



# Australian Capital Territory Self-Government Legislation Amendment Act 1992

No. 10 of 1992

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# Australian Capital Territory Self-Government Legislation Amendment Act 1992

No. 10 of 1992

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## An Act relating to the self-government of the Australian Capital Territory

[Assented to 6 March 1992]

The Parliament of Australia enacts:

### PART 1—PRELIMINARY

#### Short title

1. This Act may be cited as the *Australian Capital Territory  
Self-Government Legislation Amendment Act 1992*.

#### Commencement

2.(1) Subject to subsection (2), this Act commences on the day on  
which it receives the Royal Assent.

(2) Sections 4, 7, 8, 9 and 11 commence immediately after polling  
day for the second general election of members of the Legislative  
Assembly for the Australian Capital Territory.

**PART 2—AMENDMENTS OF THE AUSTRALIAN CAPITAL  
TERRITORY (SELF-GOVERNMENT) ACT 1988**

**Principal Act**

3. In this Part, “**Principal Act**” means the *Australian Capital Territory (Self-Government) Act 1988*. 5

**Interpretation**

4. Section 3 of the Principal Act is amended by omitting “the *Australian Capital Territory (Electoral) Act 1988*” from the definition of “elector of the Territory” and substituting “section 67C”.

**Ministers for the Territory** 10

5. Section 41 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsections:

“(1) The Chief Minister must appoint Ministers for the Territory from among the members of the Assembly.

“(2) The number of Ministers is to be as provided by enactment. 15

“(2A) Until provision is made, the number of Ministers is not to exceed 5.”.

**Repeal—guarantees by Territory**

6. Section 64 of the Principal Act is repealed.

7. Section 66 of the Principal Act is repealed and the following sections are substituted: 20

**Interpretation**

“66. In this Part:

‘**electoral enactment**’ means an enactment described in subsection 67A(1).

**Part to bind Crown** 25

“66A. This Part binds the Crown in right of the Territory, but nothing in this Act renders the Crown liable to be prosecuted for an offence.

**Election of members**

“66B. The members are to be elected in accordance with this Part.”. 30

8. After section 67 of the Principal Act, the following sections are inserted:

**General elections**

“67A.(1) The members to be elected at a general election are to be elected as provided by sections 67, 67C, 67D and 67E and by an enactment that: 35

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- (a) provides for general elections; and
- (b) complies with section 67B; and
- (c) was made after polling day for the second general election.

5 “(2) Until an electoral enactment commences, the members to be elected at a general election are to be elected as provided by sections 67, 67C and 67E and by the *Australian Capital Territory (Electoral) Act 1988*.

**Electoral enactment**

“67B. An electoral enactment is to provide, among other things:

- 10 (a) for the times of general elections; and
- (b) for a Roll of the electors of the Territory for the purposes of general elections; and
- (c) that every person who is entitled to be enrolled on that Roll and who is resident in the Territory is required to claim  
15 enrolment; and
- (d) if the electoral enactment provides for the distribution of the Territory into electorates—that a redistribution of the Territory into electorates is to commence not later than 6 years after the previous distribution or redistribution.

20 **Qualifications of electors**

“67C.(1) At a general election held on a particular day, a person is entitled to vote if:

- (a) on that day, the person’s name is on the Roll of the electors of the Territory for the purposes of general elections; and
- 25 (b) the person would be entitled to vote at an election held on that day to choose a member of the House of Representatives for the Territory.

“(2) A person’s name is not to be taken to be on the Roll for the purposes of paragraph (1) (a):

- 30 (a) before the commencement of an electoral enactment—if subsection 9(2) of the *Australian Capital Territory (Electoral) Act 1988* so provides; or
- (b) after that commencement—if an electoral enactment so provides.

35 **Territory electorates**

“67D.(1) In this section:

‘**quota**’, in relation to an electorate for the Territory, means the number calculated in accordance with the formula:

**Number of Territory electors × Number of electorate members  
Number of Territory members**

where:

‘**Number of Territory electors**’ means the number of electors of the Territory;

‘**Number of electorate members**’ means the number of members to be elected by the electorate; 5

‘**Number of Territory members**’ means the number of members of the Assembly.

“(2) A distribution or redistribution of the Territory into electorates is not to result in any electorate having, immediately after the distribution or redistribution: 10

(a) a number of electors of the Territory greater than 110% of its quota; or

(b) a number of electors of the Territory less than 90% of its quota.

**Election funding** 15

“67E. The Assembly is to make provision by enactment with respect to the funding of the third and later general elections.”.

**Casual vacancies**

9. Section 68 of the Principal Act is amended by inserting after subsection (1) the following subsections: 20

“(1A) A casual vacancy in the office of an elected member is to be filled in a manner provided by enactment made after polling day for the second general election.

“(1B) Until provision is made, the following subsections have effect.”.

**PART 3—AMENDMENTS OF THE AUSTRALIAN CAPITAL  
TERRITORY (ELECTORAL) ACT 1988** 25

**Principal Act**

10. In this Part, “**Principal Act**” means the *Australian Capital Territory (Electoral) Act 1988*<sup>2</sup>.

**Repeal—qualifications of electors** 30

11. Section 11 of the Principal Act is repealed.

**Registration of political parties**

12. Section 13 of the Principal Act is amended by adding at the end the following subsection:

“(3) The Electoral Commission shall refuse an application for the registration of a political party if, in its opinion, the name of the party 35

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or the abbreviation of its name that it wishes to be able to use for the purposes of this Act:

- (a) is frivolous or vexatious; or
- (b) is mischievous or is likely to deceive, mislead or confuse.”.

**5 Application of Commonwealth Electoral Act**

**13.** Section 16 of the Principal Act is amended by inserting after subsection (3) the following subsection:

“(3A) The Parts referred to in subsection (3) apply subject to modifications prescribed by the regulations.”.

**10 PART 4—AMENDMENTS OF THE COMMONWEALTH  
ELECTORAL ACT 1918**

**Principal Act**

**14.** In this Part, “Principal Act” means the *Commonwealth Electoral Act 1918*<sup>3</sup>.

**15 Functions and powers of Commission**

**15.** Section 7 of the Principal Act is amended:

- (a) by omitting from paragraph (1)(g) “or of a Territory”;
- (b) by inserting in subsection (2) “, of the Australian Capital Territory” after “State”.

**20 Electoral Commissioner**

**16.** Section 18 of the Principal Act is amended by omitting from subsection (2) “or of a Territory”.

**Arrangement with States**

**17.** Section 84 of the Principal Act is amended:

- 25 (a)** by omitting from subsection (1) “or the Administrator of the Northern Territory” and substituting “, the Administrator of the Northern Territory or the Chief Minister of the Australian Capital Territory”;
- 30 (b)** by omitting from that subsection “or jointly by the Commonwealth and the Northern Territory” and substituting “, jointly by the Commonwealth and the Northern Territory or jointly by the Commonwealth and the Australian Capital Territory”;
- 35 (c)** by omitting from that subsection “or Northern Territory elections” and substituting “, Northern Territory elections or Australian Capital Territory elections”;
- (d)** by inserting in paragraph (2)(b) “, Australian Capital Territory electors” after “State electors”.

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**NOTES**

1. No. 106, 1988, as amended. For previous amendments, see Statutory Rules No. 86, 1989; No. 60, 1989; and No. 33, 1991.
2. No. 107, 1988, as amended. For previous amendments, see No. 60, 1989; and No. 67, 1991.
3. No. 27, 1918. For previous amendments, see No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 10, 1924; No. 20, 1925; No. 17, 1928; No. 2, 1929; No. 9, 1934; No. 19, 1940; No. 42, 1946; No. 17, 1948; Nos. 10 and 47, 1949; No. 106, 1952; No. 79, 1953; No. 26, 1961; No. 31, 1962; Nos. 48 and 70, 1965; Nos. 32 and 93, 1966; No. 7, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 38, 1974; No. 56, 1975; Nos. 14 and 116, 1977; No. 19, 1979; Nos. 102 and 155, 1980; No. 176, 1981 (as amended by No. 26, 1982); No. 80, 1982; Nos. 39, 84 and 144, 1983; Nos. 45, 46, 120 and 133, 1984; Nos. 67, 166 and 193, 1985; Nos. 35, 141 and 184, 1987; Nos. 87, 99 and 109, 1988; No. 159, 1989; No. 24, 1990; and No. 122, 1991.

*[Minister's second reading speech made in—  
House of Representatives on 6 November 1991  
Senate on 13 November 1991]*