

Queensland



ANNO QUARTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 59 of 1965

**An Act to Amend “The Elections Acts, 1915 to 1962,” in certain particulars**

[ASSENTED TO 17TH DECEMBER, 1965]

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:—

1. (1) **Short title.** This Act may be cited as “*The Elections Acts Amendment Act of 1965.*”

(2) **Principal Act.** “*The Elections Acts, 1915 to 1962,*” are in this Act referred to as the Principal Act.

(3) **Collective title.** The Principal Act and this Act may be collectively cited as “*The Elections Acts, 1915 to 1965.*”

(4) **Commencement.** This Act shall come into force on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette.*

**2. Amendments of s. 4.** Section four of the Principal Act is amended by—

(a) inserting before the definition "Absent vote" the following definition:—

“ “ Aboriginal Inhabitant of Australia ”—A person who is prescribed by “ *The Aborigines’ and Torres Strait Islanders’ Affairs Act of 1965,*” to be an aborigine for the purposes of that Act; and

(b) adding after the definition “ This Act ” the following definition:—

“ “ Torres Strait Islander ”—A person who is prescribed by “ *The Aborigines’ and Torres Strait Islanders’ Affairs Act of 1965,*” to be an islander for the purposes of that Act; ”.

**3. Amendment of s. 11.** Section eleven of the Principal Act is amended by omitting the second paragraph, being the paragraph commencing with the words “ Subject as hereinafter provided ”.

**4. Repeal of s. 11A.** Section 11A of the Principal Act is hereby repealed.

**5. Amendment of s. 11B.** Section 11B of the Principal Act is amended by omitting the words, numerals and letter “ sections 11 and 11A ” and inserting in their stead the words “ section eleven ”.

**6. New s. 26A inserted.** The Principal Act is amended by inserting after section twenty-six the following section:—

“ [26A.] **Exemption from compulsory enrolment, &c.** (1) A person who is a Torres Strait Islander or an Aboriginal Inhabitant of Australia shall not be bound to comply with the requirements of section twenty-five and of the regulations made under section twenty-six of this Act, and accordingly the failure by any such person to comply with the requirements of the said section and regulations shall not be an offence under this Act.

(2) Where the Principal Electoral Officer is satisfied that, by reason of physical disability or mental incapacity, any person, including any person to whom subsection (1) of this section applies, is incapable of complying with the requirements of section twenty-five, or of the regulations made under section twenty-six of this Act, or of section sixty-three of this Act, the failure of such person by reason of such incapacity to comply with any such requirement shall not be an offence under this Act.

(3) A person who influences or attempts to influence in any manner or by any means whatsoever a Torres Strait Islander or an Aboriginal Inhabitant of Australia in the free exercise of his choice whether or not to enrol as an elector, is guilty of an offence against this Act and liable to a penalty of one hundred pounds or to imprisonment for six months.”

**7. Amendments of s. 27.** Section twenty-seven of the Principal Act is amended by—

(a) omitting the word “ and ” where it appears at the end of subparagraph (iii) of paragraph (b) of subsection (1);

(b) adding to paragraph (b) of subsection (1) the following subparagraph:—

“ (v) In the case of a person whom the Principal Electoral Officer is satisfied would, in the event of an election at the time in question, be incapable by reason of physical disability or mental incapacity of complying with the requirements of section sixty-three of this Act, by striking out the name of such person.”; and

(c) in subsection (3) omitting paragraph (b) and inserting in its stead the following paragraph:—

“(b) The production to the person who is the chief returning officer or who, for an electoral ward, is a returning officer for any election under “*The City of Brisbane Acts, 1924 to 1960*,” of a certificate purporting to be signed by the Principal Electoral Officer and stating that, by reason of the official mistake or error specified in that certificate, the name of the person named therein was wrongly omitted or, as the case may be, erased from the annual roll specified therein shall be accepted by the chief returning officer or returning officer as evidence sufficiently proving the matters certified to in that certificate and unless and until evidence in rebuttal of such a certificate is supplied to him, the chief returning officer or a returning officer shall not require any of the matters certified as aforesaid to be proved by any other evidence whatsoever.”

**8. Amendment of s. 35.** Section thirty-five of the Principal Act is amended by, in subparagraph (ii) of paragraph (b) of the proviso, omitting the words, numeral and letter “or section 11A”.

**9. Amendment of s. 41 (1).** Subsection (1) of section forty-one of the Principal Act is amended by omitting the word “sterling”, where appearing in the third paragraph.

**10. Amendments of s. 51 (14).** Subsection (14) of section fifty-one of the Principal Act is amended by—

- (a) omitting from paragraph (b) the word “and”; and
- (b) omitting paragraph (c).

**11. Amendment of s. 70 (1).** Subsection (1) of section seventy of the Principal Act is amended by omitting the last paragraph being the paragraph commencing with the words “For the purposes of this section” and inserting in its stead the following paragraph:—

“For the purposes of this section a prescribed electoral registrar shall be—

- (a) in the case of a by-election, an electoral registrar for the district for which the by-election is being held;
- (b) in the case of a general election—
  - (i) an electoral registrar for the district for which the elector is enrolled; or
  - (ii) an electoral registrar for a district within the zone prescribed by “*The Electoral Districts Act of 1958*,” called thereby the Metropolitan Zone or within the zone prescribed by that Act called thereby the Provincial Cities Zone.”

**12. Repeal of s. 70A.** Section 70A of the Principal Act is hereby repealed.

**13. Amendment of s. 70B (1).** Subsection (1) of section 70B of the Principal Act is amended by omitting the words, numeral and letter “seventy or 70A” and inserting in their stead the words “or seventy”.

**14. Amendments of s. 71 (1).** Subsection (1) of section seventy-one of the Principal Act is amended by—

(a) omitting the first paragraph and inserting in its stead the following paragraph:—

“Any elector who—

(a) will not throughout the hours of polling on polling day be within five miles by the nearest practicable route of any polling place open on that day for the purposes of any election; or

(b) is seriously ill or infirm, and by reason of such illness or infirmity will be precluded from attending at any polling place to vote or, in the case of a woman, will by her approaching maternity be precluded from attending at any polling place to vote; or

(c) is by reason of his membership of a religious order or his religious beliefs—

(i) precluded from attending at a polling place; or

(ii) precluded from voting throughout the hours of polling on polling day or throughout the greater part of those hours,

may after the issue of the writ for the election and before six o'clock in the afternoon of the day immediately preceding polling day, apply in the prescribed form to the returning officer for the electoral district for which the elector is enrolled for a postal vote certificate.”; and

(b) adding the following paragraph:—

“An application under subparagraph (c) of the first paragraph of this subsection must be accompanied by—

(a) a certificate from a minister of religion of the religious denomination of which the applicant is a member being such a minister of religion whose name is for the time being registered or who holds appointment under Part IV of the *Marriage Act* 1961 of the Commonwealth as a marriage celebrant; and

(b) a declaration made by the applicant before a justice of the peace or minister of religion,

which certificate and declaration shall be in or to the effect of the forms respectively prescribed.”

**15. Repeal of s. 71C.** Section 71C of the Principal Act is hereby repealed.

**16. Amendment of s. 82A.** Section 82A of the Principal Act is amended by omitting the words, numeral and letter “sections seventy or 70A”, where appearing in paragraph (b), and inserting in their stead the words “section seventy”.

**17. Amendments of s. 91.** Section ninety-one of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “a writ and before the date of any election” and inserting in their stead the words “the writ for an election and before the close of the poll”;

(ii) inserting after the word “pamphlet” the words “placard, sign, poster, bill”; and

(b) in subsection (2) omitting the words “a writ and before the date of an election” and inserting in their stead the words “the writ for an election and before the close of the poll”.

**18. New s. 91B inserted.** The Principal Act is amended by inserting after section 91A the following section:—

“**[91B.] Offences related to postal voting and enrolment.** (1) Any person to whom an application for a postal vote certificate and postal ballot-paper or an envelope containing or purporting to contain a postal ballot-paper is entrusted by a voter for the purpose of posting or delivery, who—

(a) in the case of such an application, fails to forthwith either post it addressed to the returning officer for the district in question or to deliver it to that returning officer; or

(b) in the case of such an envelope, fails either to forthwith post it or to deliver it on polling day before six o'clock in the afternoon to the returning officer or an assistant returning officer or a presiding officer for the district in question,

is guilty of an offence and is liable to a penalty of one hundred pounds or imprisonment for six months.

(2) Any person wilfully informing an elector at any time on or after the date of issue of the writ for an election and before the close of the poll that he is not enrolled, or that he is not enrolled for a particular electoral district or division, when as a fact he is enrolled or is enrolled for that district or division, as the case may be, is guilty of an offence and is liable to a penalty of one hundred pounds or imprisonment for six months.”