



Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Ordinance.

Dated 14 May 2020

David Hurley
Governor-General

By His Excellency's Command

Nola Marino
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

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1 Name

This Ordinance is the *Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2020*.

2 Commencement

- (1) Each provision of this Ordinance specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this Ordinance	The day after this Ordinance is registered.	16 May 2020

Note: This table relates only to the provisions of this Ordinance as originally made. It will not be amended to deal with any later amendments of this Ordinance.

- (2) Any information in column 3 of the table is not part of this Ordinance. Information may be inserted in this column, or information in it may be edited, in any published version of this Ordinance.

3 Authority

This Ordinance is made under section 19A of the *Norfolk Island Act 1979*.

4 Schedules

Each instrument that is specified in a Schedule to this Ordinance is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Ordinance has effect according to its terms.

Schedule 1—Amendments

Norfolk Island Applied Laws Ordinance 2016

1 Subitem 1(3) of Schedule 1 (table)

Insert:

Electoral Funding Act 2018

The day the *Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2020* commences.

Lobbying of Government Officials Act 2011

The day the *Norfolk Island Applied Laws Amendment (Local Government Elections) Ordinance 2020* commences.

2 After Schedule 1AB

Insert:

Schedule 1AC—Amendment of the Electoral Funding Act 2018 (NSW) and the Electoral Funding Regulation 2018 (NSW)

Electoral Funding Act 2018 (NSW)

1 At the end of Part 1

Add:

3A Modifications for Norfolk Island

- (1) The provisions of this Act, other than the provisions referred to in subsection (2), do not apply in relation to the Territory of Norfolk Island.
- (2) The following provisions of this Act apply in relation to the Territory of Norfolk Island:
 - (a) Parts 1 and 2;
 - (b) Division 7 of Part 3;
 - (c) sections 57 and 58;
 - (d) section 135;
 - (e) Part 9;
 - (f) section 144, subsection 145(1) and sections 146, 147 and 149;
 - (g) Part 11, other than section 154.
- (3) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island is, to the extent permitted by the Commonwealth Constitution, conferred on:
 - (a) if the Supreme Court of New South Wales has jurisdiction in the matter in relation to New South Wales—the Supreme Court of Norfolk Island; and
 - (b) if the Local Court has jurisdiction in the matter in relation to New South Wales—the Court of Petty Sessions of Norfolk Island.

2 Section 4 (definition of *associated entity*)

Omit “registered”.

3 Section 4 (at the end of the definition of *Electoral Commission*)

Add:

- Note: Subsection 18B(2) of the Norfolk Island Act has the effect of vesting the powers (including the functions and duties) of the Electoral Commission under this Act and the regulations, as in force in Norfolk Island, in:
- (a) the Norfolk Island Minister; and
 - (b) any other person or authority authorised by a direction or delegation under subsection 18B(3) or (4) of the Norfolk Island Act.

4 Section 10 (note)

Omit “(as in force immediately before the enactment of this Act)”, substitute “(as in force in New South Wales immediately before the enactment of the *Electoral Funding Act 2018* (NSW))”.

5 Before section 51

Insert:

50B Application

This Division applies in relation to local government elections and elected members of councils.

6 Subsection 53(5) (definition of *relevant planning application*)

Repeal the definition, substitute:

relevant planning application means:

- (a) an application for variation of the Norfolk Island Plan, or a request to the Minister to prepare a draft plan, under Part 2 (Norfolk Island Plan) of the *Planning Act 2002* of Norfolk Island; or
- (b) a request to the Minister to prepare a draft development control plan, or to amend or repeal a development control plan, under Part 3 (development control plans) of that Act; or
- (c) an application for a declaration in relation to a significant development under Part 3A (significant developments) of that Act; or
- (d) an application for development approval, or an application for modification of a development approval, under Part 5 (development approval process) of that Act.

7 Section 55

Omit “unless it is a reportable political donation.”, substitute:

unless:

- (a) the amount of the payment is \$1,000 or more; or
- (b) the total amount of all such payments made by the individual to the party during the same financial year is \$1,000 or more.

8 Section 55 (note)

Repeal the note.

9 Subsection 57(2)

Omit “sections 6 and 23”, substitute “section 55”.

10 Section 57 (note)

Repeal the note.

11 Subsection 58(1)

Omit “political donation, loan or indirect campaign contribution”, substitute “political donation or loan”.

12 Subsection 58(1)

Omit “the donation, loan or contribution”, substitute “the donation or loan”.

13 Subsection 58(1)

Omit “the State” (wherever occurring), substitute “the Commonwealth”.

14 Paragraphs 58(1)(a) and (b)

Omit “donation, loan or contribution”, substitute “donation or loan”.

15 Subsection 58(3)

Omit “the State” (wherever occurring), substitute “the Commonwealth”.

16 Subsections 58(2), (4) and (5)

Repeal the subsections (including the note).

17 Paragraph 139(1)(a)

Omit “the Electoral Commission”, substitute “the Norfolk Island Department”.

18 Subsection 145(1)

Omit “5, 6 or”.

19 Subsection 149(3)

Repeal the subsection, substitute:

- (3) If a party that is an unincorporated association is charged with an offence under this Act, any proceedings in relation to the offence are to be conducted, as far as is practicable, as if the party were a corporation charged with such an offence, subject to any order of a court made in relation to the conduct of the proceedings.

20 Paragraph 153(2)(a)

Omit “(other than section 60)”.

Electoral Funding Regulation 2018 (NSW)

21 At the end of Part 1

Add:

4A Modifications for Norfolk Island

- (1) The provisions of this Regulation, other than the provisions referred to in subclause (2), do not apply in relation to the Territory of Norfolk Island.
- (2) The following provisions of this Regulation apply in relation to the Territory of Norfolk Island:
 - (a) this Part;
 - (b) clause 34;
 - (c) subclauses 36(1) and (2);
 - (d) clause 42.

22 Clause 34

Omit “lead candidate of a group”, substitute “candidate in a group”.

23 Clause 36 (heading)

Omit “and third party campaigns”.

24 Paragraph 42(2)(d)

Omit “the Electoral Commission”, substitute “the Norfolk Island Department”.

3 Item 6 of Schedule 3

Repeal the item, substitute:

6 Subsection 21(1)

Insert:

law of the State means the laws (whether written or unwritten and whether substantive or procedural) that are from time to time in force in the Territory of Norfolk Island.

New South Wales Act means an Act passed by the Parliament of New South Wales.

Norfolk Island Act means the *Norfolk Island Act 1979* of the Commonwealth.

Norfolk Island Department means the Department of State of the Commonwealth responsible for the administration of the Norfolk Island Act.

Norfolk Island Minister means the Commonwealth Minister who administers the Norfolk Island Act.

4 After Schedule 3A

Insert:

Schedule 3B—Amendment of the Lobbying of Government Officials Act 2011 (NSW) and the Lobbying of Government Officials (Lobbyists Code of Conduct) Regulation 2014 (NSW)

Lobbying of Government Officials Act 2011 (NSW)

1 Subsection 3(1) (at the end of the definition of *Electoral Commission*)

Add:

- Note: Subsection 18B(2) of the Norfolk Island Act has the effect of vesting the powers (including the functions and duties) of the Electoral Commission under this Act and the regulations, as in force in Norfolk Island, in:
- (a) the Norfolk Island Minister; and
 - (b) any other person or authority authorised by a direction or delegation under subsection 18B(3) or (4) of the Norfolk Island Act.

2 Subsection 3(1) (definition of *Government official*)

Repeal the definition, substitute:

Government official means a member (however expressed) of, or of the governing body of, a statutory body.

3 Subsection 3(1) (definition of *planning application*)

Repeal the definition, substitute:

planning application means an application or request by a person (other than a public authority):

- (a) for variation of the Norfolk Island Plan under Part 2 (Norfolk Island Plan) of the *Planning Act 2002* of Norfolk Island; or
- (b) to the Minister to prepare a draft plan under Part 2 (Norfolk Island Plan) of that Act; or
- (c) to the Minister to prepare a draft development control plan, or to amend or repeal a development control plan, under Part 3 (development control plans) of that Act; or
- (d) for a declaration in relation to a significant development under Part 3A (significant developments) of that Act; or
- (e) for consent to, or approval of, any development, project or activity under that Act or for the modification of any such consent or approval.

4 Subsection 3(1)

Insert:

public authority means:

- (a) a public or local authority constituted by or under a law in force in the Territory of Norfolk Island under section 16, 16A or 18A of the Norfolk Island Act; or
- (b) the Norfolk Island Department; or
- (c) the Secretary, or an SES employee or acting SES employee (within the meaning of the *Public Service Act 1999* of the Commonwealth), of that Department.

5 At the end of Part 1

Add:

4A Modifications for Norfolk Island

- (1) The provisions of this Act, other than the provisions referred to in subsection (2), do not apply in relation to the Territory of Norfolk Island.
- (2) The following provisions of this Act apply in relation to the Territory of Norfolk Island:
 - (a) this Part;
 - (b) Part 5;
 - (c) sections 19, 21, 22 and 23.
- (3) Jurisdiction in matters arising under this Act as in force in the Territory of Norfolk Island, and in which the Local Court has jurisdiction in relation to New South Wales, is, to the extent permitted by the Commonwealth Constitution, conferred on the Court of Petty Sessions of Norfolk Island.

6 At the end of Part 5

Add:

17A Application of this Part in Norfolk Island

This Part does not apply to:

- (a) a success fee paid or payable under an agreement in force at any time before this section came into force in the Territory of Norfolk Island; or
- (b) an agreement by a person for the giving or receiving of a success fee made before this section came into force in the Territory of Norfolk Island; or
- (c) a success fee paid or payable for work carried out before this section came into force in the Territory of Norfolk Island.

7 Section 19 (heading)Omit “**Lobbyists Code and**”.**8 Subsection 19(1)**

Omit “the Lobbyists Code and”.

9 Subsection 19(1)

Omit “(including any code of conduct or official rules referred to in section 12 (2))”.

10 Subsection 19(3)

Omit “to be a reference to the Lobbyists Code and”, substitute “to include a reference to”.

***Lobbying of Government Officials (Lobbyists Code of Conduct)
Regulation 2014 (NSW)*****11 After clause 2**

Add:

2A Modifications for Norfolk Island

- (1) The provisions of this Regulation, other than the provisions referred to in subclause (2), do not apply in relation to the Territory of Norfolk Island.
- (2) The following provisions of this Regulation apply in relation to the Territory of Norfolk Island:
 - (a) clause 1;
 - (b) clause 3;
 - (c) clause 3A.

12 Paragraph 3A(2)(a)

Omit “, New South Wales Division”.

13 Paragraph 3A(2)(b)

Omit “, New South Wales Branch,”.

5 Item 17A of Schedule 4

Repeal the item, substitute:

17A Chapter 10 (after the heading)

Insert:

- Note: Subsection 18B(2) of the Norfolk Island Act has the effect of vesting the powers (including the functions and duties) of the Electoral Commissioner and the Electoral Commission (and other persons or authorities) under this Act and the regulations, as in force in Norfolk Island, in:
- (a) the Norfolk Island Minister; and
 - (b) any other person or authority authorised by a direction or delegation under subsection 18B(3) or (4) of the Norfolk Island Act.

17AA Subsection 266(1)

Omit “an election of members of the Legislative Assembly or”.

17AB Subsection 266(2)

Repeal the subsection (including the note), substitute:

- (2) Despite subsection (1), a person who is serving a sentence of imprisonment (within the meaning of the *Commonwealth Electoral Act 1918* of the Commonwealth) of 3 years or longer is not entitled to be enrolled as an elector for a ward.

6 After item 17C of Schedule 4

Insert:

17D Paragraph 275(1)(a1)

Omit “, except as provided by subsections (5) and (7)”, substitute “or the Commonwealth (but see subsection (7))”.

17E Paragraph 275(1)(b)

Omit “or the Commonwealth”, substitute “, the Commonwealth or New South Wales”.

17F Paragraph 275(1)(e1)

Repeal the paragraph, substitute:

- (e1) if he or she is while holding that office, or has been within 2 years before nomination for election, election or appointment to the office, convicted of an offence under a law of the Commonwealth, or a State or Territory, that relates to electoral funding and is punishable by imprisonment for 2 years or more; or

17G Paragraph 275(1)(g)

Omit “or Part 4A of the *Crimes Act 1900* (Corruptly receiving commissions and other corrupt practices)”.

17H At the end of paragraph 275(1)(h)

Add “, or while included on the Register kept under section 303 of the *Companies Act 1985* of Norfolk Island”.

17J After subsection 275(2)

Insert:

(2A) If:

- (a) a person is convicted by a court of an offence against Part 4.7 (bribery and related offences) of the *Criminal Code 2007* of Norfolk Island (including a conviction because of section 45 (complicity and common purpose) of that Act); or
- (b) a person is convicted by a court of an offence against section 47 (incitement) of the *Criminal Code 2007* of Norfolk Island in relation to an offence against Part 4.7 of that Act;

the person is disqualified from holding civic office, from the date of the conviction, for the period equivalent to the maximum term of imprisonment that can be imposed for the offence for which the person is convicted, or such lesser period as the court may order.

17K Subsections 275(5), (6) and (7)

Repeal the subsections (not including the note), substitute:

- (7) Despite anything to the contrary in this Chapter, a member of the Parliament of New South Wales or the Commonwealth is not disqualified because of subsection (1)(a1) from being nominated for election or being elected to a civic office. If elected, the person is disqualified from holding that civic office unless the person has ceased to be a member of that Parliament before the first meeting of the council after the election.

17L At the end of section 275

Add:

Application to current office holders

- (8) A person (the **current office holder**) who held civic office immediately before the time this subsection came into force in the Territory of Norfolk Island is not, except for the purposes of subsection 306(2), taken to be disqualified from holding that office at and after that time only because of the modification of this section at that time as it applies in that Territory.

Note: Subsection 306(2) requires a candidate for an election to civic office to be qualified to hold such an office at the closing date for the election.

- (9) Subsection (8) applies during the balance of the current office holder's current term of office.

7 After item 19 of Schedule 4

Insert:

19AA Subsection 288(2)

Omit "28 days", substitute "6 months".

19AB Subsection 293(2)

Omit "28 days later than the day when the by-election should have been held", substitute "3 months later than the last day on which the by-election could otherwise be held under paragraph 292(a)".

8 After item 19G of Schedule 4

Insert:

19GA Sections 308A, 308B and 308C

Repeal the sections, substitute:

308A Grouping of candidates

- (1) This section applies to an election in which there are 2 or more councillors to be elected.
- (2) Two or more candidates duly proposed for nomination for election may, before noon on the nomination day prescribed by the regulations, lodge a claim with the returning officer to be recognised as a group.

308C Ballot-papers—candidates incapable of being elected

The ballot-papers for an election are not informal by reason only that they contain the name of a candidate whom a court has declared to be incapable of being elected at that election, but a preference for such a candidate is to be disregarded, and (if necessary) subsequent preferences are to be renumbered accordingly.

Note: The regulations make further provision regarding the formality of ballot-papers.

19GB Section 308D (heading)

Omit "Group voting", substitute "Grouping of candidates and matter to be printed on ballot-papers".

19GC Section 308D

Omit ", group voting squares".

19GD Section 314 (heading)

Omit "to be issued".

19GE Subsection 314(1)

Omit “is to”, substitute “may”.

19GF Paragraph 317(1)(c)

Omit “election, or”, substitute “election.”.

19GG Paragraph 317(1)(d)

Repeal the paragraph.

19GH Part 7 of Chapter 10

Repeal the Part.

19GJ Subsection 325(2)

Omit “to be a reference”, substitute “to include a reference”.

9 Item 19H of Schedule 4

Repeal the item, substitute:

19H Section 328A

Repeal the section.

10 Item 19J of Schedule 4 (after subsection 331A(2))

Insert:

(2A) A reference in this section to an election includes a reference to a countback election under section 291A.

11 Item 19J of Schedule 4 (subsection 331A(3) (heading))

After “*Collection,*”, insert “*holding,*”.

12 Item 19J of Schedule 4 (subsections 331A(3) and (4))

After “collect,”, insert “hold,”.

13 Item 19J of Schedule 4 (subsection 331A(4), table heading)

After “collect,”, insert “**hold,**”.

14 Item 19J of Schedule 4 (subsection 331A(4), table item 1, column 1)

Omit “the general manager”, substitute “a council”.

15 After item 45A of Schedule 4

Insert:

45B Subsection 739(4)

Omit “The request”, substitute “A request to the general manager”.

45C After subsection 739(4)

Insert:

(4A) In the case of the residential roll for an area, a request is to be in the form approved by a senior Commonwealth officer, to give particulars of the relevant

risk and to be verified by statutory declaration by the person making the request or by some other person.

45D At the end of section 739

Add:

(9) In this section:

senior Commonwealth officer means an APS employee (within the meaning of the *Public Service Act 1999* of the Commonwealth) of the Norfolk Island Department who:

- (a) is classified as a Senior Executive Band 2 employee or a Senior Executive Band 3 employee under the Classification Rules (within the meaning of that Act) or is acting as such an employee; and
- (b) has responsibilities in relation to the Territory of Norfolk Island.

16 After item 46 of Schedule 4

Insert:

46AA Item 14 of Schedule 6

Omit “The Local Government Register of Political Parties”.

46AB Item 14 of Schedule 6

Omit “and group voting squares”.

17 Item 47 of Schedule 4

Repeal the item, substitute:

47 Dictionary

Insert:

final transition time has the same meaning as in item 356 of Schedule 2 to the *Norfolk Island Legislation Amendment Act 2015* of the Commonwealth.

47A Dictionary (definition of *group voting square*)

Repeal the definition.

47B Dictionary

Insert:

Preparatory Election Ordinance means the *Norfolk Island Regional Council Preparatory Election Ordinance 2016* of the Commonwealth.

18 Schedule 4 (heading specifying Local Government (General) Regulation 2005)

Repeal the heading, substitute:

Local Government (General) Regulation 2005 (NSW)**19 After item 50 of Schedule 4****50A Subclause 275(1)**

Insert:

officer, in relation to a political party, means a person who is occupying or acting in an office or position concerned with the management of the party.

20 After item 51 of Schedule 4

Insert:

51A Subclause 275(1) (definition of *registered officer*)

Repeal the definition.

51B Subclause 275(1) (definition of *registered political party*)

Repeal the definition.

51C Clause 276A

Repeal the clause, substitute:

276A Election official to be on electoral roll

A person is not qualified for appointment as an election official unless the person is enrolled in a State or Territory of the Commonwealth as an elector for the House of Representatives.

21 After item 52 of Schedule 4

Insert:

52A Paragraph 288(2)(e)

Omit “, the grouping of candidates and the creation of group voting squares”, substitute “and the grouping of candidates”.

52B Paragraph 289(1)(b)

Omit “the registered officer of a registered political party”, substitute “an officer of a political party”.

52C Paragraph 290(1)(b)

Omit “proposed candidate’s enrolled address with the meaning of the *Electoral Act 2017*”, substitute “address in respect of which the proposed candidate is enrolled on a Roll (within the meaning of the *Commonwealth Electoral Act 1918* of the Commonwealth)”.

52D Paragraph 290(1)(c)

Omit “registered”.

52E Subclause 290(2)

Omit “the registered party”, substitute “the political party”.

52F Subclause 292(4)

Omit “the registered officer for”, substitute “an officer of”.

52G Subclause 292(4)

Omit “registered in the Local Government Register of Political Parties”.

52H Paragraph 293(1)(e)

Repeal the paragraph.

22 Item 53 of Schedule 4

Repeal the item, substitute:

53 Clause 298 (note)

Repeal the note.

53A Paragraphs 300(2)(f) and (g)

Repeal the paragraphs.

53B Clause 302

Repeal the clause, substitute:

302 Order of candidates on ballot-papers

If, after the returning officer has nominated candidates under clause 295, there are 2 or more candidates for the election, the returning officer must, as soon as practicable, determine the order of those candidates’ names on the ballot-papers by:

- (a) a ballot in accordance with clause 303; or
- (b) an approved method of random selection (including by electronic means).

53C Clause 303 (heading)

Omit “ungrouped”.

53D Subclause 303(1)

Omit “ungrouped”.

53E Clause 304

Repeal the clause.

53F Subclause 305(3)

Omit “in which there are no groups”.

53G Subclauses 305(4), (5) and (6)

Repeal the subclauses.

53H Subclause 305(8)

Repeal the subclause (including the note), substitute:

- (8) The ballot-papers are to be in Form 4.

53J Subclause 312(2)

Omit “, 5 or 6”.

53K Clause 313

Before “A person”, insert “(1)”.

53L Paragraph 313(g)

Omit “(within the meaning of the *Crimes (Administration of Sentences) Act 1999*)”.

53M At the end of clause 313

Add:

(2) In this clause:

correctional centre includes:

- (a) a police station or a court cell complex in which an offender is held in custody; and
- (b) a detention centre within the meaning of the *Sentencing Act 2007* of Norfolk Island.

53N Clauses 315 and 316

Repeal the clauses, substitute:

316 Electors entitled to postal vote

An elector who duly applies for a postal vote is entitled to make a postal vote in the ward or area to which the elector’s application relates.

53P Subclause 317(1)

Omit “or the list on which the elector’s name appears”.

23 After item 55 of Schedule 4

Insert:

55A Subclause 323(5)

Omit “, 5 or 6”.

55B Subclause 330(6)

Omit “, 5 or 6”.

55C Subdivision 4 of Division 7 of Part 11

Repeal the Subdivision.

55D Subclause 337(4E)

Omit “Part 4 of the *Oaths Act 1900*”, substitute “The *Statutory Declarations Act 1959* of the Commonwealth”.

55E Clause 345 (note)

Omit “where the voter marks, crosses or ticks a group voting square, or”.

55F Subparagraph 348(1)(e)(i)

Omit “and group of candidates”.

55G Subclause 356A(1) (definition of *recognised group of candidates*)

Omit “to have their names included in a group on the ballot-papers”, substitute “to be recognised as a group”.

55H Subparagraphs 356B(c)(iii) and (iv)

Omit “registered”.

55J Subparagraph 356B(d)(i)

Omit “party respectively included in the Local Government Register of Political Parties”, substitute “political party”.

55K Subparagraph 356B(d)(ii)

Omit “party respectively included in that Register”, substitute “political party”.

55L Subparagraph 356B(d)(ii)

Omit “in that Register”.

55M Subclause 356C(2) (heading)

Omit “registered”.

55N Subclause 356C(2)

Omit “registered”.

55P Subclause 356C(5)

Repeal the subclause.

55Q Subclause 356C(6) (heading)

Omit “without group voting squares”.

55R Subclause 356C(6)

Omit “without using group voting squares and”.

24 After item 57 of Schedule 4

Insert:

57A Subclause 356G(5) (definition of *associated entity*)

Omit “registered”.

57B Subclause 356G(5) (paragraphs (c) and (d) of the definition of *electoral participant*)

Repeal the paragraphs, substitute:

(c) a political party;

(d) an officer of a political party;

25 After item 58 of Schedule 4

Insert:

58A Clause 356N (note)

Repeal the note.

58B Paragraph 356P(2)(a)

Omit “the registered officer of a registered political party”, substitute “an officer of a political party”.

58C Paragraph 356P(2)(b)

Omit “the first candidate listed”, substitute “a candidate”.

58D Paragraph 356P(3)(a)

Omit “registered”.

58E Paragraph 356Q(3)(f)

Omit “registered political party”, substitute “political party”.

58F Paragraph 356Q(3)(f)

Omit “the registered officer of the party or the first candidate listed in the group”, substitute “an officer of the party or a candidate in the group”.

58G Paragraphs 367(a) and (b)

Omit “place, a pre-poll voting office or a place being used for voting under clause 332A”, substitute “place or a pre-poll voting office”.

58H Subclause 369(1)

Omit “, declared institution or mobile booth”, substitute “or declared institution”.

58J Paragraphs 393(1)(a) and (b)

Omit “registered”.

26 After item 59 of Schedule 4

Insert:

59A Paragraph 393B(1)(b)

Repeal the paragraph.

59B Subclause 393B(3) (definition of *controversial development application*)

Repeal the definition.

59C Subclause 2(2) of Schedule 9A

Omit “The notice”, substitute “A notice”.

59D Subclause 2(2) of Schedule 9A

Omit “or appointment made”.

59E After subclause 2(2) of Schedule 9A

Insert:

- (2A) An appointment under subclause (1) must be made:
- (a) in relation to an election administered by an electoral services provider—as soon as practicable after the electoral services provider is notified of the casual vacancy under subclause (1A); or
 - (b) in relation to an election administered by the Electoral Commissioner—as soon as practicable after the Electoral Commissioner is notified of the casual vacancy under clause 285.

59F Paragraph 2(5)(b) of Schedule 9A

Omit “49 days”, substitute “3 months”.

59G At the end of clause 2 of Schedule 9A

Add:

- (6) If the Norfolk Island Minister is of the opinion that it would be impractical or inconvenient to hold a countback election as provided by subclause (5), the Norfolk Island Minister may, by order published in the Gazette, appoint a later date for the countback election.
- (7) The later date must not be more than 3 months later than the last day on which the countback election could otherwise be held under subclause (5).

59H Paragraph 3(c) of Schedule 10

Omit “the registered officer for a political party registered in the Local Government Register of Political Parties”, substitute “an officer of a political party”.

27 Item 61 of Schedule 4

Repeal the item, substitute:

61 Schedule 11 (Form 1, note 2)

Omit “to the Australian Electoral Commission or the New South Wales Electoral Commissioner”, substitute “using the approved form referred to in subsection 739(4A) of the *Local Government Act 1993* (NSW) (NI)”.

28 After item 62 of Schedule 4

Insert:

62A Schedule 11 (Form 2, item 4 of the form of consent)

Repeal the item.

62B Schedule 11 (Form 2, item 5 of the form of consent)

Renumber as item 4.

62C Schedule 11 (Form 2, note 4 of the form of consent)

Omit “item 5”, substitute “item 4”.

29 Item 63 of Schedule 4

Repeal the item, substitute:

63 Schedule 11 (Form 2, paragraph (e) of the statistical information sheet)

Omit “New South Wales”, substitute “Norfolk Island”.

30 At the end of Schedule 4

Add:

64 Schedule 11 (Form 2, paragraph (k) of the statistical information sheet)

Repeal the paragraph, substitute:

(k) I am a member of the following political parties—

65 Schedule 11 (Form 3, heading)

Omit “**registered officer for party**”, substitute “**officer of party**”.

66 Schedule 11 (Form 3)

Omit “the registered officer for the political party (registered in the Local Government Register of Political Parties)”, substitute “an officer of the political party”.

67 Schedule 11 (Form 3)

Omit “I request that the *registered name/*abbreviated name of the party be printed adjacent to the candidate’s name on the ballot-papers [*cross out whichever does not apply*].”.

68 Schedule 11 (Form 3)

Omit “**Name in full of registered officer**”, substitute “**Name in full of officer**”.

69 Schedule 11 (Form 3)

Omit “**Signature of registered officer**”, substitute “**Signature of officer**”.

70 Schedule 11 (Form 3, paragraph (e) of the statistical information sheet)

Omit “New South Wales”, substitute “Norfolk Island”.

71 Schedule 11 (Form 3, paragraph (k) of the statistical information sheet)

Repeal the paragraph, substitute:

(k) I am a member of the following political parties—

72 Schedule 11 (Form 4)

Omit “[*If the returning officer has accepted an application to print the name of a political party or the word “Independent” adjacent to the name of a candidate, the name or word must be printed there.*].”.

73 Schedule 11 (Forms 5 and 6)

Repeal the forms.