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House of Representatives

Commonwealth Electoral Legislation
Amendment Bill 1984

Explanatory Memorandum

(Circulated by Authority of the
Special Minister of State,
The Honourable M.J. Young, M.P.)

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Commonwealth Electoral Legislation

Amendment Bill 1984

General Outline

The purpose of the Bill is to amend the Commonwealth Electoral Act 1918, the Commonwealth Electoral Legislation Amendment Act 1983 and the Representation Act 1983 to make changes of a machinery nature.

Those proposed amendments result from the further review of the electoral legislation following the substantial amendments inserted in the Act by the Commonwealth Electoral Legislation Amendment Act 1983.

The provisions of the Commonwealth Electoral Act 1918 as amended by this Bill are to be reprinted, incorporating the re-numbering of sections in consecutive order, as soon as possible after this Bill comes into operation.

Clause 1 - Short Title

Formal.

Clause 2 - Commencement

Sub-clause 2(2) provides that the amendments of the Commonwealth Electoral Legislation Amendment Act 1983 as set out in Part II of Schedule 1 and the amendments of the Representation Act 1983 as set out in Schedule 4 are deemed to have come into operation on 21 February 1984.

The remaining provisions of the Bill come into operation, in accordance with sub-clause 2(3), on the 28th day after the day on which the Act receives the Royal Assent.

Clause 3 - Substantive amendments of Commonwealth Electoral Acts

Sub-clause 3(1) provides that the Commonwealth Electoral Act 1918 is amended as set out in Part I of Schedule 1.

Sub-clause 3(2) provides that the Commonwealth Electoral Legislation Amendment Act 1983 is amended as set out in Part II of Schedule 1.

Clause 4 - Formal Amendments of Commonwealth Electoral Act
and Amendment of Form E

Sub-clause 4(1) provides for a large number of drafting amendments to the Commonwealth Electoral Act 1918. These amendments are set out in Schedule 2.

Sub-clause 4(2) omits and substitutes a new Form E to the Act. The substituted Form is set out in Schedule 3.

Clause 5 - Re-numbering and re-lettering of Commonwealth
Electoral Act

Sub-clause 5(1) defines 'provision' and 'the amended Act' in relation to the Commonwealth Electoral Act for the purposes of this clause.

Sub-clause 5(2) provides that the amended Act is further amended as provided by clause 5.

Sub-clauses 5(3), (4), (5), and (7) provide that the several Parts, sections, sub-sections and sub-paragraphs of the amended Act are re-numbered so that they bear the appropriate numerals in consecutive order commencing with the numeral one.

Sub-clause 5(6) provides that paragraphs of a section or sub-section of the amended Act are re-lettered so that they bear lower case letters in alphabetical order commencing with '(a)', but omitting '(i)' and '(1)'.

The effect of the amendment made by sub-clause 5(8) is that a reference in any provision in the amended Act to a provision in that Act that has been re-numbered or re-lettered pursuant to clause 5 is translated to the reference as re-made or re-lettered.

Sub-clause 5(9) provides that a reference in a law of the Commonwealth or Territory, or in a instrument or document, to a provision of the Commonwealth Electoral 1918 that has been re-numbered or re-lettered pursuant to clause 4 shall be construed as a reference to that re-numbered or re-lettered provision.

Clause 6 - Operation of Commonwealth Electoral Act in relation
to Certain members of Defence Force

Sub-clause 6(1) defines the term "person to whom the section applies" in relation to a member of the Defence Force on overseas service.

Sub-clause 6(2) provides that before the issue of the writs for the next election such a person may apply to the Divisional Returning Officer to be treated as an eligible overseas elector in the Division in a Subdivision in which he resided immediately before going overseas.

Sub-clause 6(3) provides for the enrolment and registration of an applicant.

Sub-clause 6(4) clarifies that 'Act' referred to in the clause means the "Commonwealth Electoral Act 1913" and that 'Divisional Returning Officer', 'Division' and 'Subdivision' have the same meaning as in the Act.

Clause 7 - Amendments of Representation Act 1983

Clause 7 provides that the Representation Act 1984 is amended as set out in Schedule 4.

Clause 8 - Savings

Clause 8 provides for the continued effect of acts done or decisions made under the provisions of an Act that has been amended or repealed and re-enacted by a provision of this Bill.

Schedule 1 Part I - Amendments of the Commonwealth Electoral
Act 1918

There are 3 proposed amendments of section 5, the interpretation section -

- . A definition of 'Deputy Electoral Commissioner' is being inserted.
- . The definition of 'Issuing point' is being expanded to include the issue of ballot-papers for absent voters at a booth. A consequence of this amendment is that a candidate may be represented by a scrutineer at such an issuing point.
- . The definition of 'Officer' has been amended to include the Deputy Electoral Commissioner.

References to a referendum are to be removed from sub-section 9(1) section 154, sub-sections 157(2), 164(1), 164A(1), 164B(2A) and (4) and 218A(1). The references to referendums are being removed from these provisions because these matters will be covered by the operation of the proposed Referendum (Machinery Provisions) Bill 1984.

The proposed new sub-section 36(2) provides for the preparation and printing of new Supplemental Rolls at such times as the Electoral Commission directs. This amendment is being made because the Commission will need to produce certified lists as at

the close of the Rolls and, by virtue of section 61A the Rolls will now close 7 days after the issue of the writ for an election.

The proposed amendments of sub-sections 37A(2) and (3) remove a reference to Subdivision as such reference is no longer necessary.

Proposed sub-section 37A(4) obliges the Electoral Commission not to place on a habitation index the names and addresses of people who have been granted silent enrolments by virtue of section 46A.

At present there are doubts whether the provisions of section 39A enables an enrolled person who is going overseas to register as an eligible overseas elector if, at the time of his departure, he is intending to return to the place of living for which he is enrolled. The proposed omission of sub-section 39A(16) will remove any doubts about such a person being entitled to register as an eligible overseas elector and being able to vote as such an elector.

Section 39B makes similar provisions as section 39A but in respect of a spouse or child of an eligible overseas elector who accompany the elector overseas. The proposed omission of sub-section 39B(16) parallels the amendment of sub-section 39A(16).

The proposed amendment of paragraph 40(2)(c) stipulates the persons who may attest an electoral enrolment application request. At present the Regulations prescribe the persons for the purposes of the provision.

The proposed amendment of sub-section 41A(2) ensures that the normal roll closure provisions apply to claims for provisional enrolment by 17 year olds and that such claims are not considered between the close of the rolls and the close of polling.

Existing section 42 provides for a claim for enrolment or transfer of enrolment to be lodged with any Divisional Returning Officer, but does not provide for such claims to be lodged at the Central Office or State Head Offices of the Electoral Commission. This may disadvantage some electors in a close of roll situation. The proposed amendments of sub-sections 42(1), (2) and (5) will enable a claim to be lodged with an Australian Electoral Officer in addition to the Divisional Returning Officer.

Proposed new sub-section 42(1B) provides that where an Australian Electoral Officer receives a claim, he is to forward it to the Divisional Returning Officer for the Division on the Roll for a Subdivision of which the person is entitled to be enrolled.

The proposed amendment of sub-section 51A(3) will allow the public to inspect computerised Rolls held by a Divisional Returning Officer during his ordinary office hours.

The proposed amendments of sub-section 58V provide for the omission of the definition of 'Register' from sub-section 58V(1) and the insertion of a new definition of that word in sub-section 58V(1A) which makes reference to section 58W. A new section 58W is proposed which provides for the establishment of a separate Register of Candidates for each Senate election, general election for the House of Representatives, and for each by-election.

Proposed new sub-sections 58X(4) and 58Y(5) require notification by candidates under the respective sections to be made before the hour of nomination.

The proposed amendment of section 58ZC clarifies that there are a number of different Registers of Candidates which are available for public inspection.

The proposed amendment of section 71 will require the candidate to provide a statement specifying the form in which his name is to be printed on ballot-papers. This requirement is designed to avoid the possibility of the candidate's name appearing on the ballot-papers in a number of different forms.

Sub-section 72A(2) at present allows each Senate candidate to notify the Australian Electoral Officer, in the prescribed manner

after he has been nominated, if he wishes to have his name included in a group of candidates. The proposed amendment will remove the need for the notification to be in a prescribed manner. A grammatical change is also made to the sub-section.

The proposed amendment of section 76 effects a drafting change.

Section 80 currently requires a candidate's withdrawal of consent to his nomination to be made in the prescribed form. The proposed amendment of this section removes the need for the notification to be in the prescribed form.

The proposed amendment of paragraphs 85(1)(a), (b) and (c) ¹ clarify that the section applies in the Territories as well as the States.

The proposed amendment of sub-section 85(4) effects a drafting change.

The proposed amendments of sub-section 86A(2) effect drafting changes.

The proposed amendment of sub-section 88(1) brings the section into drafting consistency with sub-section 86A(2).

The proposed amendment of sub-section 89(3) will allow public inspection of postal vote certificates and postal ballot-papers during ordinary office hours.

The proposed amendment of sub-section 91(3) corrects a grammatical error.

Sub-section 91A(1) currently requires a person who has been issued with a postal vote but wishes to vote at a polling place to make a declaration in the prescribed form. The proposed amendment will require the person to fill out an approved form. Pursuant to section 5 an approved form is one approved by the Electoral Commission by notice in the Gazette.

The proposed amendment of paragraph 92(1)(d) will remove the requirement that postal voters mark their ballot-paper in the prescribed manner. This requirement no longer applies to ordinary voters.

At present section 94 creates an offence where a person fails forthwith to post or deliver postal vote applications or postal-ballot papers to a relevant officer. The requirement that a person do this forthwith is too onerous and is being replaced by the requirement that the person transmit such material as soon as practicable.

There are a number of proposed amendments of section 96 designed to accurately reflect the current practice of conducting preliminary scrutinies of postal votes as they are received.

First, proposed new sub-section 96(1A) will allow the Divisional Returning Officer to conduct such preliminary scrutinies as he considers appropriate, until all the envelopes containing postal votes received by him within 10 days of the close of the poll and any other envelopes received by any other officer pursuant to sub-section 92(2), have been dealt by him in accordance with section 96.

Secondly, the proposed amendment of sub-section 96(1) will require the Divisional Returning Officer to produce, at a preliminary scrutiny, all applications for postal vote certificates and postal ballot-papers (other than those dealt with at an earlier scrutiny). He will also be required to produce unopened all envelopes containing postal votes received by him, in the case of the first preliminary scrutiny before that scrutiny, or in the case of a subsequent scrutiny, before the time of that subsequent scrutiny.

Thirdly, the proposed amendment of paragraph 96(1)(c) removes the need for postal ballot-papers to be placed in a locked and sealed ballot box. The reason for treating ballot-papers in this way is to prevent a particular vote from being identified with a particular certificate envelope. However, in order to carry this purpose out there is no need for the ballot box to be locked and sealed.

Fourthly, proposed new sub-section 96(4A) requires the Divisional Returning Officer to give notice of such scrutinies on the day before he proposes to conduct a preliminary scrutiny under the section.

Fifthly, the proposed amendment of paragraph 96(6)(a) deletes the reference to 'posted', since ballot papers can only be given to electors personally where they have made an oral application under section 85.

Finally, it is proposed to insert new sub-section 96(8) providing that where an envelope contains a ballot-paper for a referendum, it shall, for the purposes of sub-sections 96(3) and (4), be dealt with as if it did not contain that ballot paper. This amendment is intended to clarify the operation of sub-sections 96(3) and (4).

Sub-section 104(3) is omitted and sub-sections 104(3), 104(4), and 104(5) inserted. Proposed new sub-section 104(3) requires ballot-papers for the House of Representatives to be printed on green paper and ballot-papers for the Senate to be printed on white paper. This colouring has been used in the past and avoids possible confusion amongst voters.

Proposed new sub-sections 104(4) and (5) provide a format for ballot-papers used in absent voting and postal voting.

Paragraph 105A(d) which requires the identification of groups on Senate ballot-papers by the use of consecutive letters is omitted.

The proposed amendment of sub-section 106(5) is consequential on the amendment of paragraph 105A(d).

The proposed insertion of a new definition of 'Register of Candidates' in sub-section 106C(4) takes account of the fact that separate Registers will be set up for House of Representatives elections and Senate elections.

The proposed amendments of sub-sections 107A(1) and (2) are grammatical changes.

There are a number of proposed amendments of section 113 which enacts , with appropriate modification, certain provisions that relate to absent voting that are presently contained in Division 3 of Part III of the Electoral and Referendum Regulations.

First, proposed new sub-section 113(1) allows an elector to vote as an absent voter, at any polling place within the State or Territory for which he is enrolled, on making an approved declaration.

Secondly, the proposed amendment of sub-section 113A(1A) is intended to make it clear that an elector cannot vote at a

hospital polling place unless the hospital has agreed to permit electors generally to vote at that polling place, or the elector meets the criteria specified in paragraphs 113A(1A)(a) and (b).

Thirdly, the proposed insertion of a new sub-section 113(2) is linked to the proposed new sub-section 113(1). The proposed sub-section 113(2) provides that a voter's declaration shall be printed on, or attached to, an appropriately addressed envelope.

Finally, the proposed amendment of sub-section 113D(4) will allow absent votes to be taken under the provisions relating to mobile polling under section 113B or paragraph 113C. These provisions deal with hospitals that are polling places and hospitals that are declared to be special hospitals for the purposes of taking votes.

The proposed amendment of paragraph 114(3)(d) will allow absent votes to be taken in relation to voting at mobile booths in remote areas.

The proposed new section 114A inserts a number of provisions dealing with the forwarding of absent votes to the appropriate Assistant Returning Officer. Proposed paragraphs 114A(1)(a), (b) and (c) provide the procedures that the Assistant Returning Officer must adopt when dealing with a ballot box containing envelopes that bear declarations made by absent voters and contain the ballot-papers of such voters.

Proposed paragraphs 114A(2)(a) and (b) deal with the procedure that each Divisional Returning Officer must follow when he receives the material from the Assistant Returning Officer.

Proposed sub-section 114A(3) provides for the delivery of ballot-papers or declarations made by absent voters to a person other than the Divisional Returning Officer for delivery to the Divisional Returning Officer.

Proposed new sub-section 115(1A) requires a presiding officer to ask each person voting as an absent voter to identify the Division for which that person is enrolled.

The proposed amendment of sub-section 115(2) removes the need for the presiding officer to enquire where an absent voter has lived during the preceding three months.

The proposed amendment of paragraph 117(1)(c) is of a drafting nature.

Existing section 118 will be repealed and a new section 118 substituted. Proposed new sub-section 118(1) will require the presiding officer or poll clerk to place a mark against a person's listed name upon that person being handed a ballot paper.

Proposed sub-section 118(2) requires the presiding officer to record the name of each absent voter who votes at the polling place and to forward that record to the designated Assistant Returning Officer.

Paragraph 119(b) is to be repealed and replaced. Proposed new paragraph 119(b) sets out what votes, or absent votes, are to do with their ballot-papers once they have voted.

Proposed new sub-section 119(2) will require a presiding officer to enclose each ballot-paper of an absent voter in an envelope bearing the voter's declaration and place it in the ballot box.

Proposed new sub-section 120(4) sets out the procedure that a presiding officer will have to follow in relation to an absent voter, where he is satisfied that the voter requires assistance.

The proposed amendment of sub-paragraph 121(7)(b)(iii) corrects a drafting error.

Section 121 is amended by adding sub-section 121(9) which clarifies the operation of sub-sections 121(6) and (7) where the Divisional Returning Officer is dealing with an envelope that contains a ballot-paper for a referendum.

At present sub-section 121A(1) permits an elector to vote if he makes a declaration in the prescribed form. The proposed

amendment will require him to make the declaration in an approved form. Pursuant to section 5 an approved form is one approved by the Electoral Commission by notice in the Gazette.

The purpose of the proposed amendments of sub-section 121B(1) is to allow an elector whose address is not disclosed on the roll by virtue of the operation of section 46A, to vote as an absent voter.

The proposed amendments of sub-section 121B(5) effect drafting changes.

Proposed new sub-section 121B(6) sets out the procedure a Divisional Returning Officer is to follow when he receives an envelope bearing a declaration by an absent voter to whom section 46A applies.

The proposed amendments of paragraphs 123(1)(a) and 124(a) extend the operation of the respective sections to an absent vote ballot-paper.

The proposed omission of paragraphs 123(1)(b) and 124(b) are consequential upon the transfer of certain provisions from the Regulations to the Act.

The proposed amendment of sub-section 128E(1) will make it clear that an elector who is, or may be, located in the Antarctic by

virtue of his employment may, by notice given to the Divisional Returning Officer, request that he be treated as an Antarctic elector.

Proposed new sub-section 131A will provide for the preliminary and further scrutiny of absent votes and, in particular, will make provision for the admission of absent votes where the elector was not on the roll due to a mistake by an officer.

) Proposed sub-section 131A(1) will require the scrutiny of absent voters' ballot-papers to commence as soon as practicable after the close of the poll and provides that the scrutiny is to be conducted by the Divisional Returning Officer or Assistant Returning Officer.

Proposed sub-section 131A(2) provides the procedure that the Returning Officer conducting the scrutiny is to follow.

Proposed sub-section 131A(3) requires a Returning Officer to accept a ballot paper where the elector was not on the roll as a result of an error or mistake by an officer.

) Proposed sub-section 131A(4) requires a Returning Officer in certain circumstances to accept a ballot-paper for a Senate election despite the elector not being enrolled for the appropriate Division, if the elector is enrolled for another Division in the State or Territory.

Proposed sub-section 131A(5) describes the procedure a Returning Officer is to follow in relation to the scrutiny of ballot-papers for a Senate election and a House of Representatives election where the absent voter is entitled to vote in the Senate election but is not enrolled for the appropriate Division for the House of Representatives election.

Proposed sub-section 131A(6) provides that an absent voter's ballot-paper shall not be rejected at the preliminary scrutiny only by virtue of the fact that the voter's declaration is not attested.

Proposed sub-section 131A(7) provides that a further scrutiny may be conducted where not all the ballot-papers for the Division have been received.

Proposed sub-section 131A(8) provides the procedure an officer is to follow in the separation and sealing of informal ballot-papers and unrejected ballot-papers.

Proposed sub-section 131A(9) deals with the further treatment of sealed parcels of ballot-papers referred to in proposed sub-section 131A(8).

Proposed sub-section 131A(10) clarifies that the proposed sub-sections 131A(4) and (5) do not apply in relation to a ballot-paper for a referendum.

There are three proposed amendments of sub-section 133(1). The first removes an unnecessary reference to absent voters; the second is a consequential amendment and the third adds paragraph 133(1)(e) to provide another situation in which a ballot paper is to be informal. The proposed amendment provides that in the case of an absent vote a ballot paper is informal where the ballot-paper is not contained in an envelope that contains an elector's declaration under sub-section 113(1).

The proposed amendments of sub-sections 133A(2), (3) 135(1A), paragraphs 135(3)(a), (b) and (c), new sub-section 136(1A) and paragraphs 136(3)(a), (b), (c) are intended to correct a number of references to other provisions of the Act and to remove from sections 135 and 136 references in the regulations relating to absent voting.

The purpose of the proposed amendments of paragraph - 135(4)(b), sub-sections 135(5), 137(1) and (2), sub-section 140A(1) and proposed new paragraph 135(4)(aa), sub-paragraphs 135(4)(c)(i) and (ii), paragraphs 135(4)(d) and (e), sub-sections 135(4A) and (17) is to allow the scrutiny of Senate ballot-papers to be conducted at a central point in each State or Territory rather than in Divisional Offices. The introduction of the 'fractional transfer' Senate scrutiny system last year will greatly increase the number of counts required at a typical Senate election. If a centralised scrutiny is not adopted, the need for communication

between Divisional Offices and State Head Offices of the Electoral Commission as part of every count, would greatly lengthen the time required to conduct a Senate scrutiny.

Section 135 provides, inter alia, that at a Senate scrutiny where in a transfer of votes the number of continuing candidates is equal to the number of remaining unfilled vacancies those continuing candidates shall be elected. The section, however, requires an unnecessary transfer of votes to be carried out before these continuing candidates can be elected. The amendment of sub-section 135(16) is designed to remedy this situation.

The proposed amendment of section 135(26) is intended to make it clear that the transfer of all the surplus votes of an elected candidate constitutes a single, separate transfer of votes. This clarification becomes important where the transfer of a particular elected candidate's surplus elects two candidates. If the distribution of a surplus were regarded as a series of separate transfers, the order of election, in the case of two candidates, would be dependent on which of them first received his share of the surplus. However, if the distribution of all of the elected candidates' surplus is regarded as a single transfer, the order of election of the two candidates depends on which of them has the larger surplus over quota. This latter process of determining the order of election is not as arbitrary as the former process.

The proposed new paragraph 136A(d) is substantially the same as the existing paragraph, but incorporates a small change of a drafting nature.

The proposed amendment of section 138 will allow for a re-count of House of Representative ballot papers in any category of ballot-papers determined by the Australian Electoral Officer or the Electoral Commissioner.

The proposed amendments of paragraphs 141(1)(a) and (b) omit the words 'the name of the candidate or' because there are no single seat Senate electorates.

The second proposed amendment of paragraph 141(1)(b) corrects an omission in respect of the return of writs for the election of Territory Senators. A writ for the election of Territory Senators is to be returned to the Governor-General.

At present section 142 allows the poll in a House of Representatives election to be declared where the Divisional Returning Officer is satisfied that the votes on the ballot papers still to be received from a remote polling place, or provisional vote or section vote ballot papers which have still not been fully investigated, or on certain postal ballot papers, cannot affect the result of the election. The proposed amendment of paragraph 142(2)(a) will bring all postal ballot-papers within

the scope of the operation of the sub-section. The proposed amendment of paragraph 142(2)(b) contains two drafting amendments.

Section 144 of the Commonwealth Electoral Act, allows inter alia, the time for holding of an election to be extended where difficulties arise in its conduct. Paragraph 144(a) requires that public notice of any such extension be given "in the State or Division for which the election is to be held". The proposed amendment of paragraph 144(a) extends the section to cover election in the Territories.

The proposed amendment of section 145 relates to the public funding of parties and candidates. It was intended that party registration for funding should be affected by the issue of writs for an election. It is not entirely clear from the present provisions whether a registered party, which had not registered for public funding before an election, can vary the details of its registration after the election so as to qualify for funds. The proposed new definition of 'registered' is intended to prevent this occurring. The new definition makes a corresponding amendment to cover non-party candidates and groups.

The effect of existing section 153J is that individual candidates are required to disclose gifts even those of an entirely personal nature. The proposed new paragraph 153J(5)(b) excludes such gifts from the disclosure requirements. The proposed amendments

of sub-section 153J(6) and paragraph 153J(6)(b) are consequential amendments. Proposed new sub-section 153J(8) excludes the need to include in a return under sub-section 153J(2) the value of gifts referred to in new sub-paragraph 153J(5)(b)(i).

The proposed amendment of sub-section 153M(1) is a consequential amendment upon the insertion of proposed sub-section 153M(1A).

The proposed new sub-section 153M(1A) provides for a return under the Division to be lodged in respect of a group in the case where no gifts were received.

The proposed amendment of sub-section 153M(2) makes it clear that a return stating that no gifts were received relates to gifts of a kind required to be disclosed.

The proposed amendment of paragraph 153N(1)(e) removes a reference that no longer has any operation.

The proposed amendment of sub-section 153Y(2) will enable the Electoral Commission, where it has been informed under paragraph 153Y(3)(c) that a person can supply certain particulars, to issue to that person a notice in writing requiring him to furnish a return.

Section 154 which creates certain electoral offences is repealed.

Proposed new section 154 defines the relevant period in relation to an election for the purposes of Part XVII of the Act.

Sub-section 164B(4) redefines 'electoral matter' for the purposes of section 164B.

Sub-section 167(5) defines 'electoral paper' so as to include prescribed forms and other forms approved by the Electoral Commission.

The proposed amendment of section 175 corrects a spelling error.

Section 179 is amended to replace an outmoded reference to 'constable' with a reference to a member of the Australian Federal Police or of the police force of a State or Territory.

The proposed amendment of section 185 is an amendment of a formal kind and reflects current drafting practice.

The proposed new section 216B(1) provides for the destruction of claims for enrolment or transfer of enrolment where a record of their particulars is kept on microfilm, microfiche or another approved permanent form. Proposed sub-section 216B(2) provides for records kept under proposed sub-section 216B(1) to be admissible in evidence in any proceeding and to be prima facie evidence of any such particular.

The existing Form B in the Schedule includes the words 'By His Excellency's command'. These words are unnecessary in the case of a by-election writ issued by the Speaker and the proposed amendment remedies this.

Schedule 1 Part II - Amendments of Commonwealth Electoral
Legislation Amendment Act 1983

The proposed amendments of paragraphs 22(a), 34(a), 65(1)(c) and 117(c) correct drafting irregularities in the Act.

By virtue of sub-clause 2(3) these amendments shall be deemed to have come into operation on 21 February 1984.

Schedule 2 - Formal amendments of Commonwealth Electoral Act 1918

The proposed amendments set out in this Schedule effect a large number of grammatical changes to a number of sections of the Act.

Schedule 3 - Amendments of Form E

Form E providing for the Senate ballot-paper is omitted and substituted by a new Form E designed to reflect a number of the changes made to the Commonwealth Electoral Act 1918.

Schedule 4 - Amendment of the Representation Act 1983

The proposed amendment of sub-section 5(3) is a drafting amendment to make the wording consistent with that of the other provisions of the section.

The proposed amendment of sub-section 5(7) is intended to clarify the terms of senators chosen in a half-Senate election by providing that a reference to a non-sitting senator is a reference to a senator who does not hold a place in the Senate immediately before either 1 July 1985 or, if the next Parliament first meets before that date, the day of that first meeting.

By virtue of sub-section 2(3) the amendment made by this Act shall be deemed to have come into operation on 21 February 1984.

