

1994
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Humphries)

**Proportional Representation (Hare-Clark)
Entrenchment Bill 1994**

A BILL

FOR

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

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

Short title

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

Commencement

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

Interpretation

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

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Entrenchment of electoral system

4. This Act applies to any law (including any amendment or repeal of that law) that affects any of the following principles of the proportional representation (Hare-Clark) electoral system:

- 5 (a) an electorate shall return an odd number of members of the Legislative Assembly;
- (b) no electorate shall return fewer than 5 members of the Legislative Assembly;
- (c) each voter has the right to a fully preferential vote;
- 10 (d) squares for the recording of votes on each ballot paper shall appear only alongside the names of individual candidates;
- (e) 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 in the squares alongside the names of
- 15 individual candidates;
- (f) ballot papers shall be—
 - (i) prepared and collated in accordance with the method known as the Robson Rotation; and
 - (ii) distributed and issued;
- 20 as set out in Schedule 2 to the *Electoral Act 1992*;
- (g) a candidate whose total votes equal or exceed a quota as defined in Schedule 4 to the *Electoral Act 1992* shall be declared elected;
- (h) any surplus votes for a successful candidate shall be transferred to continuing candidates on the basis of further preferences expressed
- 25 on ballot papers counted for the successful candidate;
- (j) unless the number of unfilled vacancies equals the number of continuing candidates, the candidate with the least total votes shall be excluded and any next available preferences recorded on the ballot papers for that candidate shall be transferred to continuing
- 30 candidates in accordance with those preferences;
- (k) except where there is only 1 unsuccessful candidate at the election of the outgoing member who consents to fill a casual vacancy, the vacancy shall be filled by a recount of the ballot papers recording votes for the outgoing member at that election or, if it is
- 35 impracticable to fill the vacancy by such a recount, by a person chosen by the Legislative Assembly.

Special procedures for making certain enactments

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

- 5 (a) at least a $\frac{2}{3}$ 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 section 4, or any
amendment or repeal of that law, has no effect unless it is passed by—
- 10 (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 $\frac{2}{3}$ majority of the members of the Legislative Assembly.