



CONSTITUTION AMENDMENT ACT 1983

—
 No. 36 of 1983
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AN ACT to amend the Constitution Act 1934 for the purpose of making further provision with respect to the qualification of persons as electors at elections for the Legislative Council and the House of Assembly, and for other purposes.

[Royal Assent 19 July 1983]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Constitution Amendment Act* Short title. 1983.

Commence-
ment.

2—(1) This section and section 1 shall commence on the day on which this Act receives the royal assent.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be fixed by proclamation.

Principal Act

3—In this Act, the *Constitution Act 1934** is referred to as the Principal Act.

Amendment of
section 14 of
Principal Act
(Qualification
of Members).

4—Section 14 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) Every person who, under the provisions of the *Electoral Act 1907*, is an elector, or is entitled to have his name placed on the roll for a division or subdivision for the House in respect of which he is nominated as a candidate for election shall, unless he is disqualified by virtue of this Act, be capable of being elected as a Member of that House if he—

(a) has resided in Tasmania continuously for a period of 5 years at any one time; or

(b) has resided in Tasmania for a period of 2 years immediately preceding his nomination as such a candidate.

Substitution
of section 28
of Principal
Act.

5—Section 28 of the Principal Act is repealed and the following section is substituted:—

Council
electors.

28—(1) Subject to the provisions of this Act and the *Electoral Act 1907*, every person not under the age of 18 years, whether male or female—

(a) who has resided in Tasmania continuously for a period of at least 6 months at any one time; and

(b) who is—

(i) an Australian citizen; or

* 25 Geo. V No. 94. For this Act, as amended up to and including 1st October 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 78 of 1980, No. 2 of 1981, and Nos. 9 and 16 of 1982.

- (ii) a British subject, other than an Australian citizen, who was, immediately before the day fixed under section 2 (2) of the *Constitution Amendment Act 1983*, enrolled in this or any other State or any Territory of the Commonwealth as an elector for the Senate or the House of Representatives or as an elector for the legislature, or any House of the legislature, of any such other State or any such Territory,

is entitled to be enrolled as an elector for the Council on the roll for the Council division in which the person lives and, when so enrolled, shall be qualified to vote at any election of a Member to serve in the Council for that Council division.

(2) Subject to the provisions of this Act and to the *Electoral Act 1907*, every person who was, immediately before the day fixed under section 2 (2) of the *Constitution Amendment Act 1983*, enrolled as an elector for the Council is entitled to continue to be enrolled as such an elector and, while he continues to be so enrolled, is qualified to vote at any election of a Member to serve in the Council for the Council division in respect of which that person is enrolled.

6—Section 29 of the Principal Act is repealed and the following section is substituted:—

Substitution of section 29 of Principal Act.

29—(1) Subject to the provisions of this Act and of the *Electoral Act 1907*, every person not under the age of 18 years, whether male or female—

Assembly electors.

(a) who has resided in Tasmania continuously for a period of at least 6 months at any one time; and

(b) who is—

(i) an Australian citizen; or

(ii) a British subject, other than an Australian citizen, who was, immediately before the day fixed under section 2 (2) of the *Constitution Amendment Act 1983*, enrolled in this or any other State or any Territory of the Commonwealth as an elector for the Senate or

the House of Representatives or as an elector for the legislature, or any House of the legislature, of any such other State or any such Territory,

is entitled to be enrolled as an elector for the Assembly on the roll for the Assembly subdivision in which the person lives and, when so enrolled, shall be qualified to vote at any election of Members to serve in the Assembly for the Assembly division of which that Assembly subdivision forms part.

(2) Subject to the provisions of this Act and of the *Electoral Act* 1907, every person who was, immediately before the day fixed under section 2 (2) of the *Constitution Amendment Act* 1983, enrolled as an elector for the Assembly is entitled to continue to be enrolled as such an elector and, while he continues to be so enrolled, is qualified to vote at any election of Members to serve in the Assembly for the Assembly division of which the Assembly subdivision for which that person is enrolled forms part.