



ELIZABETHAE SECUNDAE REGINAE

No. 8 of 1973

An Act to amend the Elections Act 1915–1971 in certain
particulars and The Criminal Code in a certain
particular

[ASSENTED TO 11TH APRIL, 1973]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. **Short title and citation.** This Act may be cited as the *Elections Act and The Criminal Code Amendment Act 1973*.

2. **Commencement.** This Act shall come into operation on a date to be fixed by Proclamation.

3. **Parts of Act.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS OF THE ELECTIONS ACT 1915–1971;

PART III—AMENDMENT OF THE CRIMINAL CODE.

PART II—AMENDMENTS OF THE ELECTIONS ACT 1915–1971

4. Citation. (1) The *Elections Act* 1915–1971 is in this Part referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Elections Act* 1915–1973.

5. Amendment of s. 4. Interpretation clause. Section 4 of the Principal Act is amended—

(a) by omitting the definition of “British subject”;

(b) by inserting after the definition of “Nomination day” the following definition:—

““person who has the status of a British subject”—an Australian citizen and any other person who, under the *Citizenship Act* 1948–1969 of the Commonwealth and any Act of the Commonwealth amending or in substitution for that Act, has the status of a British subject or the status of a British subject without citizenship;”;

(c) by omitting from the definition of “Presiding officer” the word “within” and inserting in its stead the words “appointed for”;

(d) by inserting after the definition of “Poll clerk” the following definition:—

““Polling day” or “day of polling”—in relation to an election, the day named in the writ for taking the poll in the event of the election being contested;”.

6. Amendment of s. 6. Returning officers. Section 6 of the Principal Act is amended by omitting the word “twenty-one” and inserting in its stead the word “eighteen”.

7. Amendment of s. 7. Returning officers, etc., to make declaration. Section 7 of the Principal Act is amended—

(a) by adding to the third paragraph (being the paragraph commencing with the words “Every presiding officer”) at the end thereof the words “who shall transmit the same to the Clerk of the Assembly at the same time as he transmits the packet referred to in subsection (1) of section 84 in compliance with that subsection. The Clerk may cause the declarations to be destroyed at the time of the destruction of the said packet in accordance with the said section”; and

(b) by omitting all words occurring in the section after the words “under this section” occurring in the fourth paragraph (being the paragraph commencing with the words “Every returning officer”).

8. Amendment of s. 8. Polling Places. Section 8 of the Principal Act is amended by omitting from subsection (2) all words and symbols occurring after the words “unless so notified” and before the words “before the day” and inserting in their stead the words “not less than eight clear days”.

9. Amendment of s. 9. Qualifications of electors. Section 9 of the Principal Act is amended—

(a) by omitting the word “twenty-one” and inserting in its stead the word “eighteen”; and

(b) by inserting in paragraph (a), after the words “Who being”, the words “a person who has the status of”.

10. Amendment of s. 10. Qualifications of certain Defence Force members. Section 10 of the Principal Act is amended—

(a) by omitting paragraph (a) of subsection (1) and the word “or” occurring immediately after that paragraph;

(b) by omitting from paragraph (b) of subsection (1) the word “twenty-one” and inserting in its stead the word “eighteen”;

(c) by inserting in paragraph (d) of subsection (1), after the word “is” the words “a person who has the status of”; and

(d) by omitting from subsection (2) all words occurring after the word “thereat”.

11. Amendment of s. 14. Printing of rolls and supplemental rolls. Section 14 of the Principal Act is amended—

(a) by omitting the word “annual” (wherever occurring) and inserting in its stead the word “general”;

(b) by omitting subsection (2) and inserting in its stead the following subsection:—

“(2) The general roll shall contain the names registered up to the prescribed date. The electoral registrar of each district or division shall on or before the fifth day after the prescribed date transmit a list containing names registered up to the prescribed date to the Principal Electoral Officer who, after having received the lists for the whole of each district concerned, shall, with as little delay as possible, cause to be printed a sufficient number of copies of a general alphabetical roll of electors of the whole district numbered in regular arithmetical order. Such rolls shall be known as the “general” rolls.

(2A) General rolls for each district shall be prepared and published in accordance with this Act once at least in each calendar year.

(2B) For the purposes of subsection (2) the term “prescribed date” in relation to a general roll for a district means the thirty-first day of December in the year immediately prior to the year in which the roll is being prepared for publication or where some other date is prescribed by regulation for the purposes of this subsection in substitution for that said date, the date so prescribed.”.

12. Amendment of s. 27. Alteration of rolls. Section 27 of the Principal Act is amended—

(a) by inserting in paragraph (a) and paragraph (b) of subsection (2), after the words “section twenty-eight” occurring in each of the said paragraphs, the words “, subsection (4) of section 33 or subsection (13B) of section 63”;

(b) by omitting from paragraph (a) of subsection (3)—

(i) the words “as Mayor or” where those words first occur; and

(ii) the words “Mayor or” where those words secondly occur;

(c) by omitting from subsection (3) the word "annual" (wherever occurring) and inserting in its stead the word "general";

(d) by omitting from paragraph (a) of subsection (4) the words "or member of the Police Force" and inserting in their stead the words "member of the Police Force or person (in paragraph (b) referred to as an "electoral assistant") performing any functions in relation to any such matters at the direction of any other person referred to in this paragraph";

(e) by omitting from paragraph (b) of subsection (4) the word "annual" and inserting in its stead the word "general"; and

(f) by, in paragraph (b) of subsection (4)—

(i) omitting the words "or member of the Police Force" and inserting in their stead the words "member of the Police Force or electoral assistant";

(ii) omitting the words "or member" (secondly occurring) and inserting in their stead the words "member or electoral assistant"; and

(iii) adding at the end thereof the words "or an electoral assistant".

13. Amendment of s. 31. Names on roll may be objected to. Section 31 of the Principal Act is amended by adding at the end thereof the following subsection:—

"(4) Before an electoral registrar or a prescribed officer lodges an objection pursuant to this section, the electoral registrar shall send by post to the person in respect of whose name an objection is proposed to be lodged a letter of inquiry in the prescribed form addressed to the last known place of abode of that person or if that is not known then to the place of living of that person appearing on the roll."

14. Amendment of s. 33. Determination of objection. Section 33 of the Principal Act is amended by adding at the end thereof the following subsections:—

"(3) At any time within three months after the electoral registrar has determined that the person objected to is not qualified to be enrolled on the roll and has struck out his name pursuant to subsection (1) that person may make application in the prescribed form to the electoral registrar to have his name reinstated on the roll.

(4) Notwithstanding any other provision of this Act on an application made by a person pursuant to subsection (3) the electoral registrar, upon being satisfied after due enquiry that that person's name should not have been struck out, shall forthwith reinstate that person's name on the roll."

15. Amendment of s. 34. Appeal to Magistrates Court. Section 34 of the Principal Act is amended—

(a) by omitting the note to the section and inserting in its stead the note "Appeal to Magistrates Court";

(b) by omitting from subsection (1) the words "court of petty sessions" and inserting in their stead the words "magistrates court";

(c) by omitting from subsection (1) the words "police magistrate" and inserting in their stead the words "stipendiary magistrate";

(d) by omitting from subsection (2) the words "court of petty sessions" and inserting in their stead the words "magistrates court";

(e) by omitting from subsection (5) the words "clerk of petty sessions" and inserting in their stead the words "clerk of the court"; and

(f) by omitting from subsection (6) the figures "1909" and inserting in their stead the figures "1968".

16. Amendment of s. 35A. Vote by person not named as an elector on the roll. Section 35A of the Principal Act is amended—

(a) by omitting from paragraph (a) of subsection (1) the words “or member of the Police Force” and inserting in their stead the words “, member of the Police Force or other person (in paragraph (b) referred to as an “electoral assistant”) performing any functions in relation to any such matters at the direction of any other person referred to in this paragraph”;

(b) by omitting from paragraph (b) of subsection (1) the word “annual” and inserting in its stead the word “general”;

(c) by omitting from paragraph (b) of subsection (1) the words “or member of the Police Force” and inserting in their stead the words “, member of the Police Force or electoral assistant”;

(d) by omitting from paragraph (b) of subsection (1) the words “or member” (secondly occurring) and inserting in their stead the words “member or electoral assistant”; and

(e) by adding at the end of the said paragraph (b) the words “or an electoral assistant”.

17. Amendment of s. 50. Presiding officers etc., and adjournment of poll. Section 50 of the Principal Act is amended—

(a) by inserting after subsection (4) the following subsections:—

“(4A) The presiding officer at any polling place may adjourn the poll at that polling place in any case where the taking of the poll is or is likely to be interrupted or obstructed by storm, tempest, flood, fire, or an occurrence of a like nature.

(4B) When any poll has been adjourned pursuant to subsection (4A) by any presiding officer other than a returning officer the presiding officer shall forthwith give notice of the adjournment to the returning officer who shall not finally declare the state of the poll or the name of the member elected until the poll has been finally closed and the ballot-papers have been examined and counted by him as hereinafter provided.”; and

(b) by omitting from subsection (6) the word “twenty-one” and inserting in its stead the word “eighteen”.

18. Amendment of s. 53. Scrutineers. Section 53 of the Principal Act is amended by adding at the end thereof the following subsection:—

“(4) No person shall be appointed to act as scrutineer who is under the age of eighteen years.”.

19. Amendment of s. 63. Compulsory voting. Section 63 of the Principal Act is amended—

(a) by inserting after subsection (2) the following subsection:—

“(2A) Upon receipt of the marked roll, the Principal Electoral Officer shall send by post to each elector whose name indicated as aforesaid appears on any such marked roll, at the address therein mentioned a letter of inquiry in the prescribed form.”;

(b) by omitting from subsection (3) the word “four” and inserting in its stead the word “six”;

(c) by omitting from subsection (4) the word “Subsection” and inserting in its stead the words “Subsections (2A) and”;

- (d) by omitting the second paragraph of subsection (13); and
- (e) by inserting after subsection (13) the following subsections:—

“(13A) Where the name of an elector has been removed from the electoral roll pursuant to subsection (13), that person may, at any time within three months after the date specified in the notice sent under this section to him, make application in the prescribed form to the Principal Electoral Officer to have his name reinstated on the roll.

(13B) Notwithstanding any other provision of this Act, on an application made by a person pursuant to subsection (13A) the Principal Electoral Officer, upon being satisfied after due inquiry that that person is entitled to be enrolled as an elector on the electoral roll from which his name has been removed pursuant to subsection (13), shall forthwith reinstate that person's name on that roll.

(13C) A person whose name has been removed from an electoral roll pursuant to subsection (13) shall not be eligible to have his name reinstated on an electoral roll except under and pursuant to a fresh claim for enrolment or under and pursuant to section 27 or subsection (13B).”.

20. Amendment of s. 70. Voting before polling day by electors who will be absent on polling day. Section 70 of the Principal Act is amended by omitting provision (ii) of subparagraph (b) of the second paragraph of subsection (1) and inserting in its stead the following provision:—

“(ii) an electoral registrar designated by Order in Council for the purposes of this provision.”.

21. Amendment of s. 71. Postal Voting. Section 71 of the Principal Act is amended by adding, after provision (iv) of subparagraph (b) of the paragraph of subsection (1) beginning with the words “The following persons are authorized witnesses”, the following symbol and provision:—

“;

- (v) where the application is made in a country other than a country specified in provision (iv) of this subparagraph (b), a person employed in the Public Service, or a member of the Police Force, of that country”.

22. Amendment of s. 85. Name of person elected to be endorsed on writ. Section 85 of the Principal Act is amended by adding at the end thereof the following paragraph:—

“The date of election shall be—

- (a) if only one person is duly nominated as a candidate, the date of nomination day; or
- (b) if two or more persons are duly nominated as candidates and a poll is taken, the date of polling day.”.

23. Amendment of s. 96. Undue influence by public officers. Section 96 of the Principal Act is amended—

(a) by omitting the words “police magistrate” and inserting in their stead the words “stipendiary magistrate”; and

(b) by omitting the words “clerk of petty sessions” and inserting in their stead the words “clerk of the court”.

PART III—AMENDMENT OF THE CRIMINAL CODE

24. **Construction.** This Part shall be read as one with *The Criminal Code*.

25. **Amendment of s. 103. Bribery.** Section 103 of *The Criminal Code* is amended—

(a) by omitting provision (7) (being the provision commencing with the words “Being a candidate”); and

(b) by omitting the symbol and word “; or” where they occur immediately after provision (6).