

SOUTH AUSTRALIA

CITY OF ADELAIDE (ELECTIONS AND POLLS) REGULATIONS 1998

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LEGISLATIVE HISTORY

REGULATIONS UNDER THE CITY OF ADELAIDE ACT 1998

City of Adelaide (Elections and Polls) Regulations 1998

being

No. 185 of 1998: *Gaz.* 8 October 1998, p. 1076¹

as varied by

No. 256 of 1999: *Gaz.* 9 December 1999, p. 3279²

¹ Came into operation 8 October 1998: reg. 2.

² Came into operation 1 January 2000: reg. 2.

N.B. The amendments effected to these regulations by Regulation No. 35 of 2002 have not come into operation.

Citation

1. These regulations may be cited as the *City of Adelaide (Elections and Polls) Regulations 1998*.

Commencement

2. These regulations will come into operation on the day on which they are made.

Interpretation

3. (1) In these regulations—

"Act" means the *City of Adelaide Act 1998*.

(2) In these regulations, a reference to a form of a particular number is a reference to the form of that number set out in the schedule.

Prescribed declaration (Schedule 1—clause 5(1)(a)(ii))

4. For the purposes of clause 5(1)(a)(ii) of schedule 1 of the Act, the declaration set out as Form 1 is prescribed.

Nominations

5. (1) For the purposes of clause 9(1) of schedule 1 of the Act—

- (a) a candidate for election pursuant to clause 8(1)(a) of that schedule may nominate by delivering or causing to be delivered to the returning officer before the close of nominations a duly completed form in the form set out as Form 2;
- (b) a candidate for election pursuant to clause 8(1)(b) of that schedule may be nominated by delivering or causing to be delivered to the returning officer before the close of nominations a duly completed form in the form set out as Form 3;
- (c) a candidate for election pursuant to clause 8(1)(c) of that schedule may be nominated by delivering or causing to be delivered to the returning officer before the close of nominations a duly completed form in the form set out as Form 4;
- (d) a candidate for election pursuant to clause 8(1)(d) of that schedule may nominate, or may be nominated (as the case requires) by delivering or causing to be delivered to the returning officer before the close of nominations—
 - (i) a duly completed form in the form set out as Form 2, 3 or 4 (depending on whether the candidate is a person whose name has been omitted in error from the voters roll, is a nominee of a body corporate which has had its name omitted in error from the voters roll, or is a nominee of a group of persons who have had their names omitted in error from the voters roll); and
 - (ii) a duly completed form in the form set out as Form 5.

(2) For the purposes of clause 9(2)(a) of schedule 1 of the Act, the declarations contained in Forms 2, 3 and 4 (as the case requires) are prescribed.

3.

(3) Pursuant to clause 9(2)(b) of schedule 1 of the Act, a nomination must be accompanied by a profile of the candidate that complies with the following requirements:

- (a) the profile must be in typed or printed form; and
- (b) the profile must not exceed 150 words; and
- (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council (whether at the same election or any other election to be held on the same day) without the written consent of that person; or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council; and
- (d) the profile must be signed and dated by the candidate (but this signature and date will not form part of the profile for the purposes of regulation 7(3)(b)).

(3a) If—

- (a) a profile submitted with a nomination form exceeds 150 words; and
- (b) the candidate has not reduced the size of the profile to 150 words or less by the close of nominations,

the returning officer will exclude from the profile all words appearing after the 150th word (other than the signature and date).

(3b) The returning officer is not responsible for checking the accuracy of any information included in a profile and the returning officer bears no liability with respect to the publication of a profile under the Act and these regulations.

(3c) A written consent required under subregulation (3)(c)(iii) must be lodged with the profile.

(3d) Nothing in subregulation (3)(c) prevents a profile including declarations of public policy or promises of public action.

(3e) A profile under subregulation (3) may include a photograph of the candidate.

(3f) A photograph included in a profile must comply with the following requirements:

- (a) unless otherwise approved by the returning officer, the photograph must be in black and white format and the same size as an Australian passport photograph; and

4.

- (b) the photograph must only (or predominantly) show the head and shoulders of the candidate; and
- (c) the photograph must have been taken within the preceding period of 12 months; and
- (d) the photograph must bear on its back an endorsement by the candidate to the effect that the photograph is a photograph of the candidate that has been taken within the preceding 12 months.

(4) For the purposes of clause 9(3) of schedule 1 of the Act, the notice set out as Form 6 is prescribed.

Notice of use of postal voting

6. (1) For the purposes of clause 11 of schedule 1 of the Act, information to the following effect is prescribed:

- (a) that the specified election or poll will be conducted entirely by means of postal voting and that no polling booth will be open for voting on polling day;
- (b) that voting papers will be issued by post to every natural person, body corporate and group who or which has his, her or its name on the voters roll to be used for the purposes of the election or poll or, at the discretion of the returning officer, by personal delivery to potential voters at certain locations;
- (c) that the voting papers being issued by post should be delivered to persons, bodies corporate and groups on the voters roll not later than a date specified by the returning officer¹;
- (d) that a person who does not receive voting papers but who believes that he or she is entitled to exercise a vote at the election or poll may take specified steps to apply for voting papers.

¹. This date must be consistent with clause 12(1) of schedule 1 of the Act.

(2) A notice under clause 11 of schedule 1 of the Act may include other information which may, in the opinion of the returning officer, assist prospective voters to understand the postal voting system and processes under the Act and to participate in the election or poll.

Postal voting papers

7. (1) For the purposes of clause 12(1) and (5) of schedule 1 of the Act, the declarations set out as Forms 7 and 8 are prescribed (to be used as appropriate).

(2) Pursuant to subclause (3) of clause 12 of schedule 1 of the Act, envelopes used under subclause (1) of that clause for ballot papers sent by post must have an extension to a flap on the back of the envelope that bears the name and address of the natural person, body corporate or group to whom the voting papers are issued.

5.

(3) For the purposes of subclause (6) of clause 12 of schedule 1 of the Act, postal voting papers issued under that clause must be accompanied by—

- (a) an explanatory notice prepared by the returning officer which outlines the steps which a voter must follow in order to comply with the requirements of clause 14 of schedule 1 of the Act; and
- (b) in the case of an election, an information sheet prepared by the returning officer which sets out the profiles and photographs submitted by candidates under these regulations.

Campaign donations and expenditure

8. For the purposes of clause 23 of schedule 1 of the Act—

- (a) a campaign donations return must be in the form set out as Form 9; and
- (b) a campaign expenditure return must be in the form set out as Form 10.

SCHEDULE
Prescribed forms

FORM 1
CITY OF ADELAIDE ACT 1998

*Claim by Person for Inclusion on the Voters Roll—Pursuant to
Clause 5(1)(a)(ii) of Schedule 1 of the City of Adelaide Act 1998*

¹ Please read instructions below before filling in this form.

I, ²
(Surname) (Given Name/s)

of ³
(Place of Residence)

Date of Birth day.....month.....year

hereby claim enrolment on the voters roll for the City of Adelaide and I declare that the whole of the statements made in this claim are true to the best of my knowledge and belief.

⁴ Date / /
(Signature)

⁵ ⁶
(Witness) (Place of Residence of Witness)

Date / /19....

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert full name of claimant.
3. Insert full residential address of the claimant.
4. Insert usual signature of claimant.
5. Insert usual signature of witness. A witness may be any person of or above the age of 18.
6. Insert residential address of witness.

7.

**FORM 2
CITY OF ADELAIDE ACT 1998**

**CANDIDATE FOR ELECTION
NOMINATION FORM**

(By a person who is an elector in their own right)

¹ Please read instructions below before filling in this form.

TO: THE RETURNING OFFICER

I,²
(Given name/s) (Surname)

of ³
(Address)

hereby nominate as a candidate for the office of ⁴

for the City of Adelaide.

NOMINATIONS CLOSE AT 12.00 NOON ON ... / ... / ...

**YOU MAY NOT LODGE THIS FORM EARLIER THAN 21 DAYS BEFORE THE DAY ON WHICH
NOMINATIONS CLOSE**

DECLARATION OF CANDIDATE

I,
(Print Full Name of Candidate)

hereby declare that I am:

- 1. an Australian citizen *or* a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000
- 2. an elector for the area
- 3. not ineligible to be a candidate for election by reason of any matter referred to in the *City of Adelaide Act 1998* or the *Local Government Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁵.
(Please note that the request may not be accepted and, in particular, the Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose)

.....
(Print - Name to appear on the ballot paper)

Signature of Candidate Date .../.../...

Witness Date .../.../...
(Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936*)

Note: Other persons authorised to take declarations under the *Oaths Act 1936* include a Commissioner for Taking Affidavits, a proclaimed manager of an office of a bank, building society or credit union and a proclaimed member of the police force.

Further information for the use of the Returning Officer/Deputy Returning Officer/Electoral Officer to be completed by the candidate:

Candidate's contact numbers:

(Business Phone) (Home Phone)

(Mobile Phone) (Facsimile)

(E-mail Address)

Do you consent to these numbers being released to the media or to other persons who request? YES/NO

Comment
.....
.....

Information to be completed by the Returning Officer/Deputy Returning Officer/Electoral Officer:

Received on . . . / . . . / atam/pm

Place of receipt

Photograph received YES/NO

Signature of receiving officer

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert full name of candidate.
3. Insert full address of candidate.
4. Insert description of office for which nomination is being made (Lord Mayor or councillor).
5. It is not mandatory to provide a name under this item.

NOTES

1. This nomination must be accompanied by a profile of the candidate that complies with the following requirements:

- (a) the profile must be in typed or printed form;
- (b) the profile must not exceed 150 words;
- (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (which consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
- (d) the profile must be signed and dated by the candidate.

2. A photograph of the candidate may accompany the profile. If you choose to include a photograph—

- (a) the photograph should be in black and white and the same size as an Australian passport photograph;
- (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
- (c) the photograph must have been taken within the last 12 months;
- (d) the photograph must have on its back an endorsement signed by the candidate as follows:

"This is a photograph of *[Insert name]* taken within the last 12 months"

.....
(Signature of candidate)

3. It is an offence to make a statement in a declaration that is, to the person's knowledge, false or misleading in a material respect. Maximum penalty: \$5 000 or imprisonment for one year.

4. Clause 8 of schedule 1 of the *City of Adelaide Act 1998* provides as follows:

(1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if—

(a) the person is—

- (i) an Australian citizen; or
- (ii) a prescribed person; and

(b) —

- (i) the person is an elector for the area; or
- (ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or
- (iii) the person is the nominee of a group which has its name on the voters roll for the area; or
- (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).

(2) Subclause (1)(b) operates subject to the following qualifications:

- (a) a nominee of a body corporate must be an officer of the body corporate; and
- (b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group; and
- (c) a body corporate or group cannot nominate more than one person for a particular election.

(3) In this clause—

"**prescribed person**" means a person who has held office as a member of a council at any time between 5 May 1997 and the commencement of this subclause.

5. The *Local Government Act 1999* provides that a person is not eligible for election as a member of a council if the person—

- (a) is a member of an Australian Parliament; or
- (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
- (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
- (d) is an employee of the council; or
- (e) is disqualified from election by court order under the *Local Government Act 1999*; or
- (f) in the case of a supplementary election—is a member of another council; or
- (g) in the case of an election—is a candidate for election as a member of another council.

6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete Form 5 under the *City of Adelaide (Elections and Polls) Regulations 1998*.

**FORM 3
CITY OF ADELAIDE ACT 1998**

**CANDIDATE FOR ELECTION
NOMINATION FORM**

(For a person who is a nominee of a body corporate)

¹ Please read instructions below before filling in this form.

TO: THE RETURNING OFFICER

I, the undersigned, on behalf
(Print Full Name of Public Officer or Secretary)

of
(Name of Body Corporate) (Address of registered office)

hereby nominate the following officer² of the body corporate as a candidate for the office of³
..... for the City of Adelaide.

Name and Address of Nominee
(Print name and address of nominated candidate)

I acknowledge that the above mentioned body corporate is entitled to nominate one candidate in this election and I declare that I have been authorised by the body corporate to make this nomination.

Signature of Public Officer or Secretary

Note: If a body corporate nominates a person as a candidate for a particular election, that person is the only person entitled to vote at that election for the body corporate.

NOMINATIONS CLOSE AT 12.00 NOON ON ... / ... /

**YOU MAY NOT LODGE THIS FORM EARLIER THAN 21 DAYS BEFORE THE DAY ON WHICH
NOMINATIONS CLOSE**

DECLARATION OF CANDIDATE

I,
(Print Full Name of Candidate)

hereby declare that I am:

- 1. an Australian citizen *or* a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000
- 2. an officer of the body corporate
- 3. not ineligible to be a candidate for election by reason of any matter referred to in the *City of Adelaide Act 1998* or the *Local Government Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁴.
(Please note that the request may not be accepted and, in particular, the Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose)

.....
(Print - Name to appear on the ballot paper)

Signature of Candidate Date/...../.....

Witness Date/...../.....
(Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936*)

Note: Other persons authorised to take declarations under the *Oaths Act 1936* include a Commissioner for Taking Affidavits, a proclaimed manager of an office of a bank, building society or credit union and a proclaimed member of the police force.

Further information for the use of the Returning Officer/Deputy Returning Officer/Electoral Officer to be completed by the candidate:

Candidate's contact numbers:

(Business Phone) (Home Phone).....

(Mobile Phone) (Facsimile).....

(E-mail Address)

Do you consent to these numbers being released to the media or to other persons who request? YES/NO

Comment
.....
.....

Information to be completed by the Returning Officer/Deputy Returning Officer/Electoral Officer:	
Received on . . . / . . . /	atam/pm
Place of receipt	
Photograph received	YES/NO
Signature of receiving officer	

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. An officer of a body corporate is a director, manager, secretary or public officer of the body corporate and includes any other person who takes part in the management of the affairs of the body corporate.
3. Insert description of office for which nomination is being made (Lord Mayor or councillor).
4. It is not mandatory to provide a name under this item.

NOTES

1. This nomination must be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (which consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must be signed and dated by the candidate.
2. A photograph of the candidate may accompany the profile. If you choose to include a photograph—
 - (a) the photograph should be in black and white format and the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:

"This is a photograph of [*Insert name*] taken within the last 12 months"

.....

(Signature of candidate)
3. It is an offence to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect. Maximum penalty: \$5 000 or imprisonment for one year.

4. Clause 8 of schedule 1 of the *City of Adelaide Act 1998* provides as follows:

(1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if—

(a) the person is—

- (i) an Australian citizen; or
- (ii) a prescribed person; and

(b) —

- (i) the person is an elector for the area; or
- (ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or
- (iii) the person is the nominee of a group which has its name on the voters roll for the area; or
- (iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).

(2) Subclause (1)(b) operates subject to the following qualifications:

- (a) a nominee of a body corporate must be an officer of the body corporate; and
- (b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group; and
- (c) a body corporate or group cannot nominate more than one person for a particular election.

(3) In this clause—

"**prescribed person**" means a person who has held office as a member of a council at any time between 5 May 1997 and the commencement of this subclause.

5. The *Local Government Act 1999* provides that a person is not eligible for election as a member of a council if the person—

- (a) is a member of an Australian Parliament; or
- (b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or
- (c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or
- (d) is an employee of the council; or
- (e) is disqualified from election by court order under the *Local Government Act 1999*; or
- (f) in the case of a supplementary election—is a member of another council; or
- (g) in the case of an election—is a candidate for election as a member of another council.

6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete Form 5 of the *City of Adelaide (Elections and Polls) Regulations 1998*.

**FORM 4
CITY OF ADELAIDE ACT 1998**

CANDIDATE FOR ELECTION

NOMINATION FORM

(For a person who is a nominee of a group)

¹ Please read instructions below before filling in this form.

TO: THE RETURNING OFFICER

I, the undersigned, on behalf
(Print Full Name of Nominator)

of
(Name and Address of Group)

hereby nominate the following member of the group, or officer² of a body corporate that is a member of a group, as a candidate for the office of³ for the City of Adelaide.

Name of Nominee
(Print name of nominated candidate)

Address of Nominee

I acknowledge that the above mentioned group is entitled to nominate one candidate in this election and declare that I have been authorised by the group to make this nomination.

Signature of Nominator

NOTE: If a group nominates a person as a candidate for a particular election, that person is the only person entitled to vote at that election for the group.

NOMINATIONS CLOSE AT 12.00 NOON ON ... / ... / ...

**YOU MAY NOT LODGE THIS FORM EARLIER THAN 21 DAYS BEFORE THE DAY ON WHICH
NOMINATIONS CLOSE**

DECLARATION OF CANDIDATE

I
(Print Full Name of Candidate)

hereby declare that I am:

- 1. an Australian citizen *or* a person who has held office as a member of a council at any time between 5 May 1997 and 1 January 2000
- 2. a member of the group or an officer of the body corporate that is a member of the group
- 3. not ineligible to be a candidate for election by reason of any matter referred to in *City of Adelaide Act 1998* or the *Local Government Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁴.
(Please note that the request may not be accepted and, in particular, the Returning Officer may reject a name that is obscene, frivolous or has been assumed for an ulterior purpose)

.....
(Print - Name to appear on the ballot paper)

Signature of Candidate Date/...../.....

Witness Date/...../.....
(Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936*)

Note: Other persons authorised to take declarations under the *Oaths Act 1936* include a Commissioner for Taking Affidavits, a proclaimed manager of an office of a bank, building society or credit union and a proclaimed member of the police force.

Further information for the use of the Returning Officer/Deputy Returning Officer/Electoral Officer to be completed by the candidate:

Candidate's contact numbers:

(Business Phone) (Home Phone)

(Mobile Phone) (Facsimile)

(E-mail Address)

Do you consent to these numbers being released to the media or to other persons who request? YES/NO

Comment

.....

.....

Information to be completed by the Returning Officer/Deputy Returning Officer/Electoral Officer:

Received on...../...../..... at.....am/pm

Place of receipt.....

Photograph received YES/NO

Signature of receiving officer.....

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. An officer of a body corporate is a director, manager, secretary or public officer of the body corporate and includes any other person who takes part in the management of the affairs of the body corporate.
3. Insert description of office for which nomination is being made (Lord Mayor or councillor).
4. It is not mandatory to provide a name under this item.

NOTES

1. This nomination must be accompanied by a profile of the candidate that complies with the following requirements:
 - (a) the profile must be in typed or printed form;
 - (b) the profile must not exceed 150 words;
 - (c) the profile must be accurate and must not—
 - (i) be misleading; or
 - (ii) contain offensive or obscene material; or
 - (iii) refer to another person who has nominated as a candidate for election to the council without the written consent of that person (which consent must be lodged with the profile); or
 - (iv) comment on decisions or actions that have been made or taken by the council or on the decisions or actions of past or present members of the council;
 - (d) the profile must be signed and dated by the candidate.
2. A photograph of the candidate may accompany the profile. If you choose to include a photograph—
 - (a) the photograph should be in black and white format and the same size as an Australian passport photograph;
 - (b) the photograph must only (or predominantly) show the head and shoulders of the candidate;
 - (c) the photograph must have been taken within the last 12 months;
 - (d) the photograph must have on its back an endorsement signed by the candidate as follows:

"This is a photograph of [*Insert name*] taken within the last 12 months"

.....

(Signature of candidate)
3. It is an offence to make a statement in a declaration under the Act that is, to the person's knowledge, false or misleading in a material respect. Maximum penalty: \$5 000 or imprisonment for one year.

4. Clause 8 of schedule 1 of the *City of Adelaide Act 1998* provides as follows:

(1) Subject to this Act and the *Local Government Act 1999*, a person is eligible to be a candidate for election as a member of a council if—

(a) the person is—

(i) an Australian citizen; or

(ii) a prescribed person; and

(b) —

(i) the person is an elector for the area; or

(ii) the person is the nominee of a body corporate which has its name on the voters roll for the area; or

(iii) the person is the nominee of a group which has its name on the voters roll for the area; or

(iv) the person's name has been omitted in error from the voters roll for the area, or the person is the nominee of a body corporate or group which has had its name omitted in error from the voters roll for the area (and would be eligible for nomination under subparagraph (ii) or (iii) (as the case may be) were the name on the roll).

(2) Subclause (1)(b) operates subject to the following qualifications:

(a) a nominee of a body corporate must be an officer of the body corporate; and

(b) a nominee of a group must be a member of the group, or an officer of a body corporate that is a member of the group; and

(c) a body corporate or group cannot nominate more than one person for a particular election.

(3) In this clause—

"**prescribed person**" means a person who has held office as a member of a council at any time between 5 May 1997 and the commencement of this subclause.

5. The *Local Government Act 1999* provides that a person is not eligible for election as a member of a council if the person—

(a) is a member of an Australian Parliament; or

(b) is an undischarged bankrupt or is receiving the benefit of a law for the relief of insolvent debtors; or

(c) has been sentenced to imprisonment and is, or could on the happening of some contingency become, liable to serve the sentence or the remainder of the sentence; or

(d) is an employee of the council; or

(e) is disqualified from election by court order under the *Local Government Act 1999*; or

(f) in the case of a supplementary election—is a member of another council; or

(g) in the case of an election—is a candidate for election as a member of another council.

6. A person claiming an entitlement to be a candidate on the basis that a relevant name has been omitted in error from the voters roll must also complete Form 5 of the *City of Adelaide (Elections and Polls) Regulations 1998*.

**FORM 5
CITY OF ADELAIDE ACT 1998**

Nomination of Candidate—Additional Information—Clause 8(1)(d) of Schedule 1

(This form must be used if a person is nominating, or being nominated, as a candidate for election as a member of the Adelaide City Council and is a person whose name has been omitted in error from the voters roll, or who is a nominee of a body corporate or group which has had its name omitted in error from the voters roll.)

¹ Please read instructions below before filling in this form. Complete either A, B or C (as appropriate).

A. PERSON CLAIMING ENTITLEMENT AS AN ELECTOR IN HIS OR HER OWN RIGHT

I,²
(Surname) (Given Name/s)

of³
(Place of Residence)

hereby declare that I am of the opinion that I am an elector whose name has been omitted from the voters roll for the City of Adelaide as a result of an administrative error in the preparation of the roll. On or before the roll closing date—

(Tick the relevant box)

- I was enrolled as a House of Assembly elector in respect of the above residential address
- I lodged an application for enrolment in respect of the above residential address
- I was entered in the assessment book as the sole owner or sole occupier of rateable property at the following address
.....⁴

I also declare that I am of or above the age of 18 years.

.....
(Signature)

.....
(Date)

B BODY CORPORATE CLAIMING ENTITLEMENT TO ENROLMENT

I,⁵
(Surname) (Given Name/s)

of
(Contact address)

hereby declare that I am of the opinion that⁶
is a body corporate which has had its name omitted from the voters roll for the City of Adelaide as a result of an administrative error in the preparation of the roll.

On or before the roll closing date the body corporate was entered in the assessment book as the sole owner or sole occupier of rateable property at the following address⁷

.....
(Signature) (Date)

C GROUP CLAIMING ENTITLEMENT TO ENROLMENT

I,⁸
(Surname) (Given Name/s)

of
(Contact address)

hereby declare that I am of the opinion that the following group⁹:

.....
.....
.....

(If space insufficient, please attach a list)

is a group that has been omitted from the voters roll for the City of Adelaide as a result of an administrative error in the preparation of the roll.

On or before the roll closing date the members of the group were entered in the assessment book as ratepayers in respect of rateable property at the following address¹⁰

.....
(Signature) (Date)

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert full name of claimant.
3. Insert full residential address of the claimant here. If the place of residence of the claimant cannot be identified by reference to a street name (whether with or without a house number) the hundred and section number in which the place of residence is situated is to be inserted.
4. Insert full address or other location details of the property.
5. Insert full name of person making the declaration. **This must be an officer of the body corporate.**
6. Insert full name of body corporate, including its A.C.N. or other identifying registration number (if any).
7. Insert full address or other location details of the property.
8. Insert full name of person making the declaration. **This must be a member of the group or an officer of a body corporate which is a member of the group.**
9. Insert full names (underline surname) and addresses of the members of the group. If space is insufficient, please attach a list.
10. Insert full address or other location details of the property.

**FORM 6
CITY OF ADELAIDE ACT 1998**

Withdrawal of Nomination by Body Corporate or Group

¹ Please read the note and instructions below before filling in this form.

PURSUANT to clause 9(3) of schedule 1 of the *City of Adelaide Act 1998*, the nomination of²
.....
by³
.....
as a candidate for election as a member of the Adelaide City Council is **withdrawn**.

I declare—

(a) that the body corporate or group has resolved to withdraw the nomination and that I am authorised to provide this notice on behalf of the body corporate or group;

AND

(b) that the nominated candidate has been notified that his or her nomination has been withdrawn.

.....
(Signature)

.....
(Date)

NOTE

A This form must be completed by—

(a) in the case of a nomination made by a body corporate—an officer of the relevant body corporate; or

(b) in the case of a nomination made by a group—a member of the relevant group, or an officer of a body corporate that is a member of the relevant group.

B This form must be delivered to the returning officer for the Adelaide City Council before the close of nominations for the relevant election.

INSTRUCTIONS

1. This form is to be completed in block letters except for signatures.
2. Insert full name and address of person who has been nominated.
3. Insert full name of body corporate, or name of group (as appropriate).

FORM 7

IMPORTANT: This declaration form must be signed by you or your vote **WILL NOT BE VALID**

DO NOT tear off this flap. The envelope will not be opened until the declaration flap below has been removed by the Returning Officer and **ALL** of the envelopes have been rearranged to ensure vote confidentiality.

I hereby declare that—

A the ballot paper/s which I have placed in this envelope contain my vote and that I have not already voted in this election or poll in any other capacity,

AND

B I am of or above the age of 18 years,

AND

C I am the person named below

C (to be completed **only if** you are an appointed representative)

Date of Birth . . . / . . . /

OR I, (surname)

Signature

(given names)
am the person authorised by the body corporate or group named opposite to vote on its behalf, and I am an officer of the body corporate, a member of the group, or an officer of a body corporate which is a member of the group

Name and address

Date of Birth . . . / . . . /

.
.

Signature

FORM 8

IMPORTANT: This declaration form must be signed by you or your vote **WILL NOT BE VALID**

DO NOT tear off this flap. The envelope will not be opened until the declaration flap below has been removed by the Returning Officer and **ALL** of the envelopes have been rearranged to ensure vote confidentiality.

I hereby declare that—

A the ballot paper/s which I have placed in this envelope contain my vote and that I have not already voted in this election or poll in any other capacity,

AND

B I am of or above the age of 18 years,

AND

C I am a person whose name has been omitted in error from the voter’s roll. On or before closing date: **(tick appropriate box)**

I was enrolled as a House of Assembly elector in respect of the address below

I lodged an application for enrolment in respect of the residential address below

I was entered in the assessment record as the sole owner or sole occupier of rateable land within the area of the City of Adelaide

Surname

Given names

Residential Address

.....

Date of Birth . . . / . . . /

..... /
(Signature) Date

C (to be completed **only if** you are an appointed representative)

OR I am the person authorised by the body corporate or group named below to vote on its behalf, I am an officer of the body corporate, a member of the group, or an officer of a body corporate which is a member of the group and the name of the body corporate or group has been omitted in error from the voters roll.

Surname

Given Names

Date of birth . . . / . . . /

Name and address of body corporate or group for which vote is claimed

.....

.....

.....

..... / /

(Signature of Authorised Person) Date

**FORM 9
CITY OF ADELAIDE ACT 1998
CAMPAIGN DONATIONS RETURN**

¹. Please read instructions and notes below before filling in this form.

FULL NAME OF CANDIDATE OR MEMBER²:

PERIOD TO WHICH RETURN RELATES³:/...../..... to/...../.....

I declare that between the dates referred to above—

no gifts⁴ of a kind required to be disclosed⁵ were received by me

OR

gifts⁴ of a kind required to be disclosed⁵ were received by me.
The total value of those gifts is

The number of persons who made those gifts is

Specific details concerning such gift are provided below.

.....
(Signature)

.....
(Date)

SPECIFIC DETAILS OF GIFTS

AMOUNT OR VALUE OF EACH GIFT ⁶	NAME AND ADDRESS OF EACH DONOR ⁷	DATE ON WHICH GIFT MADE

(If space is insufficient, please attach a list.)

INSTRUCTIONS/NOTES

1. This form is to be completed in block letters except for signatures.
2. Any person who is a candidate for election to an office of the Adelaide City Council (whether or not successfully elected) must complete this form and furnish it to the chief executive officer of the council within six weeks after the conclusion of the election.
3. The period to which the return must relate is called the **disclosure period**. For the purposes of this return—
 - (a) subject to paragraph (b), the disclosure period is the period that commenced—
 - (i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—12 months before polling day for the election;
 - (ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the council by virtue of having been appointed under the *Local Government Act 1934*—on the day on which the person was so appointed as a member of the Council;
 - (iii) in relation to a candidate in an election who was not a new candidate—at the end of 30 days after polling day for the last preceding election in which the person was a candidate,

and that ended, in any of the above cases, at the end of 30 days after polling day for the election; and
 - (b) for the purposes of the general election held on 14 December 1998, the disclosure period for a candidate in the election is the period that commences on 10 September 1998 and that ends at the end of 30 days after polling day for the election; and
 - (c) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of the council and had not been elected at a supplementary election held after the last general election of the council.
4. A **gift** is a disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration.
5. A return need not set out any details in respect of—
 - (a) a private gift made to the candidate; or
 - (b) a gift if the amount or value of the gift is less than \$500.

A gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
6. Two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift.
7. The following information must be included:
 - (a) in the case of each gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—
 - (i) the name of the association; and
 - (ii) the names and addresses of the members of the executive committee (however described) of the association; and
 - (b) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation—
 - (i) the names and addresses of the trustees of the fund or of the funds of the foundation; and

- (ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and
- (c) in the case of each other gift—the name and address of the person who made the gift.

A **registered industrial organisation** is an organisation registered under the *Industrial and Employee Relations Act 1994* or under a law of the Commonwealth or another State or a Territory concerning the registration of industrial organisations.

NOTE

If a person who is required to furnish a return considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may—

- (a) prepare the return to the extent that it is possible to do so without those particulars; and
- (b) furnish the return so prepared; and
- (c) give to the chief executive officer notice in writing—
 - (i) identifying the return; and
 - (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
 - (iii) identifying those particulars; and
 - (iv) setting out the reasons why he or she is unable to obtain those particulars; and
 - (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief and the reasons for it and the name and address of that other person.

**FORM 10
CITY OF ADELAIDE ACT 1998
CAMPAIGN EXPENDITURE RETURN**

¹ Please read instructions and notes below before filling in this form.

FULL NAME OF CANDIDATE OR MEMBER²:

DATE OF RELEVANT ELECTION:...../...../.....

I declare that the total amount of campaign expenditure³ incurred by me or with my authority—

did not exceed \$500 (Write NIL in the chart below)

OR

exceeds \$500 and details concerning this expenditure are provided below.

.....
(Signature)

.....
(Date)

Item or type of expenditure ⁴	Supplier or provider of service ⁴	Amount

(If space is insufficient, please attach a list.)

INSTRUCTIONS/NOTES

1. This form is to be completed in block letters except for signatures.
2. Any person who is a candidate for election to an office of the Adelaide City Council (whether or not successfully elected) must complete this form and furnish it to the chief executive officer of the council within six weeks after the conclusion of the election.
3. For the purposes of the *City of Adelaide Act 1998* (and this form), campaign expenditure, in relation to an election, is expenditure incurred on—
 - (a) the broadcasting of an electoral advertisement relating to the election; or
 - (b) the publishing in a journal of an electoral advertisement relating to the election; or
 - (c) the display at a theatre or other place of entertainment, of an electoral advertisement relating to the election; or
 - (d) the production of an electoral advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph (a), (b), or (c); or

- (e) the production of any material (not being material referred to in paragraph (a), (b) or (c)) that is required under section 133 of the *Local Government Act 1934* to include the name and address of the author of the material or of the person who is the printer of the material (in the case of printed electoral material); or
- (f) consultants' or advertising agents' fees in respect of—
 - (i) services relating to the election; or
 - (ii) material relating to the election; or
- (g) the carrying out of an opinion poll, or other research, relating to the election; or
- (h) the production and distribution of electoral material that is addressed to particular persons or organisations.

An **electoral advertisement** is an advertisement containing electoral material.

Electoral material is an advertisement, notice, statement or representation calculated to affect the result of an election.

4. You must set out specific information about each individual item of expenditure.

NOTE

If a person who is required to furnish a return considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may—

- (a) prepare the return to the extent that it is possible to do so without those particulars; and
- (b) furnish the return so prepared; and
- (c) give to the chief executive officer notice in writing—
 - (i) identifying the return; and
 - (ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and
 - (iii) identifying those particulars; and
 - (iv) setting out the reasons why he or she is unable to obtain those particulars; and
 - (v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief and the reasons for it and the name and address of that other person.

APPENDIX

LEGISLATIVE HISTORY

Regulation 4:	substituted by 256, 1999, reg. 3
Regulation 5(3):	substituted by 256, 1999, reg. 4
Regulation 5(3a) - (3f):	inserted by 256, 1999, reg. 4
Regulation 7(2):	varied by 256, 1999, reg. 5(a)
Regulation 7(3):	varied by 256, 1999, reg. 5(b)
Schedule	
Forms 2 - 4:	substituted by 256, 1999, reg. 6(a)
Form 5	
Instruction 8:	varied by 256, 1999, reg. 6(b)
Forms 7 and 8:	substituted by 256, 1999, reg. 6(c)