

NORTHERN TERRITORY OF AUSTRALIA

Regulations 1982, No. 64*

Regulations under the *Electoral Act*

I, ERIC EUGENE JOHNSTON, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Electoral Act*.

Dated this 26th day of November, 1982.

E. E. JOHNSTON

Administrator

By His Honour's Command

P. A. E. EVERINGHAM

Chief Minister

AMENDMENTS OF THE ELECTORAL REGULATIONS

1. COMMENCEMENT

These Regulations shall come into operation on the commencement of section 4 of the *Electoral Amendment Act 1982*.

2. PRINCIPAL REGULATIONS

The Electoral Regulations are in these Regulations referred to as the Principal Regulations.

* Notified in the *Northern Territory Government Gazette* on 26 NOV 1982, 1982.

A. B. CAUDELL, Government Printer of the Northern Territory

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3. NEW REGULATION

The Principal Regulations are amended by inserting after regulation 1 the following:

"1A. DEFINITION

"In these Regulations, unless the contrary intention appears, 'candidate's representative' means -

- (a) for the purposes of regulations 23(1) and 37(1) (first occurring) and Forms 11, 12 and 13 - a person appointed under section 69(1) of the Act;
- (b) for the purposes of regulations 31, 32 and 37(1) (second occurring) - a person appointed under section 89(1) of the Act; and
- (c) for the purposes of regulation 37(2) and Form 14 - a person appointed under section 69(1) or 89(1) of the Act."

4. FAILURE TO VOTE

Regulation 26 of the Principal Regulations is amended -

- (a) by inserting in sub-regulation (3) after "of the Divisional Returning Officer," the words "subject to sub-regulation (3A),"; and
- (b) by inserting after sub-regulation (3) the following:

"(3A) Where a person to whom a notice under sub-regulation (2) has been sent has not voted at the election to which the notice relates because of his religious beliefs, the person may, for the purposes of sub-regulation (3), give those religious beliefs as his explanation for not having voted at that election and, where such an explanation is given, that explanation shall be deemed, for the purposes of sub-regulation (3), to be a satisfactory explanation for not having voted at that election.

"(3B) A Divisional Returning Officer shall, for the division for which he is the Divisional Returning Officer, keep a register of the name and address of each person who has, in pursuance of sub-regulation (3), under sub-regulation (3A), given his religious beliefs as an explanation for not having voted at an election."

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5. INVALID POSTAL VOTES

Regulation 30(1)(b) of the Principal Regulations is amended by omitting "more than 10 days after polling day" and substituting "after 6.00 o'clock in the evening on the Friday next following".

6. REPEAL AND SUBSTITUTION

Regulation 31 of the Principal Regulations is repealed and the following substituted:

"31. CHECKING POSTAL VOTE CERTIFICATES

"(1) The Divisional Returning Officer shall, at such times as he considers practicable after the receipt of a postal vote, in the presence of another officer, or person approved by the Chief Electoral Officer -

(a) compare the signature of the elector on his postal vote certificate with the signature of the same elector on his application, whether under section 55 or 57 of the Act, for a postal ballot-paper;

(b) if satisfied that -

(i) the elector's signature on his postal vote certificate is that of the elector who signed the application referred to in paragraph (a);

(ii) the signature purports to be witnessed by an authorized witness; and

(iii) the vote marked on the postal ballot-paper contained in the envelope purports to have been cast before 6.00 o'clock in the evening on polling day,

the Divisional Returning Officer shall -

(iv) place a mark against the name of the elector on a certified list of voters to be used by him for the purposes of the determination of the results of the poll; and

(v) place the envelope unopened in the 'Postal Ballot-box' referred to in regulation 28; and

(c) if not satisfied of the matters referred to in paragraph (b)(i), (ii) and (iii) mark the unopened envelope with the word 'rejected' and place it in the 'Postal Ballot-box' referred to in regulation 28.

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"(2) The Divisional Returning Officer shall, at such times as he considers practicable after the close of polling, but not earlier than the time specified in paragraph (a), in the presence of such candidates' representatives as choose to attend and other persons approved by the Divisional Returning Officer -

- (a) produce unopened all envelopes containing postal ballot-papers received by him not later than 6.00 o'clock in the evening on the Friday next following polling day;
- (b) allow candidates' representatives to inspect postal vote certificates marked with the word 'rejected' and -
 - (i) exclude the postal ballot-papers contained in those unopened postal vote certificates from the determination of the results of the poll; and
 - (ii) place such postal vote certificates, unopened, in a parcel;
- (c) withdraw from the envelopes admitted to the determination of the results of the poll, the postal ballot-paper and, without inspecting or unfolding it or allowing any other person to do so, forthwith deposit the folded postal ballot-paper in a locked and sealed ballot-box;
- (d) place the envelope from which the postal ballot-paper was withdrawn in a parcel together with all other envelopes from which postal ballot-papers were withdrawn in accordance with paragraph (c); and
- (e) seal up the parcels referred to in paragraphs (b) and (d) and endorse on each parcel a statement of its contents."

7. NOMINEE'S PHOTOGRAPH

Regulation 35 of the Principal Regulations is amended -

- (a) by omitting "For" and substituting "(1) Subject to sub-regulation (2), for"; and
- (b) by adding at the end the following:

"(2) For the purposes of section 48(1)(f) of the Act, the Chief Electoral Officer may, in his discretion, accept a photograph of a nominee which does not comply with the requirements of sub-regulation (1)."

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8. SCHEDULE

The Schedule to the Principal Regulations is amended -

(a) by omitting from Form 5 the following:

"To the Divisional Returning Officer for the division of

We, the undersigned electors on the roll of electors for the abovementioned division, and entitled to vote at the election of a member of the Legislative Assembly, do hereby nominate:",

and substituting the following:

"To the Chief Electoral Officer:

We, the undersigned electors on the roll of electors for the division of and entitled to vote at the election of a member of the Legislative Assembly, do hereby nominate:";

(b) by omitting from Form 5 the following:

"NOTE: A nomination must be accompanied by a photograph of the nominee in accordance with regulation 35 -

A photograph of a nominee shall -",

and substituting the following:

"NOTE: A nomination must be accompanied by a photograph in accordance with regulation 35(1) of the nominee or, in the alternative, be acceptable under regulation 35(2) to the Chief Electoral Officer -

A photograph in accordance with regulation 35(1) of a nominee shall -";

(c) by omitting from Form 7 all words after and including "(a) where an application is made in the Northern Territory" and substituting the following:

"a person who is enrolled, or is entitled to be enrolled, as a Commonwealth, Territory or State elector and, where an application is made outside the Commonwealth, also includes a person who is -

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- (a) 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
- (b) 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.";
- (d) by omitting from Form 9 the following:

"CANDIDATES

- []
- []
- []
- []
- []
- []

and substituting the following:

"CANDIDATES

- [] (photograph of
candidate)
- [] (photograph of
candidate)
- [] (photograph of
candidate)
- [] (photograph of
candidate)
- [] (photograph of
candidate)
- [] (photograph of
candidate)

- (e) by omitting from Form 10 the following:

"CANDIDATES

- []
- []
- []
- []

and substituting the following:

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"CANDIDATES

- [] (photograph of
candidate)
- [] (photograph of
candidate)
- [] (photograph of
candidate)
- [] (photograph of
candidate)"; and
- (f) by omitting from Form 11 paragraphs (c) and (d)
and substituting the following:
 - "(c) to the best of my knowledge, no objection has
been upheld in relation to the inclusion of my
name on a roll of electors;
 - (d) I am not qualified for enrolment in a division
other than the division of for
which I claim to vote; and
 - (e) I have complied with section 27 of the Act prior
to the issue of the writ for the election."

9. FURTHER AMENDMENTS

The Principal Regulations are further amended as set
out in the Schedule.

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SCHEDULE

Regulation 9

Provision	Amendment	
	omit	substitute
Regulations 11 and 12	"A"	"Subject to section 68(c) of the Act, a"
Regulation 21	"polling"	"polling place"
Regulation 32	"representatives"	"candidates' representatives"
Regulation 33	"regulation 31(c)(vi)"	"regulation 31(2)(c)"
Regulation 36(1)	"Divisional Returning Officer for the division in which the relevant polling place is situated"	"Chief Electoral Officer"
Regulation 36(2)	"Divisional Returning Officer"	"Chief Electoral Officer"
Regulation 37	"REPRESENTATIVES"	"CANDIDATES' REPRESENTATIVES"
Regulation 37(1)	"representatives" (second occurring)	"candidates' representatives"
Regulation 37(2)	"or a representative"	
SCHEDULE		
- Form 5	"candiate"	"candidate"
- Form 6	"To the DIVISIONAL RETURNING OFFICER for the division of"	"To the CHIEF ELECTORAL OFFICER:"
	"Legislative Assembly"	"Legislative Assembly for the division of"

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Provision	Amendment	
	omit	substitute
- Form 7	"Title under which witness acts as authorized witness"	"Title under which witness acts as authorized witness if witness is a person other than a person who is enrolled, or entitled to be enrolled, as a Commonwealth, Territory, or State elector"
- Form 8	"..... Divisional Returning Officer for the division of"	"..... Chief Electoral Officer/Divisional Returning Officer for division of*"
	"Title under which witness acts as authorized witness"	"Title under which witness acts as authorized witness if witness is a person other than a person who is enrolled, or entitled to be enrolled, as a Commonwealth, Territory, or State elector"
	"..... signature of witness"	"..... signature of witness (*Stike out whichever is inapplicable)"
- Forms 9 and 10	"the names"	"the names and photographs"
- Form 12	"then return if"	"then return it"

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Provision	Amendment	
	omit	substitute
- Form 14	"REPRESENTATIVES" "of" (first occurring) "candidates' rep- resentative/ representative*" "(*Strike out whichever is inapplicable)"	"CANDIDATES' REPRESENTATIVES" "candidates' representative"