
ELECTORAL AMENDMENT ACT 1989

No. 23 of 1989

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ELECTORAL AMENDMENT ACT 1989

No. 23 of 1989

AN ACT to amend the Electoral Act 1985.

[Royal Assent 13 April 1989]

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 Electoral Amendment Act 1989. Short title.

2—This Act shall commence on the day on which it receives the Royal assent. Commencement.

3—In this Act, the Electoral Act 1985* is referred to as the Principal Act. Principal Act.

4—Section 106 (6) (a) of the Principal Act is amended by omitting “locked” and substituting “securely fastened”. Amendment of section 106 of Principal Act (Ballot-papers for use at Assembly election).

5—Section 108 (4) (c) of the Principal Act is amended by omitting “has a lock and key and” and substituting “can be securely fastened and has”. Amendment of section 108 of Principal Act (Polling-booths to be divided into sections where necessary).

* No. 46 of 1985. Amended by No. 29 of 1984 and No. 98 of 1985.

Amendment of section 115 of Principal Act (Officer in charge of polling-booth to exhibit ballot-box before taking poll).

- 6—Section 115 of the Principal Act is amended as follows:—**
- (a) by omitting “lock” from paragraph (b) and substituting “securely fasten”;
 - (b) by omitting “locked and” from paragraph (b) (ii);
 - (c) by omitting “the key” from paragraph (c) and substituting “any key”.

Amendment of section 145 of Principal Act (Directions for postal voting).

- 7—Section 145 of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:—**

(2) Where an elector is voting by means of a postal ballot-paper—

- (a) the elector shall comply with the direction specified in subsection (1) (d) (iii); or
- (b) the person acting on behalf of the elector under subsection (1) (f) or (g) shall comply with subsection (1) (f) (iii),

before the close of polling for an election.

(2A) An elector who is voting by means of a postal ballot-paper may—

- (a) post that ballot-paper to the returning officer for the electoral division in respect of which the elector is entitled to vote;
- (b) deliver that ballot-paper to any returning officer before the close of polling for an election; or
- (c) deliver that ballot-paper to the officer in charge of any polling-booth at which a poll is being conducted before the close of polling for an election.

(2B) A postal ballot-paper shall be rejected at the counting of votes for a poll where—

- (a) that ballot-paper, if posted, does not reach the returning officer for the electoral division in respect of which the elector concerned is entitled to vote before the expiration of 10 days after the day on which the poll is held;
- (b) that ballot-paper, if delivered, is not delivered to a returning officer or an officer in charge of a polling-booth at which a poll is being conducted before the close of polling for an election; or

(c) subsection (2) has been contravened,
and the returning officer shall record in writing the reason
for the rejection of that ballot-paper.

8—Section 149 (2) of the Principal Act is amended by omitting “locked and sealed” and substituting “securely fastened”.

Amendment of section 149 of Principal Act (Preliminary counting of postal ballot-papers).

9—Section 169 (2) of the Principal Act is amended by omitting “locked and sealed” and substituting “securely fastened”.

Amendment of section 169 of Principal Act (Preliminary counting of ballot-papers of certain electors under this Division).

10—Section 177 (2) of the Principal Act is amended by omitting “locked and sealed” and substituting “securely fastened”.

Amendment of section 177 of Principal Act (Functions of returning officer with respect to absent voting).

