otherwise entitled to vote unless the name was so removed before the roll closed for the purpose of the previous election.

OIC means—

- (a) in relation to a scrutiny centre—the officer in charge of the centre; and
- (b) in relation to a polling place—the officer in charge of the place.

ordinary election means a general election required by section 100.

ordinary vote means a vote other than a declaration vote.

participant, for division 14.5 (Disclosure of electoral expenditure)—see section 223.

party, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

party candidate means—

- (a) a candidate at an election nominated by the registered officer of a registered party; and
- (b) in relation to a registered party—a candidate nominated by the registered officer of the party.

party grouping, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

person, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

person, for part 15 (Notification and review of decisions)—see section 245.

place of nomination—see section 108.

political party means an organisation, incorporated or unincorporated, an object or activity of which is the promotion of the election to the Assembly of a candidate or candidates endorsed by it.

polling day—

- (a) means the day when, apart from section 111 (Need for an election), a poll for an election would be required; and
- (b) except in part 8 (Timing of elections) and part 9 (Arrangements for elections), includes—
 - (i) if the time for holding an election is extended under section 159 for more than 1 day—each of those days; and
 - (ii) if polling is suspended under section 160—a day when polling is resumed.

polling place—

- (a) for the Act—means a place appointed as a polling place under section 119 (Polling places and scrutiny centres); and
- (b) for division 17.3 (Campaigning offences)—see section 291.

post, for division 10.4 (Voting otherwise than at a polling place)—see section 136.

postal vote means a declaration vote to which section 144A (Requirements for casting postal votes) applies.

pre-election period means the period of 37 days ending on the end of polling day for an election.

proceeding, for part 16 (Disputed elections, eligibility and vacancies)—see section 250.

prospective candidate, for an election, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

quota—

- (a) for schedule 4 (Ascertaining result of poll) generally—see schedule 4, clause 1B; and
- (b) for schedule 4, part 4.3 (Casual vacancies)—see schedule 4, clause 12.

redistribution includes distribution.

register, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

registered, for an abbreviation of the name of a registered party, means an abbreviation included in the particulars for the party in the register of political parties.

registered industrial organisation, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

registered officer, for a registered party, means the person whose name is entered in the register of political parties as the registered officer of the party.

registered party means a political party registered under part 7 (Registration of political parties).

register of political parties means the register of political parties kept under section 88 (Register).

registrar, for part 16 (Disputed elections, eligibility and vacancies)—see section 250.

related—2 political parties are taken to be **related** if—

- (a) 1 is part of the other; or
- (b) both are parts of the same political party.

Example

the ACT branch of a political party and the national secretariat of the same political party

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

relevant Assembly committee means the committee of the Legislative Assembly whose functions include the examination of electoral matters.

reportage or commentary, for division 17.3 (Campaigning offences)—see section 291.

reporting agent, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

research personnel, for part 11 (Polling in Antarctica)—see section 167.

return, for division 14.7 (Compliance)—see section 235.

returning officer, for part 11 (Polling in Antarctica)—see section 167.

reviewable decision, for part 15 (Notification and review of decisions)—see section 245.

roll means a roll of electors kept under this Act.

Note Part 5 contains provisions about the keeping of electoral rolls.

scrutineer means a person appointed under section 122 to be a scrutineer.

scrutiny centre means a place appointed as a scrutiny centre under section 119.

secretary, in relation to a political party, means the secretary or chief administrative officer (however described) of the party.

Speaker—

- (a) for part 13 (Casual vacancies)—see section 190; and
- (b) for part 16 (Disputed elections, eligibility and vacancies)—see section 251.

Note **Speaker** is defined in the *Legislation Act 2001*, dict. pt 1.

special hospital, for division 10.5 (Mobile polling)—see section 149.

staff, in relation to the electoral commission, means—

- (a) the staff assisting the commissioner referred to in section 31; and
- (b) persons employed or engaged under section 32.

station, for part 11 (Polling in Antarctica)—see section 167.

successful candidate, for schedule 4 (Ascertaining result of poll)—see schedule 4, clause 1.

suppressed address means an address particulars of which are required to be suppressed from a roll extract under section 77.

surplus, for schedule 4 (Ascertaining result of poll)—see schedule 4, clause 1.

third-party campaigner, for part 14 (Election funding, expenditure and financial disclosure)—see section 198.

total votes, for schedule 4 (Ascertaining result of poll)—see schedule 4, clause 1.

transfer value—

- (a) for schedule 4 (Ascertaining result of poll) generally—see schedule 4, clause 1C; and
- (b) for schedule 4, part 4.3 (Casual vacancies)—see schedule 4, clause 13.

transmit, for part 11 (Polling in Antarctica)—see section 167.

undue influence, for part 16 (Disputed elections, eligibility and vacancies)—see section 250.

visiting officer, for division 10.5 (Mobile polling)—see section 149.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Electoral Act 1992 A1992-71

notified 8 December 1992 ([Gaz 1992 No S218](#))
s 1, s 2 commenced 8 December 1992 (s 2 (1))
remainder commenced 21 December 1992 ([Gaz 1992 No S243](#) p 19)

as amended by

[Acts Revision \(Position of Crown\) Act 1993 A1993-44 sch 2](#)

notified 27 August 1993 ([Gaz 1993 No S165](#))
commenced 27 August 1993 (s 2)

[Electoral \(Amendment\) Act 1994 A1994-14](#)

notified 17 May 1994 ([Gaz 1994 No S85](#))
s 1, s 2, s 22 (in pt), s 23 (in pt) commenced 17 May 1994 (s 2 (1), (2))
ss 3-21 commenced 6 June 1994 ([Gaz 1994 No S105](#))
s 22 (new pt 13) commenced 3 March 1995 (s 2 (5))
s 22 (new pt 16 (ss 244-278)) commenced 25 August 1994 (s 2 (6) and
[Gaz 1994 No S172](#))
s 24 commenced 1 September 1994 ([Gaz 1994 No S172](#))
remainder commenced 25 August 1994 ([Gaz 1994 No S172](#))

[Public Sector Management \(Consequential and Transitional Provisions\) Act 1994 A1994-38 sch 1 pt 32](#)

notified 30 June 1994 ([Gaz 1994 No S121](#))
s 1, s 2 commenced 30 June 1994 (s 2 (1))
sch1 pt 32 commenced 1 July 1994 ([Gaz 1994 No S142](#) p 2)

[Electoral \(Amendment\) Act \(No 2\) 1994 A1994-78](#)

notified 17 November 1994 ([Gaz 1994 No S252](#))
commenced 17 November 1994 (s 2)

[Annual Reports \(Government Agencies\) \(Consequential Provisions\) Act 1995 A1995-25 sch](#)

notified 5 September 1995 ([Gaz 1995 No S212](#))
commenced 5 September 1995 (s 2)

[Electoral \(Amendment\) Act 1995 A1995-33](#)

notified 31 October 1995 ([Gaz 1995 No S266](#))
commenced 31 October 1995 (s 2)

Statute Law Revision Act 1995 A1995-46 sch

notified 18 December 1995 ([Gaz 1995 No S306](#))
commenced 18 December 1995 (s 2)

Remuneration Tribunal (Consequential and Transitional Provisions) Act 1995 A1995-56 sch

notified 20 December 1995 ([Gaz 1995 No S313](#))
sch commenced 21 December 1995 (s 2 and see
[Gaz 1995 No S315](#) p 2)

Electoral (Amendment) Act 1996 A1996-56

notified 29 November 1996 ([Gaz 1996 No S320](#))
commenced 29 November 1996 (s 2)

Land (Planning and Environment) (Amendment) Act (No 3) 1996 A1996-85

notified 24 December 1996 ([Gaz 1996 No S345](#))
s 1, s 2 commenced 24 December 1996 (s 2 (1))
remainder commenced 24 June 1997 (s 2 (3))

Electoral (Amendment) Act 1997 A1997-38

notified 1 September 1997 ([Gaz 1997 No S257](#))
ss 1-3 commenced 1 September 1997 (s 2 (1))
remainder commenced 1 May 1998 (s 2 (2))

Remuneration Tribunal (Consequential Amendments) Act 1997 A1997-41 sch 1 (as am by 2002 (No 2) No 49 pt 3.19)

notified 19 September 1997 ([Gaz 1997 No S264](#))
s 1, s 2 commenced 19 September 1997 (s 2 (1))
sch 1 commenced 24 September 1997 (s 2)

Electoral (Amendment) Act (No 2) 1997 A1997-91

notified 1 December 1997 ([Gaz 1997 No S380](#))
commenced 1 December 1997 (s 2)

Legal Practitioners (Consequential Amendments) Act 1997 A1997-96 sch 1

notified 1 December 1997 ([Gaz 1997 No S380](#))
s 1, s 2 commenced 1 December 1997 (s 2 (1))
sch 1 commenced 1 June 1998 (s 2 (2))

Endnotes

3 Legislation history

Statute Law Revision (Penalties) Act 1998 A1998-54 sch

notified 27 November 1998 ([Gaz 1998 No S207](#))
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 ([Gaz 1998 No 49](#) p 1078)

Electoral (Amendment) Act 1998 A1998-61

notified 11 December 1998 ([Gaz 1998 No S209](#))
commenced 11 December 1998 (s 2)

Electoral Amendment Act 2000 A2000-50

notified 28 September 2000 ([Gaz 2000 No 39](#))
commenced 28 September 2000 (s 2)

Electoral Amendment Act 2000 (No 2) A2000-76

notified 21 December 2000 ([Gaz 2000 No S69](#))
s 1, s 2 commenced 21 December 2000 (IA s 10B)
remainder commenced 11 April 2001 ([Gaz 2001 No 14](#))

Surveyors (Consequential Amendments) Act 2001 A2001-3 sch 1

notified 8 March 2001 ([Gaz 2001 No 10](#))
s 1, s 2 commenced 8 March 2001 (IA s 10B)
sch 1 commenced 26 July 2001 (s 2 and [Gaz 2001 No 30](#))

Electoral Amendment Act 2001 A2001-36

notified 29 June 2001 ([Gaz 2001 No S36](#))
commenced 29 June 2001 (s 2)

Electoral (Entrenched Provisions) Amendment Act 2001 A2001-37

notified 29 June 2001 ([Gaz 2001 No S36](#))
commenced 29 June 2001 (s 2)

Electoral Amendment Act 2001 (No 2) A2001-38

notified 29 June 2001 ([Gaz 2001 No S36](#))
s 1, s 2 commenced 29 June 2001 (IA s 10B)
remainder commenced 29 June 2001 (s 2)

**Legislation (Consequential Amendments) Act 2001 A2001-44
sch 1 pt 120**

notified 26 July 2001 ([Gaz 2001 No 30](#))
s 1, s 2 commenced 26 July 2001 (IA s 10B)
amdts 1.1294, 1.1312-1.1321, 1.1338, 1.1339, 1.1342, 1.1343, 1.1350,
1.1356, 1.1357, 1.1364, 1.1365, 1.1370-1.1372, 1.1378-1.1384,
1.1398-1.1400 commenced 12 September 2001 (s 2 and see [Gaz
2001 No S65](#))
pt 120 remainder commenced 12 September 2001 (s 2 and see
[Gaz 2001 No S65](#))

Legislation Amendment Act 2002 A2002-11 pt 2.17

notified LR 27 May 2002
s 1, s 2 commenced 27 May 2002 (LA s 75)
pt 2.17 commenced 28 May 2002 (s 2 (1))

Statute Law Amendment Act 2002 A2002-30 pt 3.21

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.21 commenced 17 September 2002 (s 2 (1))

Electoral Amendment Act 2002 A2002-32

notified LR 8 October 2002
s 1, s 2 commenced 8 October 2002 (LA s 75 (1))
remainder commenced 9 October 2002 (s 2)

Districts Act 2002 A2002-39 pt 1.3

notified LR 10 October 2002
s 1, s 2 commenced 10 October 2002 (LA s 75 (1))
pt 1.3 commenced 11 October 2002 (s 2)

Statute Law Amendment Act 2002 (No 2) A2002-49 pt 3.19

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
pt 3.19 commenced 24 September 1997 (s 2 (4))

Note This Act only amends the [Remuneration Tribunal
\(Consequential Amendments\) Act 1997 A1997-41](#) .

Endnotes

3 Legislation history

[Planning and Land \(Consequential Amendments\) Act 2002 A2002-56](#) sch 3 pt 3.4

notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))
sch 3 pt 3.4 commenced 1 July 2003 (s 2 and see [Planning and Land Act 2002 A2002-55 s 5](#))

[Electoral Amendment Act 2003 A2003-54](#)

notified LR 3 December 2003
s 1, s 2 commenced 3 December 2003 (LA s 75 (1))
remainder commenced 4 December 2003 (s 2)

[Annual Reports Legislation Amendment Act 2004 A2004-9](#) sch 1 pt 1.12

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.12 commenced 13 April 2004 (s 2 and see [Annual Reports \(Government Agencies\) Act 2004 A2004-8, s 2](#) and [CN2004-5](#))

[Criminal Code \(Theft, Fraud, Bribery and Related Offences\) Amendment Act 2004 A2004-15](#) sch 1 pt 1.11, sch 2 pt 2.31

notified LR 26 March 2004
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))
sch 1 pt 1.11, sch 2 pt 2.31 commenced 9 April 2004 (s 2 (1))

[Electoral Amendment Act 2004 A2004-26](#)

notified LR 21 May 2004
s 1, s 2 commenced 21 May 2004 (LA s 75 (1))
remainder commenced 22 May 2004 (s 2)

[Health Professionals Legislation Amendment Act 2004 A2004-39](#) sch 1 pt 1.2

notified LR 8 July 2004
s 1, s 2 commenced 8 July 2004 (LA s 75 (1))
sch 1 pt 1.2 commenced 7 July 2005 (s 2 and see [Health Professionals Act 2004 A2004-38, s 2](#) and [CN2005-11](#))

**Court Procedures (Consequential Amendments) Act 2004 A2004-60
sch 1 pt 1.25**

notified LR 2 September 2004
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))
sch 1 pt 1.25 commenced 10 January 2005 (s 2 and see [Court Procedures Act 2004 A2004-59](#), s 2 and [CN2004-29](#))

Sentencing Legislation Amendment Act 2006 A2006-23 sch 1 pt 1.16

notified LR 18 May 2006
s 1, s 2 commenced 18 May 2006 (LA s 75 (1))
sch 1 pt 1.16 commenced 2 June 2006 (s 2 (1) and see [Crimes \(Sentence Administration\) Act 2005 A2005-59](#) s 2, [Crimes \(Sentencing\) Act 2005 A2005-58](#), s 2 and LA s 79)

Electoral Amendment Act 2006 A2006-36

notified LR 27 September 2006
s 1, s 2 commenced 27 September 2006 (LA s 75 (1))
remainder commenced 28 September 2006 (s 2)

**Justice and Community Safety Legislation Amendment Act 2006
A2006-40 sch 2 pt 2.15**

notified LR 28 September 2006
s 1, s 2 commenced 28 September 2006 (LA s 75 (1))
sch 2 pt 2.15 commenced 29 September 2006 (s 2 (1))

**Planning and Development (Consequential Amendments) Act 2007
A2007-25 sch 1 pt 1.10**

notified LR 13 September 2007
s 1, s 2 commenced 13 September 2007 (LA s 75 (1))
sch 1 pt 1.10 commenced 31 March 2008 (s 2 and see [Planning and Development Act 2007 A2007-24](#), s 2 and [CN2008-1](#))

Surveyors Act 2007 A2007-33 sch 1 pt 1.2

notified LR 25 October 2007
s 1, s 2 commenced 25 October 2007 (LA s 75 (1))
sch 1 pt 1.2 commenced 14 November 2007 (s 2 and [CN2007-15](#))

Electoral Legislation Amendment Act 2008 A2008-13

notified LR 20 May 2008
s 1, s 2 commenced 20 May 2008 (LA s 75 (1))
remainder commenced 21 May 2008 (s 2)

Endnotes

3 Legislation history

[ACT Civil and Administrative Tribunal Legislation Amendment Act 2008 \(No 2\) A2008-37 sch 1 pt 1.34](#)

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.34 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008](#) A2008-35, s 2 (1) and [CN2009-2](#))

[Surveyors Amendment Act 2010 A2010-6 sch 1 pt 1.2](#)

notified LR 2 March 2010

s 1, s 2 commenced 2 March 2010 (LA s 75 (1))

sch 1 pt 1.2 commenced 3 March 2010 (s 2)

[Liquor \(Consequential Amendments\) Act 2010 A2010-43 sch 1 pt 1.9](#)

notified LR 8 November 2010

s 1, s 2 commenced 8 November 2010 (LA s 75 (1))

sch 1 pt 1.9 commenced 1 December 2010 (s 2 (4) and see [Liquor Act 2010](#) A2010-35, s 2 (3) (as am by [A2010-43](#) amdt 1.19) and [CN2010-14](#))

[Administrative \(One ACT Public Service Miscellaneous Amendments\) Act 2011 A2011-22 sch 1 pt 1.59](#)

notified LR 30 June 2011

s 1, s 2 commenced 30 June 2011 (LA s 75 (1))

sch 1 pt 1.59 commenced 1 July 2011 (s 2 (1))

[Statute Law Amendment Act 2011 \(No 2\) A2011-28 sch 3 pt 3.11](#)

notified LR 31 August 2011

s 1, s 2 commenced 31 August 2011 (LA s 75 (1))

sch 3 pt 3.11 commenced 21 September 2011 (s 2 (1))

[Statute Law Amendment Act 2011 \(No 3\) A2011-52 sch 3 pt 3.20](#)

notified LR 28 November 2011

s 1, s 2 commenced 28 November 2011 (LA s 75 (1))

sch 3 pt 3.20 commenced 12 December 2011 (s 2)

[Electoral Legislation Amendment Act 2012 A2012-1 pt 2](#)

notified LR 28 February 2012

s 1, s 2 commenced 28 February 2012 (LA s 75 (1))

pt 2 commenced 29 February 2012 (s 2)

Statute Law Amendment Act 2012 A2012-21 sch 3 pt 3.15

notified LR 22 May 2012
s 1, s 2 commenced 22 May 2012 (LA s 75 (1))
sch 3 pt 3.15 commenced 5 June 2012 (s 2 (1))

Electoral Amendment Act 2012 A2012-28

notified LR 18 May 2012
s 1, s 2 commenced 18 May 2012 (LA s 75 (1))
remainder commenced 1 July 2012 (s 2)

**Officers of the Assembly Legislation Amendment Act 2013 A2013-41
pt 3**

notified LR 7 November 2013
s 1, s 2 commenced 7 November 2013 (LA 75 (1))
pt 3 commenced 1 July 2014 (s 2)

Statute Law Amendment Act 2013 (No 2) A2013-44 sch 3 pt 3.6

notified LR 11 November 2013
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))
sch 3 pt 3.6 commenced 25 November 2013 (s 2)

Electoral Amendment Act 2014 A2014-29

notified LR 18 August 2014
s 1, s 2 commenced 18 August 2014 (LA s 75 (1))
remainder commenced 19 August 2014 (s 2)

Statute Law Amendment Act 2014 (No 2) A2014-44 sch 3 pt 3.3

notified LR 5 November 2014
s 1, s 2 commenced 5 November 2014 (LA s 75 (1))
sch 3 pt 3.3 commenced 19 November 2014 (s 2)

Crimes (Sentencing) Amendment Act 2014 A2014-58 sch 1 pt 1.3

notified LR 4 December 2014
s 1, s 2 commenced 4 December 2014 (LA s 75 (1))
sch 1 pt 1.3 commenced 5 December 2014 (s 2)

Electoral Amendment Act 2015 A2015-5

notified LR 2 March 2015
s 1, s 2 commenced 2 March 2015 (LA s 75 (1))
remainder commenced 3 March 2015 (s 2)

Endnotes

3 Legislation history

Justice and Community Safety Legislation Amendment Act 2015

A2015-11 sch 1 pt 1.5

notified LR 20 May 2015

s 1, s 2 commenced 20 May 2015 (LA s 75 (1))

sch 1 pt 1.5 commenced 21 May 2015 (s 2 (1))

Red Tape Reduction Legislation Amendment Act 2015 A2015-33

sch 1 pt 1.20

notified LR 30 September 2015

s 1, s 2 commenced 30 September 2015 (LA s 75 (1))

sch 1 pt 1.20 commenced 14 October 2015 (s 2)

Statute Law Amendment Act 2015 (No 2) A2015-50 sch 3 pt 3.16

notified LR 25 November 2015

s 1, s 2 commenced 25 November 2015 (LA s 75 (1))

sch 3 pt 3.16 commenced 9 December 2015 (s 2)

Crimes (Sentencing and Restorative Justice) Amendment Act 2016

A2016-4 sch 1 pt 1.9

notified LR 24 February 2016

s 1, s 2 commenced 24 February 2016 (LA s 75 (1))

sch 1 pt 1.9 commenced 2 March 2016 (s 2 (1))

Red Tape Reduction Legislation Amendment Act 2016 A2016-18

sch 3 pt 3.21

notified LR 13 April 2016

s 1, s 2 commenced 13 April 2016 (LA s 75 (1))

sch 3 pt 3.21 commenced 27 April 2016 (s 2)

4 Amendment history

Preamble

preamble am [A1994-14](#)

Long title

long title sub [A1994-14](#)

Name of Act

s 1 sub [A2001-36](#) amdt 1.1

Commencement

s 2 am [A1994-14](#)
om [A2001-44](#) amdt 1.1285

Dictionary

s 3 def **abbreviation** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **candidate** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **declaration vote** om [A2001-36](#) amdt 1.2
def **Electoral Commissioner** om [A1994-14](#) s 6
def **electoral paper** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **officer** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **polling place** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **registered officer** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **register of political parties** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **registered party** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **Self-Government Act** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
def **Speaker** ins [A1994-14](#) s 6
om [A2001-36](#) amdt 1.2
defs reloc to dict [A2001-36](#) amdt 1.3
sub [A2001-36](#) amdt 1.4

Offences against Act—application of Criminal Code etc

s 3A ins [A2004-26](#) s 4
am [A2008-13](#) s 4; [A2012-28](#) s 4; [A2015-5](#) s 4

Meaning of *electoral matter*

s 4 om [A1993-44](#) sch 2
ins [A1994-14](#)
sub [A2001-36](#) s 5
am [A2004-26](#) amdt 1.60; [A2008-13](#) s 5

Endnotes

4 Amendment history

Meaning of *available for public inspection*

s 4A ins [A2001-36](#) s 5

Establishment and independence of electoral commission

div 2.1 hdg sub [A2001-36](#) amdt 1.5; [A2013-41](#) s 17

Constitution of commission

s 6 am [A1994-14](#)
sub [A2002-30](#) amdt 3.243

Officer of the Legislative Assembly

s 6A ins [A2013-41](#) s 18

Independence of member of the electoral commission

s 6B ins [A2013-41](#) s 18

Functions of electoral commission

div 2.2 hdg sub [A2001-36](#) amdt 1.6
om [A2013-41](#) s 24
ins [A2013-41](#) s 18

Functions of electoral commission

s 7 sub [A1994-14](#)
am [A1997-91](#)
am LA (see [A2001-36](#) amdt 1.99); [A2002-30](#)
amds 3.244 3.246; [A2013-41](#) s 19

Determination of fees

s 7A renum as s 8

Determination of fees

s 8 (prev s 7A) renum as s 8 and then renum and reloc as s 340B

Powers

s 9 (prev s 8) renum as s 9 [A1994-14](#)
om [A2002-30](#) amdt 3.247

Electoral commission's annual report

s 10 (prev s 9) am [A1994-14](#)
renum as s10 [A1994-14](#)
om [A1995-25](#)
ins [A1997-91](#)
sub [A2004-9](#) amdt 1.15

Special reports by electoral commission

s 10A ins [A1997-91](#)
sub [A2002-30](#) amdt 3.248
am [A2013-41](#) ss 21-23

Functions of electoral commissioner

div 2.3 hdg (prev pt 2 div 3 hdg) renum LA (see [A2000-76](#) s 24)
om [A2013-41](#) s 28
ins [A2013-41](#) s 24

Functions of commissioner etc

s 11 hdg sub [A2001-36](#) amdt 1.7
s 11 **orig s 11**
(prev s 10) renum as s 11 [A1994-14](#)
om [A1995-25](#) sch
prev s 11
ins [A1997-91](#)
om [A2013-41](#) s 24
def **member** sub [A2002-30](#) amdt 3.249
om [A2013-41](#) s 24
pres s 11
(prev s 21) sub [A1994-14](#)
renum as s11 [A1994-14](#)
(prev s 23) sub [A2002-30](#) amdt 3.261
renum and reloc as s 11 [A2013-41](#) s 32

Appointment of members of electoral commission

div 2.4 hdg ins [A2013-41](#) s 24

Appointment

s 12 (prev s 11) am [A1994-14](#)
renum as s 12 [A1994-14](#)
am [A1994-38](#) sch 1 pt 32; [A2001-44](#) amdt 1.1287; [A2002-30](#)
amds 3.250-3.252
sub [A2006-36](#) s 4; [A2013-41](#) s 24

Acting appointment—commissioner

s 12AA renum as s 12A

Acting appointment—commissioner

s 12A **orig s 12A**
renum as s 12B
pres s 12A
(prev s 12AA) ins [A2013-41](#) s 24
renum as s 12A [A2013-41](#) s 27

Eligibility for appointment as electoral commission member

s 12B hdg (prev s 12A hdg) sub [A2013-41](#) s 25
s 12B **orig s 12B**
renum as s 12C
pres s 12B
(prev s 12A) ins [A2006-36](#) s 4
am [A2013-41](#) s 25
renum as s 12B [A2013-41](#) s 27

Endnotes

4 Amendment history

Eligibility for appointment as chairperson

s 12C (prev s 12B) ins [A2006-36](#) s 4
am [A2011-22](#) amdt 1.186, amdt 1.187; [A2011-28](#) amdt 3.60;
[A2013-41](#) s 26
renum as s 12C [A2013-41](#) s 27

Term of appointment

s 13 (prev s 12) am [A1994-14](#)
renum as s 13 [A1994-14](#)
sub [A2002-30](#) amdt 3.253; [A2013-41](#) s 28

Other provisions applying to electoral commission members

div 2.5 hdg ins [A2013-41](#) s 28

Oath or affirmation of office

s 14 (prev s 13) renum as s 14 [A1994-14](#)
om [A1997-41](#)
ins [A2002-30](#) amdt 3.253
sub [A2013-41](#) s 28

Disclosure of interests—generally

s 15 (prev s 14) renum as s 15 [A1994-14](#)
sub [A2013-41](#) s 28

Electoral commission member must not do inconsistent work etc

s 16 (prev s 15) renum as s 16 [A1994-14](#)
om [A2002-30](#) amdt 3.254
ins [A2013-41](#) s 28

Resignation

s 17 hdg sub [A2002-30](#) amdt 3.255
s 17 (prev s 16) renum as s 17 [A1994-14](#)
am [A2002-30](#) amdt 3.256, amdt 3.257
sub [A2013-41](#) s 28

Retirement

s 18 (prev s 17) renum as s 18 [A1994-14](#)
om [A2002-30](#) amdt 3.258
ins [A2013-41](#) s 28

Suspension—generally

s 18A ins [A2013-41](#) s 28
am [A2015-50](#) amdt 3.97

Suspension—relevant Assembly committee notice and meetings

s 18B ins [A2013-41](#) s 28

Suspension—ending suspension

s 18C ins [A2013-41](#) s 28
am [A2015-50](#) amdt 3.97

Ending of appointment

s 18D ins [A2013-41](#) s 28

Leave of absence

s 18E ins [A2013-41](#) s 28

Electoral commission meetings

div 2.6 hdg ins [A2013-41](#) s 28

Procedure

s 19 (prev s 18) renum as s 19 [A1994-14](#)

Delegation by electoral commission

s 20 (prev s 18A) renum as s 20 and then renum and reloc as s 33B [A2013-41](#) s 29

Disclosure of interests—meetings

s 21 hdg sub [A2013-41](#) s 30

s 21 (prev s 19) renum as s 21 [A1994-14](#)

Appointment

s 22 (prev s 20) am [A1994-14](#)
renum as s 22 [A1994-14](#)
am [A2001-44](#) amdt 1.1288, amdt 1.1289; [A2002-30](#)
amdt 3.260
om [A2013-41](#) s 31

Functions of commissioner etc

s 23 (prev s 21) renum as s 23 and then renum and reloc as s 11 [A2013-41](#) s 32

Delegation by commissioner

s 24 (prev s 21A) renum as s 24 and then renum and reloc as s 33C [A2013-41](#) s 33

Term of appointment of commissioner

s 25 (prev s 22) am [A1994-14](#)
renum as s 25 [A1994-14](#)
sub [A2002-30](#) amdt 3.263
om [A2013-41](#) s 34

Conditions of appointment of commissioner generally

s 26 (prev s 23) am [A1994-14](#)
renum as s 26 [A1994-14](#)
om [A1995-56](#)
ins [A2002-30](#) amdt 3.263
om [A2013-41](#) s 34

Leave of absence

s 27 (prev s 24) am [A1994-14](#)
renum as s 27 [A1994-14](#)
om [A2013-41](#) s 34

Endnotes

4 Amendment history

Resignation

s 28 (prev s 25) am [A1994-14](#)
renum as s 28 [A1994-14](#)
om [A2002-30](#) amdt 3.264

Suspension or ending of appointment of commissioner

s 29 hdg sub [A2002-30](#) amdt 3.265
s 29 (prev s 26) am [A1994-14](#)
renum as s 29 [A1994-14](#)
am [A2002-30](#) amdt 3.266, amdt 3.267
om [A2013-41](#) s 34

Acting commissioner

s 30 (prev s 27) am [A1994-14](#)
renum as s 30 [A1994-14](#)
om [A2002-30](#) amdt 3.268

Staff of electoral commissioner etc

div 2.7 hdg ins [A2013-41](#) s 35

Staff

s 31 (prev s 27A) ins [A1994-14](#)
renum as s 31 [A1994-14](#)
sub [A1994-38](#) sch 1 pt 32; [A2013-41](#) s 35

Temporary staff and consultants

s 32 (prev s 27B) ins [A1994-14](#)
renum as s 32 [A1994-14](#)
am [A1994-38](#) sch 1 pt 32; [A2013-41](#) s 36

Officers

s 33 (prev s 27C) ins [A1994-14](#)
renum as s 33 [A1994-14](#)
am [A2001-36](#) amdt 1.8; [A2002-30](#) amdt 3.269; [A2004-39](#)
amdt 1.14

Staff not subject to direction from others

s 33A ins [A2013-41](#) s 37

Delegation by electoral commission

s 33B (prev s 18A) ins [A1994-14](#)
renum as s 20 [A1994-14](#)
(prev s 20) sub [A2002-30](#) amdt 3.259
reloc and renum as s 33B [A2013-41](#) s 29

Delegation by commissioner

s 33C (prev s 21A) ins [A1994-14](#)
renum as s 24 [A1994-14](#)
(prev s 24) sub [A2001-30](#) amdt 3.262
renum and reloc as s 33C [A2013-41](#) s 33

Electoral commissioner and staff of electoral commission

pt 3 hdg sub [A1994-14](#)
om [A2013-41](#) s 31

Electoral commissioner

div 3.1 hdg (prev pt 3 div 1 hdg) ins [A1994-14](#)
renum LA (see [A2000-76](#) s 24)
om [A2013-41](#) s 31

Staff of electoral commission

div 3.2 hdg (prev pt 3 div 2 hdg) ins [A1994-14](#)
renum LA (see [A2000-76](#) s 24)
om [A2013-41](#) s 35

Multimember electorates

s 34 (prev s 28) renum as s 34 [A1994-14](#)
sub [A2014-29](#) s 4
(3), (4) exp 31 December 2016 (s 34 (4))

Redistribution of electorates

s 35 (prev s 29) renum as s 35 [A1994-14](#)
am [A2001-44](#) amdt 1.1290; [A2011-28](#) amdt 3.61

Factors relevant to redistribution

s 36 (prev s 30) renum as s 36 [A1994-14](#)
am [A2002-39](#) amdt 1.3

Timing of redistributions

s 37 (prev s 31) am [A1994-14](#)
renum as s 37 [A1994-14](#)
am [A1998-61](#); [A2002-30](#) amdts 3.270-3.272

Timing of redistribution after 2001 ordinary election

s 37A ins [A2002-32](#) s 4
exp 16 October 2004 (s 37A (3))

Suspension of redistribution process—extraordinary elections

s 38 (prev s 31A) ins [A1994-14](#)
renum as s 38 [A1994-14](#)
am [A2002-30](#) amdt 3.273

Redistribution committees

s 39 (prev s 32) am [A1994-14](#)
renum as s 39 [A1994-14](#)
am [A1996-85](#); [A2000-3](#) sch 1; [A2001-44](#) amdt 1.1291;
[A2002-30](#) amdt 3.274; [A2002-56](#) amdt 3.29; [A2007-33](#)
amdt 1.5, amdt 1.6; [A2010-6](#) amdt 1.5, amdt 1.6; [A2011-28](#)
amdt 3.77; [A2013-41](#) s 38

Meetings of redistribution committee

s 40 (prev s 33) am [A1994-14](#)
renum as s 40 [A1994-14](#)

Endnotes

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Suggestions and comments about redistribution

s 41 (prev s 34) renum as s 41 [A1994-14](#)
am [A2001-36](#) amdt 1.9
sub [A2001-44](#) amdt 1.1292
am [A2015-33](#) amdt 1.56

Outline of proposal

s 42 (prev s 35) renum as s 42 [A1994-14](#)

Proposed redistribution

s 43 (prev s 36) renum as s 43 [A1994-14](#)
am [A2001-44](#) amdt 1.1293

Notification and publication of proposal

s 44 (prev s 37) renum as s 44 [A1994-14](#)
am [A2001-36](#) amdt 1.10
sub [A2001-44](#) amdt 1.1294
am [A2015-33](#) amdt 1.57

Dissolution of redistribution committee

s 45 (prev s 38) renum as s 45 [A1994-14](#)
sub [A2001-44](#) amdt 1.1295

Objections

s 46 (prev s 39) renum as s 46 [A1994-14](#)
am [A2001-36](#) s 6 and amdt 1.11; [A2001-44](#) amdt 1.1296

Augmented electoral commission

s 47 (prev s 40) am [A1994-14](#)
renum as s 47 [A1994-14](#)
am [A2002-30](#) amdt 3.275; [A2007-33](#) amdt 1.7; [A2010-6](#)
amdt 1.7, amdt 1.8

Meetings of augmented electoral commission

s 48 **orig s 48**
om [A1994-14](#)
pres s 48
(prev s 41) am [A1994-14](#)
renum as s 48 [A1994-14](#)

Investigation of objections

s 49 (prev s 42) renum as s 49 [A1994-14](#)
am [A1997-91](#); [A2001-44](#) amdt 1.1297, amdt 1.1298; [A2008-13](#)
s 6

Redistribution—proposal by augmented electoral commission

s 50 (prev s 43) renum as s 50 [A1994-14](#)

Publication of augmented electoral commission's proposal

s 51 (prev s 44) renum as s 51 [A1994-14](#)
am [A2001-44](#) amdt 1.1299, amdt 1.1300

Objections to augmented electoral commission's proposal

s 52 (prev s 45) am [A1994-14](#)
renum as s 52 [A1994-14](#)
am [A2001-36](#) s 7; [A2001-44](#) amdt 1.1301; [A2002-30](#)
amdt 3.352

Report by augmented electoral commission and public announcement

s 53 (prev s 46) am [A1994-14](#)
renum as s 53 [A1994-14](#)
am [A2013-41](#) s 39

Report to Legislative Assembly

s 54 (prev s 47) am [A1994-14](#)
renum as s 54 [A1994-14](#)
am [A2013-41](#) s 39

Decisions are final

s 55 (prev s 49) am [A1994-14](#)
renum as s 55 [A1994-14](#)
am [A2002-30](#) amdt 3.276; [A2006-40](#) amdt 2.105; [A2015-50](#)
amdt 3.98

Validity not affected

s 56 (prev s 50) am [A1994-14](#)
renum as s 56 [A1994-14](#)

Electoral rolls

pt 5 hdg sub [A1994-14](#)

Electorate and Territory rolls

s 57 (prev s 51) sub [A1994-14](#)
renum as s 57 [A1994-14](#)

Contents of roll

s 58 (prev s 52) sub [A1994-14](#)
renum as s 58 [A1994-14](#)
am [A2002-30](#) amdt 3.277

Meaning of *extract* from roll

s 59 (prev s 53) sub [A1994-14](#)
renum as s 59 [A1994-14](#)
sub [A2002-30](#) amdt 3.278

Inspection of printed roll extracts

s 60 (prev s 54) ins [A1994-14](#)
renum as s 60 [A1994-14](#)

Supply of printed roll extract to MLAs etc

s 61 (prev s 55) ins [A1994-14](#)
renum as s 61 [A1994-14](#)
am [A2001-44](#) amdt 1.1302, amdt 1.1303; [A2013-41](#) s 45

Endnotes

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Supply of roll extracts in electronic form to MLAs etc

s 62 (prev s 56) ins [A1994-14](#)
renum as s 62 [A1994-14](#)
am [A1997-91](#); [A2001-44](#) amdt 1.1304, amdt 1.1305; [A2013-41](#)
s 45

Use of roll extracts

s 63 (prev s 57) ins [A1994-14](#)
renum as s 63 [A1994-14](#)
am [A1998-54](#)
sub [A2001-36](#) s 8

Prohibited use of roll extracts

s 64 (prev s 58) ins [A1994-14](#)
renum as s 64 [A1994-14](#)
am [A1998-54](#)
om [A2001-36](#) s 8

Provision of roll information to prescribed authorities

s 65 (prev s 59) ins [A1994-14](#)
renum as s 65 [A1994-14](#)
am [A1997-91](#); [A1998-54](#); [A2002-30](#) amdt 3.279

Maintenance of rolls

s 66 (prev s 60) ins [A1994-14](#)
renum as s 66 [A1994-14](#)

Power to require information

s 67 (prev s 61) ins [A1994-14](#)
renum as s 67 [A1994-14](#)
am [A1998-54](#); [A2001-36](#) amdt 1.12; [A2002-30](#) amdt 3.352

Notice of registered deaths

s 68 (prev s 62) ins [A1994-14](#)
renum as s 68 [A1994-14](#)
am [A2012-1](#) s 4

Disclosure of roll information

s 69 (prev s 63) ins [A1994-14](#)
renum as s 69 [A1994-14](#)
am [A1998-54](#)

Joint roll arrangements with Commonwealth

s 70 (prev s 64) ins [A1994-14](#)
renum as s 70 [A1994-14](#)
am [A1997-91](#)

Enrolment

pt 6 hdg ins [A1994-14](#)

Persons taken not to be enrolled on Commonwealth roll

s 71 hdg sub [A2001-36](#) amdt 1.13
s 71 (prev s 65) ins [A1994-14](#)
renum as s 71 [A1994-14](#)
am [A2001-36](#) amdts 1.14-1.16

Address of person serving sentence of imprisonment

s 71A hdg ins [A2001-36](#) amdt 1.15
s 71A (prev s 71 (2)) renum as s 71A [A2001-36](#) amdt 1.15
am [A2006-23](#) amdt 1.182, amdt 1.183; [A2014-58](#) amdt 1.5;
[A2016-4](#) amdt 1.17

Entitlement

s 72 (prev s 66) ins [A1994-14](#)
renum as s 72 [A1994-14](#)
am [A2008-13](#) s 7; ss renum R26 LA

Compulsory enrolment etc—residents

s 73 (prev s 67) ins [A1994-14](#)
renum as s 73 [A1994-14](#)
am [A1998-54](#); [A2002-30](#) amdt 3.352

Eligible overseas electors

s 74 (prev s 68) ins [A1994-14](#)
renum as s 74 [A1994-14](#)

Age 16 enrolment

s 75 hdg sub [A2012-1](#) s 5
s 75 (prev s 69) ins [A1994-14](#)
renum as s 75 [A1994-14](#)
am [A2012-1](#) s 6

Enrolment etc

s 76 (prev s 70) ins [A1994-14](#)
renum as s 76 [A1994-14](#)
am [A2001-36](#) s 9, s 10; [A2001-44](#) amdt 1.1306, amdt 1.1307
am LA (see [A2001-36](#) amdt 1.99); [A2002-30](#) amdt 3.352;
[A2008-13](#) s 8, [A2008-37](#) amdt 1.147

Suppression of elector's address

s 77 (prev s 71) ins [A1994-14](#)
renum as s 77 [A1994-14](#)
am LA (see [A2001-36](#) amdt 1.99); [A2001-44](#) amdt 1.1308,
amdt 1.1309, [A2008-37](#) amdt 1.147; [A2011-52](#) amdt 3.72;
[A2013-44](#) amdt 3.61; [A2016-18](#) amdt 3.101

Inclusion of particulars on roll following suppression

s 78 (prev s 72) ins [A1994-14](#)
renum as s 78 [A1994-14](#), [A2008-37](#) amdt 1.147

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Suppression of elector's address pending review

s 79 (prev s 73) ins [A1994-14](#)
renum as s 79 [A1994-14](#)
am [A2008-37](#) amdt 1.139; [A2011-52](#) amdt 3.73

Closed rolls

s 80 (prev s 74) ins [A1994-14](#)
renum as s 80 [A1994-14](#)
am [A1994-78](#); [A1997-91](#); [A2001-36](#) s 11; LA (see [A2001-36](#)
amdt 1.99); [A2002-30](#) amdt 3.280

Objections to enrolment

s 81 (prev s 75) ins [A1994-14](#)
renum as s 81 [A1994-14](#)
am [A1997-91](#); LA (see [A2001-36](#) amdt 1.99); [A2001-44](#)
amdt 1.1310, amdt 1.1311; [A2002-30](#) amdts 3.281-3.284,
amdt 3.352, [A2008-37](#) amdt 1.147

Record of claims for enrolment

s 82 (prev s 76) ins [A1994-14](#)
renum as s 82 [A1994-14](#)

Processing enrolment claims

s 83 (prev s 77) ins [A1994-14](#)
renum as s 83 [A1994-14](#)

Transmission of enrolment claims

s 84 (prev s 78) ins [A1994-14](#)
renum as s 84 [A1994-14](#)
am [A1998-54](#)

Production of claims for enrolment before a court

s 85 (prev s 79) ins [A1994-14](#)
renum as s 85 [A1994-14](#)
am [A2002-30](#) amdt 3.285

Claims for enrolment not subject to warrants

s 86 (prev s 80) ins [A1994-14](#)
renum as s 86 [A1994-14](#)

Registration of political parties

pt 7 hdg ins [A1994-14](#)
sub [A2001-36](#) s 12
am [A2004-26](#) amdt 1.1

Definitions—pt 7

s 87 hdg sub [A2012-28](#) s 5
s 87 (prev s 81) ins [A1994-14](#)
renum as s 87 [A1994-14](#)
sub [A2001-36](#) s 12; [A2008-13](#) s 9
def **address** ins [A2008-13](#) s 9
def **related** ins [A2008-13](#) s 9
om [A2012-28](#) s 6

Register of political parties

s 88 hdg sub [A2004-26](#) amdt 1.2
s 88 (prev s 82) ins [A1994-14](#)
renum as s 88 [A1994-14](#)
sub [A2001-36](#) s 12
am [A2004-26](#) amdts 1.3-1.7, amdt 1.62, amdt 1.63

Application for registration of political party

s 89 (prev s 83) ins [A1994-14](#)
renum as s 89 [A1994-14](#)
sub [A2001-36](#) s 12
am [A2001-44](#) amdt 1.1312, amdt 1.1313; [A2004-26](#) ss 5-7;
[A2008-13](#) s 10; ss renum R26 LA

Application for registration of ballot group

s 89A ins [A2001-36](#) s 12
am [A2001-44](#) amdt 1.1314, amdt 1.1315
om [A2004-26](#) amdt 1.8

Further information about application for political party registration

s 90 (prev s 84) ins [A1994-14](#)
renum as s 90 [A1994-14](#)
sub [A2001-36](#) s 12
am [A2002-30](#) amdt 3.352; [A2004-26](#) s 8; ss renum R16 LA
(see [A2004-26](#) s 9), [A2008-37](#) amdt 1.147

Notification and publication of applications

s 91 (prev s 85) ins [A1994-14](#)
renum as s 91 [A1994-14](#)
sub [A2001-36](#) s 12
am [A2001-44](#) amdt 1.1316; [A2004-26](#) amdts 1.9-1.11,
amdt 1.62, amdt 1.63; [A2008-13](#) s 11, s 12; [A2015-33](#) amdt
1.58

Objections to applications and responses

s 91A ins [A2001-36](#) s 12
am [A2004-26](#) amdt 1.63

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Registration of political parties

s 92 hdg sub [A2004-26](#) amdt 1.12
s 92 (prev s 86) ins [A1994-14](#)
renum as s 92 [A1994-14](#)
sub [A2001-36](#) s 12
am [A2001-44](#) amdt 1.1317; [A2004-26](#) amdt 1.13, amdt 1.62,
amdt 1.63, [A2008-37](#) amdt 1.147

Refusal of applications for registration

s 93 (prev s 87) ins [A1994-14](#)
renum as s 93 [A1994-14](#)
am [A1997-91](#)
sub [A2001-36](#) s 12
am [A2004-26](#) s 10, amdts 1.14-1.16, amdt 1.62, amdt 1.63,
amdt 1.65; pars renum R16 LA (see [A2004-26](#) amdt 1.66);
[A2008-13](#) s 13, s 14, [A2008-37](#) amdt 1.147

Amendment of applications for registration

s 94 (prev s 88) ins [A1994-14](#)
renum as s 94 [A1994-14](#)
sub [A2001-36](#) s 12
am [A2004-26](#) amdt 1.63

Changes to particulars in register

s 95 (prev s 89) ins [A1994-14](#)
renum as s 95 [A1994-14](#)
am [A1997-91](#)
sub [A2001-36](#) s 12
am [A2004-26](#) amdt 1.17, amdt 1.18, amdt 1.65; ss renum R16
LA (see [A2004-26](#) amdt 1.66)

Objection to continued use of name

s 95A ins [A2001-36](#) s 12
am [A2004-26](#) amdt 1.61

When certain action cannot be taken

s 95B ins [A2004-26](#) s 11

No action under pt 7 during pre-election period

s 96 (prev s 90) ins [A1994-14](#)
renum as s 96 [A1994-14](#)
sub [A2001-36](#) s 12
am [A2004-26](#) amdt 1.63

Who can be a registered officer

s 96A ins [A1997-91](#)
sub [A2001-36](#) s 12
am [A2004-26](#) amdt 1.65

Deputy registered officer

s 97 (prev s 91) ins [A1994-14](#)
renum as s 97 [A1994-14](#)
am [A1997-91](#)
sub [A2001-36](#) s 12
am [A2004-26](#) amdt 1.19, amdt 1.62, amdt 1.65

Information about political parties

s 97A ins [A2001-36](#) s 12
sub [A2004-26](#) s 12

Cancellation of registration of political parties

s 98 hdg sub [A2004-26](#) amdt 1.20
s 98 (prev s 92) ins [A1994-14](#)
renum as s 98 [A1994-14](#)
am [A1997-91](#)
sub [A2001-36](#) s 12
am [A2001-44](#) amdts 1.1318-1.1321; [A2004-26](#)
amdts 1.21-1.25, amdt 1.62, amdt 1.65; ss renum R16 LA
(see [A2004-26](#) amdt 1.66); [A2008-37](#) amdt 1.147

Use of party name after cancellation

s 99 hdg sub [A2004-26](#) amdt 1.26
s 99 (prev s 93) ins [A1994-14](#)
renum as s 99 [A1994-14](#)
sub [A2001-36](#) s 12
am [A2004-26](#) amdt 1.27, amdt 1.28; ss renum R16 LA (see
[A2004-26](#) amdt 1.66)

General requirements about constitutions of registered parties

s 99A ins [A2001-36](#) s 12

Timing of elections

pt 8 hdg ins [A1994-14](#)

Ordinary elections

s 100 (prev s 94) ins [A1994-14](#)
renum as s 100 [A1994-14](#)
am [A1997-38](#); [A2002-30](#) amdt 3.286; [A2003-54](#) s 4

Extraordinary elections

s 101 (prev s 95) ins [A1994-14](#)
renum as s 101 [A1994-14](#)
am [A2001-44](#) amdt 1.1322; [A2011-28](#) amdt 3.77; [A2015-50](#)
amdt 3.99

Polling day

s 102 (prev s 96) ins [A1994-14](#)
renum as s 102 [A1994-14](#)
sub [A2002-30](#) amdt 3.287

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Arrangements for elections

pt 9 hdg ins [A1994-14](#)

Nominations

div 9.1 hdg (prev pt 9 div 1 hdg) renum LA (see [A2000-76](#) s 24)

Eligibility—MLAs

s 103 (prev s 97) ins [A1994-14](#)
renum as s 103 [A1994-14](#)
am [A2002-30](#) amdt 3.288; [A2006-23](#) amdts 1.184-1.186;
ss renum R21 LA (see [A2006-23](#) amdt 1.187)

Qualifications for nomination

s 104 (prev s 98) ins [A1994-14](#)
renum as s 104 [A1994-14](#)

Candidates to be nominated

s 105 (prev s 99) ins [A1994-14](#)
renum as s 105 [A1994-14](#)
am [A1994-78](#); [A2001-36](#) s 13, s 14, amdt 1.17; LA (see
[A2001-36](#) amdt 1.99); 2001 No 44 amdt 1.1323; ss renum
(see [A2002-11](#) amdt 2.34); [A2002-11](#) amdt 2.35; [A2004-26](#)
amdt 1.29, amdt 1.62, amdt 1.65; pars renum R16 LA (see
[A2004-26](#) amdt 1.66); [A2014-44](#) amdt 3.17

Multiple nominations invalid

s 106 (prev s 100) ins [A1994-14](#)
renum as s 106 [A1994-14](#)

Withdrawal etc of consent to nomination

s 107 (prev s 101) ins [A1994-14](#)
renum as s 107 [A1994-14](#)

Place and hour of nomination

s 108 (prev s 102) ins [A1994-14](#)
renum as s 108 [A1994-14](#)
am [A1994-78](#); LA (see [A2001-36](#) amdt 1.99); [A2001-38](#) s 4;
[A2001-44](#) amdt 1.1324; [A2002-11](#) amdt 2.36; [A2011-28](#)
amdt 3.77; [A2014-44](#) amdt 3.17

Declaration of candidates

s 109 (prev s 103) ins [A1994-14](#)
renum as s 109 [A1994-14](#)
am [A2001-36](#) amdt 1.18; [A2004-26](#) amdt 1.65

Rejection of nominations

s 110 (prev s 104) ins [A1994-14](#)
renum as s 110 [A1994-14](#)
sub [A2001-36](#) s 15
am [A2002-30](#) amdt 3.352; [A2015-50](#) amdt 3.100

Need for a poll

s 111 (prev s 105) ins [A1994-14](#)
renum as s 111 [A1994-14](#)

Death of candidate before polling day

s 112 (prev s 106) ins [A1994-14](#)
renum as s 112 [A1994-14](#)

Deposit—return or forfeiture

s 113 (prev s 107) ins [A1994-14](#)
renum as s 113 [A1994-14](#)
sub [A2012-1](#) s 7

Ballot papers

div 9.2 hdg (prev pt 9 div 2 hdg) renum LA (see [A2000-76](#) s 24)

Ballot papers

s 114 (prev s 108) ins [A1994-14](#)
renum as s 114 [A1994-14](#)
am [A2000-76](#) s 5; LA (see [A2001-36](#) amdt 1.99); [A2001-44](#)
amdt 1.1325, amdt 1.1326; [A2002-30](#) amdt 3.289

Grouping of candidates' names

s 115 (prev s 109) ins [A1994-14](#)
renum as s 115 [A1994-14](#)
am [A2001-36](#) amdt 1.19; [A2002-30](#) amdt 3.290; [A2004-26](#)
amdt 1.65; [A2008-13](#) s 15

Printing of ballot papers

s 116 (prev s 110) ins [A1994-14](#)
renum as s 116 [A1994-14](#)
am [A2001-38](#) ss 5-8; [A2002-30](#) amdt 3.291, amdt 3.292;
[A2014-29](#) ss 5-7

Names on ballot papers

s 117 (prev s 111) ins [A1994-14](#)
renum as s 117 [A1994-14](#)
am [A1994-78](#)
sub [A2001-36](#) s 16
am [A2004-26](#) amdts 1.30-1.32; pars renum R16 LA (see
[A2004-26](#) amdt 1.66)

Draw for positions on ballot papers

s 118 (prev s 112) ins [A1994-14](#)
renum as s 118 [A1994-14](#)

Electronic voting devices and vote counting programs

div 9.3 hdg (prev div 9.2A) ins [A2000-76](#) s 6
renum LA (see [A2000-76](#) s 24)

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Approval of computer program for electronic voting and vote counting

s 118A ins [A2000-76](#) s 6
am [A2001-44](#) amdt 1.1327
am LA (see [A2001-36](#) amdt 1.99); [A2008-13](#) s 18; ss renum
R26 LA

Security of electronic voting devices and related material

s 118B ins [A2000-76](#) s 6

Miscellaneous

div 9.4 hdg (prev pt 9 div 3 hdg) renum LA (see [A2000-76](#) s 24)

Polling places and scrutiny centres

s 119 (prev s 113) ins [A1994-14](#)
renum as s 119 [A1994-14](#)
am [A2001-36](#) amdt 1.20; LA (see [A2001-36](#) amdt 1.99);
[A2001-44](#) amdt 1.1328, amdt 1.1329; [A2011-28](#) amdt 3.62;
[A2015-33](#) amdt 1.59

Administrative arrangements

s 120 (prev s 114) ins [A1994-14](#)
renum as s 120 [A1994-14](#)
am [A2000-76](#) s 7; [A2001-44](#) amdt 1.1330

Certified extracts and certified lists of electors

s 121 (prev s 115) ins [A1994-14](#)
renum as s 121 [A1994-14](#)
sub [A2012-1](#) s 8

Use of information from certified extracts or certified lists

s 121A hdg sub [A2012-1](#) s 9
s 121A ins [A2001-36](#) s 17
am [A2012-1](#) s 10

Scrutineers—appointment

s 122 (prev s 116) ins [A1994-14](#)
renum as s 122 [A1994-14](#)
am [A2001-44](#) amdt 1.1331, amdt 1.1332

Scrutineers—conduct

s 123 (prev s 117) ins [A1994-14](#)
renum as s 123 [A1994-14](#)
am [A1998-54](#); [A2002-30](#) amdt 3.293

Participation by candidates in conduct of election

s 124 (prev s 118) ins [A1994-14](#)
renum as s 124 [A1994-14](#)

Determining matters by lot

s 125 (prev s 119) ins [A1994-14](#)
renum as s 125 [A1994-14](#)
am [A2001-44](#) amdt 1.1333; [A2011-28](#) amdt 3.63

Supplementary elections

s 126 (prev s 120) ins [A1994-14](#)
renum as s 126 [A1994-14](#)

Voting

pt 10 hdg ins [A1994-14](#)

General

div 10.1 hdg (prev pt 10 div 1 hdg) renum LA (see [A2000-76](#) s 24)

Meaning of *authorised witness*

s 127 hdg sub [A2001-36](#) amdt 1.21
s 127 (prev s 121) ins [A1994-14](#)
renum as s 127 [A1994-14](#)
om [A2012-1](#) s 11

Entitlement to vote

s 128 (prev s 122) ins [A1994-14](#)
renum as s 128 [A1994-14](#); [A2001-36](#) amdt 1.99
am [A1997-91](#); LA (see [A2001-36](#) amdt 1.99)

Compulsory voting

s 129 (prev s 123) ins [A1994-14](#)
renum as s 129 [A1994-14](#)
am [A1998-54](#)

Multiple votes prohibited

s 130 (prev s 124) ins [A1994-14](#)
renum as s 130 [A1994-14](#)
am [A1998-54](#)

Procedures for voting

s 131 (prev s 125) ins [A1994-14](#)
renum as s 131 [A1994-14](#)
am [A1997-91](#); [A2000-76](#) s 8; LA (see [A2001-36](#) amdt 1.99);
[A2006-23](#) amdt 1.188, amdt 1.189

Manner of recording vote

s 132 (prev s 126) ins [A1994-14](#)
renum as s 132 [A1994-14](#)

Ordinary voting at a polling place

div 10.2 hdg (prev pt 10 div 2 hdg) am [A1997-91](#)
renum LA (see [A2000-76](#) s 24)

Claims to vote

s 133 (prev s 127) ins [A1994-14](#)
renum as s 133 [A1994-14](#)
am [A1997-91](#); LA (see [A2001-36](#) amdt 1.99)

Endnotes

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Voting in private

s 134 (prev s 128) ins [A1994-14](#)
renum as s 134 [A1994-14](#)
am [A2000-76](#) s 9

Declaration voting at a polling place

div 10.3 hdg (prev pt 10 div 3 hdg) am [A1997-91](#)
renum LA (see [A2000-76](#) s 24)

Declaration voting at polling places

s 135 (prev s 129) ins [A1994-14](#)
renum as s 135 [A1994-14](#)
am [A1997-91](#); [A2001-44](#) amdt 1.1334, amdt 1.1335

Voting otherwise than at a polling place

div 10.4 hdg (prev pt 10 div 3A hdg) ins [A1997-91](#)
renum LA (see [A2000-76](#) s 24)

Definitions for div 10.4

s 136 hdg sub [A2001-36](#) amdt 1.22
s 136 (prev s 130) ins [A1994-14](#)
renum as s 136 [A1994-14](#)
sub [A1997-91](#); [A2004-26](#) s 13
def *eligible elector* om [A2008-13](#) s 17

Applications for postal voting papers

s 136A ins [A1997-91](#)
am LA (see [A2001-36](#) amdt 1.99); [A2001-44](#) amdt 1.1336,
amdt 1.1337; [A2002-30](#) amdt 3.294
sub [A2004-26](#) s 14
am [A2008-13](#) s 18, s 19; ss renum R26 LA

Ordinary or declaration voting in ACT before polling day

s 136B hdg sub [A2001-36](#) amdt 1.23
s 136B ins [A1997-91](#)
am [A2001-36](#) s 18; LA (see [A2001-36](#) amdt 1.99); [A2001-44](#)
amdts 1.1338-1.1341; [A2002-30](#) amdt 3.295, amdt 3.296;
[A2008-13](#) ss 20-26; [A2011-28](#) amdt 3.64, amdt 3.77

Declaration voting outside ACT on or before polling day

s 136C hdg sub [A2001-36](#) amdt 1.24
s 136C ins [A1997-91](#)
am [A2001-36](#) s 19; LA (see [A2001-36](#) amdt 1.99); [A2001-44](#)
amdts 1.1342-1.1345; [A2002-30](#) amdt 3.296;
[A2008-13](#) ss 27-30; [A2011-28](#) amdt 3.65, amdt 3.77

Record of issue of declaration voting papers

s 137 (prev s 131) ins [A1994-14](#)
renum as s 137 [A1994-14](#)
am [A1997-91](#); [A2001-36](#) amdt 1.25

Inspection of records

s 138 (prev s 132) ins [A1994-14](#)
renum as s 138 [A1994-14](#)

Receipt of declaration voting papers

s 139 (prev s 133) ins [A1994-14](#)
renum as s 139 [A1994-14](#)
am [A1997-91](#); [A2002-30](#) amdt 3.297

Registered declaration voters

s 140 (prev s 134) ins [A1994-14](#)
renum as s 140 [A1994-14](#)
am [A2002-30](#) amdt 3.298

Issue of voting papers to registered declaration voters

s 141 (prev s 135) ins [A1994-14](#)
renum as s 141 [A1994-14](#)
am [A1997-91](#); [A2002-30](#) amdt 3.299; [A2004-26](#) s 15

Correcting formal errors

s 142 (prev s 136) ins [A1994-14](#)
renum as s 142 [A1994-14](#)

Soliciting applications for postal declaration votes

s 143 (prev s 137) ins [A1994-14](#)
renum as s 143 [A1994-14](#)
am [A1997-91](#); [A1998-54](#)
sub [A2001-36](#) s 20; [A2004-26](#) s 16
am [A2008-13](#) s 31, s 32; ss renum R26 LA

Transmission of applications for postal declaration votes

s 144 (prev s 138) ins [A1994-14](#)
renum as s 144 [A1994-14](#)
am [A1998-54](#)

Requirements for casting postal votes

s 144A ins [A2004-26](#) s 17
am [A2012-1](#) s 12

Interference with declaration voting

s 145 (prev s 139) ins [A1994-14](#)
renum as s 145 [A1994-14](#)
am [A1998-54](#)

Soliciting completed declaration votes

s 146 (prev s 140) ins [A1994-14](#)
renum as s 146 [A1994-14](#)
am [A1998-54](#)

Endnotes

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Transmission of completed declaration votes

s 147 (prev s 141) ins [A1994-14](#)
renum as s 147 [A1994-14](#)
am [A1998-54](#)

Opening envelopes containing declaration votes

s 148 (prev s 142) ins [A1994-14](#)
renum as s 148 [A1994-14](#)
am [A1998-54](#)

Mobile polling

div 10.5 hdg (prev pt 10 div 4 hdg) renum LA (see [A2000-76](#) S24)

Definitions for div 4

s 149 hdg sub [A2001-36](#) amdt 1.26
s 149 (prev s 143) ins [A1994-14](#)
renum as s 149 [A1994-14](#)
def *registered medical practitioner* om [A2001-36](#) amdt 1.27
def *remand centre* om [A2006-23](#) amdt 1.190
def *special hospital* sub [A2001-44](#) amdt 1.1347

Declaration of special hospitals

s 149A ins [A2001-44](#) amdt 1.1348
am [A2011-28](#) amdt 3.77

Mobile polling—institutions

s 150 (prev s 144) ins [A1994-14](#)
renum as s 150 [A1994-14](#)
am [A2006-23](#) amdt 1.191

Functions of visiting officers

s 151 (prev s 145) ins [A1994-14](#)
renum as s 151 [A1994-14](#); [A2001-36](#) amdt 1.99
am [A1995-33](#); [A2001-36](#) s 21, amdt 1.28; LA (see [A2001-36](#)
amdt 1.99); [A2006-23](#) amdt 1.192, amdt 1.193

Failure to visit institution

s 152 (prev s 146) ins [A1994-14](#)
renum as s 152 [A1994-14](#)

Custody of ballot boxes and electoral papers

s 153 (prev s 147) ins [A1994-14](#)
renum as s 153 [A1994-14](#)

Miscellaneous

div 10.6 hdg (prev pt 10 div 5 hdg) renum LA (see [A2000-76](#) s 24)

Arrangements at polling places

s 154 (prev s 148) ins [A1994-14](#)
renum as s 154 [A1994-14](#)

Particulars on ballot papers before issue

s 155 (prev s 149) ins [A1994-14](#)
renum as s 155 [A1994-14](#)

Assistance to voters

s 156 (prev s 150) ins [A1994-14](#)
renum as s 156 [A1994-14](#)
am [A2012-1](#) s 13

Assistance to voters unable to enter polling place

s 156A ins [A2001-36](#) s 22

Spoilt ballot papers

s 157 (prev s 151) ins [A1994-14](#)
renum as s 157 [A1994-14](#)
am [A2000-76](#) s 10

Custody of ballot boxes and electoral papers

s 158 (prev s 152) ins [A1994-14](#)
renum as s 158 [A1994-14](#)

Extension of time for conducting elections

s 159 (prev s 153) ins [A1994-14](#)
renum as s 159 [A1994-14](#)
am [A2001-36](#) amdt 1.29; LA (see [A2001-36](#)
amdt 1.99)[A2001-44](#) amdt 1.1349, amdt 1.1350; [A2002-30](#)
amdt 3.300; [A2015-33](#) amdt 1.60

Suspension and adjournment of polling

s 160 (prev s 154) ins [A1994-14](#)
renum as s 160 [A1994-14](#)
am LA (see [A2001-36](#) amdt 1.99); [A2001-44](#) amdts 1.1351-
1.1353; [A2002-30](#) amdt 3.300; [A2011-28](#) amdt 3.66; ss
renum R32 LA

Failure to vote

div 10.7 hdg (prev pt 10 div 6 hdg) renum LA (see [A2000-76](#) s 24)

Default notice

s 161 (prev s 155) ins [A1994-14](#)
renum as s 161 [A1994-14](#)
am [A2001-44](#) amdt 1.1354, amdt 1.1355

First notice

s 162 (prev s 156) ins [A1994-14](#)
renum as s 162 [A1994-14](#)

Second notice

s 163 (prev s 157) ins [A1994-14](#)
renum as s 163 [A1994-14](#)

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Final notice

s 164 (prev s 158) ins [A1994-14](#)
renum as s 164 [A1994-14](#)

Discharge of liability

s 165 (prev s 159) ins [A1994-14](#)
renum as s 165 [A1994-14](#)

Response on behalf of elector

s 166 (prev s 160) ins [A1994-14](#)
renum as s 166 [A1994-14](#)

Polling in Antarctica

pt 11 hdg ins [A1994-14](#)

Definitions for pt 11

s 167 hdg sub [A2001-36](#) amdt 1.30
s 167 (prev s 161) ins [A1994-14](#)
renum as s 167 [A1994-14](#)
am [A2001-36](#) amdt 1.31, amdt 1.32
def *transmit* sub [A2001-44](#) amdt 1.1356

Declaration of ship as a station

s 167A ins [A2001-36](#) amdt 1.32

Approval of ways of transmission

s 167B ins [A2001-44](#) amdt 1.1357
am [A2011-28](#) amdt 3.77

Returning officers and assistants for Antarctic stations

s 168 (prev s 162) ins [A1994-14](#)
renum as s 168 [A1994-14](#)
sub [A2002-30](#) amdt 3.301

Acting returning officer or assistant

s 169 (prev s 163) ins [A1994-14](#)
renum as s 169 [A1994-14](#)
om [A2002-30](#) amdt 3.301

Application of Act to polling in Antarctica

s 170 (prev s 164) ins [A1994-14](#)
renum as s 170 [A1994-14](#)

Antarctic electors

s 171 (prev s 165) ins [A1994-14](#)
renum as s 171 [A1994-14](#)
am [A1997-91](#)

Arrangements for the polling in Antarctica

s 172 (prev s 166) ins [A1994-14](#)
renum as s 172 [A1994-14](#)

Conduct of the polling

s 173 (prev s 167) ins [A1994-14](#)
renum as s 173 [A1994-14](#)

Claims to vote

s 174 (prev s 168) ins [A1994-14](#)
renum as s 174 [A1994-14](#)

Proceedings at close of poll

s 175 (prev s 169) ins [A1994-14](#)
renum as s 175 [A1994-14](#)
am [A1995-46](#); [A2002-30](#) amdt 3.302

Result of polling in Antarctica

s 176 (prev s 170) ins [A1994-14](#)
renum as s 176 [A1994-14](#)

Preservation of documents

s 177 (prev s 171) ins [A1994-14](#)
renum as s 177 [A1994-14](#)

The scrutiny

pt 12 hdg ins [A1994-14](#)

Scrutiny

s 178 (prev s 172) ins [A1994-14](#)
renum as s 178 [A1994-14](#)
am [A1997-91](#); [A2000-76](#) s 11

Preliminary scrutiny of declaration voting papers etc

s 179 (prev s 173) ins [A1994-14](#)
renum as s 179 [A1994-14](#)
am [A2002-30](#) amdt 3.303, amdt 3.304

Formality of ballot papers

s 180 (prev s 174) ins [A1994-14](#)
renum as s 180 [A1994-14](#)

Death of candidate

s 181 (prev s 175) ins [A1994-14](#)
renum as s 181 [A1994-14](#)

First count—ordinary ballot papers

s 182 (prev s 176) ins [A1994-14](#)
renum as s 182 [A1994-14](#)
am [A2000-76](#) s 12

First count—declaration ballot papers

s 183 (prev s 177) ins [A1994-14](#)
renum as s 183 [A1994-14](#)

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First count—electronic ballot papers

s 183A ins [A2000-76](#) s 13

Second count—first preferences

s 184 (prev s 178) ins [A1994-14](#)
renum as s 184 [A1994-14](#)
am [A2000-76](#) s 14

Ascertaining result of poll

s 185 (prev s 179) ins [A1994-14](#)
renum as s 185 [A1994-14](#)
am [A2000-76](#) s 15

Objections by scrutineers

s 186 (prev s 180) ins [A1994-14](#)
renum as s 186 [A1994-14](#)

Recount of ballot papers

s 187 (prev s 181) ins [A1994-14](#)
renum as s 187 [A1994-14](#)
sub [A2004-26](#) s 18

Application for recount of ballot papers etc

s 187A orig s 187A renum as s 187C
ins [A2004-26](#) s 18

Review of decision of commissioner to refuse to arrange for recount

s 187B ins [A2004-26](#) s 18

Recount of electronic scrutiny of ballot papers

s 187C (prev s 187A) ins [A2000-76](#) s 16
renum as s 187C [A2004-26](#) s 19

Reservation of disputed ballot papers

s 188 (prev s 182) ins [A1994-14](#)
renum as s 188 [A1994-14](#)

Declaration of result of election

s 189 (prev s 183) ins [A1994-14](#)
renum as s 189 [A1994-14](#)

Casual vacancies

pt 13 hdg ins [A1994-14](#)

Definitions for pt 13

s 190 hdg sub [A2001-36](#) amdt 1.33
s 190 (prev s 184) ins [A1994-14](#)
renum as s 190 [A1994-14](#)
am [A2001-36](#) amdt 1.36, amdt 1.37
def *candidate* om [A2001-36](#) amdt 1.34
def *newspaper* om [A2001-36](#) amdt 1.34
def *speaker* ins [A2001-36](#) amdt 1.35

Notice of casual vacancy

s 191 (prev s 185) ins [A1994-14](#)
renum as s 191 [A1994-14](#)
am [A2008-13](#) s 33
sub [A2015-33](#) amdt 1.61

Candidates for casual vacancy

s 192 (prev s 186) ins [A1994-14](#)
renum as s 192 [A1994-14](#)
am LA (see [A2001-36](#) amdt 1.99); [A2001-44](#) amdt 1.1358,
amdt 1.1359; [A2015-33](#) amdt 1.62; [A2015-50](#) amdt 3.100

Publication of candidates' details

s 193 (prev s 187) ins [A1994-14](#)
renum as s 193 [A1994-14](#)

Determination of candidate to fill vacancy

s 194 (prev s 188) ins [A1994-14](#)
renum as s 194 [A1994-14](#)
am [A2002-30](#) amdt 3.352; [A2008-13](#) s 34; ss renum R26 LA

Assembly nominees

s 195 (prev s 189) ins [A1994-14](#)
renum as s 195 [A1994-14](#)
am [A2001-36](#) s 23

Term of office of MLA declared elected under pt 13

s 196 (prev s 190) ins [A1994-14](#)
renum as s 196 [A1994-14](#)

Dissolution or pre-election period

s 197 (prev s 191) ins [A1994-14](#)
renum as s 197 [A1994-14](#)
am [A2002-30](#) amdt 3.305

Election funding, expenditure and financial disclosure

pt 14 hdg ins [A1994-14](#)
sub [A2012-28](#) s 7

Preliminary

div 14.1 hdg (prev pt 14 div 1 hdg) renum [A2001-36](#) amdt 1.99

Definitions for pt 14

s 198 hdg sub [A2001-36](#) amdt 1.38
s 198 (prev s 192) ins [A1994-14](#)
renum as s 198 [A1994-14](#)
am [A2001-36](#) amdt 1.42, amdt 1.43
def **associated entity** ins [A1996-56](#) s 4
sub [A2001-36](#) s 24
am [A2004-26](#) amdt 1.64

Endnotes

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def **Australian government body** ins [A2015-5](#) s 5
def **ballot group** ins [A2001-36](#) s 25
om [A2004-26](#) amdt 1.33
def **called** ins [A2012-28](#) s 8
def **capped expenditure period** ins [A2012-28](#) s 8
def **disposition of property** reloc to s 198AA (5) [A2012-28](#)
s 9
def **electoral advertisement** reloc from s 223 [A2012-28](#) s 46
def **electoral expenditure** ins [A2012-28](#) s 10
def **entity** ins [A1996-56](#) s 4
def **financial controller** ins [A1996-56](#) s 4
def **financial institution** reloc from s 218A (6) [A2012-28](#) s 33
def **financial representative** ins [A2012-28](#) s 10
def **gift** am [A2001-36](#) amdt 1.39; [A2004-26](#) s 20; [A2008-13](#)
s 35
sub [A2012-28](#) s 11
def **incurs** ins [A2012-28](#) s 12
def **independent MLA** om [A2001-36](#) amdt 1.40
def **index number** ins [A2012-28](#) s 12
def **loan** reloc from s 218A (6) [A2012-28](#) s 34
def **non-party candidate grouping** ins [A2012-28](#) s 12
def **non-party group** om [A2008-13](#) s 36
def **non-party prospective candidate grouping** ins
[A2012-28](#) s 12
def **non-party MLA** ins [A2012-28](#) s 12
def **party grouping** ins [A2012-28](#) s 12
am [A2015-5](#) s 6; pars renum R44 LA
def **person** ins [A2012-28](#) s 12
def **property** reloc to 198AA (5) [A2012-28](#) s 13
def **prospective candidate** ins [A2012-28](#) s 14
def **register** am [A2001-36](#) amdt 1.41; [A2004-26](#) amdt 1.60
def **registered industrial organisation** am [A2011-28](#)
amdt 3.67
def **reporting agent** sub [A2001-36](#) s 26
am [A2004-26](#) amdt 1.34, amdt 1.60
def **third-party campaigner** ins [A2012-28](#) s 14
am [A2015-5](#) ss 7-9

Reference to things done by party etc

s 198A hdg sub [A2004-26](#) amdt 1.35
s 198A ins [A2001-36](#) amdt 1.43
am [A2004-26](#) amdt 1.36

Meaning of *gift*—pt 14

s 198AA ins [A2012-28](#) s 15
 def ***disposition of property*** reloc from s 198 [A2012-28](#) s 9
 def ***property*** reloc from s 198 [A2012-28](#) s 13
 (3) (h), (4) exp 1 January 2014 (s 198AA (4))
 ss renum R39 LA

Candidate remains candidate after election

s 198B ins [A2001-36](#) amdt 1.43

Related bodies corporate

s 199 (prev s 193) ins [A1994-14](#)
 renum as 199 [A1994-14](#)

Activities of candidates and prospective candidates

s 200 (prev s 194) ins [A1994-14](#)
 renum as s 200 [A1994-14](#)
 am [A2001-36](#) amdt 1.44; [A2004-26](#) amdt 1.37, amdt 1.62;
[A2012-1](#) s 14
 sub [A2012-28](#) s 16

Disclosure periods

s 201 (prev s 195) ins [A1994-14](#)
 renum as s 201 [A1994-14](#)
 am [A1997-91](#) s 24; [A2001-36](#) amdt 1.45; [A2002-30](#)
 amdt 3.306; [A2003-54](#) s 5; [A2004-26](#) amdt 1.63;
[A2008-13](#) s 37; [A2012-28](#) s 17; [A2015-5](#) s 10

Gifts—determination of amounts

s 202 (prev s 196) ins [A1994-14](#)
 renum as s 202 [A1994-14](#)

When person or entity *incurs* electoral expenditure—pt 14

s 202A ins [A2012-28](#) s 18

Reporting agents

div 14.2 hdg (prev pt 14 div 2 hdg) renum LA (see [A2000-76](#) s 24)

Appointed agents

s 203 (prev s 197) ins [A1994-14](#)
 renum as s 203 [A1994-14](#)
 am [A1997-91](#); [A2001-36](#) amdts 1.46-1.48; LA (see [A2001-36](#)
 amdt 1.99); [A2002-30](#) amdt 3.307, amdt 3.308, amdt 3.352;
[A2004-26](#) amdt 1.38, amdt 1.39, amdt 1.61, amdt 1.63;
 ss renum R16 LA (see [A2004-26](#) amdt 1.66); [A2008-13](#) s 38,
 s 39; pars renum R26 LA; [A2015-5](#) s 11; ss renum R44 LA

Endnotes

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Non-appointed agents

s 204 (prev s 198) ins [A1994-14](#)
renum as s 204 [A1994-14](#)
am [A1997-91](#); [A2001-36](#) amdt 1.49, amdt 1.50; LA
(see [A2001-36](#) amdt 1.99); [A2004-26](#) amdt 1.61, amdt 1.63;
[A2008-13](#) s 40; ss renum R26 LA

Registers of reporting agents

s 205 (prev s 199) ins [A1994-14](#)
renum as s 205 [A1994-14](#)
am [A2001-36](#) amdts 1.51-1.53; LA (see [A2001-36](#) amdt 1.99);
[A2002-30](#) amdt 3.309; [A2004-26](#) amdt 1.40, amdt 1.41,
amdt 1.60; pars renum R16 LA (see [A2004-26](#) amdt 1.66);
[A2008-13](#) s 41, s 42; [A2015-5](#) s 12

ACT election accounts

div 14.2A hdg ins [A2012-28](#) s 19
om [A2015-5](#) s 13

Financial representatives to keep ACT election accounts

s 205A ins [A2012-28](#) s 19
om [A2015-5](#) s 13

Offence—loans to be repaid from ACT election accounts

s 205B ins [A2012-28](#) s 19
om [A2015-5](#) s 13

Financial representative to ensure electoral expenditure paid from ACT election account

s 205C ins [A2012-28](#) s 19
om [A2015-5](#) s 13

Limitations on electoral expenditure

div 14.2B hdg ins [A2012-28](#) s 19

Meaning of *expenditure cap*—div 14.2B

s 205D ins [A2012-28](#) s 19
am [A2015-5](#) s 14, s 15
(2), (3) exp 31 December 2015 (s 205D (3))

Working out indexation for expenditure cap

s 205E ins [A2012-28](#) s 19

Limit on electoral expenditure—party groupings

s 205F ins [A2012-28](#) s 19
am [A2014-29](#) s 8

Limit on electoral expenditure—MLAs, associated entities, candidates and third-party campaigners

s 205G hdg sub [A2015-5](#) s 16
s 205G ins [A2012-28](#) s 19
am [A2015-5](#) s 17, s 18; pars renum R44 LA

Limit on electoral expenditure—third-party campaigner acting in concert with others

s 205H ins [A2012-28](#) s 19
om [A2015-5](#) s 19

Limit on spending—payments from related party

div 14.2C hdg ins [A2012-28](#) s 19
sub [A2015-5](#) s 20

Limit on gifts received

s 205I ins [A2012-28](#) s 19
om [A2015-5](#) s 21

Offence—give indirect gift to avoid statutory limit

s 205J ins [A2012-28](#) s 19
om [A2015-5](#) s 21

Limit on spending—payments from related party

s 205K ins [A2012-28](#) s 19
sub [A2015-5](#) s 22

Election funding

div 14.3 hdg (prev pt 14 div 3 hdg) renum LA (see [A2000-76](#) s 24)

Who eligible votes are cast for

s 206 (prev s 200) ins [A1994-14](#)
renum as s 206 [A1994-14](#)
am [A1996-56](#)
sub [A2001-36](#) amdt 1.54
am [A2004-26](#) s 21
sub [A2008-13](#) s 43

Entitlement to funds

s 207 (prev s 201) ins [A1994-14](#)
renum as s 207 [A1994-14](#)
am [A1996-56](#); [A2001-36](#) amdt 1.55; [A2004-26](#) s 22; [A2008-13](#)
s 44
sub [A2012-28](#) s 20
am [A2015-5](#) s 23, s 24
(8), (9) exp 30 June 2016 (s 207 (9))

Threshold

s 208 (prev s 202) ins [A1994-14](#)
renum as s 208 [A1994-14](#)
sub [A1996-56](#); [A2001-36](#) s 27
am [A2004-26](#) s 23, amdt 1.42, amdt 1.63

Claims for payment

s 209 (prev s 203) ins [A1994-14](#)
renum as s 209 [A1994-14](#)
om [A1996-56](#)

Endnotes

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Claims by party reporting agents

s 210 (prev s 204) ins [A1994-14](#)
renum as s 210 [A1994-14](#)
om [A1996-56](#)

Determination of claims

s 211 (prev s 205) ins [A1994-14](#)
renum as s 211 [A1994-14](#)
om [A1996-56](#)

Making of payments

s 212 (prev s 206) ins [A1994-14](#)
renum as s 212 [A1994-14](#)
am [A1996-56](#); [A2001-36](#) amdt 1.56, amdt 1.57; LA (see
[A2001-36](#) amdt 1.99); [A2004-26](#) s 24, amdt 1.63; [A2008-13](#)
s 45, s 46; ss renum R26 LA

Revocation of determinations

s 213 (prev s 207) ins [A1994-14](#)
renum as s 213 [A1994-14](#)
om [A1996-56](#)

Death of candidate

s 214 (prev s 208) ins [A1994-14](#)
renum as s 214 [A1994-14](#)
am [A1996-56](#); [A2001-36](#) amdt 1.58; [A2004-26](#) s 26; [A2008-13](#)
s 47

Application voluntary

s 215 (prev s 209) ins [A1994-14](#)
renum as s 215 [A1994-14](#)
am [A1996-56](#)

Administrative expenditure funding

div 14.3A hdg ins [A2012-28](#) s 21

Period between polling day and declaration of poll

s 215A ins [A2012-28](#) s 21

Eligibility of party for payment for administrative expenditure

s 215B ins [A2012-28](#) s 21

Payment to eligible parties for administrative expenditure

s 215C ins [A2012-28](#) s 21

Eligibility of non-party MLAs for payment for administrative expenditure

s 215D ins [A2012-28](#) s 21

Payment to non-party MLAs for administrative expenditure

s 215E ins [A2012-28](#) s 21

Working out indexation for administrative expenditure

s 215F ins [A2012-28](#) s 21

Payments for administrative expenditure not to be used for electoral expenditure

s 215G ins [A2012-28](#) s 21
am [A2015-5](#) s 25, s 26

Gifts and certain loans—records and disclosure

div 14.4 hdg (prev pt 14 div 4 hdg) renum LA (see [A2000-76](#) s 24)
sub [A2012-28](#) s 22

Application—div 14.4

s 215H ins [A2012-28](#) s 23

Definitions—div 14.4

s 216 hdg sub [A2001-36](#) amdt 1.59; [A2012-28](#) s 24
s 216 (prev s 210) ins [A1994-14](#)
renum as s 216 [A1994-14](#)
def **anonymous gift** ins [A2015-5](#) s 27
def **anonymously** ins [A2012-28](#) s 25
def **gift** om [A2001-36](#) amdt 1.60
def **small anonymous gift** ins [A2012-28](#) s 25
om [A2015-5](#) s 28

Records and regular disclosure of gifts

s 216A ins [A2012-28](#) s 26
am [A2015-5](#) ss 29-34; pars renum R43 LA

Disclosure of gifts by non-party candidates

s 217 hdg sub [A2012-28](#) s 27
s 217 (prev s 211) ins [A1994-14](#)
renum as s 217 [A1994-14](#)
am [A2001-36](#) s 28; [A2001-44](#) amdt 1.1360, amdt 1.1361;
[A2002-30](#) amdt 3.353; [A2004-26](#) s 27; [A2008-13](#) s 48;
[A2012-28](#) s 28, s 29

Disclosure of gifts—non-party groups

s 218 (prev s 212) ins [A1994-14](#)
renum as s 218 [A1994-14](#)
am [A2001-36](#) s 29; [A2001-44](#) amdt 1.1362, amdt 1.1363;
[A2002-30](#) amdt 3.353
om [A2008-13](#) s 49

Endnotes

4 Amendment history

Certain loans not to be received

s 218A ins [A2001-36](#) s 30
am [A2004-26](#) amdt 1.43, amdt 1.44, amdt 1.60; ss, pars
renum R16 LA (see [A2004-26](#) amdt 1.66); [A2008-13](#)
ss 50-54; ss and pars renum R26 LA; [A2012-28](#) ss 30-32,
s 35
def *financial institution* reloc to s 198 [A2012-28](#) s 33
def *loan* reloc to s 198 [A2012-28](#) s 34

Nil returns

s 219 (prev s 213) ins [A1994-14](#)
renum as s 219 [A1994-14](#)
am [A2008-13](#) s 55

Disclosure of gifts by third-party campaigners

s 220 (prev s 214) ins [A1994-14](#)
renum as s 220 [A1994-14](#)
am [A1996-56](#); [A2001-36](#) s 31 and amdt 1.61; LA (see
[A2001-36](#) amdt 1.99); [A2001-44](#) amdt 1.1364, amdt 1.1365;
[A2002-30](#) amdt 3.353; [A2004-26](#) amdt 1.60, amdt 1.63
sub [A2012-28](#) s 36
am [A2015-5](#) s 35

Disclosure of gifts made to candidates

s 221 hdg sub [A2008-13](#) s 56
s 221 (prev s 215) ins [A1994-14](#)
renum as s 221 [A1994-14](#)
am [A1996-56](#); LA (see [A2001-36](#) amdt 1.99); [A2001-44](#)
amds 1.1366-1.1369; [A2002-30](#) amdt 3.353; [A2004-26](#) s 28,
s 29; [A2008-13](#) s 57, s 58; [A2011-28](#) amdt 3.77
om [A2012-28](#) s 37

Annual returns of donations

s 221A ins [A1996-56](#)
sub [A2001-36](#) s 32
am [A2001-44](#) amds 1.1370-1.1372; [A2002-30](#) amdt 3.353;
[A2004-26](#) s 30; [A2004-26](#) amdt 1.60; [A2008-13](#) ss 59-61
om [A2012-28](#) s 37

Advice about obligations to make returns

s 221B ins [A1996-56](#)
sub [A2001-36](#) s 32
am [A2004-26](#) amdt 1.60; [A2008-13](#) s 62, s 63
om [A2012-28](#) s 37

Restrictions on acceptance of gifts

s 222 hdg sub [A2015-5](#) s 36
 s 222 (prev s 216) ins [A1994-14](#)
 renum as s 222 [A1994-14](#)
 sub [A2001-36](#) s 32
 am [A2004-26](#) s 31, amdt 1.45, amdt 1.60; pars renum R16 LA
 (see [A2004-26](#) amdt 1.66); [A2008-13](#) ss 64-70; ss and pars
 renum R26 LA; [A2012-28](#) ss 38-44; ss renum R36 LA
 am [A2015-5](#) ss 37-41

Disclosure of electoral expenditure

div 14.5 hdg (prev pt 14 div 5 hdg) renum LA (see [A2000-76](#) s 24)

Definitions for div 14.5

s 223 hdg sub [A2001-36](#) amdt 1.62
 s 223 (prev s 217) ins [A1994-14](#)
 renum as s 223 [A1994-14](#); [A2001-36](#) amdt 1.99
 am [A2001-36](#) amdt 1.64, amdt 1.65
 def **broadcaster** om [A2012-28](#) s 45
 def **electoral advertisement** reloc to s 198 [A2012-28](#) s 46
 def **electoral expenditure** am [A1996-56](#) s 16; LA (see
[A2001-36](#) amdt 1.99); [A2008-13](#) s 71, s 72
 om [A2012-28](#) s 47
 def **participant** ins [A2001-36](#) amdt 1.63
 am [A2004-26](#) s 32; [A2008-13](#) s 73
 def **relates** ins [A2001-36](#) amdt 1.63
 om [A2012-28](#) s 47

Returns of electoral expenditure

s 224 (prev s 218) ins [A1994-14](#)
 renum as s 224 [A1994-14](#); [A2001-36](#) amdt 1.99
 am [A1996-56](#); [A2001-36](#) amdt 1.66, amdt 1.67; LA (see
[A2001-36](#) amdt 1.99); [A2001-44](#) amdt 1.1373, amdt 1.1374;
[A2002-30](#) amdt 3.353; [A2004-26](#) s 33, amdt 1.60, amdt 1.63;
[A2008-13](#) ss 74-76; ss renum R26 LA
 sub [A2012-28](#) s 48
 am [A2015-5](#) ss 42-44; ss renum R44 LA

Nil returns

s 225 (prev s 219) ins [A1994-14](#)
 renum as s 225 [A1994-14](#)
 am [A1996-56](#); [A2001-36](#) amdt 1.68; [A2004-26](#) amdt 1.63;
[A2008-13](#) s 77; ss renum R26 LA

Returns by broadcasters and publishers

s 226 (prev s 220) ins [A1994-14](#)
 renum as s 226 [A1994-14](#)
 am [A2001-44](#) amdt 1.1375, amdt 1.1376; [A2002-30](#)
 amdt 3.353; [A2004-26](#) s 34; [A2008-13](#) s 78

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4 Amendment history

Multiple elections on same day

s 227 (prev s 221) ins [A1994-14](#)
renum as s 227 [A1994-14](#)
am [A2001-44](#) amdt 1.1377

Annual returns

div 14.6 hdg (prev pt 14 div 6 hdg) renum LA (see [A2000-76](#) s 24)

Meaning of *defined particulars* for div 14.6

s 228 hdg sub [A2001-36](#) amdt 1.69
s 228 (prev s 222) ins [A1994-14](#)
renum as s 228 [A1994-14](#)
am [A2008-13](#) s 79

Fund-raising events

s 229 (prev s 223) ins [A1994-14](#)
renum as s 229 [A1994-14](#)
om [A1996-56](#)

Annual returns by parties and MLAs

s 230 hdg sub [A2004-26](#) amdt 1.46
s 230 (prev s 224) ins [A1994-14](#)
renum as s 230 [A1994-14](#)
am [A1996-56](#); [A2000-50](#) s 4
sub [A2001-36](#) s 33
am LA (see [A2001-36](#) amdt 1.99); [A2001-44](#) amdt 1.1378 (as
sub [A2001-36](#) amdt 2.2), amdt 1.1379; [A2002-30](#)
amdt 3.353; [A2004-26](#) amdt 1.60, amdt 1.63; [A2008-13](#)
ss 80-82; ss renum R26 LA; [A2011-28](#) amdt 3.77; [A2012-28](#)
s 49, s 50; [A2015-5](#) ss 45-48

Periods of less than financial year

s 231 (prev s 225) ins [A1994-14](#)
renum as s 231 [A1994-14](#)
sub [A2001-36](#) s 33
am [A2004-26](#) amdt 1.47, amdt 1.60, amdt 1.63, amdt 1.64;
pars renum R16 LA (see [A2004-26](#) amdt 1.66)

Returns by parties under Commonwealth Electoral Act

s 231A ins [A1996-56](#)
om [A2008-13](#) s 83

Annual returns by associated entities

s 231B hdg sub [A2012-28](#) s 51; [A2015-5](#) s 49
s 231B ins [A1996-56](#)
sub [A2001-36](#) s 34
am [A2001-44](#) amdt 1.1380, 1.1381; [A2002-30](#) amdt 3.353;
[A2004-26](#) amdt 1.64; [A2008-13](#) s 84; [A2012-28](#) s 52;
[A2015-5](#) s 50

Returns by associated entities under Commonwealth Electoral Act

s 231C ins [A1996-56](#)
om [A2008-13](#) s 85

Amounts received

s 232 (prev s 226) ins [A1994-14](#)
renum as s 232 [A1994-14](#)
sub [A1996-56](#); [A2001-36](#) s 35
am [A2004-26](#) amdt 1.60, amdt 1.64
sub [A2008-13](#) s 86
am [A2010-43](#) amdt 1.11; [A2012-28](#) ss 53-56; ss renum R36
LA; [A2015-5](#) ss 51-53; pars renum R44 LA

Amounts paid

s 233 (prev s 227) ins [A1994-14](#)
renum as s 233 [A1994-14](#)
am [A1996-56](#)
om [A2001-36](#) s 35

Outstanding amounts

s 234 (prev s 228) ins [A1994-14](#)
renum as s 234 [A1994-14](#)
am [A1994-78](#); [A1996-56](#); [A2001-36](#) amdt 1.70;
[A2004-26](#) amdt 1.60; [A2008-13](#) s 87

Regulations

s 234A ins [A1996-56](#)

Compliance

div 14.7 hdg (prev pt 14 div 7 hdg) renum LA (see [A2000-76](#) s 24)

Definitions for div 14.7

s 235 (prev s 229) ins [A1994-14](#)
renum as s 235 [A1994-14](#)
sub [A2001-36](#) amdt 1.71

Offences

s 236 (prev s 230) ins [A1994-14](#)
renum as s 236 [A1994-14](#)
am [A1996-56](#); [A1998-54](#); [A2001-36](#) amdt 1.72; LA (see
[A2001-36](#) amdt 1.99); [A2002-30](#) amdt 3.310; [A2003-54](#) s 6;
[A2004-26](#) amdt 1.63; [A2008-13](#) s 88; ss renum R26 LA
sub [A2012-28](#) s 57

Investigation notices generally

s 237 (prev s 231) ins [A1994-14](#)
renum as s 237 [A1994-14](#)
am [A1996-56](#); [A1998-54](#)
sub [A2001-36](#) s 36
am [A2002-30](#) amdt 3.311, amdt 3.352; [A2004-26](#) amdt 1.48,
amdt 1.49, amdt 1.63

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Investigation notices about associated entities

s 237A ins [A2001-36](#) s 36
am [A2002-30](#) amdt 3.311; [A2008-37](#) amdt 1.140, [A2008-37](#)
amdt 1.147

Investigation notice offences

s 237B ins [A2001-36](#) s 36

Investigation—search warrants

s 238 (prev s 232) ins [A1994-14](#)
renum as s 238 [A1994-14](#)

Records

s 239 (prev s 233) ins [A1994-14](#)
renum as s 239 [A1994-14](#)
am [A1996-56](#); [A2001-36](#) amdt 1.73; [A2003-54](#) s 7;
[A2004-26](#) amdt 1.60

Miscellaneous

div 14.8 hdg (prev pt 14 div 8 hdg) renum LA (see [A2000-76](#) s 24)

Inability to complete returns

s 240 (prev s 234) ins [A1994-14](#)
renum as s 240 [A1994-14](#)

Noncompliance with pt 14

s 241 (prev s 235) ins [A1994-14](#)
renum as s 241 [A1994-14](#)
am [A2001-36](#) amdt 1.74; [A2004-26](#) s 35; [A2008-13](#) s 89; pars
renum R26 LA

Amendment of returns

s 242 (prev s 236) ins [A1994-14](#)
renum as s 242 [A1994-14](#)
am [A1996-56](#); [A2001-36](#) amdt 1.75; [A2004-26](#) amdt 1.60,
[A2008-37](#) amdt 1.147

Copies of returns to be available for public inspection

s 243 (prev s 237) ins [A1994-14](#)
renum as s 243 [A1994-14](#)
am [A1996-56](#)
sub [A2001-36](#) s 37
am [A2001-44](#) amdt 1.1382, amdt 1.1383; [A2012-28](#) ss 58-62;
[A2013-41](#) s 45; [A2015-5](#) s 54; [A2015-11](#) amdt 1.25

Commissioner must publish certain information given under s 216A

s 243A hdg sub [A2015-5](#) s 55
s 243A ins [A2012-28](#) s 63
am [A2015-5](#) s 56

Notification and review of decisions

pt 15 hdg ins [A1994-14](#)
sub [A2008-37](#) amdt 1.141

Meaning of *internal review notice*—Act

s 244 hdg sub [A2001-36](#) amdt 1.76; [A2011-28](#) amdt 3.68
s 244 (prev s 238) ins [A1994-14](#)
renum as s 244 [A1994-14](#)
sub [A2008-37](#) amdt 1.141

Definitions—pt 15

s 245 (prev s 239) ins [A1994-14](#)
renum as s 245 [A1994-14](#)
am [A1996-56](#); [A2001-36](#) amdts 1.77-1.79; LA (see [A2001-36](#)
amdt 1.99); [A2004-26](#) amdt 1.61, amdt 1.63
sub [A2008-37](#) amdt 1.141
def ***internally reviewable decision*** ins [A2008-37](#) amdt 1.141
def ***person*** ins [A2008-37](#) amdt 1.141
def ***reviewable decision*** ins [A2008-37](#) amdt 1.141

Internal review notices

s 246 (prev s 240) ins [A1994-14](#)
renum as s 246 [A1994-14](#)
sub [A2008-37](#) amdt 1.141

Applications for internal review

s 247 (prev s 241) ins [A1994-14](#)
renum as s 247 [A1994-14](#)
am [A2001-36](#) s 38; LA (see [A2001-36](#) amdt 1.99); [A2001-44](#)
amdt 1.1384; [A2004-26](#) amdt 1.61, amdt 1.63
sub [A2008-37](#) amdt 1.141

Stay of reviewable decisions

s 248 (prev s 242) ins [A1994-14](#)
renum as s 248 [A1994-14](#)
sub [A2008-37](#) amdt 1.141

Review by electoral commission

s 249 (prev s 243) ins [A1994-14](#)
renum as s 249 [A1994-14](#)
sub [A2008-37](#) amdt 1.141

Reviewable decision notices

s 249A ins [A2008-37](#) amdt 1.141

Applications for review

s 249B ins [A2008-37](#) amdt 1.141

Disputed elections, eligibility and vacancies

pt 16 hdg ins [A1994-14](#)

Endnotes

4 Amendment history

Preliminary

div 16.1 hdg (prev pt 16 div 1 hdg) renum LA (see [A2000-76](#) s 24)

Definitions for pt 16

s 250 hdg sub [A2001-36](#) amdt 1.80
s 250 (prev s 244) ins [A1994-14](#)
renum as s 250 [A1994-14](#)
am [A2001-36](#) amdts 1.81-1.83
def **contravention** ins [A2002-30](#) amdt 3.312
def **court** om [A2002-30](#) amdt 3.313
def **Court of Disputed Elections** ins [A2002-30](#) amdt 3.313
def **illegal practice** om [A2002-30](#) amdt 3.314
def **proceeding** sub [A2002-30](#) amdt 3.315
def **Speaker** ins [A2002-30](#) amdt 3.316
def **undue influence** sub [A2002-30](#) amdt 3.317

References in pt 16 to *contravention* of sections

s 250A (prev s 250 (2)) renum as s 250A [A2001-36](#) amdt 1.82
om [A2002-30](#) amdt 3.318

Meaning of *Speaker* for pt 16

s 251 hdg sub [A2001-36](#) amdt 1.84
s 251 (prev s 245) ins [A1994-14](#)
renum as s 251 [A1994-14](#)
sub [A2002-30](#) amdt 3.319

Jurisdiction and powers of Supreme Court

div 16.2 hdg (prev pt 16 div 2 hdg) renum LA (see [A2000-76](#) s 24)

Court of Disputed Elections

s 252 (prev s 246) ins [A1994-14](#)
renum as s 252 [A1994-14](#)

Powers of the court

s 253 (prev s 247) ins [A1994-14](#)
renum as s 253 [A1994-14](#)

Rules of court

s 254 (prev s 248) ins [A1994-14](#)
renum as s 254 [A1994-14](#)
sub [A2001-44](#) amdt 1.1385
om [A2002-30](#) amdt 3.320

Decisions are final

s 255 (prev s 249) ins [A1994-14](#)
renum as s 255 [A1994-14](#)
am [A2002-30](#) amdt 3.321; [A2015-50](#) amdt 3.101

Disputes elections

div 16.3 hdg (prev pt 16 div 3 hdg) renum LA (see [A2000-76](#) s 24)

Validity may be disputed after election

s 256 (prev s 250) ins [A1994-14](#)
renum as s 256 [A1994-14](#)
am [A2000-76](#) s 17

Persons entitled to dispute elections

s 257 (prev s 251) ins [A1994-14](#)
renum as s 257 [A1994-14](#)

Form of application

s 258 (prev s 252) ins [A1994-14](#)
renum as s 258 [A1994-14](#)

Time for filing application

s 259 (prev s 253) ins [A1994-14](#)
renum as s 259 [A1994-14](#)

Deposit as security for costs

s 260 (prev s 254) ins [A1994-14](#)
renum as s 260 [A1994-14](#)

Registrar to serve copies of application on certain persons

s 261 (prev s 255) ins [A1994-14](#)
renum as s 261 [A1994-14](#)

Parties to application under div 16.3

s 262 (prev s 256) ins [A1994-14](#)
renum as s 262 [A1994-14](#)
sub [A2002-30](#) amdt 3.322

Withdrawal and abatement of application

s 263 (prev s 257) ins [A1994-14](#)
renum as s 263 [A1994-14](#)
am [A2001-36](#) amdt 1.85, amdt 1.86; [A2002-30](#) amdt 3.323;
[A2015-33](#) amdt 1.63, amdt 1.64; [A2015-50](#) amdt 3.102

Hearing of applications

s 264 (prev s 258) ins [A1994-14](#)
renum as s 264 [A1994-14](#)
am [A2002-30](#) amdt 3.324; [A2004-60](#) amdt 1.149

Declarations and orders

s 265 (prev s 259) ins [A1994-14](#)
renum as s 265 [A1994-14](#)
am [A2002-30](#) amdt 3.325

Illegal practices

s 266 (prev s 260) ins [A1994-14](#)
renum as s 266 [A1994-14](#)
am [A2002-30](#) amdt 3.326, amdt 3.351

Endnotes

4 Amendment history

Bribery or undue influence by person elected

s 267 (prev s 261) ins [A1994-14](#)
renum as s 267 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Immaterial delays and errors

s 268 (prev s 262) ins [A1994-14](#)
renum as s 268 [A1994-14](#)
am [A2002-30](#) amdt 3.351; [A2012-1](#) s 15

Inquiries by court

s 269 (prev s 263) ins [A1994-14](#)
renum as s 269 [A1994-14](#)
am [A2000-76](#) s 18; [A2002-30](#) amdt 3.351

Rejected ballot papers

s 270 (prev s 264) ins [A1994-14](#)
renum as s 270 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Evidence that persons were not permitted to vote

s 271 (prev s 265) ins [A1994-14](#)
renum as s 271 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Inspection of electoral papers

s 272 (prev s 266) ins [A1994-14](#)
renum as s 272 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Commissioner not prevented from accessing documents

s 273 (prev s 267) ins [A1994-14](#)
renum as s 273 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Registrar to serve copies of declarations on certain persons

s 274 (prev s 268) ins [A1994-14](#)
renum as s 274 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Effect of declarations

s 275 (prev s 269) ins [A1994-14](#)
renum as s 275 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Eligibility and vacancies

div 16.4 hdg (prev pt 16 div 4 hdg) renum LA (see [A2000-76](#) s 24)

Speaker to state case

s 276 (prev s 270) ins [A1994-14](#)
renum as s 276 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Parties to a referral

s 277 (prev s 271) ins [A1994-14](#)
renum as s 277 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Declarations and orders

s 278 (prev s 272) ins [A1994-14](#)
renum as s 278 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Registrar to serve copy of declarations on Speaker

s 279 (prev s 273) ins [A1994-14](#)
renum as s 279 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Effect of declarations

s 280 (prev s 274) ins [A1994-14](#)
renum as s 280 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Proceedings

div 16.5 hdg (prev pt 16 div 5 hdg) renum LA (see [A2000-76](#) s 24)

Procedure

s 281 (prev s 275) ins [A1994-14](#)
renum as s 281 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Legal representation limited

s 282 (prev s 276) ins [A1994-14](#)
renum as s 282 [A1994-14](#)
am [A1997-96](#); [A2002-30](#) amdt 3.327

Admissibility of evidence

s 283 (prev s 277) ins [A1994-14](#)
renum as s 283 [A1994-14](#)
am [A2002-30](#) amdt 3.351

Costs may be ordered against Territory

s 284 (prev s 278) ins [A1994-14](#)
renum as s 284 [A1994-14](#)
sub [A2002-30](#) amdt 3.328
am [A2013-44](#) amdt 3.62

Electoral offences

pt 17 hdg ins [A1994-14](#)

Bribery and improper influence

div 17.1 hdg (prev pt 17 div 1 hdg) renum LA (see [A2000-76](#) s 24)

Endnotes

4 Amendment history

Bribery

s 285 (prev s 279) ins [A1994-14](#)
renum as s 285 [A1994-14](#)
am [A1998-54](#)

Influencing of votes by officers

s 286 (prev s 280) ins [A1994-14](#)
renum as s 286 [A1994-14](#)
am [A1998-54](#); [A2002-30](#) amdt 3.329

Influencing votes of hospital and nursing home patients

s 287 (prev s 281) ins [A1994-14](#)
renum as s 287 [A1994-14](#)
am [A1998-54](#)

Protection of rights

div 17.2 hdg (prev pt 17 div 2 hdg) renum LA (see [A2000-76](#) s 24)

Violence and intimidation

s 288 (prev s 282) ins [A1994-14](#)
renum as s 288 [A1994-14](#)
am [A1998-54](#)

Discrimination on grounds of certain gifts

s 289 hdg sub [A2012-28](#) s 64
s 289 (prev s 283) ins [A1994-14](#)
renum as s 289 [A1994-14](#)
am [A1998-54](#); [A2001-36](#) amdt 1.87; [A2004-26](#) amdt 1.65;
[A2012-28](#) s 65, s 66

Employees' right to leave of absence for voting

s 290 (prev s 284) ins [A1994-14](#)
renum as s 290 [A1994-14](#)
am [A1998-54](#)

Campaigning offences

div 17.3 hdg (prev pt 17 div 3 hdg) renum LA (see [A2000-76](#) s 24)

Definitions for div 17.3

s 291 hdg sub [A2001-36](#) amdt 1.88
s 291 (prev s 285) ins [A1994-14](#)
renum as s 291 [A1994-14](#)
def **address** am [A2001-36](#) amdt 1.89; [A2004-26](#) amdt 1.63,
amdt 1.65
om [A2008-13](#) s 90
def **disseminate** sub [A2001-36](#) s 39
om [A2012-28](#) s 67
def **polling place** ins [A1995-33](#) s 5
am [A1997-91](#) sch
om [A2001-36](#) amdt 1.90
ins [A2011-28](#) amdt 3.69

def **publish** ins [A2001-36](#) s 40
om [A2012-28](#) s 68
def **reportage or commentary** am [A2008-13](#) s 91

Dissemination of unauthorised electoral matter

s 292 (prev s 286) ins [A1994-14](#)
renum as s 292 [A1994-14](#)
am [A1998-54](#)
sub [A2001-36](#) s 41
am [A2004-26](#) amdt 1.50
ss (3), (4) exp 1 January 2002 (s 292 (4))
sub [A2008-13](#) s 92

Exceptions for news publications

s 293 (prev s 287) ins [A1994-14](#)
renum as s 293 [A1994-14](#)
sub [A2008-13](#) s 92

Exception for personal views on social media

s 293A ins [A2015-5](#) s 57

Exceptions for dissemination of electoral matter on certain items

s 294 (prev s 288) ins [A1994-14](#)
renum as s 294 [A1994-14](#)
sub [A2008-13](#) s 92
def **government agency** reloc to dict [A2012-28](#) s 69

Exception for certain Commonwealth licence holders

s 295 (prev s 289) ins [A1994-14](#)
renum as 295 [A1994-14](#)
am [A1997-91](#)
sub [A2001-36](#) s 42
am [A2002-30](#) amdt 3.330; [A2004-9](#) amdt 1.16
sub [A2008-13](#) s 92

Advertorials

s 296 (prev s 290) ins [A1994-14](#)
renum as s 296 [A1994-14](#)
am [A1998-54](#)
sub [A2008-13](#) s 92

Misleading or deceptive electoral matter

s 297 (prev s 291) ins [A1994-14](#)
renum as s 297 [A1994-14](#)
am [A1998-54](#)

Inducement to illegal voting—representations of ballot papers

s 298 (prev s 292) ins [A1994-14](#)
renum as s 298 [A1994-14](#)
am [A1998-54](#)

Endnotes

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Graffiti

s 299 (prev s 293) ins [A1994-14](#)
renum as s 299 [A1994-14](#)
am [A1998-54](#); [A2002-30](#) amdt 3.331; [A2007-25](#) amdt 1.37

Defamation of candidates

s 300 (prev s 294) ins [A1994-14](#)
renum as s 300 [A1994-14](#)
am [A1998-54](#)

Publication of statements about candidates

s 301 (prev s 295) ins [A1994-14](#)
renum as s 301 [A1994-14](#)
am [A1998-54](#); [A2001-36](#) amdt 1.91; [A2004-26](#) amdt 1.62,
amdt 1.65

Disruption of election meetings

s 302 (prev s 296) ins [A1994-14](#)
renum as s 302 [A1994-14](#)
am [A1998-54](#)

Canvassing within 100m of polling places

s 303 (prev s 297) ins [A1994-14](#)
renum as s 303 [A1994-14](#)
sub [A1995-33](#)
am [A1997-91](#); LA (see [A2001-36](#) amdt 1.99); [A2001-44](#)
amdt 1.1386, amdt 1.1387; [A2007-25](#) amdt 1.38

Badges and emblems in polling places

s 304 (prev s 298) ins [A1994-14](#)
renum as s 304 [A1994-14](#)
am [A1995-33](#); [A1998-54](#); [A2001-36](#) amdt 1.92;
[A2004-26](#) amdt 1.51

How-to-vote material in polling places

s 305 (prev s 299) ins [A1994-14](#)
renum as s 305 [A1994-14](#)
am [A1995-33](#); [A1998-54](#)

Evidence of authorisation of electoral matter

s 306 (prev s 300) ins [A1994-14](#)
renum as s 306 [A1994-14](#)
am [A2008-13](#) s 93

Electronic voting offences

div 17.4 hdg (prev div 17.3A hdg) ins [A2000-76](#) s 19
renum LA (see [A2000-76](#) s 24)

Interfering with electronic voting devices etc

s 306A ins [A2000-76](#) s 19

Interfering with electronic counting devices etc

s 306B ins [A2000-76](#) s 19

Voting fraud

div 17.5 hdg (prev pt 17 div 4 hdg) renum LA (see [A2000-76](#) s 24)

Voting fraud

s 307 (prev s 301) ins [A1994-14](#)
renum as s 307 [A1994-14](#)
am [A1997-91](#); [A1998-54](#)

Interpretation—electoral papers

s 308 (prev s 302) ins [A1994-14](#)
renum as s 308 [A1994-14](#)
om [A2001-36](#) amdt 1.93

Electoral papers

div 17.6 hdg (prev pt 17 div 5 hdg) renum LA (see [A2000-76](#) s 24)

Electoral papers—forgery

s 309 (prev s 303) ins [A1994-14](#)
renum as s 309 [A1994-14](#)
am [A1998-54](#)
om [A2004-15](#) amdt 2.64

Electoral papers—forfeiture

s 310 (prev s 304) ins [A1994-14](#)
renum as s 310 [A1994-14](#)
am [A2004-15](#) amdt 2.65

Electoral papers—unauthorised possession

s 311 (prev s 305) ins [A1994-14](#)
renum as s 311 [A1994-14](#)
am [A1998-54](#)

Electoral papers—false or misleading statements

s 312 (prev s 306) ins [A1994-14](#)
renum as s 312 [A1994-14](#)
am [A1998-54](#)
om [A2004-15](#) amdt 2.66

Electoral papers—defacement etc

s 313 (prev s 307) ins [A1994-14](#)
renum as s 313 [A1994-14](#)
am [A1998-54](#)

Electoral papers—signatures

s 314 (prev s 308) ins [A1994-14](#)
renum as s 314 [A1994-14](#)
am [A1998-54](#)

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Electoral papers—witnesses

s 315 (prev s 309) ins [A1994-14](#)
renum as s 315 [A1994-14](#)
am [A1998-54](#)

Ballot papers—photographs

s 315A ins [A2008-13](#) s 94

Official functions

div 17.7 hdg (prev pt 17 div 6 hdg) renum LA (see [A2000-76](#) s 24)

Improper influence—members of electoral commission etc

s 316 (prev s 310) ins [A1994-14](#)
renum as s 316 [A1994-14](#)
am [A1998-54](#)

Unauthorised actions by officers

s 317 (prev s 311) ins [A1994-14](#)
renum as s 317 [A1994-14](#)
am [A1998-54](#)

Identification of voters and votes

s 318 (prev s 312) ins [A1994-14](#)
renum as s 318 [A1994-14](#)
am [A1998-54](#)

Responses to official questions

s 319 (prev s 313) ins [A1994-14](#)
renum as s 319 [A1994-14](#)
am [A1998-54](#)

Control of behaviour at voting centres

s 320 (prev s 314) ins [A1994-14](#)
renum as s 320 [A1994-14](#)
am [A1997-91](#); [A1998-54](#)

Enforcement proceedings

pt 18 hdg ins [A1994-14](#)

Injunctions

div 18.1 hdg (prev pt 18 div 1 hdg) renum LA (see [A2000-76](#) s 24)

Restraining conduct

s 321 (prev s 315) ins [A1994-14](#)
renum as s 321 [A1994-14](#)
sub [A2002-30](#) amdt 3.332

Requiring things to be done

s 322 (prev s 316) ins [A1994-14](#)
renum as s 322 [A1994-14](#)
sub [A2002-30](#) amdt 3.332

Commissioner not required to give undertakings as to damages

s 323 (prev s 317) ins [A1994-14](#)
renum as s 323 [A1994-14](#)
am [A2002-30](#) amdt 3.333

Powers of the court

s 324 (prev s 318) ins [A1994-14](#)
renum as s 324 [A1994-14](#)

Prosecutions

div 18.2 hdg (prev pt 18 div 2 hdg) renum LA (see [A2000-76](#) s 24)

Investigation of complaints

s 325 (prev s 319) ins [A1994-14](#)
renum as s 325 [A1994-14](#)

Commissioner may prosecute enrolment and voting offences

s 326 (prev s 320) ins [A1994-14](#)
renum as s 326 [A1994-14](#)

Service of certain process by mail

s 327 (prev s 321) ins [A1994-14](#)
renum as s 327 [A1994-14](#)
am [A2002-30](#) amdt 3.334

Miscellaneous

pt 19 hdg ins [A1994-14](#)

Extension of time for acts by officers

s 328 (prev s 322) ins [A1994-14](#)
renum as s 328 [A1994-14](#)

Restrictions on sending completed ballot and voting papers by fax

s 329 (prev s 323) ins [A1994-14](#)
renum as s 329 [A1994-14](#)
sub [A2002-30](#) amdt 3.335

Forms—provision and assistance

s 330 (prev s 324) ins [A1994-14](#)
renum as s 330 [A1994-14](#)

Compliance with approved forms

s 331 (prev s 325) ins [A1994-14](#)
renum as s 331 [A1994-14](#)
om [A2001-44](#) amdt 1.1388

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Correcting delays, errors and omissions

s 332 (prev s 326) ins [A1994-14](#)
renum as s 332 [A1994-14](#)
am [A2001-44](#) amdts 1.1389-1.1391; [A2012-1](#) s 16

Voting statistics to be published

s 333 (prev s 327) ins [A1994-14](#)
renum as s 333 [A1994-14](#)
am [A2000-76](#) s 20; [A2001-44](#) amdt 1.1392, amdt 1.1393;
[A2013-41](#) s 45

Collecting further statistical information

s 334 (prev s 328) ins [A1994-14](#)
renum as s 334 [A1994-14](#)

Storage and destruction of electoral papers

s 335 (prev s 329) ins [A1994-14](#)
renum as s 335 [A1994-14](#)
sub [A2002-30](#) amdt 3.336

Administrative arrangements with Commonwealth and States

s 336 (prev s 330) ins [A1994-14](#)
renum as s 336 [A1994-14](#)
sub [A2001-36](#) amdt 1.94

Evidentiary certificates

s 337 (prev s 331) ins [A1994-14](#)
renum as s 337 [A1994-14](#)
am [A2001-36](#) amdt 1.95; LA (see [A2001-36](#) amdt 1.99);
[A2004-26](#) amdt 1.51

Acts and omissions of representatives

s 338 (prev s 332) ins [A1994-14](#)
renum as s 338 [A1994-14](#)
sub [A2002-30](#) amdt 3.337; [A2004-15](#) amdt 1.12

Corporations—penalties

s 339 (prev s 333) ins [A1994-14](#)
renum as s 339 [A1994-14](#)
om [A2000-76](#) s 21

Director-general to provide assistance etc

s 340 hdg sub [A2000-76](#) s 22
am [A2011-22](#) amdt 1.188
s 340 (prev s 334) ins [A1994-14](#)
renum as 340 [A1994-14](#)
am [A2000-76](#) s 22; [A2011-22](#) amdt 1.188

Approved forms

s 340A ins [A2001-44](#) amdt 1.1394
am [A2002-30](#) amdt 3.338; [A2011-28](#) amdt 3.77

Determination of fees

s 340B (prev s 7A) ins [A1994-14](#)
renum as s 8 [A1994-14](#)
(prev s 8) sub [A2001-44](#) amdt 1.1286
am [A2011-28](#) amdt 3.77
reloc and renum as s 340B [A2013-41](#) s 20

Regulation-making power

s 341 (prev s 335) ins [A1994-14](#)
renum as s 341 [A1994-14](#)
am [A1998-54](#)
sub [A2000-76](#) s 23
am [A2001-44](#) amdt 1.1395, amdt 1.1396; [A2008-13](#) amdt 1.1;
[A2013-41](#) s 40

Transitional

pt 20 hdg ins [A2001-36](#) s 43
exp 2 March 2002 (s 345 (2))
ins [A2003-54](#) s 8
exp 31 December 2004 (s 342 (2))

Application of amendments by Electoral Amendment Act 2003

s 342 ins [A2001-36](#) s 43
exp 29 August 2001 (s 345 (1))
ins [A2003-54](#) s 8
exp 31 December 2004 (s 342 (2))

Registered parties to provide up-to-date copies of their constitutions

s 343 ins [A2001-36](#) s 43
exp 29 August 2001 (s 345 (1))

Application of certain amendments made by Electoral Amendment Act 2001

s 344 ins [A2001-36](#) s 43
exp 2 March 2002 (s 345 (2))

Expiry of pt 20

s 345 ins [A2001-36](#) s 43
exp 2 March 2002 (s 345 (2))

Transitional—Electoral Legislation Amendment Act 2008

pt 30 hdg ins [A2008-13](#) s 95
exp 21 May 2010 (s 502)

Transitional—disclosure by candidates

s 500 ins [A2008-13](#) s 95
exp 21 May 2010 (s 502)

Transitional—disclosure by donors

s 500A ins [A2008-13](#) s 95
exp 21 May 2010 (s 502)

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Transitional—certain other disclosure thresholds

s 500B ins [A2008-13](#) s 95
exp 21 May 2010 (s 502)

Transitional—annual returns by parties, MLAs and associated entities

s 500C ins [A2008-13](#) s 95
exp 21 May 2010 (s 502)

Transitional regulations

s 501 ins [A2008-13](#) s 95
exp 21 May 2010 (s 502)

Expiry—pt 30

s 502 ins [A2008-13](#) s 95
exp 21 May 2010 (s 502)

Transitional—Electoral Amendment Act 2012

pt 31 hdg ins [A2012-28](#) s 70
exp 1 July 2013 (s 511)

ACT election account

s 505 ins [A2012-28](#) s 70
exp 1 July 2013 (s 511)

Capped expenditure period

s 506 ins [A2012-28](#) s 70
exp 1 July 2013 (s 511)

Annual returns of donations

s 507 ins [A2012-28](#) s 70
exp 1 July 2013 (s 511)

Annual returns by parties and MLAs

s 508 ins [A2012-28](#) s 70
exp 1 July 2013 (s 511)

Annual returns by associated entities

s 509 ins [A2012-28](#) s 70
exp 1 July 2013 (s 511)

Transitional regulations

s 510 ins [A2012-28](#) s 70
exp 1 July 2013 (s 511)

Expiry—pt 31

s 511 ins [A2012-28](#) s 70
exp 1 July 2013 (s 511)

Transitional—Officers of the Assembly Legislation Amendment Act 2013

pt 32 hdg ins [A2013-41](#) s 41
exp 1 July 2015 (s 516)

Existing appointment of electoral commission members

s 515 ins [A2013-41](#) s 41
exp 1 July 2015 (s 516)

Expiry—pt 32

s 516 ins [A2013-41](#) s 41
exp 1 July 2015 (s 516)

Form of ballot paper

sch 1 ins [A1994-14](#)
am [A2001-36](#) amdt 1.97; [A2004-26](#) amdt 1.52

Ballot papers—printing of names and collation

sch 2 ins [A1994-14](#)
am [A2001-37](#) s 4; [A2014-29](#) s 9

Preliminary scrutiny of declaration voting papers

sch 3 ins [A1994-14](#)
am [A1997-91](#); [A2001-36](#) s 44, s 45; [A2001-44](#) amdt 1.1397;
[A2004-26](#) s 36; [A2008-13](#) s 96

Ascertaining result of poll

sch 4 ins [A1994-14](#)
am [A1994-78](#); [A1997-91](#); [A2008-13](#) s 97, amdts 1.2-1.7;
[A2015-5](#) ss 58-61

Internally reviewable decisions

sch 5 ins [A2008-37](#) amdt 1.142
am [A2015-50](#) amdt 3.103

Dictionary

dict ins [A2001-36](#) amdt 1.98
defs reloc from s 3 [A2001-36](#) amdt 1.3
am [A2002-30](#) amdt 3.339; [A2006-23](#) amdt 1.194; [A2006-36](#)
s 5; [A2007-25](#) amdt 1.39; [A2008-13](#) amdt 1.8; [A2008-37](#)
amdt 1.143; [A2011-22](#) amdt 1.189, amdt 1.190; [A2011-28](#)
amdts 3.70-3.72; [A2012-21](#) amdt 3.57; [A2012-28](#) s 71;
[A2013-44](#) amdt 3.63; [A2015-5](#) s 62
def **AAT** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
om [A2008-13](#) amdt 1.9
def **abbreviation** ins [A2001-36](#) amdt 1.98
sub [A2004-26](#) amdt 1.53
def **ACT election account** ins [A2012-21](#) s 72
om [A2015-5](#) s 63
def **address** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2008-13](#) s 98
def **amount** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 90

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- def **anonymous gift** ins [A2015-5](#) s 64
- def **anonymously** ins [A2012-21](#) s 72
- def **Antarctica** ins [A2001-36](#) amdt 1.98
- def **Antarctic elector** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **application** ins [A2001-36](#) amdt 1.98
- def **approved** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
om [A2001-44](#) amdt 1.1398
- def **approved computer program** ins [A2000-76](#) s 4
reloc from s 3 [A2001-36](#) amdt 1.3
- def **Assembly** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **assistant returning officer** ins [A2001-36](#) amdt 1.98
- def **associated entity** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 90
- def **augmented commission** am [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **Australian government body** ins [A2015-5](#) s 64
- def **authorised delivery service** ins [A2004-26](#) s 37
- def **authorised officer** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **authorised witness** ins [A2001-36](#) amdt 1.98
om [A2012-1](#) s 17
- def **available for public inspection** ins [A2001-36](#) amdt 1.98
- def **ballot group** ins [A2001-36](#) amdt 1.98
om [A2004-26](#) amdt 1.54
- def **ballot group candidate** ins [A2001-36](#) amdt 1.98
om [A2004-26](#) amdt 1.55
- def **ballot paper** ins [A2000-76](#) s 4
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2002-30](#) amdt 3.340; [A2008-13](#) amdt 1.10
- def **bribery** ins [A2001-36](#) amdt 1.98
- def **broadcast** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **broadcaster** ins [A2001-36](#) amdt 1.98
sub [A2012-28](#) s 73
- def **called** ins [A2012-21](#) s 74
- def **candidate** ins [A2001-36](#) amdt 1.98
- def **candidate square** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2002-30](#) amdt 3.341
- def **capped expenditure period** ins [A2012-21](#) s 74
- def **certified extract of electors** ins [A2012-1](#) s 18
- def **certified list of electors** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2012-1](#) s 18

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- def **closed** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **column** ins [A2009-13](#) amdt 1.11
- def **commissioner** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
am [A2013-41](#) s 42
- def **Commonwealth Electoral Act** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **Commonwealth roll** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **continuing candidate** ins [A2009-13](#) amdt 1.11
- def **contravention** ins [A2001-36](#) amdt 1.98
sub [A2002-30](#) amdt 3.342
- def **count** ins [A2009-13](#) amdt 1.11
- def **count votes** ins [A2009-13](#) amdt 1.11
- def **court** ins [A2001-36](#) amdt 1.98
om [A2002-30](#) amdt 3.343
- def **Court of Disputed Elections** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2002-30](#) amdt 3.344; [A2011-28](#) amdt 3.73
- def **declaration vote** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
am [A2004-26](#) s 38
- def **declaration voting papers** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
am [A2001-44](#) amdt 1.1399; [A2012-1](#) s 19
- def **defined details** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 75
- def **defined particulars** ins [A2001-36](#) amdt 1.98
- def **determined fee** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
om [A2001-44](#) amdt 1.1400
- def **disclosure period** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 90
- def **disposition of property** ins [A2001-36](#) amdt 1.98
om [A2012-28](#) s 76
- def **disseminate** ins [A2001-36](#) amdt 1.98
sub [A2012-28](#) s 77
- def **election** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **election period** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **elector** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **electoral advertisement** ins [A2001-36](#) amdt 1.98
sub [A2012-28](#) s 78

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- def **electoral commission** reloc from s 3 [A2001-36](#) amdt 1.3
- def **electoral expenditure** ins [A2001-36](#) amdt 1.98
sub [A2012-28](#) s 78
- def **electoral matter** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **electoral paper** ins [A2001-36](#) amdt 1.98
- def **electorate** reloc from s 3 [A2001-36](#) amdt 1.3
- def **electronic form** ins [A2002-30](#) amdt 3.345
- def **electronic voting** ins [A2000-76](#) s 4
reloc from s 3 [A2001-36](#) amdt 1.3
- def **eligible elector** ins [A2001-36](#) amdt 1.98
sub [A2004-26](#) s 39
om [A2008-13](#) s 99
- def **eligible overseas elector** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **eligible vote** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 90
- def **entity** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 90
- def **envelope** ins [A2009-13](#) amdt 1.11
- def **excluded candidate** ins [A2009-13](#) amdt 1.11
- def **expenditure cap** ins [A2012-28](#) s 79
- def **extract** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2002-30](#) amdt 3.346
- def **extraordinary election** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **file** ins [A2001-36](#) amdt 1.98
- def **financial controller** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 90
- def **financial institution** ins [A2012-28](#) s 79
- def **financial representative** ins [A2012-28](#) s 79
- def **former MLA** ins [A2001-36](#) amdt 1.98
- def **general election** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **gift** ins [A2001-36](#) amdt 1.98
sub [A2012-28](#) s 80
- def **government agency** reloc from s 294 (4) [A2012-28](#) s 69
- def **group** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2002-30](#) amdt 3.347
am [A2008-13](#) s 100
- def **hospital** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **hour of nomination** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3

- def **illegal practice** ins [A2001-36](#) amdt 1.98
om [A2002-30](#) amdt 3.348
- def **incurs** ins [A2012-28](#) s 81
- def **index number** ins [A2012-28](#) s 81
- def **internally reviewable decision** ins [A2008-37](#) amdt 1.144
- def **internal review notice** ins [A2008-37](#) amdt 1.144
- def **investigation notice** ins [A2001-36](#) amdt 1.98
- def **judge** reloc from s 3 [A2001-36](#) amdt 1.3
om [A2011-28](#) amdt 3.74
- def **loan** ins [A2012-28](#) s 81
- def **member** ins [A2001-36](#) amdt 1.98
om [A2013-41](#) s 42
- def **MLA** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2012-28](#) s 82
- def **newspaper** ins [A2001-36](#) amdt 1.98
- def **news publication** ins [A2008-13](#) s 101
- def **next available preference** ins [A2009-13](#) amdt 1.11
- def **non-party candidate grouping** ins [A2012-28](#) s 83
- def **non-party group** ins [A2001-36](#) amdt 1.98
om [A2008-13](#) s 102
- def **non-party MLA** ins [A2012-28](#) s 83
- def **non-party prospective candidate grouping** ins
[A2012-28](#) s 83
- def **officer** ins [A2001-36](#) amdt 1.98
- def **official error** ins [A1997-91](#) s 4
reloc from s 3 [A2001-36](#) amdt 1.3
- def **OIC** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **ordinary election** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **ordinary vote** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **participant** ins [A2001-36](#) amdt 1.98
- def **party** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 90
- def **party candidate** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **party grouping** ins [A2012-28](#) s 83
- def **person** ins [A2001-36](#) amdt 1.98
sub [A2008-37](#) amdt 1.145
- def **person**, for part 14 ins [A2012-28](#) s 83
- def **place of nomination** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **political party** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3

Endnotes

4 Amendment history

- def **polling day** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2002-30](#) amdt 3.349
- def **polling place** ins [A2001-36](#) amdt 1.98
sub [A2011-28](#) amdt 3.75
- def **post** ins [A2004-26](#) s 40
- def **postal vote** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
sub [A2004-26](#) s 41
- def **pre-election period** ins [A1994-14](#) s 6
reloc from s 3 [A2001-36](#) amdt 1.3
- def **proceeding** ins [A2001-36](#) amdt 1.98
- def **property** ins [A2001-36](#) amdt 1.98
om [A2012-28](#) s 84
- def **prospective candidate** ins [A2012-28](#) s 85
- def **publish** ins [A2001-36](#) amdt 1.98
om [A2012-28](#) s 86
- def **quota** ins [A2009-13](#) amdt 1.11
- def **redistribution** reloc from s 3 [A2001-36](#) amdt 1.3
- def **register** ins [A2001-36](#) amdt 1.98
am [A2012-28](#) s 90
- def **registered** ins [A2001-36](#) amdt 1.98
sub [A2004-26](#) amdt 1.56
- def **registered ballot group** ins [A2001-36](#) amdt 1.98
om [A2004-26](#) amdt 1.56
- def **registered industrial organisation** ins [A2001-36](#)
amdt 1.98
am [A2012-28](#) s 90
- def **registered officer** ins [A2001-36](#) amdt 1.98
sub [A2004-26](#) amdt 1.57
- def **registered party** ins [A2001-36](#) amdt 1.98
am [A2004-26](#) amdt 1.61
- def **register of ballot groups** ins [A2001-36](#) amdt 1.98
om [A2004-26](#) amdt 1.58
- def **register of political parties** ins [A2001-36](#) amdt 1.98
- def **registrar** ins [A2001-36](#) amdt 1.98
- def **related** ins [A2001-36](#) amdt 1.98
am [A2004-26](#) amdt 1.61; [A2008-13](#) s 103
sub [A2012-28](#) s 87
- def **relates** ins [A2001-36](#) amdt 1.98
om [A2012-28](#) s 88
- def **relevant Assembly committee** ins [A2013-41](#) s 44
- def **remand centre** ins [A2001-36](#) amdt 1.98
om [A2006-23](#) amdt 1.195
- def **reportage or commentary** ins [A2001-36](#) amdt 1.98
- def **reporting agent** ins [A2009-13](#) amdt 1.11
am [A2012-28](#) s 90

- def **research personnel** ins A2001-36 amdt 1.98
- def **return** ins A2001-36 amdt 1.98
- def **returning officer** ins A2001-36 amdt 1.98
- def **reviewable decision** ins A2001-36 amdt 1.98
sub A2008-37 amdt 1.145
- def **review statement** ins A1994-14 s 6
reloc from s 3 A2001-36 amdt 1.3
om A2008-37 amdt 1.146
- def **roll** ins A1994-14 s 6
reloc from s 3 A2001-36 amdt 1.3
am A2011-28 amdt 3.76
- def **scrutineer** ins A1994-14 s 6
reloc from s 3 A2001-36 amdt 1.3
- def **scrutiny centre** ins A1994-14 s 6
reloc from s 3 A2001-36 amdt 1.3
- def **secretary** ins A1994-14 s 6
reloc from s 3 A2001-36 amdt 1.3
- def **small anonymous gift** ins A2012-28 s 89
om A2015-5 s 65
- def **Speaker** ins A2001-36 amdt 1.98
sub A2002-30 amdt 3.350
- def **special hospital** ins A2001-36 amdt 1.98
- def **sponsoring MLA** ins A2001-36 amdt 1.98
om A2004-26 amdt 1.59
- def **staff** ins A1994-14 s 6
sub A1994-38 sch 1 pt 32
reloc from s 3 A2001-36 amdt 1.3
- def **station** ins A2001-36 amdt 1.98
- def **successful candidate** ins A2009-13 amdt 1.11
- def **suppressed address** ins A1994-14 s 6
reloc from s 3 A2001-36 amdt 1.3
- def **surplus** ins A2009-13 amdt 1.11
- def **third-party campaigner** ins A2012-28 s 89
- def **this Act** ins A1994-14 s 6
reloc from s 3 A2001-36 amdt 1.3
om A2001-44 amdt 1.1400
- def **total votes** ins A2009-13 amdt 1.11
- def **transfer value** ins A2009-13 amdt 1.11
- def **transmit** ins A2001-36 amdt 1.98
- def **undue influence** ins A2001-36 amdt 1.98
- def **visiting officer** ins A2001-36 amdt 1.98

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	A1994-78	17 November 1994
2	A1995-56	31 January 1996
3	A1997-96	1 December 1997
4	A1998-61	31 March 1999
5	A2001-44	12 September 2001
6	A2001-38	9 January 2002
7	A2001-44	2 March 2002
8*	A2002-11	30 May 2002
9	A2002-30	17 September 2002
10	A2002-32	9 October 2002
11	A2002-39	11 October 2002
11 (RI)	A2002-39 ‡	10 February 2003
12	A2002-56	1 July 2003
13	A2003-54	4 December 2003
14	A2004-15	9 April 2004
15	A2004-15	13 April 2004
16	A2004-26	22 May 2004
17	A2004-60	17 October 2004
18	A2004-60	1 January 2005
19*	A2004-60	10 January 2005
20	A2004-60	7 July 2005
21	A2006-23	2 June 2006

Earlier republications

Republication No	Amendments to	Republication date
22	A2006-40	28 September 2006
23	A2006-40	29 September 2006
24	A2007-33	14 November 2007
25	A2007-33	31 March 2008
26	A2008-13	21 May 2008
27	A2008-37	2 February 2009
28*	A2010-6	3 March 2010
29	A2010-6	22 May 2010
30	A2010-43	1 December 2010
31	A2011-22	1 July 2011
32	A2011-28	21 September 2011
33	A2011-52	12 December 2011
34	A2012-1	29 February 2012
35	A2012-21	5 June 2012
36	A2012-28	1 July 2012
37	A2012-28	2 July 2013
38	A2013-44	25 November 2013
39	A2013-44	2 January 2014
40	A2013-44	1 July 2014
41	A2014-29	19 August 2014
42	A2014-44	19 November 2014
43	A2014-58	5 December 2014
44	A2015-5	3 March 2015
45	A2015-11	21 May 2015
46	A2015-11	2 July 2015
47	A2015-33	14 October 2015
48	A2015-50	9 December 2015

Endnotes

Earlier republications

Republication No	Amendments to	Republication date
49	A2015-50	1 January 2016
50	A2016-4	2 March 2016

‡ includes retrospective amendments by [A2002-49](#)

6 Expired transitional or validating provisions

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see *Legislation Act 2001*, s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

7 Renumbered provisions

This Act was renumbered by the *Electoral (Amendment) Act 1994* No 14. Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R8.

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