



Norfolk Island Amendment Act 2004

No. 6, 2004

**An Act to amend the law relating to Norfolk Island,
and for related purposes**

Note: An electronic version of this Act is available in SCALEplus
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)

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An Act to amend the law relating to Norfolk Island, and for related purposes

[Assented to 10 March 2004]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Norfolk Island Amendment Act 2004*.

2 Commencement

This Act commences on the day after it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Norfolk Island Act 1979

Part 1—Electoral amendments

1 After paragraph 38(b)

Insert:

and (ba) he or she is an Australian citizen; and

2 At the end of paragraphs 39(2)(a) and (c)

Add “or”.

3 After paragraph 39(2)(d)

Insert:

(da) he or she ceases to be an Australian citizen; or

4 Application of item 3

The amendment made by item 3 applies to a person who is elected as a member of the Legislative Assembly on or after the commencement of this Schedule.

5 After Division 1 of Part V

Insert:

Division 1A—Qualifications of electors

39A Entitlement to enrolment on the electoral roll

- (1) A person is entitled to enrolment if, at the time of applying for enrolment, the person:
 - (a) is at least 18; and
 - (b) is an Australian citizen; and
 - (c) has been ordinarily resident within the Territory for 6 months immediately before the application.
- (2) A person whose name has been removed from the electoral roll under paragraph 7(1)(b) or (c) of the *Legislative Assembly Act 1979* (Norfolk Island) is entitled to enrolment if, at the time of applying for enrolment, the person:

- (a) is an Australian citizen; and
 - (b) has been present in the Territory for 150 days of the 240 days immediately before the application.
- (3) Section 7A of the *Legislative Assembly Act 1979* (Norfolk Island), as in force when this section commences, applies for the purposes of subsection (2) of this section in the same way as it applies for the purposes of section 7 of the *Legislative Assembly Act 1979* (Norfolk Island).
- (4) However, if:
- (a) a person has been convicted of an offence against a law of the Commonwealth, a State or a Territory; and
 - (b) the person is under sentence of imprisonment for one year or longer;
- the person is not entitled to enrolment under this section during the period of imprisonment.
- (5) This section has effect despite subsections 6(1) and (2) of the *Legislative Assembly Act 1979* (Norfolk Island).

39B Entitlement to vote

A person whose name is on the electoral roll is entitled to vote at elections of members of the Legislative Assembly.

39C Alteration of the electoral roll

- (1) The Returning Officer must cause the name of a person who ceases to be an Australian citizen to be removed from the electoral roll.
- (2) Subsection (1) applies in addition to the requirements of section 7 of the *Legislative Assembly Act 1979* (Norfolk Island).

39D Definitions

In this Division:

electoral roll means the electoral roll referred to in section 5 of the *Legislative Assembly Act 1979* (Norfolk Island).

enrolment means enrolment on the electoral roll.

Returning Officer means a person appointed under section 11 of the *Legislative Assembly Act 1979* (Norfolk Island).

6 Application of item 5

The amendment made by item 5 applies in relation to a person who makes an application for enrolment on the electoral roll on or after the commencement of this Schedule.

Part 2—Statute law revision amendments

Division 1—Gender-neutral language: his or her

7 Sections 7, 10, 13, 14, 15, 23, 32, 34, 36, 39, 40, 41, 42, 43, 53, 55, 57, 66 and 70

After “his” (wherever occurring), insert “or her”.

Division 2—Gender-neutral language: he or she

8 Sections 7, 11, 13, 14, 15, 21, 22, 38, 39, 41, 42, 53, 55, 56, 66 and 70

After “he” (wherever occurring), insert “or she”.

Division 3—Gender-neutral language: him or her

9 Sections 7, 14, 27, 36, 41, 44 and 53

After “him” (wherever occurring), insert “or her”.

Division 4—Conjunctions

10 At the end of paragraphs 19(2)(a) and (c)

Add “or”.

*[Minister’s second reading speech made in—
Senate on 4 December 2003
House of Representatives on 4 March 2004]*

(205/03)
