

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 19 of 1980

## AN ACT

To amend the Electoral Act

[Assented to 14 March 1980]

**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 Act 1980.

### 2. PRINCIPAL ACT

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

### 3. INTERPRETATION

Section 3 of the Principal Act is amended -

(a) by inserting in sub-section (1) in the definition of "assistant officer" after "section 64(4)(c)" the word and figures "or 64(6)";

(b) by inserting in sub-section (1) after the definition of "enrolled" the following definition:

"hours of polling" means -

(a) in relation to a place other than a place at which a mobile polling team is used - from 8 o'clock in the morning until 6 o'clock in the evening on polling day; and

(b) in relation to a place at which a mobile polling team is used - the hours during which the mobile polling team may, in accordance with this Act, conduct polling at that place;"; and

(c) by omitting sub-section (2)(a) and substituting the following paragraph:

"(a) it is not initialled by an officer and is not a ballot-paper printed by the Government Printer for the purposes of this Act;".

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4. CHIEF ELECTORAL OFFICER

Section 5(3) of the Principal Act is amended by omitting "or function".

5. DISTRIBUTION COMMITTEE

Section 9 of the Principal Act is amended by omitting paragraph (2)(a) and substituting the following:

"(a) the Chief Electoral Officer or his nominee;"

6. FORM OF ROLLS

Section 21(1) of the Principal Act is amended by omitting ", postal address".

7. APPLICATION FOR POSTAL BALLOT-PAPER

Section 55 of the Principal Act is amended -

(a) by omitting sub-section (1)(a) and substituting the following paragraph:

"(a) will not, throughout the hours of polling, be within the Territory or within 20 kilometres of a polling place;"

(b) by omitting from sub-section (1)(b) "on polling day"; and

(c) by adding at the end the following sub-section:

"(5) No person to whom an envelope containing or purporting to contain an application for a postal ballot-paper is entrusted by an elector for the purpose of posting or delivery to a Divisional Returning Officer shall fail to post or deliver the envelope forthwith.

Penalty for an offence against this sub-section: \$1,000."

8. ISSUE OF BALLOT-PAPERS

Section 57(3) of the Principal Act is amended by inserting after "of a polling place" the words "or a place specified under section 64(2) by the Minister".

9. DIRECTIONS FOR POSTAL VOTING

Section 61 of the Principal Act is amended -

(a) by omitting from sub-section (9) ", who shall deal with the envelope in the manner provided by this Act" and inserting "and the Divisional Returning Officer or the presiding officer, as the case may be, shall deal with the envelope in the prescribed manner"; and

(b) by adding at the end the following sub-section:

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"(12) A presiding officer who receives an envelope which bears a postal vote certificate shall, immediately on receiving it, write his name, the location of the polling place to which he is appointed and the date and time of its receipt on the envelope and -

- (a) make and sign a record of the name of the elector and the name of the division appearing on the postal vote certificate;
- (b) deposit the envelope in a ballot-box in the polling place to which he is appointed; and
- (c) forward the record referred to in paragraph (a) to the Divisional Returning Officer for the division in which the polling place to which the presiding officer is appointed is situated."

### 10. MINISTER TO APPOINT POLLING PLACE

Section 64 of the Principal Act is amended -

- (a) by omitting from sub-section (2) "and the provisions of section 75(4)";
- (b) by omitting from sub-section (6) "that polling place" and substituting "the polling place to which the presiding officer is appointed"; and
- (c) by adding at the end the following sub-section:

"(8) An assistant officer may, subject to the direction of the presiding officer, exercise all or any of the powers of the presiding officer and shall, in respect of the exercise of those powers, be deemed to be the presiding officer."

### 11. NEW SECTION

The Principal Act is amended by inserting after section 64 the following section:

#### "64A. PLACES AND HOURS OF USE OF MOBILE POLLING TEAM

"(1) Where the Minister, under section 64(2), specifies the places at which and the dates and hours during which a mobile polling team may be used, the mobile polling team leader may -

- (a) substitute another place for a specified place; and
- (b) change or vary the specified dates or hours,

if the mobile polling team is unable to be at the specified place on the specified dates or during the specified hours.

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"(2) When a mobile polling team leader, under sub-section (1), substitutes another place or changes or varies dates or hours, he shall -

- (a) take such steps as he considers necessary or convenient to give public notice of the substitution, change or variation; and
- (b) inform the Divisional Returning Officer of the division in which the mobile polling team is authorized to operate of the substitution, change or variation.

"(3) An election or the result of an election shall not be invalidated on the grounds that a mobile polling team failed to attend at a place or on the dates or during the hours specified under section 64(2) by the Minister or such place, dates or hours as substituted, changed or varied under this section by a mobile polling team leader."

### 12. PERSONS CLAIMING TO VOTE TO GIVE NAMES AND OTHER PARTICULARS

Section 75 of the Principal Act is amended by omitting sub-section (4) and substituting the following sub-section:

"(4) Subject to this section, a ballot-paper shall be issued under this Part only -

- (a)(i) between the hours of 8.00 a.m. and 6.00 p.m. on polling day; or
- (ii) to an elector who is in a polling place at 6.00 p.m. on a polling day and is desiring to vote; or
- (b)(i) during the hours specified under section 64(2) by the Minister or such hours as changed or varied under section 64A(1) by a mobile polling team leader; or
- (ii) to a person who is in a polling place, designated by a notice erected by a mobile polling team leader, at the expiration of the hours specified under section 64(2) or those hours as changed or varied under section 64A(1) and is desiring to vote.

### 13. VOTE OF UNLISTED PERSONS

Section 80 of the Principal Act is amended by adding at the end the following sub-section:

"(4) A presiding officer who issues a ballot-paper under this section shall -

- (a) make and sign a record of -

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- (i) the name of the person to whom it is issued; and
  - (ii) the division for which the person declares under sub-section (3) he is enrolled; and
- (b) forward the record to the Divisional Returning Officer for the division in which the polling place to which the presiding officer is appointed is situated."

14. ADJOURNMENT OF POLLING

Section 83(1) of the Principal Act is amended by omitting paragraph (b) and substituting:

"(b) fire, storm, tempest, flood or a similar occurrence,".

15. RECONDUCTING A DETERMINATION

Section 95 of the Principal Act is amended -

- (a) by omitting sub-sections (2) and (3) and substituting the following sub-sections:

"(2) For the purposes of sub-section (1), a Divisional Returning Officer shall, subject to sub-section (3) -

- (a) exclude from consideration the candidate in respect of whom the fewest number of highest preference votes has been cast and count the votes cast in favour of that candidate in favour of the candidate next in order of the voter's preference; and
- (b) if no candidate then has more than 50 per cent of the formal votes cast, follow the process of excluding from consideration the candidate who has the fewest number of votes and counting the votes cast in favour of that candidate to the un-excluded candidate next in the order of the voter's preference until one candidate has received more than 50 per cent of the formal votes cast.

"(3) If there are 2 or more candidates with the fewest number of votes a Divisional Returning Officer shall decide by lottery which candidate or candidates shall be excluded from consideration."; and

- (b) by omitting from sub-section (5) "sub-sections (3) and (4)" and substituting "sub-sections (2), (3) and (4)".

16. REPEAL AND REPLACEMENT OF SECTION 111

Section 111 of the Principal Act is repealed and the following section substituted:

"111. UNTRUE STATEMENTS

No person shall make an untrue statement or supply false information -

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- (a) to an officer for the purposes of or in connection with -
- (i) the preparation, maintenance and revision of the rolls; or
  - (ii) obtaining a ballot-paper; or
- (b) in any document required by or under this Act to be signed by the person.

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

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