

Serial 61
Electoral Amendment Bill 2018
Mr Gunner

A Bill for an Act to amend the *Electoral Act*

NORTHERN TERRITORY OF AUSTRALIA

ELECTORAL AMENDMENT ACT 2018

Act No. [] of 2018

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NORTHERN TERRITORY OF AUSTRALIA

Act No. [] of 2018

An Act to amend the *Electoral Act*

[Assented to [] 2018]
[Introduced [] 2018]

The Legislative Assembly of the Northern Territory enacts as follows:

1 Short title

This Act may be cited as the *Electoral Amendment Act 2018*.

2 Commencement

This Act commences on the day after the day on which the Administrator's assent to this Act is declared.

3 Act amended

This Act amends the *Electoral Act*.

4 Section 3 amended (Definitions)

(1) Section 3, definition ***Augmented Redistribution Committee***

omit

(2) Section 3

insert (in alphabetical order)

redistribution process, for Part 8, Division 3, see section 140A.

redistribution report, see section 148(1).

5 Section 138 amended (When redistribution to be conducted)

Section 138(1) and (2)

omit, insert

- (1) A redistribution must be conducted in accordance with this Part:
- (a) after each general election; and
 - (b) after each extraordinary general election.
- (2) For subsection (1)(a), the redistribution process must:
- (a) start as soon as practicable after 2 years and 6 months after the polling day for the general election; and
 - (b) be completed as soon as practicable.
- (2A) For subsection (1)(b), the redistribution must:
- (a) start as soon as practicable after 1 year and 6 months after the polling day for the extraordinary general election; and
 - (b) be completed as soon as practicable.

6 Part 8, Division 2 heading amended

Part 8, Division 2, heading

omit

Objects

insert

Object

7 Section 139 replaced

Section 139

omit, insert

139 Object of redistribution

The object of a redistribution is to ensure that, at the time of the next general election, the number of electors in each proposed division is as near to equal as practicable.

139A Principles of redistribution

To satisfy the object of redistribution, the Redistribution Committee must have regard to the following principles:

- (a) the physical area of a division containing rural and remote areas should be as small as practicable;
- (b) the demographic characteristics of a division should be as uniform as practicable;
- (c) the geographic features of a division should be as uniform as practicable;
- (d) each identifiable community should be included in only one division if practicable;
- (e) subject to paragraphs (a) to (d), changes to existing divisions should minimise the number of electors being transferred from one division to another.

139B Naming of division during redistribution

- (1) The name of a division must not be changed by a redistribution unless the existing name is no longer appropriate.
- (2) If a new name is proposed for a division, the use of locality names should be avoided.

8 Section 140 amended (Matters to be considered in redistribution)

- (1) Section 140(1)

omit

objects

insert

object

- (2) Section 140(1)

omit

and Augmented Redistribution Committee

(3) Section 140(2)

omit

Committees

insert

Redistribution Committee

9 Section 140A inserted

After section 140, in Part 8, Division 3

insert

140A Definitions

In this Division:

redistribution process means any action taken under sections 141 to 146.

140B Calculation of quota

- (1) The Redistribution Committee is responsible for calculating the quota under section 13(4) of the *Self-Government Act*.
- (2) The calculation must be done as soon as practicable:
 - (a) after the establishment of the Redistribution Committee; and
 - (b) after the expiry of the 30-day period mentioned in section 145(b).
- (3) The Redistribution Committee may calculate the quota at any other time during the redistribution process if the Committee is of the opinion that calculating the quota would:
 - (a) improve the accuracy of the redistribution; and
 - (b) achieve the object in section 139.

10 Section 143 amended (Preparing proposed redistribution)

(1) Section 143, heading, after "**Preparing**"

insert

first

(2) Section 143(1), after "a"

insert

first

(3) Section 143(2), after "The"

insert

first

11 Section 144 amended (Maps showing proposed redistribution)

(1) Section 144, heading, after "**showing**"

insert

first

(2) Section 144, after "prepared the"

insert

first

12 Section 145 amended (Inviting objections against proposed redistribution)

(1) Section 145, heading, after "**against**"

insert

first

(2) Section 145(b)

omit, insert

(b) stating that any objection on the first proposed redistribution must be made in writing to the Redistribution Committee within 30 days after the notice is published in the *Gazette*.

13 Sections 145A and 145B inserted

After section 145

insert

145A Preparing second proposed redistribution

- (1) The Redistribution Committee must give proper consideration to all objections made under section 145(b).
- (2) As soon as practicable after the 30 days mentioned in section 145(b), the Redistribution Committee must prepare the second proposed redistribution of the Territory into divisions.
- (3) The second proposed redistribution must include proposed names for the proposed divisions.

145B Inviting objections to second proposed redistribution

- (1) If a second proposed redistribution would result in the sum of the following being greater than 15% of the total number of electors in a division at the time the quota is calculated under section 140B(2)(b), the Redistribution Committee must invite objections to the second proposed redistribution:
 - (a) the number of electors added to the division by the second proposed redistribution as compared to the first proposed redistribution; and
 - (b) the number of electors removed from the division by the second proposed redistribution as compared to the first proposed redistribution.
- (2) Despite subsection (1), the Redistribution Committee is not required to invite objections to the second proposed redistribution if the Redistribution Committee is of the opinion that:
 - (a) holding a second objection period would cause major inconvenience or have other serious consequences, such as causing a delay to a scheduled general election; or
 - (b) the second proposed redistribution is the only feasible option because there has been a natural disaster or another event causing extraordinary demographic movement.

Note for subsection (2)(a)

A delay to the finalisation of the redistribution process is not of itself a major inconvenience or serious consequence.

-
- (3) If, in the opinion of the Redistribution Committee, a second proposed redistribution involves a significant change in a matter to which the Redistribution Committee must give consideration under section 140(2)(a), (c), (e), (f) or (g), the Redistribution Committee may invite objections to the second proposed redistribution.
- (4) If the Redistribution Committee invites objections to a second proposed redistribution under subsection (1) or (3), the Redistribution Committee must:
- (a) make available, for public inspection, without fee, a map or number of maps together showing the names and boundaries of all proposed divisions; and
 - (b) publish a notice in accordance with section 137:
 - (i) advising of the availability for inspection of the map or maps mentioned in paragraph (a); and
 - (ii) stating that any objection on the second proposed redistribution must be made in writing to the Redistribution Committee within 14 days after the notice is published in the *Gazette*.

14 Section 146 amended (Considering objections)

(1) Section 146

omit

Augmented

(2) Section 146

omit

all

insert

any

(3) Section 146

omit

145(b)

insert

145B(4)(b)(ii)

15 Section 147 amended (Deciding redistribution)

Section 147(1)

omit, insert

- (1) The Redistribution Committee must, by *Gazette* notice (a ***redistribution declaration notice***), redistribute the Territory into divisions.
- (1A) A redistribution declaration notice must be published:
- (a) if the Redistribution Committee invites objections under section 145B – as soon as practicable after the expiry of the 14 days mentioned in section 145B(4)(b)(ii); or
 - (b) if the Redistribution Committee does not invite objections under section 145B – as soon as practicable after the expiry of the 30 days mentioned in section 145(b).

16 Section 148 amended (Report about redistribution)

(1) Section 148(1)

omit

Augmented

(2) Section 148(1)

omit

give the Minister

insert

prepare

(3) Section 148(1), after "about the redistribution"

insert

(a ***redistribution report***)

(4) Section 148(2)

omit

contain

-
- (5) Section 148(2)(a), before "details"
insert
include
- (6) Section 148(2)(b), before "a map"
insert
contain
- (7) Section 148(2)(b)
omit
divisions.
insert
divisions;
- (8) After section 148(2)(b)
insert
(c) state the reasons for redistributing the Territory into the divisions set out in the redistribution declaration notice; and
(d) state the reasons that the Redistribution Committee did or did not invite objections on the second proposed redistribution under section 145B.
- (9) Section 148(3)
omit, insert
(3) The Redistribution Committee must provide the redistribution report to the Commissioner as soon as practicable after the publication of the redistribution declaration notice.
(4) The Commissioner must, as soon as practicable after the receipt of the redistribution report:
(a) make the report available for public inspection without fee; and
(b) give the Speaker a copy of the report.
(5) The Speaker must table a copy of the report in the Legislative Assembly within 3 sitting days after the Speaker receives the report.

-
- (6) For this section, ***available for public inspection*** includes by electronic publication.

17 Section 149 repealed (Report about redistribution and maps to be available for public inspection)

Section 149

repeal

18 Section 150A inserted

After section 150, in Part 8, Division 3

150A Extraordinary general election during redistribution process

If a writ for an extraordinary general election is issued under section 24 or 25 while the redistribution process is underway, the redistribution process ceases and the Redistribution Committee is dissolved as soon as the writ is issued.

19 Section 151 amended (Decisions are final)

Section 151(1)

omit

or Augmented Redistribution Committee

20 Section 292 amended (Improper influence of officials)

Section 292(b)

omit

or Augmented Redistribution Committee

21 Part 16 heading amended

Part 16, heading

omit

and Augmented Redistribution Committee

22 Section 331 amended (Establishment)

omit

The

insert

For each redistribution, a

23 Section 332 amended (Composition)

(1) Section 332(c)

omit

Auditor-General.

insert

Auditor-General;

(2) After section 332(c)

insert

(d) the appointed member.

24 Section 333 amended (Chairperson)

Section 333

omit

Commissioner

insert

appointed member

25 Part 16, Division 2 heading omitted

Part 16, Division 2, heading

omit

26 Sections 334 and 335 repealed (Establishment and composition)

Sections 334 and 335

repeal

27 Section 336 amended (Appointment of appointed member)

(1) Section 336(1)

omit

Augmented

(2) Section 336(2)(a)

omit

Judge; or

insert

Judge; and

(3) Section 336(2)(b)(i) and (ii)

omit, insert

(i) is not a member of a political party; and

(ii) the person does not have a recent political affiliation.

(4) After section 336(2)

insert

(2A) For subsection (2)(b)(ii), a person has a recent political affiliation if, at any time during the previous 5 years, the person:

(a) was a member of the Legislative Assembly or a local government council; or

(b) was an office holder or elected representative of a political party in the Territory or elsewhere in Australia; or

(c) was a member of staff of a minister; or

(d) made a reportable donation to a political party or an associated entity of a political party, in the Territory or elsewhere in Australia.

(2B) For subsection (2A)(d), a person made a reportable donation if it was made by the person or by a body corporate of which the person was an office holder or majority shareholder at the time the donation was made.

(5) After section 336(3)

insert

(3A) In this section:

reportable donation means a gift or loan that is required to be disclosed or reported under Part 10 or under a similar law in force in the Commonwealth or in a State or another Territory.

28 Section 337 amended (Term of appointed member's appointment)

Section 337

omit

Augmented

29 Section 339 repealed (Chairperson)

Section 339

repeal

30 Section 340 amended (Dissolution)

(1) Section 340

omit

Augmented

(2) Section 340

omit

Minister

insert

Commissioner

31 Part 16, Division 3 heading amended

Part 16, Division 3, heading

omit

and Augmented Redistribution Committee

32 Section 341 amended (Functions)

(1) Section 341(1)

omit

or Augmented Redistribution Committee have

insert

has

(2) Section 341(2)

omit

or Augmented Redistribution Committee

33 Section 342 amended (Powers)

Section 342

omit

or Augmented Redistribution Committee

34 Section 343 amended (Procedures)

(1) Section 343(1)

omit

or Augmented Redistribution Committee

(2) Section 343(2)

omit

Augmented

35 Part 20 inserted

After section 360

insert

Part 20 Transitional matters for Electoral Amendment Act 2018

361 Appointed member and Chairperson of Redistribution Committee

(1) The person holding office as the appointed member and Chairperson of the Augmented Redistribution Committee immediately before the commencement date holds office as the appointed member and Chairperson of the Redistribution Committee on and after the commencement date on the conditions on which the person held the former office.

(2) In this section:

commencement date means the date on which section 26 of the *Electoral Amendment Act 2018* comes into operation.

36 Repeal of Act

This Act is repealed on the day after it commences.