



AUSTRALIAN CAPITAL TERRITORY

## **Electoral (Amendment) Act 1995**

**No. 33 of 1995**

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### **An Act to amend the *Electoral Act 1992***

*[Notified in ACT Gazette S266: 31 October 1995]*

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

#### **Short title**

1. This Act may be cited as the *Electoral (Amendment) Act 1995*.

#### **Commencement**

2. This Act commences on the day on which it is notified in the *Gazette*.

#### **Principal Act**

3. In this Act, “Principal Act” means the *Electoral Act 1992*.<sup>1</sup>

#### **Functions of visiting officers**

4. Section 151 of the Principal Act is amended—
  - (a) by adding at the end of paragraph (1) (a) “and”;
  - (b) by omitting paragraph (1) (b);
  - (c) by omitting from paragraph (1) (c) “and” (last occurring); and
  - (d) by omitting paragraph (1) (d).

**Interpretation**

5. Section 291 of the Principal Act is amended by inserting the following definition:

“ ‘polling place’ means—

- (a) a place appointed as a polling place under section 119;
- (b) a place where a declaration vote may be made before an officer; or
- (c) a place where mobile polling is taking place as authorised under Division 4 of Part X;”.

**Substitution**

6. Section 303 of the Principal Act is repealed and the following section substituted:

**Canvassing within 100 metres of polling places**

“303. (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;
- (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 which 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.

Penalty: 5 penalty units.

“(2) If the building in which a polling place is located is situated on grounds within an enclosure, the Commissioner may, by notice published in the *Gazette*, specify the boundary of that enclosure for the purposes of paragraph (b) of the definition of ‘defined polling area’ in subsection (6).

“(3) An officer may, if directed by the Commissioner, remove or obliterate a notice which the Commissioner or the officer believes on reasonable grounds to be exhibited in contravention of this section.

“(4) Subsection (3) does not authorise an officer to enter land which is subject to a lease within the meaning of Part V of the *Land (Planning and Environment) Act 1991*.

“(5) A person shall not obstruct an officer in the exercise or attempted exercise of the officer’s functions under subsection (3).

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

“(6) In this section—

‘defined polling area’, in relation to a polling place, means the area—

- (a) within the building in which the polling place is located, and within 100 metres 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 100 metres outside that boundary;

‘polling hours’, in relation to a polling place, means—

- (a) in the case of a polling place appointed under section 119—between the hours of 8 am and 6 pm on polling day;
- (b) in the case of a polling place where a declaration vote may be made before an officer—any time during which the place is open for the acceptance of declaration votes; or
- (c) in the case of a polling place where polling is authorised under Division 4 of Part X—the period during which a mobile polling visit is being made to the building in which that place is located.”.

### **Badges and emblems in polling places**

7. Section 304 of the Principal Act is amended—

- (a) by omitting subsection (1); and
- (b) by omitting from subsection (2) “(2)”.

### **How-to-vote material in polling places**

8. Section 305 of the Principal Act is amended—

- (a) by omitting paragraph (2) (a); and
- (b) by omitting subsection (3).

## **NOTES**

### **Principal Act**

1. Reprinted as at 17 November 1994.

### **Penalty units**

See section 33AA of the *Interpretation Act 1967*.

*[Presentation speech made in Assembly on 11 May 1995]*