

South Australia

Local Government (Elections) Regulations 1999

under the *Local Government (Elections) Act 1999*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Revocation
- 4 Interpretation

Part 2—Elections and polls

- 5 Declaration of eligibility
- 6 Application for enrolment
- 7 Nominations
- 8 Notices
- 9 Ballot papers for elections
- 10 Ballot papers for polls
- 11 Notice of use of postal voting
- 12 Postal voting papers
- 13 Campaign donations returns

Part 3—Voting at polling places

Division 1—Preliminary

- 14 Application of Part
- 15 Interpretation

Division 2—Polling places

- 16 Polling places and booths
- 17 Voting procedure at polling booths
- 18 Voter may be assisted in certain circumstances
- 19 Use of ballot boxes
- 20 How-to-vote-cards
- 21 Offences

Division 3—Advance voting

- 22 Issue of advance voting papers
- 23 Procedures to be followed for voting
- 24 Voter may be assisted in certain circumstances
- 25 Person to whom advance voting papers have been issued not to vote at polling place except on certain conditions

Division 4—Related matters

- 26 Signature on voting material

- 27 Issue of fresh voting papers
- 28 Adjournment of election or poll
- 29 Voting papers under section 31 of the Act
- 30 Scrutineers
- 31 Counting of votes

Schedule—Prescribed forms

Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (Elections) Regulations 1999*.

2—Commencement

These regulations will come into operation on the day on which section 3 of the *Local Government (Elections) Act 1999* comes into operation.

3—Revocation

The *Local Government (How-to-Vote Cards) Regulations 1987* (see *Gazette 24.12.1986 p1956*), as varied, are revoked.

4—Interpretation

- (1) In these regulations—
Act means the *Local Government (Elections) Act 1999*.
- (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.

Part 2—Elections and polls

5—Declaration of eligibility

For the purposes of section 8(2)(b) of the Act, the declaration set out as Form 1 is prescribed.

6—Application for enrolment

For the purposes of section 14(1)(a)(ii) of the Act, the application set out in Form 2 is prescribed.

7—Nominations

- (1) For the purposes of section 19(1) of the Act—
 - (a) a candidate for election pursuant to section 17(1)(b)(i) of the Act 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 3;

-
- (b) a candidate for election pursuant to section 17(1)(b)(ii) 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;
- (c) a candidate for election pursuant to section 17(1)(b)(iii) 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 5;
- (d) a candidate for election pursuant to section 17(1)(b)(iv) 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 3, 4 or 5 (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 6.
- (2) For the purposes of section 19(2)(a) of the Act, the declarations contained in Forms 3, 4 and 5 (as the case requires) are prescribed.
- (3) For the purposes of section 19(2)(b) of the Act, the following requirements are prescribed with respect to a profile:
- (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 section 39 of the Act).
- (4) 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).

- (5) 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.
- (6) A written consent required under subregulation (3)(c)(iii) must be lodged with the profile.
- (7) Nothing in subregulation (3)(c) prevents a profile including declarations of public policy or promises of public action.
- (8) For the purposes of section 19(3) of the Act, the following requirements are prescribed with respect to a photograph provided with a profile:
 - (a) unless otherwise approved by the returning officer, the photograph must be the same size as an Australian passport photograph; and
 - (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.
- (9) For the purposes of section 22(1) of the Act, the notice set out as Form 7 is prescribed.
- (10) For the purposes of section 22(2) of the Act, the notice set out as Form 8 is prescribed.

8—Notices

For the purposes of section 26(2) of the Act, the form set out as Form 9 is prescribed.

9—Ballot papers for elections

Pursuant to section 29(5) of the Act, a ballot paper for an election must be in a form that complies with the requirements set out in Form 10.

10—Ballot papers for polls

- (1) Pursuant to section 33(3) of the Act, a ballot paper for a poll must contain—
 - (a) a statement of the proposition being submitted to electors at the poll; and
 - (b) two squares—
 - (i) one clearly indicated as the square to be marked by a person who is in favour of the proposition being submitted to electors at the poll; and
 - (ii) one clearly indicated as the square to be marked by a person who is against the proposition being submitted to electors at the poll.
- (2) The statement under subregulation (1)(a) will be determined by the relevant council after consultation with the returning officer.

11—Notice of use of postal voting

- (1) For the purposes of section 38 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.
- (2) A notice under section 38 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.

Note—

- 1 This date must be consistent with section 39(1) of the Act.

12—Postal voting papers

- (1) For the purposes of section 39(1) and (5) of the Act, the declarations set out in Forms 11 and 12 are prescribed (to be used as appropriate).
- (2) Pursuant to subsection (3) of section 39 of the Act, envelopes used under subsection (1) of that section 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.
- (3) For the purposes of section 39(6) of the Act, an explanatory notice will be prepared by the returning officer and must outline the steps which a voter must follow in order to comply with the requirements of section 40 of the Act.

13—Campaign donations returns

For the purposes of section 80(2) of the Act, a campaign donations return must be in the form set out as Form 13.

Part 3—Voting at polling places

Division 1—Preliminary

14—Application of Part

This Part applies with respect to an election or poll within the ambit of a determination under clause 2(1) of the Schedule of the Act.

15—Interpretation

In this Part—

declaration vote means a vote that must be accompanied by a declaration under this Part;

polling booth means a building, structure, vehicle or enclosure, or part of a building, structure, vehicle or enclosure, for taking votes at an election or poll;

polling place means a place appointed as a polling place under this Part;

presiding officer, in relation to an election or poll, means an electoral officer assigned by the returning officer to be the presiding officer at a polling place and, if the returning officer or a deputy returning officer presides at a polling place, includes the returning officer or deputy returning officer while so presiding.

Division 2—Polling places

16—Polling places and booths

- (1) The returning officer must appoint such polling places as may be considered necessary by the returning officer for the purposes of an election or poll under this Part.
- (2) The returning officer may determine that voting at a polling place—
 - (a) will be conducted in a polling booth established for that place; or
 - (b) will be conducted in a mobile polling booth.
- (3) The returning officer will determine the time (being a time not earlier than 8 a.m.) at which a polling booth will open for voting on polling day.
- (4) Unless all elections for the area are uncontested, the returning officer must ensure that at least one polling booth is continually open in the relevant area between 8 a.m. and 6 p.m. on polling day.
- (5) The returning officer must ensure that each polling booth—
 - (a) is properly divided so that voters may mark their votes without the vote being observed; and
 - (b) is properly equipped with ballot boxes and other necessary equipment; and
 - (c) is properly staffed during the time at which voting may occur.
- (6) The returning officer must assign a suitable electoral officer to preside at a polling place while the polling booth is open for voting.
- (7) The returning officer must, at least seven days before the day on which voting at a polling place may occur, give public notice of the location of the polling place and the times at which voting may occur.
- (8) In cases of emergency, the returning officer may, without giving public notice, appoint a polling place for the purposes of an election or poll in substitution for, or in addition to, a place previously appointed by the returning officer.

-
- (9) In addition to subregulation (8), the times and places for voting at a mobile polling booth may be altered on any reasonable ground—
- (a) by the returning officer publishing in a newspaper circulating in the area of the council no later than the day before polling day another notice advising electors of the alteration of voting times at that place, or of the alteration of the place for voting;
 - (b) if there is no such newspaper or circumstances render compliance with paragraph (a) impracticable—by the returning officer or the presiding officer taking such steps as are reasonably practicable to notify electors in the particular locality of the alteration.
- (10) Where the times and places for voting at a mobile polling booth in an election are altered under subregulation (9), the returning officer or presiding officer must take reasonable steps to inform candidates at that election of the alteration.

17—Voting procedure at polling booths

- (1) Subject to this Part, when a person who is present at a polling booth open for voting claims that he or she is entitled to vote at the election or poll, an electoral officer will ask the person—
- (a) to state—
 - (i) his or her full name; and
 - (ii) unless the person's address is suppressed from the roll—the address of his or her place of residence; and
 - (iii) where applicable—the address of the rateable property within the area of the council in respect of which the entitlement arises; and
 - (b) whether he or she has already voted at the election or poll,
- and may then ask the person such further questions as the electoral officer considers necessary to establish whether the person is entitled to vote.
- (2) If the person—
- (a) refuses to answer fully any question asked under subregulation (1); or
 - (b) so answers any such question as to indicate that he or she is not entitled to vote,
- the person's claim to vote will be rejected.
- (3) A person is not precluded by subregulation (1) from voting at an election or poll in different capacities at different times.
- (4) If a person's claim to vote is accepted, the electoral officer will make an appropriate record¹ with respect to the matter and issue an appropriate voting paper or voting papers to the person.
- (5) Voting papers issued to a person under this regulation will consist of—
- (a) if the person is voting in his or her own right and his or her name and address are on the voters roll—a ballot paper (or, in an appropriate case, ballot papers) in a form that complies with the requirements set out in Form 10 or 14 (as the case requires);

- (b) if the person is voting on behalf of a body corporate or group which has its name on the voters roll—
 - (i) a ballot paper (or, in an appropriate case, ballot papers) in a form that complies with the requirements set out in Form 10 or 14 (as the case requires); and
 - (ii) an opaque envelope bearing a declaration set out in Form 11 to be completed by the voter;
- (c) if the person is claiming an entitlement to vote on the basis that his or her name, or the name of a body corporate or group on whose behalf the person is voting, has been omitted in error from the voters roll—
 - (i) a ballot paper (or, in an appropriate case, ballot papers) in a form that complies with the requirements set out in Form 10 or 14 (as the case requires); and
 - (ii) an opaque envelope bearing a declaration set out in Form 12 to be completed by the voter.
- (6) A declaration under subregulation (5) must appear on a tear-off extension to the envelope flap.
- (7) If a person is issued a ballot paper only, the person must immediately retire to a voting compartment, mark the ballot paper with his or her vote, fold it so as to conceal the vote, and deposit it in a ballot box provided for the purpose of the election or poll.
- (8) If a person is issued a ballot paper and an envelope bearing a declaration—
 - (a) the person must immediately retire to a voting compartment;
 - (b) the person must then mark the ballot paper with his or her vote;
 - (c) the person must then fold the ballot paper so as to conceal the vote and place the folded ballot paper in the envelope and seal the envelope;
 - (d) the person must then ensure that any relevant declaration is signed;
 - (e) the person must then immediately deposit the sealed envelope in a ballot box provided for the purposes of the election or poll.
- (9) An electoral officer is not obliged to check the accuracy of any information provided in a declaration under this regulation (but may do so on a selective, random or other basis determined by the returning officer).
- (10) A vote may be admitted to the count notwithstanding that there has been a formal defect or error of the part of a voter in complying with the requirements of this regulation (unless the returning officer is of the opinion that the defect or error is sufficiently significant to warrant the rejection of the vote).

Note—

- 1 If the person is voting in his or her own right and his or her name and address are on the voters roll, the electoral officer will make this record by ruling a line through the person's name on the roll.

18—Voter may be assisted in certain circumstances

- (1) If a person who desires to vote at a polling place is illiterate or physically unable to carry out a procedure under this Division, a person of the voter's choice (being a person of or above the age of majority) may render such assistance as may be necessary in the circumstances and may, if necessary, vote on behalf of the voter in accordance with his or her directions and complete any declaration on behalf of the voter¹.
- (2) If the electoral officer presiding at a polling place is satisfied that a voter is unable to enter the polling booth to vote, the electoral officer may allow the voter to vote at or near the polling place outside the polling booth.
- (3) An electoral officer must, before issuing voting papers for the purposes of subregulation (2), inform any scrutineers present of the proposed course of action and invite them to be present at the place where voting is to occur.
- (4) The electoral officer must ensure that any voting papers used for the purposes of voting under subregulation (2) are placed in a ballot box immediately after voting has been completed by the relevant voter.

Note—

- 1 This subregulation operates subject to section 61.

19—Use of ballot boxes

- (1) Subject to subregulation (2), a ballot box to be used in an election or poll must be kept securely closed and sealed so as to prevent the introduction or removal of any paper or object except—
 - (a) when the ballot box is immediately required for the purposes of receiving voting papers; or
 - (b) when the voting papers are required for the purposes of scrutiny.
- (2) An electoral officer must, before voting papers are first deposited in a ballot box for the purposes of an election or poll, publicly open the ballot box and exhibit it empty.

20—How-to-vote-cards

- (1) A candidate may submit how-to-vote cards to the returning officer for display in voting compartments at polling booths.
- (2) How-to-vote cards submitted under this regulation—
 - (a) must be in a form that complies with the requirements of Form 15; and
 - (b) must be submitted in a size and quantity determined by the returning officer; and
 - (c) must be received by the returning officer at least 14 days before polling day.
- (3) The returning officer will have the how-to-vote cards made into posters for display in voting compartments at any polling booth where voting for the election to which the cards relate may occur and must ensure that the posters are displayed during the hours for voting at that polling booth.

21—Offences

- (1) A reference in this regulation to a polling booth extends to other places where voting papers are issued or received.
- (2) While voting is in progress at a polling booth, a person must not, within six metres of the entrance of the polling booth, or such lesser distance as may be fixed in a particular case by an electoral officer, solicit the vote of any person or distribute or display electoral material.

Maximum penalty: \$750.

- (3) While voting is in progress at a polling booth—
 - (a) a person other than an electoral officer must not have possession of a voters roll at the polling booth or make a record of persons voting at the polling booth; and
 - (b) an electoral officer must not disclose to another person not being an electoral officer any information as to the persons who have or have not voted at the polling booth.

Maximum penalty: \$2 500.

- (4) No person may be present at a polling booth while the booth is open for voting unless the person is—
 - (a) an electoral officer who is required to be there; or
 - (b) a scrutineer appointed under the Act; or
 - (c) a person engaged in voting or about to vote; or
 - (d) a person chosen by another person to assist that other person in voting; or
 - (e) a person permitted by the presiding officer to be present at the polling booth.

Maximum penalty: \$2 500.

- (5) A person who is present at a polling booth in contravention of subregulation (4) may be removed by a member of the police force, or by a person authorised by an electoral officer to remove him or her.
- (6) If a person misconducts himself or herself in a polling booth, or fails to obey the lawful directions of an electoral officer—
 - (a) the person may be removed from the polling booth by a member of the police force, or by another person authorised by the electoral officer; and
 - (b) the person is guilty of an offence.

Maximum penalty: \$1 250.

- (7) A person who has been removed from a polling booth under subregulation (6) and who re-enters the polling booth without the permission of the electoral officer presiding at the polling booth is guilty of a further offence.

Maximum penalty: \$2 500.

Division 3—Advance voting

22—Issue of advance voting papers

- (1) If a person desires to vote at an election or poll under this Part otherwise than by attending at a polling place during voting hours, the person may apply to the returning officer for advance voting papers under this regulation.
- (2) Advance voting papers will consist of—
 - (a) a ballot paper that complies with the requirements set out in Form 10 or 14 (as the case requires); and
 - (b) an opaque envelope bearing a declaration set out in Form 11 or 12 (as the case requires) to be completed by the voter.
- (3) A declaration under subregulation (2) must appear on a tear-off extension to the envelope flap.
- (4) The returning officer must keep a record of the persons to whom advance voting papers are issued.
- (5) Advance voting papers must be available for use at least 21 days before polling day.

23—Procedures to be followed for voting

If a person to whom advance voting papers have been issued desires to vote by use of those papers, the following procedures must be followed:

- (a) the voter must mark the ballot paper with his or her vote;
- (b) the voter must then fold the ballot paper so as to conceal the vote and place the folded ballot paper in the envelope and seal the envelope;
- (c) the voter must then ensure that any relevant declaration is signed;
- (d) the voter must then ensure that the sealed envelope is delivered to an electoral officer (personally or by post) not later than—
 - (i) in the case of a periodic election—12 noon on the first business day after the second Saturday of May in the relevant year;
 - (ii) in any other case—the close of voting on polling day.

24—Voter may be assisted in certain circumstances

If a person who desires to vote by advance voting papers is illiterate or physically unable to carry out a procedure under this Division, a person of the voter's choice (being a person of or above the age of majority) may render such assistance as may be necessary in the circumstances and may, if necessary, vote on behalf of the voter in accordance with his or her directions and complete any declaration on behalf of the voter¹.

Note—

- 1 This regulation operates subject to section 61 of the Act.

25—Person to whom advance voting papers have been issued not to vote at polling place except on certain conditions

A person to whom advance voting papers have been issued is not entitled to vote at a polling place unless that person has delivered to the presiding officer the advance voting papers for cancellation.

Division 4—Related matters

26—Signature on voting material

If a person who is unable to sign his or her name in writing makes his or her mark on any voting material under this Part, the mark will be taken to be the person's personal signature if it is identifiable as such.

27—Issue of fresh voting papers

- (1) If an electoral officer is satisfied that voting papers issued to a person under this Part have been inadvertently spoiled, the electoral officer may issue fresh voting papers to the person.
- (2) The electoral officer must make a record of the issue of voting papers under this regulation.
- (3) The issue of fresh voting papers under this regulation automatically cancels the original voting papers.

28—Adjournment of election or poll

- (1) If for any reason it becomes impracticable to proceed with the conduct of an election or poll under this Part on the appointed day, the returning officer may adjourn the election or poll for a period not exceeding 21 days.
- (2) Any votes cast prior to the adjournment will be disregarded and the taking of votes recommenced.

29—Voting papers under section 31 of the Act

In the case of an election or poll under this Part, the voting papers issued under section 31 of the Act will be advance voting papers.

30—Scrutineers

If a candidate has appointed more than one scrutineer, not more than one of them may be present in any one polling booth at the same time during the time that it is open for voting.

31—Counting of votes

- (1) Each presiding officer will, immediately after the polling booth at which he or she has been presiding closes for voting at an election or poll (or, in the case of a mobile polling booth, immediately after the polling booth finally closes for voting at an election or poll), in the presence of any other electoral officers and any scrutineers who may be present—
 - (a) mark and certify a return to the returning officer showing—
 - (i) the number of ballot papers entrusted to the presiding officer;

-
- (ii) the number of declaration votes made at the polling booth;
 - (iii) the number of ballot papers issued but returned unused;
 - (iv) the number of ballot papers issued but returned spoiled;
 - (v) the number of ballot papers not issued; and
 - (b) if the returning officer has determined that the presiding officer should have the powers conferred by this paragraph—
 - (i) open the ballot boxes and remove the contents;
 - (ii) separate any declaration votes (without opening the envelopes) from the ballot papers not contained in envelopes;
 - (iii) with respect to the non-declaration votes—
 - (A) arrange all ballot papers that appear to the presiding officer to be informal in a separate parcel;
 - (B) arrange the remaining ballot papers in an election under the names of the respective candidates, including in each parcel all ballot papers on which a first preference for the relevant candidate is indicated, or arrange the remaining ballot papers in a poll into two parcels;
 - (C) count the number of ballot papers in each parcel;
 - (D) make out a return of the number of ballot papers in each parcel;
 - (iv) return the declaration votes and the parcels of ballot papers to the ballot boxes and seal the boxes,

(but no decision taken by a presiding officer under this paragraph as to the validity of a ballot paper or in relation to the counting of ballot papers is binding on the returning officer); and
 - (c) transmit to the returning officer—
 - (i) all ballot boxes used at the polling booth;
 - (ii) all ballot papers that were not used;
 - (iii) the return referred to in paragraph (a) and, if the presiding officer exercised the powers conferred by paragraph (b), the return referred to in that paragraph.
 - (2) The returning officer will, with the assistance of any other electoral officers who may be present, and in the presence of any scrutineers who may be present—
 - (a) open all ballot boxes used in the election or poll, remove the contents and exhibit the ballot boxes empty; and
 - (b) separate the envelopes used for declaration votes from the ballot papers not contained in such envelopes; and
 - (c) proceed to the scrutiny of the declaration votes in accordance with section 47(2) of the Act; and
 - (d) at an appropriate time—

- (i) examine all the ballot papers not contained in envelopes and reject any informal ballot papers; and
- (ii) ensure that the unrejected ballot papers are in appropriate parcels for counting.

Schedule—Prescribed forms

Form 1

Local Government (Elections) Act 1999

Declaration of eligibility with respect to an appointment under section 8(1) of the *Local Government (Elections) Act 1999*

¹ Please read instructions below before filling in this form.

I,
(Given name/s) (Surname)

of
(Address²)

declare that if an election were being held for the office of ³
for the ⁴ area/ ward of the ⁵

I would be eligible to be a candidate for election under the provisions of the *Local Government (Elections) Act 1999*⁶

⁷

This declaration was made before me this ⁸ day of ⁹

.....
(Justice of the Peace or other person authorised
to take declarations under the *Oaths Act 1936*¹⁰)

Instructions

- 1 This form is to be completed in block letters except for signatures.
- 2 Insert full residential address of person making the declaration.
- 3 Insert description of office.
- 4 Strike out area or ward as the case may be.
- 5 Insert full name of council.
- 6 Section 17 of the *Local Government (Elections) Act 1999* (see over) is relevant to determining eligibility.
- 7 Insert normal signature of declarant.
- 8 Insert day of month on which declaration is made.
- 9 Insert month and year in which declaration is made.
- 10 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.

Notes—

- 1 It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in a declaration under the Act that is, to the declarant's knowledge, false or misleading in a material respect.
Maximum penalty: \$5 000 or imprisonment for one year.

- 2 Section 17 of the *Local Government (Elections) Act 1999* 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) Subsection (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) A person is not eligible to be a candidate 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*.
 - (4) A person is not eligible to be a candidate for election as a member of a council if the person—
 - (a) in the case of a supplementary election—is a member of another council; or
 - (b) in the case of any election—is a candidate for election as a member of another council.
 - (5) In this section—

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 section.
- 3 For the purposes of the *Local Government (Elections) Act 1999*, 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.

Form 2

Local Government (Elections) Act 1999

Application for inclusion on the voters roll under section 14(1)(a)(ii) of the *Local Government (Elections) Act 1999*

¹ Please read instructions below before filling in this form.

To: Chief Executive Officer of
(Insert name of council)

I, ²
(Given name/s) (Surname)

.....
(Place of residence³)

Date of birth day month year

apply for enrolment on the voters roll for.....

..... ward/area

and declare that all statements made in this application are true to the best of my knowledge and behalf.

⁴ Date / /
(Signature)

⁵
(Signature) (Address of witness)

Date / /

Instructions

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

Note—

It is an offence under section 64(1) of the *Local Government (Elections) Act 1999* to make a statement in an application under the Act that is, to the applicant's knowledge, false or misleading in a material respect.

Maximum penalty: \$5 000 or imprisonment for one year.

Form 3

Local Government (Elections) Act 1999

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

Nomination for election to ²

I, ³

(Given name/s)

(Surname)

of ⁴

(Address)

hereby nominate as a candidate for the office of ⁵

for the..... area/ward ⁶.

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 section 17(3) or (4) of the *Local Government (Elections) Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁷.

(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 Insert name of council.
- 3 Insert full name of candidate.
- 4 Insert full address of candidate.
- 5 Insert description of office for which nomination is being made (mayor or councillor).
- 6 Provide relevant details
- 7 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 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 under section 64(1) of the *Local Government (Elections) Act 1999* 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 Section 17 of the *Local Government (Elections) Act 1999* 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) Subsection (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) A person is not eligible to be a candidate 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*.
 - (4) A person is not eligible to be a candidate for election as a member of a council if the person—
 - (a) in the case of a supplementary election—is a member of another council; or
 - (b) in the case of any election—is a candidate for election as a member of another council.
 - (5) In this section—

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 section.
- 5 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 6 of the *Local Government (Elections) Regulations 1999*.

Form 4

Local Government (Elections) Act 1999

Candidate for election

Nomination form

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

¹Please read instructions below before filling in this form.

To: The returning officer

Nomination for election to²

I, the undersigned, on behalf of
(*Print full name of public officer or secretary*)

of
(*Name of body corporate*) (Address of registered office)

hereby nominate the following officer³ of the body corporate as a candidate for the office
of⁴

..... for the area/ward⁵
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 section 17(3) or (4) of the *Local Government (Elections) Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁶.

(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 Insert name of council.
- 3 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.
- 4 Insert description of office for which nomination is being made (mayor or councillor).
- 5 Provide relevant details.
- 6 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 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 under section 64(1) of the *Local Government (Elections) Act 1999* 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 Section 17 of the *Local Government (Elections) Act 1999* 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) Subsection (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) A person is not eligible to be a candidate 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*.
- (4) A person is not eligible to be a candidate for election as a member of a council if the person—
- (a) in the case of a supplementary election—is a member of another council; or
 - (b) in the case of any election—is a candidate for election as a member of another council.
- (5) In this section—
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 section.
- 5 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 6 of the *Local Government (Elections) Regulations 1999*.

Form 5

Local Government (Elections) Act 1999

Candidate for election

Nomination form

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

¹Please read instructions below before filling in this form.

To: The returning officer

Nomination for election to²

I, the undersigned, on behalf of
(*Print full name of nominator*)

of
(*Name and address of group*)

hereby nominate the following member of the group, or officer³ of a body corporate that is a member of a group, as a candidate for the office of⁴ for the area/ward⁵.

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 section 17(3) or (4) of the *Local Government (Elections) Act 1999*.

I request the name by which I am generally known to appear on the ballot paper as shown below⁶.

(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 Insert name of council.
- 3 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.
- 4 Insert description of office for which nomination is being made (mayor or councillor).
- 5 Provide relevant details.
- 6 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 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 under section 64(1) of the *Local Government (Elections) Act 1999* 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 Section 17 of the *Local Government (Elections) Act 1999* 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) Subsection (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) A person is not eligible to be a candidate 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*.
- (4) A person is not eligible to be a candidate for election as a member of a council if the person—
 - (a) in the case of a supplementary election—is a member of another council; or
 - (b) in the case of any election—is a candidate for election as a member of another council.
- (5) In this section—

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 section.
- 5 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 6 of the *Local Government (Elections) Regulations 1999*.

Form 6

Local Government (Elections) Act 1999

Nomination of candidate—additional information that may be required—section 17(1)(b)(iv) of Act

(This form must be used if a person is nominating, or being nominated, as a candidate for election as a member of a 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.)

¹Please 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
(Given name/s) (Surname)

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 the⁴ 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 record as the sole owner or sole occupier of rateable property at the following address⁵

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

.....
(Signature) (Date)

B Body corporate claiming entitlement to enrolment

I,⁶
(Given name/s) (Surname)

of
(Contact address)

hereby declare that I am of the opinion that⁷
is a body corporate which has had its name omitted from the voters roll for
⁸ 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
record as the sole owner or sole occupier of rateable property at the following
address⁹

.....
.....
(Signature) (Date)

C Group claiming entitlement to enrolment

I,¹⁰
(Surname) (Given name/s)

of
(Contact address)

hereby declare that I am of the opinion that the following group¹¹:
.....
.....
.....
.....

(If space insufficient, please attach a list)

is a group that has been omitted from the voters roll for¹²
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 record as ratepayers in respect of rateable property at the following
address¹³

.....
.....
(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 name of council.
- 5 Insert full address or other location details of the property.
- 6 Insert full name of person making the declaration. **This must be an officer of the body corporate.**
- 7 Insert full name of body corporate, including its ACN or other identifying registration number (if any).
- 8 Insert name of council.
- 9 Insert full address or other location details of the property.
- 10 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.**
- 11 Insert full names (underline surname) and addresses of the members of the group. If space is insufficient, please attach a list.
- 12 Insert name of council.
- 13 Insert full address or other location details of the property.

Form 7

Local Government (Elections) Act 1999

Withdrawal of nomination by a candidate

¹Please read instructions below before filling in this form.

Withdrawal of nomination²

Pursuant to section 22(1) of the *Local Government (Elections) Act 1999*, I withdraw my nomination as a candidate for the office of³ for the area/ward⁴.

A To be completed if a person was nominated by a body corporate or group

I declare that I have notified⁵
of my decision to withdraw my nomination.

.....
(Print full name of candidate)

.....
(Signature)

.....
(Date)

Instructions

- 1 This form is to be completed in block letters except for signatures.
- 2 Insert name of council.
- 3 Insert description of office for which nomination was made.
- 4 Strike out area or ward as the case may be.
- 5 Insert name of body corporate or group.

This form must be delivered to the returning officer for the council before the close of nominations for the relevant election

Form 8

Local Government (Elections) Act 1999

Withdrawal of nomination by body corporate or group

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

Pursuant to section 22(2) of the *Local Government (Elections) Act 1999*, the nomination of²

.....

by³

.....
as a candidate for election as a member of⁴ 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)

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).
- 4 Insert name of council.

Note—

- A This form must be completed by—
 - (a) in the case of 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 council before the close of nominations for the relevant election.**

Form 9

Local Government (Elections) Act 1999

Notice to candidates

As a candidate for election under the *Local Government (Elections) Act 1999*, you should be aware of various provisions of the Act which may lead to criminal prosecution if breached.

Extracts from the *Local Government (Elections) Act 1999* relating to these provisions are set out below for your information.

You should speak to the returning officer if you are uncertain about any matter relevant to the conduct of the election or the lodging of a Campaign Donations Return under the Act.

Extracts

A Electoral material

27—Publication of electoral material

- (1) A person must not publish electoral material or cause electoral material to be published unless the material contains—
 - (a) the name and address of the person who authorises publication of the material; and
 - (b) in the case of printed electoral material—the name and address of the printer or other person responsible for undertaking its production.

Maximum penalty: \$2 500.

- (2) If electoral material is published in a newspaper that has been published at intervals of one month or less over a period of at least six months immediately preceding the publication of the electoral material, the name and address of the printer need not be contained in the electoral material.
- (3) If electoral material is published in a newspaper as a letter to the editor, it is an offence to publish the material without the name and address (not being a post box) of the writer of the letter.

Maximum penalty: \$2 500.

28—Publication of misleading material

- (1) If—
 - (a) electoral material contains a statement purporting to be a statement of fact; and
 - (b) the statement is inaccurate and misleading to a material extent,a person who authorised, caused or permitted the publication of the material is guilty of an offence.

Maximum penalty: \$5 000.

- (2) It is a defence to a charge of an offence against subsection (1) for the defendant to prove—
 - (a) that he or she took no part in determining the contents of the material; and
 - (b) that he or she could not reasonably be expected to have known that the statement to which the charge relates was inaccurate and misleading.
- (3) This section applies to material published by any means (including radio or television).
- (4) No action under this section lies against the returning officer with respect to the publication of material provided to the returning officer by a candidate for election under section 19.

B Illegal practices

57—Violence, intimidation, bribery etc

- (1) A person who exercises violence or intimidation, or offers or gives a bribe, with a view to—
 - (a) inducing a person to submit or withdraw candidature for election; or
 - (b) influencing the vote of a person at an election or poll; or
 - (c) otherwise interfering with the due course of an election or poll,is guilty of an offence.
Maximum penalty: \$10 000 or imprisonment for seven years.
- (2) A person who receives a bribe offered in contravention of subsection (1) is guilty of an offence.
Maximum penalty: \$10 000 or imprisonment for seven years.
- (3) In this section—
bribe includes any pecuniary sum or material advantage including food, drink or entertainment.

58—Dishonest artifices

- (1) A person who dishonestly exercises, or attempts to exercise, a vote at an election or poll to which that person is not entitled is guilty of an offence.
Maximum penalty: \$5 000 or imprisonment for one year.
- (2) A person who dishonestly influences or attempts to influence the result of an election or poll is guilty of an offence.
Maximum penalty: \$5 000 or imprisonment for one year.

59—Interference with statutory rights

A person must not hinder or interfere with the free exercise or performance, by another person, of a right under this Act.
Maximum penalty: \$5 000 or imprisonment for one year.

60—Exception

No declaration of public policy or promise of public action constitutes bribery or dishonest influence.

61—Persons acting on behalf of candidates not to assist voters or collect voting papers

(1) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not act as an assistant to a person voting at the election.

Maximum penalty: \$5 000 or imprisonment for one year.

(2) A scrutineer must not act as an assistant to a person voting at an election or poll.

Maximum penalty: \$5 000 or imprisonment for one year.

(3) Without limiting the generality of subsection (1) or (2), a person acts as an assistant by assisting another to obtain, complete or return postal voting papers.

(4) A person who is a candidate for election or acting on behalf of such a candidate (whether with or without the candidate's authority) must not have in his or her possession, or attempt to gain possession of, postal voting papers for that election (except any such papers issued to the person as an elector in his or her own right).

Maximum penalty: \$5 000 or imprisonment for one year.

62—Unlawful interference with computer programs

(1) A person must not, without lawful authority to do so, tamper or interfere with a computer program or system used by an electoral officer for the purposes of an election or poll under this Act.

Maximum penalty: \$5 000 or imprisonment for one year.

(2) In proceedings for an offence against subsection (1), the prosecution need not prove the absence of lawful authority and the onus is on the defendant to prove any such authority on which he or she relies.

63—Secrecy of vote

(1) A person must not, by clandestine or dishonest means, attempt to discover how another person has voted.

Maximum penalty: \$1 250 or imprisonment for three months.

(2) No person may open an envelope under this Act containing a vote except the returning officer, or an electoral officer acting with the authority of the returning officer.

Maximum penalty: \$750.

(3) A person who acquires knowledge of the vote of another person through assisting the other person to vote, or otherwise in the exercise of powers or functions under this Act, must not divulge that knowledge.

Maximum penalty: \$2 500 or imprisonment for six months.

64—Unlawful declaration or marking of ballot papers

- (1) A person must not make a statement in a claim, application, return or declaration, or in answer to a question, under this Act that is, to the person's knowledge, false or misleading in a material respect.
Maximum penalty: \$5 000 or imprisonment for one year.
- (2) Except as authorised by this Act, a person (not being a person to whom the ballot paper has been lawfully issued) must not mark a vote, or make any other mark or writing on a ballot paper.
Maximum penalty: \$2 500 or imprisonment for six months.

65—Conduct of officers

An electoral officer must not fail, without proper excuse, to carry out his or her official duties in connection with the conduct of an election or poll.

Maximum penalty: \$2 500 or imprisonment for six months.

66—Conduct of scrutineers

- (1) A scrutineer must not interfere with or attempt to influence a person voting or proposing to vote at an election or poll.
Maximum penalty: \$5 000 or imprisonment for one year.
- (2) If a candidate appoints more than one scrutineer, not more than two of them may be present in the place for the counting of votes at the same time during the counting of votes.

C Campaign donations returns

80—Returns for candidates

- (1) A person who is a candidate for election to an office of a council must, within six weeks after the conclusion of the election, furnish to the chief executive officer of the council, in accordance with the requirements of this Part, a *campaign donations return* (see section 81).
- (2) A return must be in the prescribed form and completed in the prescribed manner.

81—Campaign donations returns

- (1) Subject to this section, a campaign donations return for a candidate for election to an office of a council must set out—
 - (a) the total amount or value of all gifts received by the candidate during the disclosure period; and
 - (b) the number of persons who made those gifts; and
 - (c) the amount or value of each gift; and
 - (d) the date on which each gift was made; and
 - (e) 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
 - (f) 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
 - (g) in the case of each other gift—the name and address of the person who made the gift.
- (2) A campaign donations return need not set out any details required by subsection (1) 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.
- (3) For the purposes of this section—
- (a) 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))—on the day on which the person announced that he or she would be a candidate in the election or on the day on which the person's nomination as a candidate was lodged with the returning officer, whichever was the earlier;
 - (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 Chapter 3 of the *Local Government Act 1999*—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;
 - (b) 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;
 - (c) 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;

- (d) 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.
- (4) If no details are required to be included in a return under this section for a candidate, the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

82—Certain gifts not to be received

- (1) It is unlawful for a member of a council to receive a gift made to or for the benefit of the member the amount or value of which is not less than \$500 unless—
 - (a) the name and address of the person making the gift are known to the member; or
 - (b) at the time when the gift is made, the person making the gift gives to the member his or her name and address and the member has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.
- (2) It is unlawful for a candidate in an election or a person acting on behalf of a candidate in an election to receive a gift made to or for the benefit of the candidate the amount or value of which is not less than \$500 unless—
 - (a) the name and address of the person making the gift are known to the person receiving the gift; or
 - (b) at the time when the gift is made, the person making the gift gives to the person receiving the gift his or her name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.
- (3) For the purposes of this section—
 - (a) a reference to a gift made by a person includes a reference to a gift made on behalf of the members of an unincorporated association;
 - (b) a reference to the name and address of a person making a gift is—
 - (i) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—a reference to—
 - (A) the name of the association; and
 - (B) the names and addresses of the members of the executive committee (however described) of the association; and
 - (ii) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation—a reference to—
 - (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and

- (B) the title or other description of the trust fund or the name of the foundation, as the case requires;
 - (c) a person who is a candidate in an election is to be taken to remain a candidate for 30 days after the polling day for the election;
 - (d) a reference to a candidate in an election includes a reference to a person who is already a member of the council.
- (4) If a person receives a gift that, by virtue of this section, it is unlawful for the person to receive, an amount equal to the amount or value of the gift is payable by that person to the Crown and may be recovered by the Crown as a debt by action, in a court of competent jurisdiction, against the person.

83—Inability to complete return

If a person who is required to furnish a return under this Division 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,

and a person who complies with this section is not, by reason of the omission of those particulars, to be taken, for the purposes of this Division, to have furnished a return that is incomplete.

84—Amendment of return

- (1) A person who has furnished a return under this Division may request the permission of the chief executive officer to make a specified amendment of the return for the purpose of correcting an error or omission.
- (2) A request under subsection (1) must—
 - (a) be by notice in writing signed by the person making the request; and
 - (b) be lodged with the chief executive officer.
- (3) If—
 - (a) a request has been made under subsection (1); and

- (b) the chief executive officer is satisfied that there is an error in, or omission from, the return to which the request relates,
the chief executive officer must amend the return, or permit the person making the request to amend the return, in accordance with the request.
- (4) The amendment of a return under this section does not affect the liability of a person to be convicted of an offence arising out of the furnishing of the return.

85—Offences

- (1) A person who fails to furnish a return that the person is required to furnish under this Division within the time required by this Division is guilty of an offence.
Maximum penalty: \$10 000.
- (2) A person who furnishes a return or other information—
(a) that the person is required to furnish under this Division; and
(b) that contains a statement that is, to the knowledge of the person, false or misleading in a material particular,
is guilty of an offence.
Maximum penalty: \$10 000.
- (3) A person who furnishes to another person who is required to furnish a return under this Division information—
(a) that the person knows is required for the purposes of that return; and
(b) that is, to that person's knowledge, false or misleading in a material particular,
is guilty of an offence.
Maximum penalty: \$10 000.
- (4) An allegation in a complaint that a specified person had not furnished a return of a specified kind as at a specified date will be taken to have been proved in the absence of proof to the contrary.

86—Failure to comply with Division

- (1) If a person who is required to furnish a return under this Division fails to submit the return within the time required by this Division, the chief executive officer must as soon as practicable notify the person of that fact.
- (2) A notification under subsection (1) must be given by letter sent to the person by registered mail.
- (3) A failure of a person to comply with a provision of this Division in relation to an election does not invalidate that election. (However, the office of a member of a council who fails to submit a return may become vacant under Chapter 5 Part 2 of the *Local Government Act 1999*.)

Division 2—Public access to information

87—Public inspection of returns

- (1) The chief executive officer of a council must keep at the principal office of the council each return furnished to the chief executive officer under Division 1.
- (2) Subject to this section, a person is entitled to inspect a copy of a return under Division 1, without charge, during ordinary business hours at the principal office of the council.
- (3) Subject to this section, a person is entitled, on payment of a fee fixed by the council, to obtain a copy of a return under Division 1.
- (4) A person is not entitled to inspect or obtain a copy of a return until the end of eight weeks after the day before which the return was required to be furnished to the chief executive officer.
- (5) The chief executive officer is only required to keep a return under this section for a period of three years following the election to which the return relates.

88—Restrictions on publication

- (1) A person must not publish—
 - (a) information derived from a return under Division 1 unless the information constitutes a fair and accurate summary of the information contained in the return and is published in the public interest; or
 - (b) comment on the facts set forth in a return under Division 1 unless the comment is fair and published in the public interest and without malice.
- (2) If information or comment is published by a person in contravention of subsection (1), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: \$10 000.

Division 3—Related matters

89—Requirement to keep proper records

- (1) A person must take reasonable steps to keep in his or her possession all records relevant to completing a return under this Part.

Maximum penalty: \$5 000.

- (2) A person must keep a record under subsection (1) for at least three years after the date on which the relevant return is required to be furnished to the chief executive officer of the council under this Part.

Maximum penalty: \$5 000.

90—Related matters

- (1) For the purposes of this Part, the amount or value of a gift consisting of or including a disposition of property other than money is, if the regulations so provide, to be determined in accordance with principles set out or referred to in the regulations.
- (2) For the purposes of this Part—
 - (a) a body corporate and any other body corporate that is related to the first-mentioned body corporate is to be taken to be the same person; and
 - (b) the question whether a body corporate is related to another body corporate is to be determined in the same manner as under the *Corporations Law*.
- (3) For the purposes of this Part, an act performed by a person or committee appointed or formed to assist the campaign of a candidate in an election will be taken to be an act performed by the candidate.

Form 10

Ballot paper

Name of council¹:
Election of ²

Directions

- 1 You must vote for at least³ candidate(s) on this ballot paper by placing the number(s)⁴ in the square(s) opposite the name(s) of the candidate(s) so as to indicate your preference for them. If you wish, you may then vote for an additional candidate or candidates by continuing to place consecutive number(s) in the square(s) opposite the name(s) of the other candidate or candidates so as to indicate your preference(s).
- 2 After voting, you should fold this ballot paper and place it in the accompanying envelope (*or* ballot box).

Candidates

-
-
-

Notes—

- 1 Insert name of council.
- 2 Insert name of office and number of candidates required to be elected (eg 2 councillors for White Ward).
- 3 Insert number of candidates required to be elected.
- 4 Insert 1 where one candidate is required to be elected, 1 and 2 where two candidates are required to be elected, 1, 2 and 3 where three candidates are required to be elected etc.

Form 11

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

DO NOT tear off the declaration flap below. To ensure vote confidentiality the envelope will not be opened until the flap has been removed by the returning officer and **ALL** of the envelopes have been rearranged.

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 the capacity in which I am voting

AND

B I am of or above the age of 18 years

AND

C I,.....
(Print surname)
.....
(Print given names)

am the person named opposite

OR

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.

Please complete date of birth and sign below

Date of birth / /

Sign here

Name and address

Form 12

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 the capacity under which I am voting,

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 voters 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 Council

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

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

Residential address

.....

Date of birth / /

.....

(Signature)

Date / /

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 13

Local Government (Elections) Act 1999

Campaign donations return

¹Please 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 a 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))—on the day on which he or she announced that he or she could be a candidate in the election or the day on which his or her nomination was lodged with the returning officer, whichever is the earlier;
 - (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 1999*—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) 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 industrial association or organisation registered under a law of the State or of the Commonwealth.

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 14

Ballot paper

(Council Poll)

Name of council¹

Poll being conducted on²

Proposition:

Directions

- 1 You must vote by placing a tick in the square that indicates your agreement or disagreement with the proposition stated above.
- 2 After voting, you should fold this ballot paper and place it in the ballot box (*or* in the accompanying envelope).

- I agree with the proposition stated above
- I disagree with the proposition stated above

Notes—

- 1 Insert name of council.
- 2. Insert date of poll.

Form 15

- 1 How-to-vote cards submitted by candidates for display in voting compartments at polling booths—
 - (a) must be printed; and
 - (b) must have printed on one side—
 - (i) the words “HOW-TO-VOTE”; and
 - (ii) the name of the council, the name of the office and, if the election is for a ward, the name of the ward; and
 - (iii) the names of all the candidates; and
 - (iv) consecutive numbers beginning with the number "1" each surrounded by a square, opposite the names of a number of candidates being not less than the number required to be elected, and may continue with consecutive numbers, each surrounded by a square, opposite the names of one or more of the other candidates; and
 - (v) the name and address of the person who authorised the printing of the card; and
 - (vi) the name and address of the person who printed the card or other person responsible for undertaking its production; and
 - (c) may have printed on the side used under paragraph (b) a reproduction in black and white of a recent full-faced vertical photograph of the head and shoulders of the candidate submitting the card.
- 2 Except for the matters referred to in clause 1, no other matter may be printed or otherwise appear on the side referred to in clause 1(b).

Legislative history

Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1999	242	<i>Gazette 25.11.1999 p2800</i>	1.1.2000: r 2
2002	36	<i>Gazette 23.5.2002 p1984</i>	23.6.2002: r 2
2005	250	<i>Gazette 1.12.2005 p4099</i>	1.1.2006: r 2

Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
r 7		
r 7(8)	varied by 36/2002 r 3	23.6.2002
Sch		
Form 3	varied by 36/2002 r 4(a)	23.6.2002
Form 4	varied by 36/2002 r 4(b)	23.6.2002
Form 5	varied by 36/2002 r 4(c)	23.6.2002
Form 11	substituted by 36/2002 r 4(d)	23.6.2002