

# LOCAL GOVERNMENT ORDINANCE (No. 2) 1972

1055

No. 10 of 1972

An Ordinance to amend the *Local Government Ordinance 1954* as amended

[Assented to 4 May, 1972]

**B**E it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1.—(1.) This Ordinance may be cited as the *Local Government Ordinance (No. 2) 1972*.

Short title  
and citation

(2.) The *Local Government Ordinance 1954* as amended is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance as amended by this Ordinance may be cited as the *Local Government Ordinance 1954-1972*.

2. After section 100 of the Principal Ordinance the following section is inserted:—

“100A.—(1.) Notwithstanding any other provision of this Ordinance any person who was, on enrolment day, entitled by reason of the provisions of section fifty-seven of this Ordinance to have his name included on the roll of electors for a municipality or a ward of a municipality and whose name is omitted from that roll shall be permitted to vote if he makes a declaration in accordance with Form 3 in the Fourth Schedule to this Ordinance before the presiding officer at the polling place.

Vote of person  
whose name has  
been omitted  
from electoral  
roll

“(2.) When a voter claims to vote under the provisions of this section he shall mark and fold the ballot paper (or each ballot paper) and return it so folded to the presiding officer.

“(3.) The presiding officer shall thereupon, in the presence of the voter and of such scrutineers as are present, and without unfolding the ballot paper (or ballot papers), enclose it (or them) in an envelope bearing the declaration of the voter and addressed to the returning officer, and shall forthwith securely fasten the envelope and deposit it in the ballot box.

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“(4.) The returning officer, on receipt of the envelope containing the ballot paper (or ballot papers) as aforesaid, shall, before opening the envelope or allowing any other person to do so, examine the declaration of the voter, and, if it is in order and he is satisfied, after making such inquiry as may be necessary, that the voter is a person to whom sub-section (1.) of this section applies, cause the ballot paper (or ballot papers) to be dealt with in the manner prescribed in connexion with the scrutiny of postal voters’ ballot papers, and forthwith direct that such correction (if any) as is necessary be made in the roll by the clerk and the correction shall be made accordingly.

“(5.) Where the claim of any person to vote under this section is refused the presiding officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof, and the presiding officer and a poll clerk shall sign the note in the presence of such scrutineers as are present. Any of those scrutineers may also sign the note.”.

Presiding officer not to permit person to vote in certain circumstances

3. Section 101 of the Principal Ordinance is amended by omitting the words “provisions of the last preceding section” and inserting in their stead the words “provisions of section one hundred of this Ordinance”.

Fourth Schedule

4. The Fourth Schedule to the Principal Ordinance is amended by adding at the end thereof the following form:—

“FORM 3 Section 100A

NORTHERN TERRITORY OF AUSTRALIA

*Local Government Ordinance*

FORM OF DECLARATION TO BE USED AT THE POLLING BY A PERSON CLAIMING TO VOTE UNDER THE PROVISIONS OF SECTION 100A OF THE LOCAL GOVERNMENT ORDINANCE WHO DECLARES THAT HIS NAME HAS BEEN OMITTED FROM THE CERTIFIED LIST OF VOTERS FOR THE POLLING PLACE AT WHICH HE CLAIMS TO BE ENTITLED TO VOTE, OWING TO AN ERROR OF AN OFFICER OR A MISTAKE OF FACT.

I, (name in full) of (address) declare:—

That I was enrolled as an elector for an election of a member of the House of Representatives for the Northern Territory on enrolment day and on that day I resided in the ward of the municipality of at

(Personal signature of voter)

Signed before me on the day of 19

Presiding Officer.