

AUSTRALIAN CAPITAL TERRITORY

No. 9 of 1979

An Ordinance to amend the *Legislative Assembly Ordinance 1936*

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated this twenty-first day of April 1979.

ZELMAN COWAN
Governor-General

By His Excellency's Command,

R. ELLICOTT
Minister of State for the Capital Territory

HOUSE OF ASSEMBLY ORDINANCE 1979

1. This Ordinance may be cited as the *House of Assembly Ordinance 1979*.¹ Short title
2. In this Ordinance, "Principal Ordinance" means the *Legislative Assembly Ordinance 1936*.² Principal Ordinance
3. (1) This section and sections 1, 2, 5, 14 and 15 shall come into operation on the date on which this Ordinance is notified in the *Gazette*. Commencement
(2) The remaining provisions of this Ordinance shall come into operation on 2 June 1979.
4. The title of the Principal Ordinance is amended by omitting "a Legislative" and substituting "an Australian Capital Territory House of". Amendment of title
5. Section 1 of the Principal Ordinance is amended by omitting "*Legislative*" and substituting "*House of*". Amendment of short title
6. Section 2 of the Principal Ordinance is repealed. Repeal
7. Section 3 of the Principal Ordinance is amended— Interpretation
 - (a) by omitting "Legislative" from the definition of "Assembly" in sub-section (1) and substituting "House of"; and

- (b) by omitting “Legislative” from the definition of “President” in sub-section (1) and substituting “House of”.

Constitution
of Assembly

8. Section 4 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “Legislative” and substituting “House of”; and
 (b) by omitting from paragraph (3) (a) “Legislative” and substituting “House of”.

Repeal

9. Sections 4A, 4B and 4C of the Principal Ordinance are repealed.

Election of
members

10. Section 5 of the Principal Ordinance is amended by omitting sub-sections (2) and (3) and substituting the following sub-section:

“(2) Subject to the *Commonwealth Electoral Act* 1918 in its application to an election and to the regulations, a person is entitled to vote at an election of members of the Assembly if—

- (a) his name is on the Roll for a Division at such time, in relation to the election, as is prescribed; and
 (b) his real place of living is, or at some time within 3 months immediately preceding the polling day was, in that Division.”.

President of
Assembly,
Chairman of
Committees

11. Section 7 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) “Legislative” and substituting “House of”;
 (b) by omitting from sub-section (2) “Legislative” and substituting “House of”; and
 (c) by omitting from paragraph (10) (a) “Legislative” and substituting “House of”.

Amendment
of Schedule 1

12. Schedule 1 to the Principal Ordinance is amended by omitting from item 13 “*Legislative Assembly Ordinance* 1936-1974” and substituting “*House of Assembly Ordinance* 1936”.

Amendment
of Schedule 2

13. Schedule 2 to the Principal Ordinance is amended by omitting “Legislative” (wherever occurring) and substituting “House of”.

References
to
Legislative
Assembly in
other laws

14. Where, in a law in force in the Territory, there is a reference (however expressed) to the Australian Capital Territory Legislative Assembly, that reference shall, on and after 2 June 1979, unless the contrary intention appears and except in relation to matters that occurred before that date, be read as a reference to the Australian Capital Territory House of Assembly constituted by the Principal Ordinance, as amended by this Ordinance.

Transitional
provisions

15. (1) In this section, “House of Assembly” means the Australian Capital Territory House of Assembly constituted by section 4 of the Principal Ordinance, as amended by this Ordinance.

(2) Regulations in force under the Principal Ordinance immediately before the date on which this Ordinance is notified in the *Gazette* shall, on and after that date, have the same force and effect as if they had been made under the Principal Ordinance, as amended by section 5 of this Ordinance.

(3) For the purposes only of the first election of members of the House of Assembly, section 5 of the Principal Ordinance shall apply, and the election of those members may be conducted, as if all of the provisions of this Ordinance had come into operation on the date on which this Ordinance is notified in the *Gazette*.

(4) For the purposes of the first election of members of the House of Assembly, section 16 of the Principal Ordinance shall, on and from the date on which this Ordinance is notified in the *Gazette*, be deemed to confer the same power to make regulations as if all of the provisions of this Ordinance had come into operation on that date.

NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 23 April 1979.
2. Ordinance No. 49, 1936 as amended by No. 17, 1937; No. 30, 1938; No. 12, 1945; No. 6, 1951; No. 9, 1952; Nos. 5 and 7, 1957; Nos. 8 and 9, 1959; No. 20, 1961; No. 13, 1962; No. 2, 1965; No. 14, 1966; No. 6, 1967; No. 26, 1969; Nos. 13 and 21, 1973; Nos. 21, 24, 28, 36 and 44, 1974; No. 57, 1976; No. 54, 1977; and No. 37, 1978.