

NORTHERN TERRITORY OF AUSTRALIA

ELECTORAL AMENDMENT ACT 2009

Act No. 3 of 2009

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 3 of 2009

An Act to amend the *Electoral Act*

[Assented to 12 March 2009]
[Second reading 26 November 2008]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Electoral Amendment Act 2009*.

2 Act amended

This Act amends the *Electoral Act*.

3 Amendment of section 3 (Definitions)

(1) Section 3

omit

In this Act, unless the contrary intention appears –

substitute

In this Act:

(2) Section 3, definitions ***minimum term*** and ***pre-polling period***

omit

4 Repeal and substitution of section 23

Section 23

repeal, substitute

23 Determining date for holding general election other than extraordinary general election

- (1) For determining the date for a general election if the previous general election was not an extraordinary general election, the general election is to be held on the 4th Saturday in August in the 4th year after the year in which the previous general election was held.
- (2) For determining the date for a general election if the previous general election was an extraordinary general election, the general election is to be held on the 4th Saturday in August in the 3rd year after the year in which that extraordinary general election was held.
- (3) Subsections (1) and (2) are subject to a writ being issued for an extraordinary general election before a writ for a general election is issued for a date determined under either subsection.
- (4) In this section:

determining the date of a general election means determining the date of a general election under section 17 of the Self Government Act.

extraordinary general election means a general election for which the writ is issued under section 24 or 25.

previous general election, in relation to determining the date for a general election, means the immediately preceding general election, including a general election before the commencement of this definition.

5 Amendment of section 24 (Extraordinary general election – motion of no confidence)

Section 24(1)

omit

before the end of the minimum term

substitute

at any time

6 Amendment of section 25 (Extraordinary general election – non-passing of appropriation Bill)

Section 25(1)

omit

before the end of the minimum term

substitute

at any time

7 Amendment of section 26 (Criteria for deciding whether to issue writs)

Section 26

omit

this Division

substitute

section 24 or 25

8 New section 26A

After section 26, in Part 5, Division 1

insert

26A Determining alternative date if Commonwealth election

- (1) This section applies in relation to a date (the ***nominal date***) that, under section 23 is, or would be, determined as the date for a general election.
- (2) If the nominal date is or becomes the date for an election mentioned in section 394 of the *Commonwealth Electoral Act 1918* (Cth), section 23 does not prevent:
 - (a) an amendment of a previous determination of the nominal date to another date (an ***alternative date***) for the general election; or
 - (b) the determination of another date (also an ***alternative date***) for the general election.

-
- (3) Subject to section 17(2) of the Self Government Act, the alternative date must be a Saturday that is within 2 months before or after the nominal date.

9 Amendment of section 28 (Limitation of dates)

- (1) Section 28(a)

omit

6

substitute

4

- (2) Section 28(b)

omit

18

substitute

19

10 Amendment of section 62 (Issue of postal voting papers)

- (1) Section 62(2)

omit

all the words after "to the applicant"

substitute

before the determination under section 41 for the election.

- (2) After section 62(2)

insert

- (2A) The authorised officer must send postal voting papers:

(a) if a properly completed application was received before the determination – as soon as practicable after the determination;
or

(b) if a properly completed application is received after the determination and subsection (3) does not apply – as soon as practicable after receiving the application.

(3) Section 62(3)

omit

In addition, an

substitute

An

11 Amendment of section 68 (Application of Division)

Section 68

omit

during the pre-polling period

substitute

before the polling day

12 Amendment of section 69 (Arrangement for voting)

(1) Section 69(1)(b)

omit, substitute

(b) decide the period during which, and the days and hours when, voting before polling day may take place at pre-election voting centres.

(2) After section 69(2)

insert

(3) The period decided under subsection (1)(b) must not start until after the determination under section 41 for the election.

13 Amendment of section 70 (Public notice of arrangements)

Section 70(2)

omit

days and hours of polling during the pre-polling period for voting

substitute

period during which, and the days and hours when, voting before polling day may take place

14 Amendment of section 134 (Extension of time)

(1) Section 134(1)

omit

a difficulty may arise in

substitute

there is a difficulty relating to

(2) After section 134(2)

insert

(3) This section applies despite anything to the contrary in section 23 or 26A but otherwise is subject to section 17(2) of the Self Government Act.