

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 13 December 1983

ELECTORAL AMENDMENT BILL

Proposed Amendment

Hon. Mr McLAY, in Committee, to move the omission of *clause 15*, and the substitution of the following clause:

16. Acceptance or rejection of nomination—(1) The principal Act is hereby amended by repealing section 82 (as amended by section 2 of the Electoral Amendment Act 1972), and substituting the following section:

“82. (1) The Returning Officer shall reject the nomination of any candidate—

“(a) If the nomination paper and the consent of the candidate are not lodged with him not later than noon on nomination day; or

“(b) If the nomination paper does not state that the candidate is a registered elector of a specified electoral district, or, where section 27 of this Act applies, is a qualified elector of a specified electoral district; or

“(c) If the nomination paper is not signed by at least 2 registered electors of the district for which the nomination is made; or

“(d) If the required deposit is not paid as required by this Act.

“(2) Subject to the concurrence of the Chief Electoral Officer, the Returning Officer shall not accept the nomination of any candidate if the Returning Officer is not satisfied, by such evidence (if any) as the Returning Officer requires, that the name under which the candidate is nominated is—

“(a) The name under which the candidate's birth was registered, with any alteration or addition made thereto under section 17 of the Births and Deaths Registration Act 1951; or

“(b) In the case of a person who has been adopted, the name conferred on that person by the adoption order; or

“(c) The name by which the candidate was commonly known throughout the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer; or

“(d) The name which was adopted by the candidate by deed poll registered under section 17A of the Births and Deaths Registration Act 1951 before the period of

12 months ending with the day on which the nomination paper is lodged with the Returning Officer and which was used by the candidate throughout that period.

“(3) Notwithstanding anything in subsection (2) of this section, in applying that subsection in the case of any female candidate who is or has been married, her husband’s surname may be substituted for her surname in any of the cases specified in paragraphs (a) to (d) of that subsection, unless, if her husband were nominated as a candidate under that surname, the Returning Officer would be required to reject his nomination under the provisions of that subsection.

“(4) Notwithstanding anything in subsection (2) of this section, the Returning Officer may, with the concurrence of the Chief Electoral Officer, accept the nomination of any candidate under a name that does not comply with the provisions of that subsection, if the Returning Officer is satisfied that the name has been adopted by the candidate in good faith and for good reason and is not indecent or offensive or likely to deceive or cause confusion.

“(5) In every other case the Returning Officer shall accept the nomination:

“Provided that nothing in this subsection shall limit the jurisdiction of the Court hearing an election petition.”

(2) The Electoral Amendment Act 1972 is hereby consequentially repealed.

EXPLANATORY NOTE

It is proposed to re-enact section 82 of the principal Act (which deals with the acceptance and rejection of nominations).

Subsection (1) of the new *section 82* is a re-enactment of the existing subsection (1).

Subsections (2) and (3) follow the *subsections (1A) and (1B)* that were set out in *clause 15* of the Bill when the Bill was introduced. *Subsection (2) (c)* provides that the Returning Officer may reject a nomination if he is not satisfied that the name under which the candidate is nominated is the name by which the candidate was commonly known throughout the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer.

A similar provision applies in relation to a name adopted by deed poll. Under the existing provision that name must have been adopted at least 6 months before nomination day. Under the new *paragraph (d)*, the name must have been adopted by deed poll before the period of 12 months ending with the day on which the nomination paper is lodged with the Returning Officer and must have been used by the candidate throughout that 12 months period.

The proposed new *subsection (4)* mitigates the rigour of *subsection (2)*, and of the longer 12 month period in particular, by providing that the Returning Officer may, with the concurrence of the Chief Electoral Officer, accept the nomination of any candidate under a name that does not comply with the provisions of *subsection (2)*, if the Returning Officer is satisfied that the name has been adopted by the candidate in good faith and for good reason and is not indecent or offensive or likely to deceive or cause confusion.

Subsection (5) is a re-enactment of an existing provision.
