

NORFOLK



ISLAND

LEGISLATIVE ASSEMBLY AMENDMENT ACT 1991

Act No. 13 of 1991

An Act to amend the *Legislative Assembly Act 1979*

[Assented to 2 August 1991]

BE IT ENACTED by the Legislative Assembly of Norfolk Island as follows —

Short title

1. This Act may be cited as the *Legislative Assembly Amendment Act 1991*.

Commencement

2. This Act comes into operation on a date fixed by the Administrator by notice published in the Gazette.

Principal Act

3. The *Legislative Assembly Act 1979* is in this Act referred to as the Principal Act.

Definitions

4. Section 3 of the Principal Act is amended by omitting from subsection (1) the definition of “Returning Officer” and substituting —

“ ‘Returning Officer’ means a person appointed under section 11.”.

Electoral roll

5. Section 5 of the Principal Act is amended by omitting “Administrator” and substituting “Returning Officer”.

Qualifications for enrolment

6. Section 6 of the Principal Act is amended by omitting subsections (1) and (2) and substituting —

“ (1) Subject to subsection (3), a person is entitled to enrolment if the person —

- (a) has attained the age of 18 years; and
- (b) has been present in Norfolk Island for a total of 900 days during the period of 4 years immediately preceding the person’s application for enrolment.

(2) Subject to subsection (3), a person whose name has been removed from the electoral roll under paragraph 7(1)(b) or (c) is entitled to enrolment if the person has been present in Norfolk Island for a total of 150 days during the period of 240 days immediately preceding the person’s application for enrolment.”.

Alteration of roll

7. Section 7 of the Principal Act is amended by omitting subsection (1) and substituting —

“ (1) The Returning Officer shall cause to be removed from the electoral roll the name of a person who —

- (a) is dead;
- (b) has been absent from Norfolk Island for more than a total of 150 days during the period of 240 days immediately preceding the day on which the electoral roll is closed in accordance with section 8; or
- (c) has ceased to be entitled to enrolment by reason of the application of subsection 6(3).

(1A) As soon as practicable, and in any case within 7 days, after a person's name has been removed from the electoral roll under paragraph (1)(b) or (c), the Returning Officer shall give written notice to the person of the removal and of the reason for it.

(1B) A notice under subsection (1A) may be given by post, and, for the purposes of the application of section 21 of the Interpretation Act 1979, is to be taken to have been properly addressed if it is directed to the person at the address that was entered, immediately before the removal of the person's name, on the electoral roll in respect of the person.”.

New section

8. The Principal Act is amended by inserting after section 7 —

Calculation of presence in Norfolk Island

“ 7A. For the purposes of sections 6 and 7 —

- (a) where a person has been present in Norfolk Island for less than the whole of a day, the person is to be taken not to have been present in Norfolk Island on that day; and
- (b) where a person satisfies the Returning Officer —
 - (i) that the person has not attained the age of 25 years; and
 - (ii) that the person has been absent from Norfolk Island for the sole or principal purpose of undergoing full-time vocational training or full-time education,

the person is to be taken to have been present in Norfolk Island during the period of the person's absence.

Correction of errors

7B. Where the Returning Officer is satisfied that a person's name was removed from the electoral roll by reason of inadvertence, or that no reason is ascertainable for the removal of the person's name, the Returning Officer shall re-instate the person's name on the electoral roll.”.

Closing of roll

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

“ (2) While the electoral roll is closed, an alteration shall not be made to the roll except —

- (a) to remove the name of a person under subsection 7(1);
- (b) to make a correction under subsection 7(3);
- (c) to re-instate the name of a person under section 7B; or
- (d) to give effect to an order made by the Court of Petty Sessions on an appeal under section 9.”.

Returning Officer

10. Section 11 of the Principal Act is amended by omitting subsection (1) and substituting —

“ (1) The Administrator shall, by written instrument, appoint a person to be the Returning Officer for the purposes of this Act.”.

Consequential amendments

11. The Principal Act is amended in accordance with the Schedule.

SCHEDULE

Section 11

Item	Provision amended	Amendment
1	Subsection 6(4)	Omit “Administrator”, substitute “Returning Officer”
2	Subsection 6(5)	Omit “Administrator”, substitute “Returning Officer”
3	Subsection 6(6)	Omit “Administrator” (twice occurring), substitute “Returning Officer”
4	Subsection 6(7)	Omit “Administrator” (twice occurring), substitute “Returning Officer”
5	Subsection 7(2)	Omit “Administrator”, substitute “Returning Officer”
6	Subsection 7(3)	Omit “Administrator” (twice occurring), substitute “Returning Officer”
7	Subsection 7(4)	Omit “Administrator”, substitute “Returning Officer”
8	Subsection 9(3)	Omit “Administrator”, substitute “Returning Officer”

Notified Gazette No. 35, 5 August 1991.

Commenced 7 August 1991 (Gazette No. 36, 7 August 1991).

This enactment amends Act No. 5 of 1979 as previously amended by Act No. 6 of 1979, Act No. 4 of 1983, Act No. 3 of 1984, Act No. 3 of 1985, Act No. 9 of 1985, Act No. 31 of 1986, Act No. 22 of 1987 and Act No. 9 of 1989.

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