

2006

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## **Electoral Amendment Bill 2006**

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### **A Bill for**

An Act to amend the *Electoral Act 1992*

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

1 **1 Name of Act**

2 This Act is the *Electoral Amendment Act 2006*.

3 **2 Commencement**

4 This Act commences on the day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on  
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Electoral Act 1992*.

9 **4 Section 12**

10 *substitute*

11 **12 Appointment of members**

12 (1) The Executive may appoint the members.

13 *Note* For the making of appointments (including acting appointments), see  
14 the Legislation Act, pt 19.3.

15 (2) An appointment is a disallowable instrument.

16 *Note* A disallowable instrument must be notified, and presented to the  
17 Legislative Assembly, under the Legislation Act.

18 (3) Before a person is appointed as a member, the Minister must consult  
19 the following people about the proposed appointment:

20 (a) the leader of each political party represented in the Legislative  
21 Assembly;

22 (b) each member of the Legislative Assembly who is not a  
23 member of a political party represented in the Legislative  
24 Assembly.

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1 **12A Eligibility for appointment as member**

2 The Executive must not appoint a person as a member if the person  
3 is or has, in the 5 years immediately before the day of the proposed  
4 appointment, been—

5 (a) a member of—

6 (i) the Legislative Assembly; or

7 (ii) the Parliament of the Commonwealth; or

8 (iii) the legislature of a State or another Territory; or

9 (b) a member of—

10 (i) a registered party; or

11 (ii) a political party registered under a law of the  
12 Commonwealth, a State or another Territory; or

13 (iii) a political party.

14 **12B Eligibility for appointment as chairperson**

15 (1) The Executive may appoint a person as the chairperson of the  
16 electoral commission only if the person—

17 (a) is or has been a judge; or

18 (b) has been a justice of the High Court; or

19 (c) has been a chief executive of an administrative unit; or

20 (d) has been a chief executive officer (however described) of a  
21 territory instrumentality; or

22 (e) has been a statutory office-holder; or

23 (f) has been a Commonwealth agency head; or

24 (g) has been a member of—

25 (i) the electoral commission; or

- 1 (ii) an authority of the Commonwealth, a State or another  
2 Territory that the Executive is satisfied corresponds to the  
3 electoral commission; or
- 4 (h) is a person who—
- 5 (i) is a lawyer; and
- 6 (ii) has been a lawyer for at least 5 years; and
- 7 (iii) the Executive is satisfied has held a senior position in the  
8 legal profession; or
- 9 (i) is a person who the Executive is satisfied—
- 10 (i) has held, for at least 5 years, a senior position—
- 11 (A) as an academic; or
- 12 (B) in business; or
- 13 (C) in a profession; and
- 14 (ii) has the knowledge and experience to exercise the  
15 functions of chairperson.
- 16 (2) In this section:
- 17 ***Commonwealth agency head*** means an agency head under the  
18 *Public Service Act 1999* (Cwlth), section 7 (Interpretation).
- 19 *Note* The *Public Service Act 1999* (Cwlth), s 7, defines ***agency head*** as—
- 20 (a) the secretary of a department; or
- 21 (b) the head of an executive agency; or
- 22 (c) the head of a statutory agency.

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1 **5 Dictionary, notes 1 and 2**

2 *substitute*

3 *Note 1* The Legislation Act contains definitions and other provisions relevant to  
4 this Act.

5 *Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- 6 • administrative unit
- 7 • adult
- 8 • chief executive (see s 163)
- 9 • Commonwealth
- 10 • doctor
- 11 • Executive
- 12 • exercise
- 13 • fail
- 14 • function
- 15 • judge
- 16 • lawyer
- 17 • Self-Government Act
- 18 • Speaker
- 19 • State
- 20 • statutory office-holder
- 21 • territory instrumentality.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2006.

**2 Notification**

Notified under the Legislation Act on 2006.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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