Australian Capital Territory

Proportional Representation (Hare-Clark) Entrenchment Act 1994   No 1

Republication No 1

Republication date: 13 February 2002

Act not amended up to this date

About this republication

The republished law

This is a republication of the *Proportional Representation (Hare-Clark) Entrenchment Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 February 2002. It also includes any amendment, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

* authorised republications to which the *Legislation Act 2001* applies

* unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol $\boxed{\text{U}}$ appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol $\boxed{\text{M}}$ appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

    (a)   if the person charged is an individual—$100; or

    (b)   if the person charged is a corporation—$500.

Australian Capital Territory

Proportional Representation (Hare-Clark) Entrenchment Act 1994

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Proportional Representation (Hare-Clark) Entrenchment Act 1994

An Act to entrench the principles of the proportional representation (Hare-Clark) electoral system

1   Short title

This Act may be cited as the *Proportional Representation* (*Hare-Clark) Entrenchment Act 1994*.

2   Commencement

This Act commences on the day on which it is notified in the Gazette.

3   Interpretation for Act

Unless the contrary intention appears, expressions used in this Act have the same meanings as in the *Electoral Act 1992*.

4   Entrenchment of electoral system

   (1) This Act applies to any law that is inconsistent with any of the following principles of the proportional representation (Hare-Clark) electoral system:

   (a) at a general election, an odd number of members of the Legislative Assembly shall be elected from each electorate;

   (b) at a general election, at least 5 members of the Legislative Assembly shall be elected from each electorate;

   (c) voting in an election shall be compulsory;

   (d) each voter has the right to a fully preferential vote;

   (e) squares for the indication of preferences on each ballot paper shall appear only alongside the names of individual candidates;

   (f) a voter shall not be taken to have marked any preferences beyond the numbers, starting with '1' for the candidate with the first preference, marked by the voter in the squares alongside the names of individual candidates;

(g) ballot papers shall be—

  (i) prepared and collated in accordance with the method known as the Robson Rotation; and

  (ii) distributed and issued;

  as set out in schedule 2 of the *Electoral Act 1992*, being that schedule as in force on 1 December 1994;

(h) a candidate whose total votes equal or exceed a relevant quota as defined in schedule 4 of the *Electoral Act 1992*, being that schedule as in force on 1 December 1994, shall be declared elected;

(j) unless the number of successful candidates is equal to the number of vacancies, any surplus votes for a successful candidate shall be transferred to continuing candidates in accordance with the next available preferences indicated on ballot papers that were counted for the successful candidate;

(k) if there are no surpluses to be distributed, the candidate with the least total votes shall be excluded and the ballot papers counted for the excluded candidate shall be transferred to continuing candidates in accordance with the next available preferences (if any) indicated on each ballot paper;

(l) where there are 2 or more eligible candidates in relation to a casual vacancy, the vacancy shall be filled by a recount of the ballot papers counted for the person who, at the last election before the vacancy occurred, was elected to the seat in which the vacancy has occurred.

(2) This Act applies to any law made pursuant to a power at any time vested in the Legislative Assembly to make a law with respect to the number of members of the Legislative Assembly.

5   Special procedures for making certain enactments

(1)   This Act, or any amendment or repeal of this Act, has no effect unless it is passed by—

(a)   at least a $2/3$ majority of the members of the Legislative Assembly; and

(b)   a majority of electors at a referendum held in accordance with the *Referendum (Machinery Provisions) Act 1994*.

(2)   A law to which this Act applies by virtue of section 4 has no effect unless it is passed by—

(a)   the Legislative Assembly and passed by a majority of electors at a referendum held in accordance with the *Referendum (Machinery Provisions) Act 1994*; or

(b)   at least a $2/3$ majority of the members of the Legislative Assembly.

Endnotes

1   About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnotes.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2   Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
	prov = provision
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = Gazette	reg = regulation/subregulation
hdg = heading	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	underlining = whole or part not commenced

3   Legislation history

Proportional Representation (Hare-Clark) Entrenchment Act 1994
A1995-1
> notified 2 May 1995 (Gaz 1994 No S85)
> commenced 2 May 1995 (s 2)