****

**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.

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**3.(1)** The *Australian Capital Territory (Electoral) Act 1988* is repealed.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

**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 6 (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*]