



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 136 of 1972

An Act to amend the Electoral Act, 1929-1969.

[Assented to 7th December, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Electoral Act Amendment Act, 1972".

(2) The Electoral Act, 1929-1969, as amended by this Act, may be cited as the "Electoral Act, 1929-1972".

(3) The Electoral Act, 1929-1969, is hereinafter referred to as "the principal Act".

**Commence-
ment.**

2. This Act shall come into operation on a day to be fixed by proclamation.

**Amendment of
principal Act,
s. 5—
Interpretation.**

3. Section 5 of the principal Act is amended by striking out from the definition of "candidate" the figures "XIV,".

**Amendment of
principal Act,
s. 6—
Returning
Officer for
the State.**

4. Section 6 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(2) The Governor may appoint an assistant returning officer for the State.

(3) The assistant returning officer for the State may, in the absence of the returning officer for the State from the duties of his office, exercise all the powers, duties and functions of the returning officer for the State.

(4) The returning officer for the State may, upon such terms and conditions as he thinks fit, delegate to the assistant returning officer for the State any of his powers, duties and functions.

(5) Any such delegation shall be revocable at will and shall not prevent the exercise of any power, duty or function by the returning officer for the State.

5. Section 31 of the principal Act is amended by inserting after subsection (2) the following subsections:—

Amendment of principal Act, s. 31—
Procedure on receipt of claim.

(3) Where it appears to the registrar that a claim under this section has not been made in respect of the correct subdivision, he may amend the claim by inserting a reference to the correct subdivision, and by deleting any reference to a subdivision in the claim that appears to him to be incorrect.

(4) Where a claim has been amended under subsection (3) of this section, the provisions of this section shall apply thereto in all respects as if the claim had originally been made by the claimant in its amended form.

6. Section 32 of the principal Act is amended by inserting after the passage “returning officer” wherever it occurs in subsections (1), (2), (3) and (4) the passage “for the State”.

Amendment of principal Act, s. 32—
Reference of claims to returning officer for the State.

7. Section 37 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 37 of principal Act and enactment of section in its place—

37. (1) Subject to subsection (2) of this section where a person is enrolled under this Part, he shall be deemed to have been enrolled at the time the claim for enrolment was received by the registrar.

Time at which enrolment takes effect.

(2) Where a claim for enrolment or the transfer of enrolment is received by the returning officer for the State, or the registrar, after the issue of a writ for an election, the enrolment or transfer of enrolment shall not be registered until after the close of polling at that election and shall be effective from the date on which it is actually registered.

8. Section 40 of the principal Act is amended by striking out from paragraphs (a) and (b) the words “twenty-one” and inserting in lieu thereof the word “eighteen” in each case.

Amendment of principal Act, s. 40—
Duty of Principal Registrar of Births, Deaths and Marriages.

Amendment of
principal Act,
s. 58—
Nomination.

9. Section 58 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection:—

(2) The returning officer shall, as soon as practicable after receipt of a nomination under this section, inform the candidate whether the nomination is in order.

Amendment of
principal Act,
s. 73—
Application for
postal vote
certificate,
etc.

10. Section 73 of the principal Act is amended by striking out from paragraph (b) of subsection (1) the passage “five miles” and inserting in lieu thereof the passage “eight kilometres”.

Amendment of
principal Act,
s. 80—
Authorized
witness.

11. Section 80 of the principal Act is amended by striking out the words “twenty-one” and inserting in lieu thereof the word “eighteen”.

Amendment of
principal Act,
s. 86—
Preliminary
scrutiny.

12. Section 86 of the principal Act is amended—

(a) by striking out from paragraph (b) the passage “disallow the ballot-paper without opening the envelope in which it was contained” and inserting in lieu thereof the passage “disallow the ballot-paper (if any) contained in the envelope by endorsing the unopened envelope with the reason for disallowance”;

and

(b) by inserting after paragraph (b) the following paragraph:—

(ba) if he is satisfied that there are two or more envelopes bearing a certificate, or authentication, relating to the same elector, disallow the ballot-paper (if any) contained in any envelope bearing a certificate or authentication relating to that elector (except the first such envelope examined under this section) by endorsing the unopened envelope with the reason for disallowance;

Amendment of
principal Act,
s. 88—
Duty of
returning
officer to make
arrangements.

13. Section 88 of the principal Act is amended by striking out from subsection (3) the words “twenty-one” and inserting in lieu thereof the word “eighteen”.

Amendment of
principal Act,
s. 105—
Questions to
be put to
voter.

14. Section 105 of the principal Act is amended by striking out from paragraph (a) of subsection (2) the figures “21” and inserting in lieu thereof the figures “18”.

15. Section 151 of the principal Act is amended by striking out paragraph (c).

Amendment of principal Act, s. 151—
Illegal practices.

16. Section 154 of the principal Act is amended by striking out the passage “twenty feet” and inserting in lieu thereof the passage “six metres”.

Amendment of principal Act, s. 154—
Electoral offences.

17. Section 155b of the principal Act is amended—

Amendment of principal Act, s. 155b—

(a) by striking out from subsection (1) the passage “one thousand two hundred square inches” and inserting in lieu thereof the passage “eight thousand square centimetres”;

Prohibition of certain electoral posters.

(b) by striking out from subsection (1) the passage “three feet” and inserting in lieu thereof the passage “one metre”;

and

(c) by striking out from subsection (3) the passage “one hundred yards” and inserting in lieu thereof the passage “one hundred metres”.

18. The following section is enacted and inserted in the principal Act immediately before section 193 thereof:—

Enactment of s. 192 of principal Act—

192. (1) A candidate for election in any district may, not less than forty-eight hours before the commencement of polling on the day on which an election is to be held, furnish the person appointed to be the presiding officer at any polling place in the district with how-to-vote cards in the prescribed form.

How-to-vote cards.

(2) Where how-to-vote cards have been furnished in accordance with subsection (1) of this section the presiding officer shall, in accordance with the regulations, affix the cards in the various compartments to be used for the purpose of voting in the polling place.

(3) Any person who removes or defaces any how-to-vote card affixed in accordance with this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) Where a how-to-vote card affixed under this section has been removed or defaced, the presiding officer or a scrutineer may replace that card with a how-to-vote card in identical form.

(5) In this section—

“how-to-vote card” means a card indicating the order of preference in which the candidate suggests that electors should vote for candidates for election in the district.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor