

NORTHERN TERRITORY OF AUSTRALIA

ELECTORAL LEGISLATION AMENDMENT ACT 2019

Act No. 11 of 2019

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 11 of 2019

An Act to amend the *Electoral Act*, the *Electoral Regulations* and the *Local Government (Electoral) Regulations*

[Assented to 9 April 2019]
[Introduced 29 November 2018]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Electoral Legislation Amendment Act 2019*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

Part 2 Amendment of Electoral Act

3 Act amended

This Part amends the *Electoral Act*.

4 Section 3 amended (Definitions)

- (1) Section 3, definitions *mobile polling place* and *polling place* omit

(2) Section 3

insert (in alphabetical order)

alternate prohibition zone, see section 268.

campaigning activity, see section 268.

designated campaign area, see section 268.

election day voting centre means a voting centre appointed under section 42(1)(b) where votes are taken by an authorised officer during polling hours on polling day.

mobile voting centre means:

- (a) a mobile voting centre declared under section 78(1); and
- (b) a voting centre substituted for a mobile voting centre under section 81(1).

substituted centre, see section 81(1).

voting centre means an election day voting centre, a mobile voting centre and a pre-election voting centre.

(3) Section 3, definition **polling hours**, paragraph (a)

omit, insert

- (a) for an election day voting centre – from 8 am to 6 pm; or

(4) Section 3, definition **polling hours**, paragraph (b)

omit

pre-poll

insert

pre-election

(5) Section 3, definition **polling hours**, paragraph (c)

omit (all references)

polling place

insert

voting centre

5 Section 42A inserted

After section 42

insert

42A Designated land part of voting centre

- (1) The officer in charge of an election day voting centre or a pre-election voting centre may designate the area adjacent to the voting centre to be part of that voting centre by erecting a notice in the adjacent area.
- (2) An authorised officer may designate an area in the vicinity of a mobile voting centre to be part of the mobile voting centre by erecting a notice in the designated area.
- (3) A designation under subsection (1) or (2) ends when the officer in charge or the authorised officer respectively removes the notice.

6 Section 50 amended (Method of voting)

Section 50(2)

omit, insert

- (2) The person must:
 - (a) place the number "1" in the candidate square for a candidate to indicate the person's first preference for the candidate; and
 - (b) place consecutively increasing whole numbers (starting with the number "2") in the candidate squares for each of the other candidates to indicate the order of the person's preferences for those candidates until a number is placed in all candidate squares.

7 Section 78 amended

- (1) Section 78, heading

omit

polling places

insert

voting centres

(2) Section 78(1)

omit, insert

- (1) The Commissioner may, in writing, declare an election day voting centre or a pre-election voting centre to be a mobile voting centre where votes may be taken by an authorised officer during the mobile polling period.

(3) Section 78(2)(a), (3)(a)(i) and (ii), (b) and (c), (4) and (5)(b)

omit

polling place

insert

voting centre

8 Section 81 replaced

Section 81

repeal, insert

81 Change of mobile voting centre, dates or hours for voting

- (1) The Commissioner may take any of the following actions in respect of a mobile voting centre if the Commissioner is satisfied that there are special circumstances requiring such an action:
- (a) substitute another voting centre (a ***substituted centre***) for the mobile voting centre;
 - (b) change the dates or hours during which votes may be cast at the mobile voting centre.
- (2) The Commissioner must give notice to the public of the substitution or change and the notice must be reasonable and practicable in the circumstances.

9 Section 94 amended (Informal ballot paper)

(1) Section 94(2), (3) and (3A)

omit, insert

- (2) For section 50(2), a voter is taken to have indicated the voter's order of preferences for all the candidates on a ballot paper in the circumstances mentioned in subsection (3), (3A) or (3B).

- (3) If there are only 2 candidates and the voter placed a mark in one candidate square and either placed a "2" in the remaining candidate square or left it blank:
- (a) the candidate whose candidate square is marked is the voter's first preference; and
 - (b) the other candidate is the voter's last preference.
- (3A) If there are 3 or more candidates and the voter placed a mark in one candidate square and placed consecutively increasing whole numbers (starting with a "2") in the remaining candidate squares until a number is placed in each of those candidate squares:
- (a) the candidate whose candidate square is marked is the voter's first preference; and
 - (b) the number placed in each other candidate square indicates the voter's order of preference for the remaining candidates.
- (3B) If there are 3 or more candidates and the voter placed a mark in one candidate square, left one candidate square blank and placed consecutively increasing whole numbers (starting with a "2") in the remaining candidate squares until a number is placed in each of those candidate squares:
- (a) the candidate whose candidate square is marked is the voter's first preference; and
 - (b) the candidate whose candidate square is left blank is the voter's last preference; and
 - (c) the number placed in each other candidate square indicates the voter's order of preferences between the first and last preference.
- (2) After section 94(4)
- insert*
- (5) Subject to this section, a ballot paper must be given effect according to the voter's intention so far as the voter's intention is clear.
- (6) In this section:
- mark** means a single "1", tick, cross or any other writing or mark that indicates the voter's intention.

10 Section 268 amended (Definitions)

Section 268

insert (in alphabetical order)

alternate prohibition zone means an alternate prohibition zone designated under section 275A.

campaigning activity means any of the following:

- (a) canvassing for votes;
- (b) soliciting the vote of a person;
- (c) inducing a person not to vote for a particular candidate;
- (d) inducing a person not to vote at the election;
- (e) exhibiting a notice or sign relating to the election.

designated campaign area means an area designated under section 275B.

11 Section 275 replaced

Section 275

repeal, insert

275 Campaigning activities near voting centres

- (1) Subject to section 275B, a person must not engage in a campaigning activity during polling hours:
 - (a) within 100 metres of the entrance of an election day voting centre, including airspace; or
 - (b) if an alternate prohibition zone has been designated for the election day voting centre – within the alternate prohibition zone.

Maximum penalty: 20 penalty units.

- (2) Subject to section 275B, a person must not engage in a campaigning activity at any time during the election period other than during polling hours:
 - (a) within 10 metres of the entrance of a pre-election voting centre; or

- (b) if an alternate prohibition zone has been designated for the pre-election voting centre – within the alternate prohibition zone.

Maximum penalty: 20 penalty units.

- (2A) Despite subsection (2), if an election day voting centre is situated on grounds within an enclosure, the boundaries of the alternate prohibition zone must be the boundaries of the enclosure.

- (3) Subject to section 275B, a person must not engage in a campaigning activity during the election period:

- (a) within 10 metres of the entrance of a mobile voting centre; or
(b) if an alternate prohibition zone has been designated for the mobile voting centre – within the alternate prohibition zone.

Maximum penalty: 20 penalty units.

- (4) A person must not engage in a campaigning activity by using a loud speaker, public address system or any other tool to enhance the volume of a sound to broadcast matter that is audible:

- (a) within 100 metres of the entrance of an election day voting centre or a mobile voting centre during polling hours; or
(b) within 10 metres of the entrance of a pre-election voting centre or a mobile voting centre at any time during the election period other than during polling hours on polling day; or
(c) if an alternate prohibition zone has been designated for a voting centre – within the alternate prohibition zone.

Maximum penalty: 20 penalty units

275A Alternate prohibition zone

- (1) The Commission may designate an alternate prohibition zone for a voting centre.
- (2) The boundaries of the alternate prohibition zone must be between 10 and 100 metres of the voting centre.
- (3) Subject to subsection (4), the Commission must give written notice of the alternate prohibition zone to each candidate in the relevant division as soon as practicable after it is designated.

- (4) If the alternate prohibition zone is designated on a day that a vote will be cast at the voting centre, the Commission must give notice to each candidate in the relevant division and the notice must be reasonable and practicable in the circumstances.

275B Designated campaign areas

- (1) The Commission may designate an area to be a designated campaign area in a place where campaigning activity is prohibited under section 275 or 275A.
- (2) A person may engage in the following conduct in a designated campaign area:
- (a) canvass for votes;
 - (b) solicit the vote of a person;
 - (c) hand out how-to-vote cards.
- (3) A designated campaign area must be:
- (a) large enough to allow up to 3 campaigners for each candidate registered in the relevant division; and
 - (b) accessible to voters; and
 - (c) avoidable by voters who do not wish to engage with campaigners.
- (4) The Commission must give written notice of the designated campaign area to each candidate in the relevant division as soon as practicable after it is designated.

12 Section 313A inserted

After section 313, in Part 14, Division 2

insert

313A Code of conduct for campaign workers

- (1) The Commission may issue a code of conduct for campaign workers.
- (2) The Commission must consult with the leader of each registered party and each unendorsed MLA on the content of the code of conduct before issuing the code.

13 Section 336 amended (Appointment of appointed member)

Section 336(3)

omit

(2)(b)

insert

(2)

14 Act further amended

The Schedule has effect.

Part 3 Amendment of Electoral Regulations**15 Regulations amended**

This Part amends the *Electoral Regulations*.

16 Schedule amended

Schedule 1, Form 1

omit

Place the number 1 in the box next to the photograph of your first preference candidate and then place increasing whole numbers (2, 3, *etc.*) in as many other boxes as you wish in order to indicate your order of preferences for the other candidates. You do *not* have to number *every* box to make your vote count.

insert

Number the boxes 1 to [*number of candidates*] in the order of your choice. Remember, number *every* box to make your vote count.

Part 4 Amendment of Local Government (Electoral) Regulations**17 Regulations amended**

This Part amends the *Local Government (Electoral) Regulations*.

18 Regulation 45 amended (Informal ballot paper)

(1) Regulation 45(2)

omit

his or her

insert

the voter's

(2) Regulation 45(3), (3A) and (3B)

omit, insert

(3) If there are only 2 candidates and the voter placed a mark in one candidate square and either placed a "2" in the remaining candidate square or left it blank:

(a) the candidate whose candidate square is marked is the voter's first preference; and

(b) the other candidate is the voter's last preference.

(3A) If there are 3 or more candidates and the voter placed a mark in one candidate square and placed consecutively increasing whole numbers (starting with a "2") in the remaining candidate squares until a number is placed in each of those candidate squares:

(a) the candidate whose candidate square is marked is the voter's first preference; and

(b) the number placed in each other candidate square indicates the voter's order of preference for the remaining candidates.

(3B) If there are 3 or more candidates and the voter placed a mark in one candidate square, left one candidate square blank and placed consecutively increasing whole numbers (starting with a "2") in the remaining candidate squares until a number is placed in each of those candidate squares:

(a) the candidate whose candidate square is marked is the voter's first preference; and

(b) the candidate whose candidate square is left blank is the voter's last preference; and

(c) the number placed in each other candidate square indicates the voter's order of preferences between the first and last preference.

(3) After regulation 45(4)

insert

(5) Subject to this regulation, a ballot paper must be given effect according to the voter's intention so far as the voter's intention is clear.

(6) In this regulation:

mark means a single "1", tick, cross or any other writing or mark that indicates the voter's intention.

Part 5 Repeal of Act

19 Repeal of Act

This Act is repealed on the day after it commences.

Schedule Act further amended

section 14

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 42, heading	Pre-polling polling places	Pre-election voting centres
section 42(1)(a)	pre-polling	pre-election
section 42(1)(b)	a polling place	an election day voting centre
section 42(2)	pre-polling polling place	pre-election election day voting centre
sections 43, 45 and 46(2)	polling place	voting centre
section 47, heading	polling place	voting centre
sections 47(1), (2) and (5) and 49(2) and (3)	polling place (<i>all references</i>)	voting centre
Part 6, Division 2, heading	polling place	voting centre
sections 52(1) and 53(1)(a), (d) and (e)	polling place	voting centre
Part 6, Division 3, heading	polling places	voting centres
sections 54(1), 55(2)(a), (c) and (d), 56(1) and (2), 57(2)(a), (c) and (d) and 74(2)(a), (c) and (d)	polling place (<i>all references</i>)	voting centre
section 78, heading	polling places	voting centres

Provision	Amendment	
	<i>omit</i>	<i>insert</i>
section 78(2)(a), (3)(a)(i), (3)(a)(ii), (3)(b), (3)(c), (4) and (5)(b)	polling place	voting centre
section 82	polling place	voting centre
section 83, heading	polling place	voting centre
section 83	polling place	voting centre
section 84, heading	polling place	voting centre
section 84(a) and (b)	polling place	voting centre
section 85	polling places	voting centres
section 86, heading	polling places	voting centres
section 86(1) and (4)	polling place <i>(all references)</i>	voting centre
section 86(3) and (5)	polling places	voting centres
section 88, heading	polling place	voting centre
sections 88(1), (2), (3), (6) and (7)(b), 89(1), 90(1) and (3), 91(1), (2), (3) and (4) and 97(1) and (3)(a)	polling place <i>(all references)</i>	voting centre
section 276, heading	polling places	voting centres
section 276	polling place	voting centre
section 277, heading	polling places	voting centres
sections 277(1) and 283(2)	polling place	voting centre
section 295, heading	polling places	voting centres
sections 295(1), (3)(b) and (c), (4), (5), (8) and (9) and 330(2)(a)	polling place	voting centre