



Australian Capital Territory

Electoral Amendment Act 2006

A2006-36

An Act to amend the *Electoral Act 1992*

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

J2006-99

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 Name of Act

This Act is the *Electoral Amendment Act 2006*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the *Electoral Act 1992*.

4 Section 12

substitute

12 Appointment of members

- (1) The Executive may appoint the members.

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

- (2) An appointment is a disallowable instrument.

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

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

- (a) the leader of each political party represented in the Legislative Assembly;
- (b) each member of the Legislative Assembly who is not a member of a political party represented in the Legislative Assembly.

12A Eligibility for appointment as member

The Executive must not appoint a person as a member if the person—

- (a) is or has, in the 10 years immediately before the day of the proposed appointment, been a member of—
 - (i) the Legislative Assembly; or
 - (ii) the Parliament of the Commonwealth; or
 - (iii) the legislature of a State or another Territory; or
- (b) is or has, in the 5 years immediately before the day of the proposed appointment, been a member of—
 - (i) a registered party; or
 - (ii) a political party registered under a law of the Commonwealth, a State or another Territory; or
 - (iii) a political party.

12B Eligibility for appointment as chairperson

- (1) The Executive may appoint a person as the chairperson of the electoral commission only if the person—
 - (a) is or has been a judge; or
 - (b) has been a justice of the High Court; or
 - (c) has been a chief executive of an administrative unit; or
 - (d) has been a chief executive officer (however described) of a territory instrumentality; or
 - (e) has been a statutory office-holder; or
 - (f) has been a Commonwealth agency head; or

- (g) has been a member of—
 - (i) the electoral commission; or
 - (ii) an authority of the Commonwealth, a State or another Territory that the Executive is satisfied corresponds to the electoral commission; or
- (h) is a person who—
 - (i) is a lawyer; and
 - (ii) has been a lawyer for at least 5 years; and
 - (iii) the Executive is satisfied has held a senior position in the legal profession; or
- (i) is a person who the Executive is satisfied—
 - (i) has held, for at least 5 years, a senior position—
 - (A) as an academic; or
 - (B) in business; or
 - (C) in a profession; and
 - (ii) has the knowledge and experience to exercise the functions of chairperson.

(2) In this section:

Commonwealth agency head means an agency head under the *Public Service Act 1999* (Cwlth), section 7 (Interpretation).

Note The *Public Service Act 1999* (Cwlth), s 7, defines ***agency head*** as—

- (a) the secretary of a department; or
- (b) the head of an executive agency; or
- (c) the head of a statutory agency.

5 Dictionary, notes 1 and 2

substitute

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

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

- administrative unit
- adult
- chief executive (see s 163)
- Commonwealth
- doctor
- Executive
- exercise
- fail
- function
- judge
- lawyer
- Self-Government Act
- Speaker
- State
- statutory office-holder
- territory instrumentality.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 30 March 2006.

2 Notification

Notified under the Legislation Act on 27 September 2006.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Electoral Amendment Bill 2006, which was passed by the Legislative Assembly on 19 September 2006.

Clerk of the Legislative Assembly

© Australian Capital Territory 2006