



ELECTORAL AMENDMENT ACT 1994

No. 80 of 1994

TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Principal Act
4. Section 3 amended (Interpretation)
5. Section 8 amended (Electoral registrars)
6. Section 16 amended (Transfer of electors from one electoral roll to another)
7. Section 19 substituted
19—State roll and division rolls
8. Section 20 amended (Form of electoral rolls)
9. Section 21 amended (Arrangements with Commonwealth)
10. Consequential amendments relating to prescribed forms
11. Amendment of *Jury Act 1899*
12. Transitional and saving





ELECTORAL AMENDMENT ACT 1994

No. 80 of 1994

AN ACT to amend the *Electoral Act 1985* and to make consequential amendments to the *Jury Act 1899*

[Royal Assent 2 December 1994]

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:—

Short title

1—This Act may be cited as the *Electoral Amendment Act 1994*.

Commencement

2—This Act commences on the day on which it receives the Royal Assent.

Principal Act

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

Section 3 amended (Interpretation)

4—(1) Section 3 (1) of the Principal Act is amended as follows:—

(a) by inserting after the definition of “address” the following definition:—

“**approved form**” means a form approved by the Chief Electoral Officer under section 19 (3);

(b) by omitting “electoral roll for the division” from the definition of “electoral roll” or “roll” and substituting “roll of electors shown on the State roll as being enrolled for that division”;

(c) by inserting after the definition of “returning officer” the following definition:—

“**State roll**” means the State roll prepared and kept under section 19;

(2) Section 3 of the Principal Act is further amended by inserting after subsection (1) the following subsection:—

(1A) A reference in this Act to a roll for a Council division or an Assembly division is a reference to the electors shown on the State roll as being enrolled for that division.

Section 8 amended (Electoral registrars)

5—Section 8 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:—

(3) The Chief Electoral Officer may appoint a person to be an electoral registrar of a Council division.

(3A) A person holding office as an electoral registrar for a Council division is not, as such, subject to the *Tasmanian State Service Act 1984*.

* No. 46 of 1985. Amended by No. 29 of 1984, Nos. 8 and 98 of 1985, No. 23 of 1989, No. 5 of 1990, Nos. 28 and 46 of 1991, Nos. 9 and 16 of 1992, No. 88 of 1993 and Nos. 67 and 68 of 1994.

(3B) An employee, within the meaning of the *Tasmanian State Service Act 1984*, may hold office as an electoral registrar in conjunction with his or her office in the State Service.

Section 16 amended (Transfer of electors from one electoral roll to another)

6—Section 16 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

(1) Where a relevant occurrence takes place and as a result of that occurrence the division or divisions indicated for an elector are no longer appropriate, the Chief Electoral Officer must cause that division or those divisions to be changed, as the particular circumstances require.

Section 19 substituted

7—Section 19 of the Principal Act is repealed and the following section is substituted:—

State roll and division rolls

19—(1) For the purposes of this Act, there is to be prepared and kept—

- (a) a State roll showing the Council and Assembly electors and indicating the electoral divisions in which each elector is enrolled; and
- (b) a roll for each Council division which is to be the roll of electors shown on the State roll as being enrolled for that division; and
- (c) a roll for each Assembly division which is to be the roll of electors shown on the State roll as being enrolled for that division.

(2) The State roll may be kept by electronic means or any similar means.

(3) The forms to be used for the purposes of the State roll are to be as approved by the Chief Electoral Officer.

(4) The Chief Electoral Officer must, as soon as practicable after approving a form, publish the form and notice of the approval in the *Gazette*.

(5) For the purposes of this Act, any addition, alteration, deletion or other action to be taken for the purpose of an Assembly roll or Council roll is to be effected by an appropriate change to the State roll.

Section 20 amended (Form of electoral rolls)

8—Section 20 of the Principal Act is amended by omitting subsection (2).

Section 21 amended (Arrangements with Commonwealth)

9—Section 21 of the Principal Act is amended as follows:—

- (a) by omitting “Assembly rolls” (wherever occurring) and substituting “State roll”;
- (b) by omitting from subsection (2) (a) “in the manner prescribed by the regulations”;
- (c) by omitting from subsection (2) (b) “distinguishing marks, as prescribed by the regulations,” and substituting “a clear indication”;
- (d) by omitting paragraph (c) from subsection (2) and substituting the following paragraph:—
 - (c) any other particulars.

Consequential amendments relating to prescribed forms

10—(1) The following provisions of the Principal Act are each amended by omitting “the prescribed” and substituting “an approved”:—

Sections 24 (a) (ii), 29 (2) (a), 31 (1) and (2), 34 (1) and (2), 41 (3) (a), 43 (2) (a) and 45 (1).

(2) The following provisions of the Principal Act are each amended by omitting “accordance with the prescribed form” and substituting “writing”:—

Sections 32 (1) (b) (ii), 33 (1) (b), 33 (3) (b) and (4) and 34 (4) and (5).

Amendment of Jury Act 1899

11—The *Jury Act 1899** is amended as follows:—

- (a) by omitting from section 3 the definition of “Assembly roll”;
- (b) by inserting after the definition of “Sheriff” the following definition:—

“State roll” means the State roll kept under section 19 of the *Electoral Act 1985*;
- (c) by omitting from section 4 (1) “an Assembly” and substituting “the State”;
- (d) by omitting from section 9 (2) “Assembly rolls” and substituting “State roll”.

Transitional and saving

12—On the commencement of the *Electoral Amendment Act 1994*—

- (a) the State roll is taken to be constituted by the several rolls kept for the Assembly divisions under section 19 of the Principal Act as in force immediately before that commencement; and
- (b) a person who immediately before that commencement was enrolled for a Council division retains his or her eligibility to vote at the next periodic Council election for that division so long as he or she is at the time of that election eligible to be enrolled for that division.

* 63 Vict. No. 32. For this Act, as amended to 1 September 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 43 of 1982, No. 29 of 1984, No. 121 of 1985, No. 44 of 1986, No. 12 of 1987, Nos. 5 and 20 of 1990, Nos. 17 and 46 of 1991, Nos. 72 and 73 of 1993 and Nos. 67 and 68 of 1994.

*[Second reading presentation speech made in:—
House of Assembly on 17 November 1994
Legislative Council on 24 November 1994]*