

South Australia

Electoral Variation Regulations 2011

under the *Electoral Act 1985*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Electoral Regulations 2009*

- 4 Insertion of regulations 5A to 5C
 - 5A Registration of political parties—nomination of party entitled to rely on person (section 36)
 - 5B Registration of political parties—annual returns and other inquiries (section 43A)
 - 5C Prescribed persons (section 46B)
 - 5 Variation of Schedule 1—Forms
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electoral Variation Regulations 2011*.

2—Commencement

These regulations will come into operation on the day on which section 9 of the *Electoral (Miscellaneous) Amendment Act 2009* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Electoral Regulations 2009*

4—Insertion of regulations 5A to 5C

After regulation 5 insert:

5A—Registration of political parties—nomination of party entitled to rely on person (section 36)

- (1) For the purposes of section 36(4)(a) of the Act, the Electoral Commissioner must give a person relied on by 2 or more political parties an opportunity to nominate the party entitled to rely on the person by giving the person a notice advising the person that—
 - (a) the person is being relied on by 2 or more parties for the purposes of Part 6 of the Act; and
 - (b) the Act prevents the person from being so relied on; and
 - (c) the person may nominate the party entitled to rely on the person for the purposes of Part 6 of the Act; and
 - (d) the nomination must be in writing and sent to the Electoral Commissioner; and
 - (e) if no such nomination is received by the Electoral Commissioner within 28 days of the date of the notice, the person is not entitled to be relied on by any of the parties.
- (2) For the purposes of section 36(4)(b) of the Act, the Electoral Commissioner must give a party an opportunity to change a person or persons on whom it relies by giving the registered officer of the party a notice advising the registered officer that—
 - (a) the registration of the party is liable to be cancelled because of the provisions of section 36; and
 - (b) the party may change the person or persons on whom it relies—
 - (i) in the case of a party that is not a parliamentary party—by providing to the Electoral Commissioner—
 - (A) the name and address of the person, or names and addresses of the persons, on whom the party proposes to rely in place of the person or persons on whom the party may no longer rely as a result of the operation of section 36; and

- (B) a declaration or declarations of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the person or persons referred to in subsubparagraph (A) (on whom the party proposes to rely); or
- (ii) in the case of a parliamentary party—by providing to the Electoral Commissioner—
 - (A) the name and address of the member on whom the party proposes to rely in place of the person on whom the party may no longer rely as a result of the operation of section 36; and
 - (B) a declaration of membership of the party (in the form determined by the Electoral Commissioner) completed and signed by the member referred to in subsubparagraph (A); and
- (c) details to be provided under paragraph (b) must be in writing and sent to the Electoral Commissioner; and
- (d) details to be provided under paragraph (b) must be received by the Electoral Commissioner within 28 days of the date of the notice.

5B—Registration of political parties—annual returns and other inquiries (section 43A)

- (1) For the purposes of section 43A(1) of the Act, the prescribed form for an annual return is set out in Form A1 in Schedule 1.
- (2) For the purposes of section 43A(2) of the Act, the following documents are required:
 - (a) in the case of a party that is not a parliamentary party—
 - (i) a document that sets out the names and addresses (as enrolled) of 200 electors who are members of the party and on whom the party relies for the purpose of qualifying as an eligible political party; and
 - (ii) declarations of membership of the party (in the form determined by the Electoral Commissioner) completed and signed within the period to which the annual return relates by the members on whom the party relies for the purpose of qualifying as an eligible political party;
 - (b) in the case of a parliamentary party—

- (i) a document that sets out the name and address of the member on whom the party relies for the purpose of qualifying as an eligible political party; and
- (ii) a declaration of membership of the party (in the form determined by the Electoral Commissioner) completed and signed within the period to which the annual return relates by the member on whom the party relies for the purpose of qualifying as an eligible political party.

5C—Prescribed persons (section 46B)

For the purposes of section 46B of the Act, the following are prescribed persons:

- (a) the Crown Solicitor for the State of South Australia;
- (b) a police officer;
- (c) an employee of the administrative unit that is, under the Minister, responsible for the administration of the *Criminal Law Consolidation Act 1935* engaged in the investigation of an offence against the *Electoral Act 1985*.

5—Variation of Schedule 1—Forms

Schedule 1—before Form 1 insert:

Form A1—Form of annual return

Name of party:

Registered officer—

- (a) Name:
- (b) Address:
- (c) Contact Details:

For the purposes of demonstrating the party's continued eligibility for registration under Part 6 of the *Electoral Act 1985*, I attach the documents required under regulation 5B(2) of the *Electoral Regulations 2009*.

Signature:

Date:

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 29 September 2011

No 220 of 2011

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