



Australian Capital Territory Electoral Legislation Amendment Act 1994

No. 165 of 1994

An Act to repeal the *Australian Capital Territory (Electoral) Act 1988*, to amend the *Australian Capital Territory (Self-Government) Act 1988*, and for related purposes

[Assented to 16 December 1994]

The Parliament of Australia enacts:

Short title

1. This Act may be cited as the *Australian Capital Territory Electoral Legislation Amendment Act 1994*.

Commencement

2. This Act commences on the day on which it receives the Royal Assent.

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Repeal of the *Australian Capital Territory (Electoral) Act 1988*

Repeal

3.(1) The *Australian Capital Territory (Electoral) Act 1988* is repealed.

Savings

(2) Despite the repeal of the *Australian Capital Territory (Electoral) Act 1988*, Division 2 of Part XXII of the modified Commonwealth Electoral Act continues to apply, in relation to a person in his or her capacity as:

- (a) a person elected, or purportedly elected, under the modified Commonwealth Electoral Act; or
- (b) a person who filled, or purportedly filled, a casual vacancy under subsection 68(2) of the *Australian Capital Territory (Self-Government) Act 1988*;

as if that repeal had not happened.

Definitions

(3) In this section:

“**casual vacancy**” has the same meaning as in the *Australian Capital Territory (Self-Government) Act 1988*;

“**modified Commonwealth Electoral Act**” means the *Commonwealth Electoral Act 1918*, as applied by section 16 of the *Australian Capital Territory (Electoral) Act 1988*.

Validity of the *Electoral Act 1992* of the Australian Capital Territory

Validity

4.(1) The *Electoral Act 1992* of the Australian Capital Territory is not, and is taken never to have been, invalid, in whole or in part, on the ground of inconsistency with the *Australian Capital Territory (Electoral) Act 1988*.

Casual vacancy filled under the Australian Capital Territory (Self-Government) Act 1988

(2) Division 4 of Part XVI of the *Electoral Act 1992* of the Australian Capital Territory has no effect to the extent (if any) to which it applies to a person in his or her capacity as a person who filled, or purportedly filled, a casual vacancy under subsection 68(2) of the *Australian Capital Territory (Self-Government) Act 1988*.

Definition

(3) In this section:

“**casual vacancy**” has the same meaning as in the *Australian Capital Territory (Self-Government) Act 1988*.

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Schedule

5. The Act specified in the Schedule is amended as set out in the Schedule.

SCHEDULE

Section 5

**AMENDMENT OF THE AUSTRALIAN CAPITAL TERRITORY
(SELF-GOVERNMENT) ACT 1988**

1. Subsection 48(1):

Omit “subsection 10(7) of the *Australian Capital Territory (Electoral) Act 1988*”, substitute “subsection 100(3) of the *Electoral Act 1992* of the Australian Capital Territory”.

2. Subsection 67A(2):

Omit the subsection.

3. Subsection 67C(2):

Omit the subsection, substitute:

“(2) A person’s name is taken not to be on the Roll for the purposes of paragraph (1)(a) if an electoral enactment so provides.”.

4. Subsection 68(1) (definition of “registered party”):

Omit all the words after “by”, substitute “subsection (9).”.

5. Section 68:

Add at the end:

“(9) A party is taken to be, or to have been, a registered party at a particular time if:

- (a) if the time is before 25 August 1994—at that time, the party was a registered party within the meaning of the *Australian Capital Territory (Electoral) Act 1988* as in force at that time; or
- (b) if the time is on or after 25 August 1994—at that time, the party is or was a registered party within the meaning of the *Electoral Act 1992* of the Australian Capital Territory.”.

[*Minister’s second reading speech made in—
Senate on 12 October 1994
House of Representatives on 7 December 1994*]