



**ELECTORAL AMENDMENT (FAILURE OF ELECTIONS)
ACT 1992**

No. 9 of 1992

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AN ACT to amend the *Electoral Act 1985*

[Royal Assent 21 May 1992]

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 (Failure of Elections) Act 1992*.

Commencement

2—This Act commences on 21 May 1992 but, if it has not received the Royal Assent before that day, it is taken to have commenced on 21 May 1992.

Principal Act

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

Section 3 amended (Interpretation)

4—Section 3 (3) of the Principal Act is amended by omitting paragraph (a) and substituting the following paragraph:—

- (a) a reference to the failure of an election in respect of a Council division is a reference to such an election—
 - (i) in respect of which no candidates have been nominated or returned for the division; or
 - (ii) which has failed by virtue of the operation of section 102 (3); and

Section 94 amended (Proceedings after close of nominations for Assembly division)

5—Section 94 (5) of the Principal Act is amended by inserting “or after” after “dies on”.

Section 102 amended (Proceedings after close of nominations for Council election)

6—Section 102 of the Principal Act is amended by inserting after subsection (2) the following subsections:—

- (2A) If, in relation to an election in respect of a Council division, a candidate nominated for election dies before noon on nomination day, the nomination day is, except for the purposes of sections 80 and 81, taken to be the day immediately following the first-mentioned nomination day.

* No. 46 of 1985. Amended by No. 29 of 1984, Nos. 8 and 98 of 1985, No. 23 of 1989, No. 5 of 1990 and Nos. 28 and 46 of 1991.

(3) If, in relation to an election in respect of a Council division, a candidate nominated for election dies after noon on nomination day and before the day fixed for polling for the election, the election fails.

(4) If, in relation to an election in respect of a Council division, a candidate nominated for election dies on or after the day fixed for polling for the election, any votes cast by electors for that candidate are, at the counting of votes, to be dealt with as if the candidate had not died.

(5) If, at the completion of the counting of votes, sufficient votes have been cast for a candidate referred to in subsection (4) to be returned as a member of the Council division concerned, a vacancy is deemed to have occurred in the member's seat as if the member had died on the day after the declaration of the poll.

(6) A vacancy deemed to have occurred under subsection (5) is to be filled as provided by section 77.

