



ELECTORAL (REGISTERED PARTIES) ACT 1995

No. 78 of 1995

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**ELECTORAL (REGISTERED PARTIES) ACT 1995**

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AN ACT to apply the *Electoral Act 1985* uniformly to all registered parties, to rectify an anomaly created by the registration of certain parties under Schedule 7 to that Act, to remove any doubts arising from the registration of those certain parties, to amend the *Electoral Act 1985* to allow the Chief Electoral Officer to maintain an accurate party register and for related purposes

[Royal Assent 14 November 1995]

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 (Registered Parties) Act 1995*.

Commencement

2—(1) If this Act receives Royal Assent on or before 24 October 1995, this Act commences on the day on which it receives Royal Assent.

(2) If this Act receives Royal Assent after 24 October 1995, this Act is taken to have commenced on that day.

Interpretation

3—In this Act, unless the contrary intention appears—

“**commencement day of the Electoral Act**” means 12 November 1985;

“**Electoral Act**” means the *Electoral Act 1985*;

“**endorsement representative**” has the same meaning as in the Electoral Act;

“**existing party**” means a party which—

(a) immediately before the commencement day of the Electoral Act, was registered under Part VIIIA of the repealed Act; and

(b) on the commencement of this Act—

(i) is on the party register; and

(ii) has less than 100 registered members;

“**party register**” has the same meaning as in section 53 of the Electoral Act;

“**registered member**” has the same meaning as in section 53 of the Electoral Act;

“**registered party**” has the same meaning as in the Electoral Act;

“**repealed Act**” means the *Electoral Act 1907*.

Existing parties to supply list of members for registration, &c.

4—(1) Each existing party must provide to the Chief Electoral Officer by 5:00 p.m. on 24 November 1995—

(a) a list in a form approved by the Chief Electoral Officer which contains the names and addresses of 100 of its members who are to be the registered members in respect of the party; and

- (b) a declaration from each of those members in a form approved by the Chief Electoral Officer which is signed by that member and states that he or she—
- (i) is 18 or more years old; and
 - (ii) is ordinarily resident in Tasmania; and
 - (iii) is a member of that existing party; and
- (c) a notice in a form approved by the Chief Electoral Officer which is signed by 3 of those members and specifies—
- (i) the name of that existing party and the other or abbreviated name which is to be printed on ballot papers as the name of that existing party for the purposes of Part IV of the Electoral Act; and
 - (ii) the name and address of the person who is to be the endorsement representative for that existing party.

(2) Two or more of the documents referred to in subsection (1) may be combined as one document.

Registration of members, &c.

5—If the Chief Electoral Officer receives in respect of an existing party the documents referred to in section 4 (1) by 5·00 p.m. on 24 November 1995—

- (a) the persons who are registered members on 24 November 1995 cease to be registered members at the end of that day; and
- (b) the persons whose names and addresses are in the list provided to the Chief Electoral Officer under section 4 (1) (a) are taken to be the registered members for the existing party registered under section 57 (2) (c) of the Electoral Act on 25 November 1995; and
- (c) the name of the existing party shown in the party register on 24 November 1995 is taken to be removed from the party register at the end of that day; and

- (d) the name of the existing party as specified in the notice provided to the Chief Electoral Officer under section 4 (1) (c) is taken to be entered in the party register as the name of the existing party under section 57 (2) (a) of the Electoral Act on 25 November 1995; and
- (e) the other or abbreviated name shown in the party register on 24 November 1995 is taken to be removed from the party register at the end of that day; and
- (f) the other or abbreviated name as specified in a notice provided to the Chief Electoral Officer under section 4 (1) (c) is taken to be entered in the party register as the other or abbreviated name in relation to the existing party under Part IV of the Electoral Act on 25 November 1995; and
- (g) the person who, on 24 November 1995, is the endorsement representative ceases to be the endorsement representative at the end of that day; and
- (h) the person specified in the notice provided to the Chief Electoral Officer under section 4 (1) (c) as the person who is to be the endorsement representative is taken to be entered in the party register as the endorsement representative for the existing party under section 57 (2) (d) of the Electoral Act on 25 November 1995.

Effect of not providing list of members, &c.

6—If the Chief Electoral Officer does not receive in respect of an existing party all the documents referred to in section 4 (1) by 5·00 p.m. on 24 November 1995, the existing party ceases to be a registered party at the end of that day.

Duty of Chief Electoral Officer to amend party register

7—As soon as is reasonably practicable on or after 25 November 1995, the Chief Electoral Officer must amend the party register in accordance with the changes made by sections 5 and 6 to ensure that it provides accurate information in respect of registered parties, registered members and endorsement representatives.

Validation of registration of parties, &c.

8—(1) An existing party is a registered party and is to be taken to have been validly registered under section 57 of the Electoral Act on the commencement day of the Electoral Act.

(2) If a person's name was entered or appeared in the party register as a registered member in relation to an existing party on or after the commencement day of the Electoral Act but before 25 November 1995, that person is taken to be a registered member during the period—

- (a) commencing on the day the person's name was entered or appeared in the party register; and
- (b) ending on the removal of the person's name from the register or 24 November 1995, whichever occurs first.

(3) If a person's name was entered or appeared in the party register as the endorsement representative of an existing party on or after the commencement day of the Electoral Act but before 25 November 1995, that person is taken to be the endorsement representative of the existing party during the period—

- (a) commencing on the day the person's name was entered or appeared in the party register; and
- (b) ending on the removal of the person's name from the register or 24 November 1995, whichever occurs first.

(4) An act done or omitted after the commencement day of the Electoral Act and before 25 November 1995 under Part IV of the Electoral Act in relation to an existing party, or in reliance on the belief that an existing party was a registered party, is not invalid only because the number of registered members for that existing party at the time of the act is or was less than 100.

Amendment of Electoral Act

9—The Electoral Act is amended by inserting the following section after section 57:—

Updating party register

57A—(1) For the purpose of determining the accuracy of the party register, the Chief Electoral Officer may require the endorsement representative of each registered party to provide to the Chief Electoral Officer, in a form approved by the Chief Electoral Officer, a statement—

- (a) as to whether or not the registered members named in the requirement are current members of the registered party; and
- (b) notifying the Chief Electoral Officer of a change of address of the endorsement representative or any of the registered members named in the requirement who are current members of the registered party.

(2) A requirement under subsection (1) is to be provided in writing to the endorsement representative.

(3) The Chief Electoral Officer must not make a requirement under subsection (1) more than once in each year.

(4) The endorsement representative must comply with a requirement made under this section—

- (a) in a form approved and provided by the Chief Electoral Officer; and
- (b) within 30 days after receiving the requirement.

(5) If the endorsement representative notifies the Chief Electoral Officer of a change of address of himself or herself or a registered member, the Chief Electoral Officer must correct the party register.

(6) If the endorsement representative fails to comply with a requirement made under subsection (1) within the period specified in subsection (4) (b), the Chief Electoral Officer may take action under section 63 as if he or she believed that all the registered members specified in the requirement had ceased to be members of the registered party.

*[Second reading presentation speech made in:—
House of Assembly on 17 October 1995
Legislative Council on 18 October 1995]*

