



## NORTHERN TERRITORY OF AUSTRALIA

No. 73 of 1982

### AN ACT

To amend the *Electoral Act*

[Assented to 4 November 1982]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

#### 1. SHORT TITLE

This Act may be cited as the *Electoral Amendment Act 1982*.

#### 2. COMMENCEMENT

The several sections of this Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

#### 3. PRINCIPAL ACT

The *Electoral Act* is in this Act referred to as the Principal Act.

#### 4. INTERPRETATION

Section 3(1) of the Principal Act is amended -

- (a) by omitting the definition of "authorized witness" and substituting the following:

"'authorized witness' means a person who is enrolled, or is entitled to be enrolled, as a Commonwealth, Territory, or State elector, and in relation to -

- (a) an application for a postal ballot-paper signed; or  
(b) a vote on a postal ballot-paper recorded,

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outside the Commonwealth, also includes a person who is -

- (c) an officer of the naval, military or air forces of the Commonwealth, or a member of the Australian Embassy, or a Trade Commissioner or Assistant Trade Commissioner within the meaning of the *Trade Commissioners Act 1933* of the Commonwealth; or
  - (d) a Justice of the Peace, Commissioner for Oaths, Commissioner for Affidavits, Commissioner for Declarations, or Notary Public, appointed under a law of the Commonwealth, a State, or another Territory of the Commonwealth;"
- (b) by omitting the definition of "candidate's representative" and substituting the following:

"'candidate's representative' means -

- (a) for the purposes of Part IX - a person appointed under section 69(1); and
  - (b) for the purposes of Part X - a person appointed under section 89(1);"; and
- (c) by omitting the definition of "representative".

5. DECLARATION OF DIVISION

Section 18 of the Principal Act is amended -

- (a) by omitting from sub-section (2) "A distribution" and substituting "Subject to sub-section (2A), a distribution";
- (b) by inserting after sub-section (2) the following:

"(2A) Sub-section (2) does not, in respect of a distribution approved under sub-section (1), prevent the preparation of rolls for the divisions specified in the notice made under sub-section (1) relating to the distribution so approved at any time after that notice appears in the *Gazette* but before the next ensuing general election.";

- (c) by omitting sub-section (4)(b) and substituting the following:

"(b) may, in its discretion, subject to sub-section (5), comply with section 14 in respect of that direction as if it were, for the purposes of

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complying with that section, a direction from the Administrator given under section 12."; and

- (d) by inserting after sub-section (4) the following:

"(5) Where the Distribution Committee, in pursuance of sub-section (4)(b), complies with the requirements of section 14 in respect of a direction given to it under sub-section (3), it shall, as soon as practicable after complying with those requirements, forward to the Minister a report which shall include the matters referred to in section 17(1)(a) as if, for that purpose, that report was a report referred to in section 17(1)(a)."

### 6. PERSONS QUALIFIED TO VOTE

Section 27(1)(b) of the Principal Act is amended by omitting "all prisoners" and substituting "all prisoners who are otherwise qualified to vote at, or entitled to be enrolled to vote at, an election referred to in paragraph (a)".

### 7. MODE OF NOMINATION

Section 48 of the Principal Act is amended by omitting sub-sections (2), (3) and (4) and substituting the following:

"(2) A nomination shall be lodged with the Chief Electoral Officer after the date of the issue of the writ for the election and before 12 noon on nomination day.

"(3) A nomination shall not be valid unless it reaches the Chief Electoral Officer before 12 noon on nomination day."

### 8. NEW SECTIONS

Sections 50 and 51 of the Principal Act are repealed and the following substituted:

#### "50. WITHDRAWAL OF CONSENT

"(1) A nominee may withdraw his consent referred to in section 48(1)(d) by lodging a notice of withdrawal of consent in the prescribed form with the Chief Electoral Officer before 12 noon on nomination day.

"(2) The amount of \$200 referred to in section 48(1)(g) shall be returned to a nominee who, under sub-section (1), withdraws his consent referred to in section 48(1)(d).

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"51. DECLARATION OF NOMINATION

"The Chief Electoral Officer shall, at his office, at 12 noon on nomination day, publicly produce all nomination forms, other than the form of a nominee who has withdrawn in accordance with section 50(1) his consent, lodged with him, and declare the names and addresses of all candidates nominated."

9. APPLICATION FOR POSTAL BALLOT-PAPER

Section 55(2) of the Principal Act is amended by omitting paragraph (d) and substituting the following:

"(d) be made within 3 months prior to the last possible day for an election; and".

10. ISSUE OF BALLOT-PAPERS

Section 57 of the Principal Act is amended by omitting sub-section (3) and substituting the following:

"(3) Where an elector's place of residence, as it appears on the roll for the division for which he is enrolled, is not within 20 kilometres, by the shortest practicable route, of -

- (a) a place appointed under section 64(1) as a polling place for that division or a portion of that division; or
- (b) a place specified under section 64(2), and within that division or a portion of that division, at which a mobile polling team shall be used,

for the purposes of an election, the elector may make an application in writing to the Chief Electoral Officer to be registered as a postal voter.

"(4) Subject to sub-section (5), where the Chief Electoral Officer receives an application under sub-section (3), he shall, as soon as practicable after nomination day in respect of an election, deliver or post, or cause to be delivered or posted, to the applicant -

- (a) one postal vote certificate printed on an envelope addressed to the Divisional Returning Officer for the division in which that applicant is enrolled; and
- (b) one postal ballot-paper in the prescribed form.

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"(5) Where, after the receipt under sub-section (4) of an application under sub-section (3), but before the Chief Electoral Officer has complied with the requirements of that first-mentioned sub-section in respect of the application, a place is specified under section 64(2) for the purposes of an election and such place -

- (a) is in the division for which the applicant making that application is enrolled; and
- (b) is not further than 20 kilometres, by the shortest practicable route, of the place of residence of the applicant referred to in paragraph (a), as it appears on the roll for the division for which that applicant is enrolled,

the Chief Electoral Officer shall not, in respect of that application, comply with the requirements of sub-section (4), but shall deliver or post, or cause to be delivered or posted, to that applicant a notice -

- (c) setting out such details as the Chief Electoral Officer thinks fit in respect of the place so specified; and
- (d) informing that applicant that, for the purposes of the election to which the place so specified relates, he is not entitled under this section to vote as a postal voter."

11. MINISTER TO APPOINT POLLING PLACES

Section 64 of the Principal Act is amended by omitting sub-sections (1), (2) and (3) and substituting the following:

"(1) The Minister may, by notice in writing -

- (a) appoint such places as he thinks fit to be polling places for a division or portion of a division; and
- (b) authorize the use of mobile polling teams in a division or portion of a division.

"(2) Subject to section 64A, where the Minister authorizes under sub-section (1)(b) the use of mobile polling teams in an election, the Chief Electoral Officer shall specify the places at which and, notwithstanding the date fixed by the writ for the election as polling day, the dates and hours during which a mobile polling team shall be used for the purposes of that election.

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"(3) The Chief Electoral Officer shall take such steps as he considers necessary or convenient to give public notice of the location of polling places appointed under sub-section (1)(a) and, where the Minister authorizes under sub-section (1)(b) the use of mobile polling teams, the places, dates and hours referred to in sub-section (2) relating to that authorization."

### 12. PLACES AND HOURS OF USE OF MOBILE POLLING TEAM

Section 64A of the Principal Act is amended -

- (a) by omitting from sub-section (1) all words after and including "Minister," to and including "may be used" and substituting "Chief Electoral Officer, under section 64(2), specifies the places at which and the dates and hours during which a mobile polling team shall be used"; and
- (b) by omitting from sub-section (3) "Minister" and substituting "Chief Electoral Officer".

### 13. BALLOT-PAPERS

Section 68 of the Principal Act is amended -

- (a) by omitting from paragraph (a) "and";
- (b) by omitting from paragraph (b)(iv) "other" and substituting "other; and"; and
- (c) by adding at the end the following:

"(c) other than in respect of a ballot-paper referred to in section 80(3), have a photograph of each candidate opposite his name on the ballot-paper."

### 14. CANDIDATE'S REPRESENTATIVES AT POLLING

Section 69 of the Principal Act is amended by omitting sub-sections (1) and (2) and substituting the following:

"(1) A candidate may appoint such persons as he thinks fit to be his representatives at each polling place in the division for which he is a candidate.

"(2) During the hours of polling, not more than one candidate's representative per candidate shall enter or remain in a polling place at any one time."

### 15. PERSONS PRESENT AT POLLING

Section 70(b) of the Principal Act is amended by omitting "a candidate's" and substituting "subject to section 69(2), a candidate's".

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16. POLLING

Section 71 of the Principal Act is amended -

- (a) by omitting from sub-section (2) "the presiding officer" and substituting "Subject to sub-section (4), the presiding officer"; and
- (b) by adding at the end the following:

"(4) Where the presiding officer referred to in sub-section (2) is a mobile polling team leader, in a division attended in pursuance of section 64(2) by the mobile polling team of which he is the leader, he need not comply with the requirements of sub-section (2)(a) other than at the first polling place in the division so attended."

17. PERSONS CLAIMING TO VOTE TO GIVE NAMES AND OTHER PARTICULARS

Section 75(2) of the Principal Act is amended by omitting paragraphs (b) and (c) and substituting the following:

- "(b) 'Are you an Australian citizen?'; and
- (c) 'Are you qualified to vote?'

and, where the person answers the question specified in paragraph (b) in the negative -

- (d) 'Were you a British subject who was enrolled as a Commonwealth, Territory, or State elector on [here state the date immediately before the prescribed date]?'."

18. VOTE OF UNLISTED PERSONS

Section 80(1) of the Principal Act is amended -

- (a) by omitting "for a division" and substituting "for the division for which the polling place has been appointed"; and
- (b) by omitting paragraphs (b) and (c) and substituting the following:
  - "(b) to the best of his knowledge, no objection has been upheld in relation to the inclusion of his name on a roll;
  - (c) he is not qualified for enrolment in a division other than the division for which he claims to vote; and

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(d) he has complied with section 27 prior to the issue of the writ for the election."

19. CANDIDATE'S REPRESENTATIVES AT DETERMINATION

Section 89 of the Principal Act is amended by omitting sub-sections (1) and (2) and substituting the following:

"(1) A candidate may appoint such persons as he thinks fit to be his representatives at a place at which the results of the poll are determined.

"(2) Where, at a place referred to in sub-section (1), tables are used for the purposes of counting the ballot-papers in respect of the poll to which the place relates, not more than one candidate's representative per candidate per table shall enter or remain in that place.

Penalty: \$2,000 or imprisonment for 2 years."

20. RECONDUCTING A DETERMINATION

Section 95 of the Principal Act is amended -

(a) by inserting after sub-section (3) the following:

"(3A) A Divisional Returning Officer shall, after complying with the requirements of sub-sections (1), (2) and (3), if applicable, in respect of a poll, make and sign a statement setting out the determination of the results of the poll to that point and shall -

(a) forward the statement to the Chief Electoral Officer; and

(b) retain a copy of the statement."; and

(b) by omitting from sub-section (4) "or more".

21. RETURN OF WRIT

Section 101 of the Principal Act is amended -

(a) by omitting "A Divisional Returning Officer" and substituting "The Chief Electoral Officer"; and

(b) by omitting paragraph (c) and substituting the following:

"(c) retain a copy of the writ."



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22. REPEAL

Sections 109 and 110 of the Principal Act are repealed.

23. WITNESSES TO PAPERS

Section 113(2) of the Principal Act is amended by inserting after "No" the words "nominee or".

24. NEW SECTIONS

The Principal Act is amended by inserting after section 138 the following:

"138A. PROSECUTIONS NOT TO BE BROUGHT AFTER 12 MONTHS

"Notwithstanding any other law in force in the Territory, a prosecution for an offence against this Act or the Regulations shall not be brought where 12 months have elapsed from the date of commission of the offence.

"138B. NUMBER OF MEMBERS OF LEGISLATIVE ASSEMBLY

"For the purposes of the next ensuing general election, and all subsequent elections, of members of the Legislative Assembly after the commencement of the *Electoral Amendment Act 1982*, the Legislative Assembly shall consist of 25 members."

25. SCHEDULE

The Schedule to the Principal Act is amended by omitting "the Divisional Returning Officer for the division of in the Northern Territory of Australia." and substituting "the Chief Electoral Officer:".

26. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

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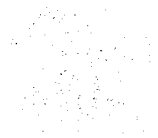
SCHEDULE

Section 26

Provision	Amendment	
	omit	substitute
Section 44	"DIVISIONAL RETURNING OFFICER"	"CHIEF ELECTORAL OFFICER"
	"Divisional Returning Officer for the division for which the election is to be held"	"Chief Electoral Officer"
Section 45	"days" (wherever occurring)	"clear days"
Section 46	"A Divisional Returning Officer"	"The Chief Electoral Officer"
Section 52	"Divisional Returning Officer"	"Chief Electoral Officer"
Section 64(4)	"The Chief Electoral Officer shall"	"A Divisional Returning Officer shall, for the division for which he is the Divisional Returning Officer"
Section 69(3) (a)	"representative"	"candidate's representative"
Section 75(4) (b)(i)	"Minister"	"Chief Electoral Officer"
Section 89 (3)(c)	"representative"	"candidate's representative"
Section 90(1)	"Representatives"	"Candidate's representatives"
Section 90(2)	"representatives"	"candidate's representatives"

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Provision	Amendment	
	omit	substitute
Sections 91(2) and 92(1)	"representative"	"candidate's representative"
Section 94	"Divisional Returning Officer for the division in respect of which he is appointed"	"Chief Electoral Officer"
Section 95(5)	"Divisional Returning Officer for the division in respect of which he is appointed"	"Chief Electoral Officer"
Section 95 (6)(c)	"representatives"	"candidate's representatives"
Section 96	"authorize a Divisional Returning Officer to"	
Section 96(a)	"Officer"	"Officer for the division for which the candidate stood for election"
Section 99	"representative"	"candidate's representative"
Section 100	"A Divisional Returning Officer"	"The Chief Electoral Officer"



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