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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Presented and read a first time

Commonwealth Electoral Amendment Bill 2016

No. , 2016

(Finance)

**A Bill for an Act to amend the *Commonwealth
Electoral Act 1918*, and for related purposes**

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1 **A Bill for an Act to amend the *Commonwealth***
2 ***Electoral Act 1918*, and for related purposes**

3 The Parliament of Australia enacts:

4 **1 Short title**

5 This Act may be cited as the *Commonwealth Electoral Amendment*
6 *Act 2016*.

7 **2 Commencement**

8 (1) Each provision of this Act specified in column 1 of the table
9 commences, or is taken to have commenced, in accordance with
10 column 2 of the table. Any other statement in column 2 has effect
11 according to its terms.
12

Commencement information

Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Act	The day after this Act receives the Royal Assent.	

1 Note: This table relates only to the provisions of this Act as originally
2 enacted. It will not be amended to deal with any later amendments of
3 this Act.

4 (2) Any information in column 3 of the table is not part of this Act.
5 Information may be inserted in this column, or information in it
6 may be edited, in any published version of this Act.

7 **3 Schedules**

8 Legislation that is specified in a Schedule to this Act is amended or
9 repealed as set out in the applicable items in the Schedule
10 concerned, and any other item in a Schedule to this Act has effect
11 according to its terms.

1 **Schedule 1—Amendments**

2 **Part 1—Senate voting**

3 *Commonwealth Electoral Act 1918*

4 **1 Subsection 4(1)**

5 Insert:

6 *above the line*: a square is printed *above the line* on a ballot paper
7 if the square is printed on the ballot paper in accordance with
8 subparagraph 210(1)(f)(ii).

9 *dividing line* means the line on a ballot paper that separates the
10 voting method described in subsection 239(1) from the voting
11 method described in subsection 239(2).

12 **2 Paragraph 169(4)(b)**

13 Repeal the paragraph, substitute:

14 (b) the candidates have made a request under section 168 that
15 their names be grouped in the ballot papers for the election;

16 **3 Subsection 169(4)**

17 After “the request”, insert “under subsection (1)”.

18 **4 Subsection 169(4)**

19 Omit “in relation to the group in accordance with subsection 211(5)”,
20 substitute “above the line in relation to the group”.

21 **5 Paragraphs 195A(5)(b) and (c)**

22 Repeal the paragraphs, substitute:

23 (b) keep the envelope in the ballot-box until the ballot-box is
24 forwarded to the designated Divisional Returning Officer as
25 required by subsection 227(10); and

26 (c) when so forwarding the ballot-box to the designated
27 Divisional Returning Officer, also forward to that Officer the
28 record made by the mobile polling team leader under
29 paragraph (2)(e).

1 **6 Paragraph 210(1)(f)**

2 Repeal the paragraph, substitute:

3 (f) except as otherwise provided by the regulations:

4 (i) a square must be printed opposite the name of each
5 candidate; and

6 (ii) for candidates who made a request under section 168
7 that their names be grouped in the ballot papers for the
8 election—a square must be printed above the dividing
9 line and above the squares printed opposite those
10 names.

11 **7 Subsection 210(2)**

12 Repeal the subsection.

13 **8 Subsection 210A(5)**

14 Omit “, in accordance with subsection 211(5),”, substitute “above the
15 line”.

16 **9 Sections 211 and 211A**

17 Repeal the sections.

18 **10 Paragraphs 214(2)(d) and (e)**

19 Omit “, in accordance with subsection 211(5),”, substitute “above the
20 line”.

21 **11 Section 216**

22 Repeal the section.

23 **12 Subsection 226(3)**

24 Repeal the subsection.

25 **13 Subparagraph 227(8)(a)(i)**

26 Omit “, group voting tickets registered for the purposes of the election”.

27 **14 Subsection 227(10)**

28 Omit “Assistant Returning Officer”, substitute “Divisional Returning
29 Officer”.

1 **15 Subsection 228(1)**

2 Omit “Assistant Returning Officer designated for the purposes of this
3 subsection by the Divisional Returning Officer”, substitute “Divisional
4 Returning Officer designated for the purposes of this subsection by the
5 Australian Electoral Officer for the relevant State or Territory”.

6 **16 Subsection 228(2)**

7 Repeal the subsection.

8 **17 Subsection 228(3)**

9 Repeal the subsection, substitute:

10 (3) Each Divisional Returning Officer for a Division, to whom a
11 ballot-box is forwarded under subsection (1) or subsection 227(10)
12 must:

13 (a) compare the particulars on the envelopes with the particulars
14 appearing in the relevant records forwarded to the Divisional
15 Returning Officer under this Act, note the number of
16 envelopes and report any discrepancy to the Australian
17 Electoral Officer for the State or Territory that includes the
18 Division; and

19 (b) maintain a record of the particulars of the advices, and of the
20 number of envelopes bearing certificates or declarations,
21 received from each presiding officer and pre-poll voting
22 officer; and

23 (c) until they are dealt with under other provisions of this Act,
24 keep the envelopes received from presiding officers and
25 pre-poll voting officers in one or more securely fastened
26 ballot-boxes; and

27 (d) compare the record referred to in paragraph (b) with the
28 envelopes received and note any discrepancy.

29 **18 Subsection 235(8)**

30 Omit “Assistant Returning Officer”, substitute “Divisional Returning
31 Officer”.

32 **19 Before subsection 239(1)**

33 Insert:

1 *Voting below the line*

2 **20 Subsections 239(2) and (3)**

3 Repeal the subsections, substitute:

4 *Voting above the line*

5 (2) A vote may be marked on a ballot paper by:

- 6 (a) writing at least the numbers 1 to 6 in the squares (if any)
7 printed on the ballot paper above the line (with the number 1
8 being given to the party or group for whom the person votes
9 as his or her first preference, and the numbers 2, 3, 4, 5 and 6
10 being given to other parties or groups so as to indicate the
11 order of the person's preference for them); or
12 (b) if there are 6 or fewer squares printed on the ballot paper
13 above the line—numbering the squares consecutively from
14 the number 1 (in order of preference as described in
15 paragraph (a)).

16 Note: See also section 269 for when the vote is formal.

17 *Candidates who die before polling day*

18 **21 Subsection 260(5)**

19 Omit “subsections 273(4) and”, substitute “subsection”.

20 **22 Section 269 (heading)**

21 Repeal the heading, substitute:

22 **269 Formal votes above the line**

23 **23 Subsection 269(1)**

24 Repeal the subsection, substitute:

25 (1) A ballot paper in a Senate election is not informal under
26 paragraph 268(1)(b) if:

- 27 (a) the voter has marked the ballot paper in accordance with
28 subsection 239(2); or
29 (b) the voter has marked the number 1, or the number 1 and one
30 or more higher numbers, in squares printed on the ballot
31 paper above the line.

1 (1A) For the purposes of this Act:

2 (a) a voter who, in a square printed on the ballot paper above the
3 line, marks only a single tick or cross is taken as having
4 written the number 1 in the square; and

5 (b) the following numbers written in a square printed on the
6 ballot paper above the line are to be disregarded:

7 (i) numbers that are repeated and any higher numbers;

8 (ii) if a number is missed—any numbers that are higher
9 than the missing number.

10 *Votes that are formal both above and below the line*

11 **24 Subsection 269(2)**

12 After “subsection 239(2)” (wherever occurring), insert “or
13 paragraph (1)(b) of this section”.

14 **25 Subsections 269(3) and (4)**

15 Repeal the subsections.

16 **26 Section 270 (heading)**

17 Repeal the heading, substitute:

18 **270 Certain votes below the line with non-consecutive numbers to be**
19 **formal**

20 **27 Subparagraph 270(1)(b)(i)**

21 Omit “3”, substitute “5”.

22 **28 Section 272**

23 Repeal the section, substitute:

24 **272 Treatment of Senate ballot papers of voters who have voted**
25 **above the line**

26 (1) This section applies if:

27 (a) a ballot paper for a Senate election is marked in accordance
28 with subsection 239(2) or paragraph 269(1)(b); and

29 (b) one or more numbers, that are not disregarded under
30 paragraph 269(1A)(b), are written in squares printed on the

1 ballot paper above the line in relation to groups of candidates
2 (each group being a *preferenced group*).

- 3 (2) The ballot paper is taken to have been marked as if, instead of the
4 numbers referred to in paragraph (1)(b):
- 5 (a) each candidate in a preferred group was given a different
6 number starting from 1; and
 - 7 (b) candidates in a preferred group were numbered
8 consecutively starting with the candidate whose name on the
9 ballot paper is at the top of the group to the candidate whose
10 name is at the bottom; and
 - 11 (c) the order in which candidates in different preferred groups
12 are numbered is worked out by reference to the order in
13 which the groups were numbered on the ballot paper, starting
14 with the group marked 1; and
 - 15 (d) when all the candidates in a preferred group have been
16 numbered, the candidate whose name is at the top of the next
17 preferred group is given the next consecutive number.

18 **29 Subsections 273(2) to (6)**

19 Repeal the subsections, substitute:

- 20 (2) An Assistant Returning Officer must take the following steps in the
21 presence of a polling official, and of any authorised scrutineers
22 who attend:
- 23 (a) exhibit each securely fastened ballot-box for the inspection of
24 the scrutineers;
 - 25 (b) record the condition of the ballot-box;
 - 26 (c) open the ballot-box and:
 - 27 (i) remove the ballot papers from the box; and
 - 28 (ii) count the ballot papers without inspecting them; and
 - 29 (iii) record the number of ballot papers removed from the
30 box;
 - 31 (d) make, sign and keep a copy of a statement (which may be
32 countersigned by a polling official, and by any scrutineers
33 who are present if they so desire) setting out the number of
34 ballot papers;
 - 35 (e) seal up the ballot papers in a securely fastened container and
36 endorse on each container a description of the contents of the

- 1 container, and permit any scrutineers present, if they so
2 desire, to countersign the endorsement;
- 3 (f) transmit the container to the Divisional Returning Officer for
4 the relevant Division as soon as practicable, together with the
5 statement under paragraph (d).
- 6 (3) The Divisional Returning Officer for a Division must:
- 7 (a) in relation to containers of ballot papers for the Division
8 received under paragraph (2)(f), do the following:
- 9 (i) open the containers of ballot papers;
- 10 (ii) check the accuracy of the statement made under
11 paragraph (2)(d) by carrying out the step in
12 paragraph (2)(c);
- 13 (iii) repeat the steps in paragraphs (2)(d) and (e); and
- 14 (b) in relation to ballot-boxes for the Division received under this
15 Act by the Divisional Returning Officer—repeat the steps in
16 paragraphs (2)(c) to (e); and
- 17 (c) keep a copy of:
- 18 (i) the statement made under paragraph (2)(d) by the
19 Assistant Returning Officer; and
- 20 (ii) the statements made by the Divisional Returning Officer
21 under that paragraph (as a result of subparagraph (a)(iii)
22 and paragraph (b) of this subsection); and
- 23 (d) transmit the containers sealed under paragraph (2)(e) (as a
24 result of subparagraph (a)(iii) and paragraph (b) of this
25 subsection) to the Australian Electoral Officer for the State
26 that includes the Division as soon as practicable, together
27 with the statements made by the Divisional Returning
28 Officer.
- 29 (4) An Australian Electoral Officer must:
- 30 (a) scrutinise all ballot papers received by him or her under
31 paragraph (3)(d); and
- 32 (b) reject any informal ballot papers; and
- 33 (c) make, sign and keep a record of the preferences on the ballot
34 papers that have been received by him or her (including
35 informal ballot papers, and formal ballot papers that are not
36 sequentially numbered).

1 **30 Subsection 273(19)**

2 Repeal the subsection, substitute:

3 (19) At the conclusion of the scrutiny, the Australian Electoral Officer
4 must place in containers all ballot papers transmitted to the officer
5 under paragraph (3)(d), seal the containers and endorse a
6 description of the contents on each container.

7 **31 Subsection 273A(2)**

8 Repeal the subsection.

9 **32 Subsection 273A(3)**

10 Repeal the subsection.

11 **33 Subsection 273A(4)**

12 After “or her”, insert “under paragraph 273(3)(d)”.

13 **34 Subsection 273A(6)**

14 After “proceedings under”, insert “section 273 and”.

15 **35 After subsection 273A(6)**

16 Insert:

17 *Statements setting out numbers of ballot papers*

18 (6A) After complying with subsections (4) and (5), the Australian
19 Electoral Officer must make, sign and keep a copy of a statement
20 (which may be countersigned by any scrutineers who are present if
21 they so desire) setting out the number of ballot papers scrutinised
22 by the officer under those subsections.

23 **36 Paragraph 273A(7)(a)**

24 Omit “parcels” (wherever occurring), substitute “containers”.

25 **37 Paragraphs 273A(7)(c) to (e)**

26 Repeal the paragraphs, substitute:

27 (c) after scrutinising all the ballot papers, restore the ones that
28 were in containers to their original containers, and place the
29 remaining ballot papers in one or more containers;

- 1 (d) seal up all the containers and write on each container:
2 (i) the number of ballot papers in the container; and
3 (ii) a statement that all the ballot papers have been the
4 subject of decisions by the Australian Electoral Officer;
5 (e) sign each container and permit other persons who were
6 present when the ballot papers were scrutinised to add their
7 signatures.

8 **38 Subsection 273A(10)**

9 Repeal the subsection.

10 **39 Subsection 282(4)**

11 After “subsection 239(2)” (wherever occurring), insert “or
12 paragraph 269(1)(b)”.

13 **40 Subsection 393A(2)**

14 Omit “273(5)(f)”, substitute “273(3)(d)”.


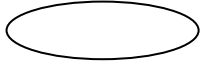
15 **41 Schedule 1 (Form E)**

16 Repeal the form, substitute:

Schedule 1 Amendments
Part 1 Senate voting

Section 209

FORM E

 AUSTRALIA								SENATE BALLOT PAPER (5) ELECTION OF (6) SENATORS	
	You may vote in one of two ways								
<i>either</i>	(8) A <input type="checkbox"/> (2)	(8) B <input type="checkbox"/> (2)	(8) C <input type="checkbox"/> (2)	(8) D <input type="checkbox"/> (4)	E <input type="checkbox"/> (4)	(8) F <input type="checkbox"/> (2)	G <input type="checkbox"/> (4)	H <input type="checkbox"/> (4)	

<p><i>or</i></p> <p>By numbering these boxes 1 to (7) in the order of your choice (with number 1 as your first choice)</p>	<p>A (2)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p>	<p>B (2)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p>	<p>C (2)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p>	<p>D (2)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (4)</p>	<p>E (2)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (4)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (4)</p>	<p>F (2)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (3)</p>	<p>G (2)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (4)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (4)</p>	<p>H (2)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (4)</p> <p><input type="checkbox"/> (1) <input type="checkbox"/> (4)</p>	<p>Ungrouped</p>
--	--	--	--	---	--	---	--	--	------------------

- (1) Here insert name of a candidate.
- (2) Here insert name of a registered political party or composite name of registered political parties if to be printed.
- (3) Here insert the name of a registered political party if to be printed.
- (4) Here insert name of a registered political party or word 'Independent' if to be printed.
- (5) Here insert name of State or Territory and year of election.
- (6) Here insert number of vacancies.
- (7) Here insert number of candidates.
- (8) Here insert the logo of a registered political party if to be printed.

* If the ballot paper has 6 or fewer squares above the line, replace the instruction with "By numbering these boxes in the order of your choice (with number 1 as your first choice)".



1 **42 Schedule 1 (Form F)**

2 Repeal the form, substitute:

3 Section 209

4 **FORM F**

5

 <p>AUSTRALIA</p>	<p>BALLOT PAPER HOUSE OF REPRESENTATIVES <i>[here insert name of State or Territory as appropriate]</i></p>	
<p>Electoral Division of <i>[here insert name of Division]</i>.</p> <p>Number the boxes from 1 to <i>[here insert number of candidates]</i> in the order of your choice</p>		
<p>3 <input type="checkbox"/> 1 2</p> <p>3 <input type="checkbox"/> 1 2</p> <p><input type="checkbox"/> 1 2</p> <p>3 <input type="checkbox"/> 1 2</p>	<p>[1 <i>Here insert name of a candidate.</i></p> <p>2 <i>Here insert name of a registered political party, composite name of registered political parties or "Independent" if to be printed.</i></p> <p>3 <i>Here insert logo of a registered party if to be printed.</i></p>	
<p>Remember. . . . number <i>every</i> box to make your vote count.</p>		

6

1 **Part 2—Registered officers and deputy registered**
2 **officers**

3 **Division 1—Amendments**

4 *Commonwealth Electoral Act 1918*

5 **43 At the end of subsection 4C(1)**

6 Add:

7 Note: A person must not be the registered officer or a deputy registered
8 officer of more than one registered political party at a particular time
9 (see subsection 126(2B)).

10 **44 Paragraph 4C(3)(a)**

11 Omit “shall”, substitute “must”.

12 **45 At the end of paragraph 4C(3)(a)**

13 Add “and”.

14 **46 Paragraph 4C(3)(b)**

15 Omit “shall”, substitute “must”.

16 **47 After paragraph 4C(3)(b)**

17 Insert:

18 (ba) must include a signed declaration by the person nominated
19 that subsection 126(2B) is not contravened by lodging the
20 nomination of the person as the deputy registered officer; and

21 **48 At the end of section 4C**

22 Add:

23 (4) A nomination of a person as a deputy registered officer under
24 subsection (2) is invalid if subsection 126(2B) is contravened by
25 lodging the nomination of the person as the deputy registered
26 officer.

27 **49 Before subsection 126(1)**

28 Insert:

1 *Who may make an application*

2 **50 Before subsection 126(2)**

3 Insert:

4 *Requirements for an application*

5 **51 Before subsection 126(2A)**

6 Insert:

7 *A person must not be a member of more than one registered*
8 *political party*

9 **52 After subsection 126(2A)**

10 Insert:

11 *A person must not be a registered officer etc. of more than one*
12 *registered political party*

13 (2B) A person must not, at a particular time, be:

- 14 (a) the registered officer of more than one registered political
15 party; or
16 (b) a deputy registered officer of more than one registered
17 political party; or
18 (c) the registered officer of one registered political party and a
19 deputy registered officer of another registered political party.

20 The registration of a political party is not to be cancelled because
21 of this subsection unless the Electoral Commission has taken
22 action to determine whether the party should be deregistered
23 because of paragraph 137(1)(cc).

24 Note: The registered officer of a registered political party may be changed at
25 any time under paragraph 134(1)(g).

26 (2C) Subsection (2B) does not prevent a person from being both:

- 27 (a) the registered officer or a deputy registered officer of a
28 registered political party for the purposes of this Act; and
29 (b) the registered officer or a deputy registered officer (however
30 described), for the purposes of an Act of a State or Territory
31 or an Ordinance of an external Territory, of a political party
32 or a branch of a political party.

Electoral Commission to deal with application

53 At the end of subsection 131(1)

Add:

Note: For example, if an application to register a political party would be refused because subsection 126(2B) would be contravened, the party could change the person who is to be the registered officer of the party so subsection 126(2B) is not contravened.

54 At the end of subsection 134(1)

Add:

Note: A person must not be the registered officer or a deputy registered officer of more than one registered political party at a particular time (see subsection 126(2B)).

55 Paragraph 134(4)(c)

Omit “a reference in subparagraph 132(2)(b)(ii) to section 126”, substitute “the reference in subparagraph 132(2)(b)(ii) to section 126 (but not the reference to subsection 126(2B))”.

56 After paragraph 137(1)(cb)

Insert:

or (cc) a person who is the registered officer or a deputy registered officer of a registered political party is failing to comply with subsection 126(2B) (person must not be registered officer etc. of more than one registered political party);

Division 2—Application provisions

57 Application of amendments relating to registered officers and deputy registered officers

- (1) The amendments of section 4C of the *Commonwealth Electoral Act 1918* made by this Part apply in relation to any nominations made after this item commences.
- (2) The amendments of section 126 of the *Commonwealth Electoral Act 1918* made by this Part apply after this item commences in relation to any registered political party (whether registered before or after this item commences).

Schedule 1 Amendments

Part 2 Registered officers and deputy registered officers

- 1 Note: A registered political party that, at commencement, has a registered officer or deputy
2 registered officer who is failing to comply with subsection 126(2B) has 90 days to
3 change that officer (see subitem (4)).
- 4 (3) The amendments of section 134 of the *Commonwealth Electoral Act*
5 *1918* made by this Part apply in relation to any application made under
6 that section after this item commences.
- 7 (4) The amendment of section 137 of the *Commonwealth Electoral Act*
8 *1918* made by this Part applies:
- 9 (a) in relation to any political party registered after this item
10 commences—after this item commences; and
- 11 (b) in relation to any political party registered before this item
12 commences—on and after the 90th day after this item
13 commences.
- 14 (5) To avoid doubt, subitem (4) does not allow the Electoral Commission to
15 deregister a political party in contravention of section 127 of the
16 *Commonwealth Electoral Act 1918*.

1 **Part 3—Party logos**

2 **Division 1—Amendments**

3 *Commonwealth Electoral Act 1918*

4 **58 At the end of paragraphs 126(2)(a) and (b)**

5 Add “and”.

6 **59 After paragraph 126(2)(b)**

7 Insert:

8 (ba) if the party wishes a logo of the party to be entered in the
9 Register—set out a copy of a logo; and

10 **60 At the end of paragraphs 126(2)(c) to (d)**

11 Add “and”.

12 **61 After subsection 126(2)**

13 Insert:

14 *Requirements for logos*

15 (2AA) For the purposes of paragraph (2)(ba), a logo set out in an
16 application must:

17 (a) be in black and white; and

18 (b) meet any other requirements determined under
19 subsection (2AB).

20 (2AB) For the purposes of paragraph (2AA)(b), the Electoral
21 Commissioner may, by legislative instrument, determine
22 requirements in relation to setting out a logo in an application.

23 **62 At the end of subsection 126(3)**

24 Add:

25 Note: The Electoral Commission may also decide under section 129A to
26 refuse to enter a logo of the political party in the Register.

1 **63 After section 129**

2 Insert:

3 **129A Certain party logos not to be entered in the Register**

4 The Electoral Commission may refuse to enter in the Register a
5 logo of a political party (the *applicant*), set out in an application to
6 register the applicant, if, in its opinion, the applicant's logo:

- 7 (a) is obscene; or
8 (b) is the logo of any other person; or
9 (c) so nearly resembles the logo of any other person that it is
10 likely to be confused with or mistaken for that logo; or
11 (d) is one that a reasonable person would think suggests that a
12 connection or relationship exists between the applicant and a
13 registered political party if that connection or relationship
14 does not in fact exist; or
15 (e) comprises the words "Independent Party" or comprises or
16 contains the word "Independent" and:
17 (i) the name, or an abbreviation or acronym of the name, of
18 a recognised political party (within the meaning of
19 subsection 129(2)); or
20 (ii) matter that so nearly resembles the name, or an
21 abbreviation or acronym of the name, of a recognised
22 political party (within the meaning of
23 subsection 129(2)) that the matter is likely to be
24 confused with or mistaken for that name or that
25 abbreviation or acronym, as the case may be.

26 **64 Subsection 131(1)**

27 After "refuse the application", insert ", or refuse to enter a logo of the
28 party in the Register,".

29 **65 Paragraph 132(2)(b)**

30 Repeal the paragraph, substitute:

- 31 (b) invite any persons who believe that:
32 (i) the application does not relate to an eligible political
33 party; or

- 1 (ii) the application is not in accordance with section 126
2 (including because subsection 126(2B) would be
3 contravened); or
4 (iii) the application should be refused under section 129; or
5 (iv) the Electoral Commission should refuse to enter a logo
6 of the party in the Register under section 129A;
7 to submit written particulars of the grounds for that belief to
8 the Electoral Commission within 1 month after the date of
9 the publication of the notice on the Electoral Commission’s
10 website.

11 **66 Paragraph 132A(1)(a)**

12 After “party concerned”, insert “or decides to refuse to enter a logo of
13 the party in the Register”.

14 **67 At the end of subparagraphs 133(1)(a)(i) and (ii)**

15 Add “and”.

16 **68 After subparagraph 133(1)(a)(ii)**

17 Insert:

- 18 (ia) if a logo of the party was set out in the application, and
19 the Electoral Commission has not decided to refuse to
20 enter the logo in the Register under section 129A—that
21 logo; and

22 **69 At the end of subparagraph 133(1)(a)(iv)**

23 Add “and”.

24 **70 At the end of paragraph 133(1)(b)**

25 Add “and”.

26 **71 Paragraph 133(1)(c)**

27 After “registered the party,”, insert “or entered the logo in the
28 Register,”.

29 **72 Subsection 133(3)**

30 Repeal the subsection, substitute:

1 (3) If the Electoral Commission refuses an application made by a
2 person to register a political party, or refuses to enter in the
3 Register a logo set out in such an application, the Electoral
4 Commission must give written notice to the person giving reasons
5 for the decision.

6 **73 At the end of paragraphs 134(1)(c) to (e)**

7 Add “or”.

8 **74 After paragraph 134(1)(e)**

9 Insert:

10 (ea) if the party’s logo is entered in the Register—changing that
11 logo to a logo set out in the application; or

12 (eb) if the party’s logo is not entered in the Register—entering in
13 the Register the logo set out in the application; or

14 **75 Subsection 134(4)**

15 Omit “or (e), sections 127, 129,”, substitute “, (e), (ea) or (eb),
16 sections 127, 129, 129A,”.

17 **76 Paragraph 134(6)(c)**

18 Omit “or (e)”, substitute “, (e), (ea), (eb) or (g)”.

19 **77 Paragraph 134(8)(a)**

20 Omit “or (e)”, substitute “, (e), (ea) or (eb)”.

21 **78 Section 134A (heading)**

22 Repeal the heading, substitute:

23 **134A Objection to continued use of name or logo**

24 **79 Paragraph 134A(1)(a)**

25 Repeal the paragraph, substitute:

26 (a) the Electoral Commission is satisfied that:

27 (i) the name or logo of the parent party is the same as, or
28 relevantly similar to, the name or logo of the second
29 party and the parties are not related at the time of the
30 objection; or

- 1 (ii) the name or logo of the second party is one that a
2 reasonable person would think suggests that a
3 connection or relationship exists between the second
4 party and the parent party and that connection or
5 relationship does not in fact exist; and
6 (aa) the second party was registered after the commencement of
7 this section; and

8 **80 Paragraph 134A(1)(b)**

9 After “name”, insert “or logo”.

10 **81 Subparagraph 134A(1)(e)(i)**

11 After “name”, insert “or logo”.

12 **82 Subsection 134A(2)**

13 After “name” (wherever occurring), insert “or logo”.

14 **83 Subsection 134A(3)**

15 Insert:

16 *logo* of a registered political party means the logo of the party that
17 is entered in the Register.

18 **84 Paragraph 137(1)(ca)**

19 Omit “use of a name (within”, substitute “use of a name or logo (both
20 within”.

21 **85 Paragraph 137(1)(ca)**

22 After “party’s name”, insert “or logo”.

23 **86 Subsection 141(1) (after paragraph (b) of the definition of**
24 ***reviewable decision*)**

25 Insert:

26 (ba) to enter a logo of a political party in the Register; or

27 (bb) to refuse to enter a logo of a political party in the Register; or

28 **87 Subsection 169B(2)**

29 Omit “section 214”, substitute “sections 214 and 214A”.

1 **88 At the end of subsection 209(3)**

2 Add:

3 Note: One effect of this subsection is that party logos are printed only in
4 black on ballot papers.

5 **89 After section 214**

6 Insert:

7 **214A Printing of party logos on ballot papers**

8 (1) This section applies if:

- 9 (a) a logo is, at the time of the declaration of the nominations,
10 entered in the Register in relation to a registered political
11 party; and
12 (b) the party has requested that the logo be used.

13 (2) A ballot paper for a Senate election must have the logo printed
14 adjacent to the square that is printed, in accordance with
15 paragraph 214(2)(d), adjacent to the name of the party.

16 (3) For the purposes of subsection (2), if candidates who have made a
17 request under section 168 are endorsed by more than one political
18 party:

- 19 (a) no more than 2 logos may be printed adjacent to the square
20 that is printed, in accordance with paragraph 214(2)(d),
21 adjacent to the names of the parties; and
22 (b) if more than 2 of those parties have logos entered in the
23 Register—the parties must notify the Electoral Commission,
24 in writing, which of the logos are to be printed adjacent to
25 that square.

26 (4) A ballot paper for a House of Representatives election must have
27 the logo printed in accordance with Form F in Schedule 1.

28 (5) All logos of registered political parties must be printed on the
29 ballot paper in a uniform size and format.

30 **90 Section 366**

31 Repeal the section, substitute:

1 **366 Errors relating to printing of party affiliations**

2 The Court of Disputed Returns is not to declare that a person
3 returned as elected was not duly elected, or declare an election
4 void, by reason only that:

5 (a) there was or was not printed on one or more ballot papers
6 used in the election:

7 (i) the name; or

8 (ii) an abbreviation of the name; or

9 (iii) a logo of a political party;

10 adjacent to the name of a candidate or group of candidates; or

11 (b) the name or an abbreviation of the name of a political party
12 printed on one or more ballot papers used in the election was
13 misspelt; or

14 (c) the name, an abbreviation of the name or a logo of a political
15 party printed on one or more ballot papers used in the
16 election was inaccurate or incorrect; or

17 (d) an officer failed to comply with section 210A, 214 or 214A
18 in relation to the election.

19 **91 After section 386**

20 Insert:

21 **386A Immunity from suit**

22 No action, suit or proceeding (except proceedings under this Act)
23 lies against the Commonwealth, or a person who has been an
24 officer or employee of the Commonwealth, in relation to anything
25 done in good faith by the Electoral Commission, or an officer or an
26 employee of the Electoral Commission, under this Act in relation
27 to a logo of a party.

28 **92 Schedule 1 (Form CA)**

29 After:

30 I, [*name*], the registered officer [*or deputy registered officer*] of the [*name of*
31 *registered political party*] hereby nominate the person named
32 below as a Senator for the above [State/Territory] to serve in the
33 Senate of the Parliament of the Commonwealth.

34 insert:

Schedule 1 Amendments

Part 3 Party logos

1 I wish/do not wish the logo of the [*name of registered political party*] entered in
2 the Register to appear on the ballot paper.

3 **93 Schedule 1 (Form CC)**

4 After:

5 I, [*name*], the registered officer [*or* deputy registered officer] of the [*name of*
6 *registered political party*] hereby nominate the persons named
7 below as Senators for the above [State/Territory] to serve in the
8 Senate of the Parliament of the Commonwealth.

9 insert:

10 I wish/do not wish the logo of the [*name of registered political party*] entered in
11 the Register to appear on the ballot paper.

12 **94 Schedule 1 (Form DA)**

13 After:

14 I, [*name*], the registered officer [*or* deputy registered officer] of the [*name of*
15 *registered political party*] hereby nominate the person named
16 below as a Member of the House of Representatives for the above
17 Division.

18 insert:

19 I wish/do not wish the logo of the [*name of registered political party*] entered in
20 the Register to appear on the ballot paper.

21 **Division 2—Application provision**

22 **95 Application of amendments**

23 The amendments made by this Part apply after this item commences in
24 relation to any registered political party (whether registered before or
25 after this item commences).