

1993
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

**Electoral (Amendment) (Consequential
Provisions) Bill 1993**

TABLE OF PROVISIONS

Section

PART I—PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

PART II—TRANSITIONAL PROVISIONS

4. Interpretation
5. Eligible overseas electors
6. Registration of political parties
7. Application of amended Act
8. Savings—repealed regulations

PART III—AMENDMENTS OF THE EVIDENCE ACT

9. Principal Act
10. Judicial notice—signatures and seals

**PART IV—AMENDMENTS OF THE
FREEDOM OF INFORMATION ACT**

11. Principal Act

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**Electoral (Amendment) (Consequential
Provisions) Bill 1993**

A BILL

FOR

**An Act to make certain transitional provisions, and to
amend certain Acts, in consequence of the enactment
of the *Electoral (Amendment) Act 1993***

The Legislative Assembly for the Australian Capital Territory enacts as
follows:

PART I—PRELIMINARY

Short title

- 5 1. This Act may be cited as the *Electoral (Amendment) (Consequential Provisions) Act 1993*.

Commencement

2. (1) This Part, section 7 and Part III of this Act commence on the day on which the *Electoral (Amendment) Act 1993* is notified in the *Gazette*.

(2) Sections 4 and 6 of this Act commence on the day on which Part VII of the amended Act commences.

(3) Section 5 and Parts IV and V of this Act commence on the day on which Part V of the amended Act commences.

5 (4) Section 8 of this Act commences on the day on which section 52 of the *Electoral Act 1992* is repealed by section 22 of the *Electoral (Amendment) Act 1993*.

Interpretation

3. (1) In this Act—

10 “amended Act” means the *Electoral Act 1992*, as amended by the *Electoral (Amendment) Act 1993*.

(2) Unless the contrary intention appears, expressions in this Act have the same meaning as in the amended Act.

PART II—TRANSITIONAL PROVISIONS

15 Interpretation

4. In this Part, unless the contrary intention appears—

“modified Commonwealth Electoral Act” means the Commonwealth Electoral Act in its application by virtue of section 16 of the 1988 Commonwealth Act;

20 “the 1988 Commonwealth Act” means the *Australian Capital Territory (Electoral) Act 1988* of the Commonwealth.

Eligible overseas electors

25 5. (1) On the commencement day, the Commissioner shall annotate the roll for an electorate so as to indicate that a person is an eligible overseas elector in relation to the electorate if, immediately before that day—

30 (a) the person is, for the purposes of the modified Commonwealth Electoral Act, an eligible overseas elector in relation to a Division in the Territory by virtue of section 94 of that Act and the person’s address recorded on the roll kept under that Act is an address in the electorate; or

(b) the person is—

35 (i) for the purposes of the modified Commonwealth Electoral Act, an eligible overseas elector in relation to a Division in the Territory by virtue of section 95 of that Act; and

(ii) the spouse or child of a person referred to in paragraph (a).

(2) A person to whom subsection (1) applies shall, subject to section 68 of the amended Act, be taken to be an eligible overseas elector in relation to the electorate by virtue of that section.

(3) In subsection (1)—

5 “commencement day” means the day on which this section commences.

Registration of political parties

10 6. (1) On the commencement day, the Commissioner shall register a political party on the Register of Political Parties kept under the amended Act if, immediately before that day, the party is registered on the Register of Political Parties maintained under section 13 of the 1988 Commonwealth Act.

15 (2) For the purposes of subsection (1), the particulars entered on the Register maintained under section 13 of the 1988 Commonwealth Act in respect of a political party shall, so far as practicable, be taken to be the particulars entered in respect of the party on the Register kept under the amended Act.

(3) A registration effected by virtue of subsection (1) has effect as if it had been effected under section 86 of the amended Act.

(4) In subsection (1)—

20 “commencement day” means the day on which this section commences.

Application of certain Parts of amended Act

7. Nothing in Parts XIII, XVI, XVII or XVIII of the amended Act shall be taken to apply in relation to an election, or an MLA elected, under the modified Commonwealth Electoral Act.

25 Savings—repealed regulations

8. Despite the repeal of section 52 of the *Electoral Act 1992* by section 22 of the *Electoral (Amendment) Act 1993*, the Electoral Regulations in force immediately before that repeal continue in force as if they had been made under the amended Act.

30 PART III—AMENDMENTS OF THE EVIDENCE ACT

Principal Act

9. In this Part, “Principal Act” means the *Evidence Act 1971*.

Judicial notice—signatures and seals

35 10. Section 10H of the Principal Act is amended by inserting after subparagraph (1) (a) (vi) the following subparagraph:

“(via) the Electoral Commissioner;”.

**PART IV—AMENDMENTS OF THE FREEDOM OF
INFORMATION ACT**

Principal Act

5 11. In this Part, “Principal Act” means the *Freedom of Information Act 1989*.

Insertion

12. After section 47 of the Principal Act the following section is inserted in Part IV:

10 **Electoral rolls and related documents**

“47A. (1) In this section—

‘electoral roll’ means—

- (a) a roll of electors kept under the *Electoral Act 1992*; or
- (b) a roll extract within the meaning of the *Electoral Act 1992*.

15 “(2) A reference in this section to an electoral roll in electronic form shall be read as a reference to a disk or tape from which the information contained in the roll may be reproduced by mechanical, electronic or other means.

20 “(3) Subject to subsection (4), each of the following documents is an exempt document:

- (a) an electoral roll, whether in printed or electronic form or on microfiche or microfilm;
- (b) a copy of a document referred to in paragraph (a);
- 25 (c) a document setting out particulars of only 1 enrolled person that was used in keeping an electoral roll;
- (d) a copy of a document referred to in paragraph (c);
- (e) a document containing only copies referred to in paragraph (d);
- (f) a document derived from an electoral roll setting out particulars of enrolled persons.

30 “(4) A document referred to in subsection (3) is not an exempt document in relation to a person to the extent that it sets out only the particulars of the person.”.

PART V—AMENDMENTS OF THE JURIES ACT

Principal Act

13. In this Part, “Principal Act” means the *Juries Act 1967*.

Interpretation

5 14. Section 6 of the Principal Act is amended by omitting from subsection (1) the definition of “Roll of electors for the Territory” and substituting the following definition:

10 “ ‘Roll of electors for the Territory’ means a copy of the roll of the electors of the Territory given to the Sheriff under subsection 59 (3) of the *Electoral Act 1992*.”

Jury list

15. Section 19 of the Principal Act is amended by omitting subsections (3), (4) and (5).