

Commonwealth Electoral

No. 32 of 1966

An Act to make Provision for Voting at
Parliamentary Elections by Persons under the age of
Twenty-one years who are, or have been, on Special
Service outside Australia as Members of the Defence
Forces.

[Assented to 24 May, 1966]

BE it enacted by the Queen's Most Excellent Majesty, the
Senate, and the House of Representatives of the
Commonwealth of Australia, as follows:—

1.—(1.) This Act may be cited as the *Commonwealth Electoral
Act 1966*.

Short title
and citation.

(2.) The *Commonwealth Electoral Act* 1918–1965* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Commonwealth Electoral Act* 1918–1966.

2. This Act shall come into operation on the day on which it receives the Royal Assent. Commencement.

3. Section 39A of the Principal Act is amended by adding at the end thereof the following sub-sections:— Members of Defence Force.

“(3.) Where—

(a) a person who is less than twenty-one years of age—

(i) is a member of the Defence Force and is, or has at any time (whether before or after the commencement of this sub-section) been, on special service; or

(ii) being a person whose real place of living is in Australia, has ceased to be a member of the Defence Force but has at any time (whether before or after the commencement of this sub-section) been on special service;

(b) at any time before the commencement of that special service, he lived in Australia for six months continuously; and

(c) he is a British subject,

he shall, for the purposes of this Act, be deemed to be an elector and, subject to sub-section (4.) of the last preceding section, is entitled to vote at an election under this Act as if his name appeared on the Roll for the Subdivision—

(d) if he was outside Australia at the time the writ for the election was issued—in which, immediately before his departure from Australia, he ordinarily lived; or

(e) if he was in Australia at the time the writ for the election was issued—in which he was living at that time.

“(4.) In the last preceding sub-section—

‘real place of living’ has the same meaning as in the proviso to sub-section (3.) of the last preceding section;

* Act No. 27, 1918, as amended by No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 10, 1924; No. 20, 1925; No. 17, 1928; No. 2, 1929; No. 9, 1934; No. 19, 1940; No. 42, 1946; No. 17, 1948; Nos. 10 and 47, 1949; No. 106, 1952; No. 79, 1953; No. 26, 1961; No. 31, 1962; and Nos. 48 and 70, 1965.

‘ special service ’, in relation to a person, means service of that person as a member of the Defence Force that is special service for the purposes of the *Repatriation (Special Overseas Service) Act 1962*, or of that Act as amended and in force from time to time.”.

Application
for a postal
vote certificate
and postal
ballot-paper.

4. Section 85 of the Principal Act is amended—

(a) by omitting from paragraph (c) of sub-section (1.) the word “ or ” (last occurring);

(b) by inserting after paragraph (d) of sub-section (1.) the following word and paragraph:—

“; or (e) is an elector by virtue of section thirty-nine A of this Act,”; and

(c) by inserting in sub-section (2.), after paragraph (a), the following paragraph:—

“ (ab) in the case of an applicant who is an elector by virtue of section thirty-nine A of this Act—contain a declaration by the applicant setting out the grounds upon which, by virtue of that section, he is entitled to vote at the election; ”.

Returning
officer to notify
issue of postal
vote certificate
and postal
ballot-papers.

5. Section 91 of the Principal Act is amended by adding at the end of sub-section (1.) the words “, other than such electors who are electors by virtue of section thirty-nine A of this Act ”.

Preliminary
scrutiny of
postal
ballot-papers.

6. Section 96 of the Principal Act is amended by inserting after paragraph (b) the following paragraph:—

“ (ba) if not satisfied, in the case of a person purporting to be an elector by virtue of section thirty-nine A of this Act, that he is an elector by virtue of that section, disallow the ballot-paper without opening the envelope in which it is contained; ”.

Where electors
may vote.

7. Section 113 of the Principal Act is amended by inserting in sub-section (1.), after the word “ elector ”, the words “ (not being a person who is an elector by virtue of section thirty-nine A of this Act) ”.

Compulsory
voting.

8. Section 128A of the Principal Act is amended by adding at the end thereof the following sub-section:—

“ (14.) In this section, ‘ elector ’ does not include a person who is an elector by virtue of section thirty-nine A of this Act.”.