

**2014**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**AUSTRALIAN CAPITAL TERRITORY (LEGISLATIVE ASSEMBLY) BILL 2014**

**EXPLANATORY STATEMENT**

**Presented by  
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# AUSTRALIAN CAPITAL TERRITORY (LEGISLATIVE ASSEMBLY) BILL 2014

## OVERVIEW

The Australian Capital Territory (Legislative Assembly) Bill 2014 increases the number of members of the Legislative Assembly from 17 to 25, applying from the next general election.

This Bill is cognate with the Electoral Amendment Bill 2014, which makes changes to the number and composition of ACT electorates and other consequential amendments.

The explanatory statement should be read in conjunction with that for the Electoral Amendment Bill 2014.

### Expert Reference Group

A 25-member Assembly (consisting of 5 electorates, each electing 5 members) was the primary recommendation of the Expert Reference Group (ERG) which inquired into the size of the Assembly and the options for increasing the number of members. The ERG released its report in April 2013.

### Legislative power

Section 8 of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) (the Self-Government Act) establishes the Legislative Assembly for the Australian Capital Territory. It requires the Assembly to consist of 17 members until another number is otherwise provided by enactment:

### **8 Legislative Assembly**

- (1) There shall be a Legislative Assembly for the Australian Capital Territory.
- (2) The Assembly is to consist of:
  - (a) such number of members as is provided by enactment (subject to subsection (3));  
or
  - (b) until provision is made—17 members.
- (3) An enactment providing for the number of members of the Assembly (or an enactment amending or repealing such an enactment) has no effect unless it is passed by a number of members at least equal to two-thirds of the number of members provided for, at that time, by or in accordance with subsection (2).
- (4) Subsection (3) has effect despite anything else in this Act.

Previously, the size of the Assembly could only be changed by Commonwealth regulations made in accordance with an Assembly resolution. In 2013, the Commonwealth Parliament amended the Self-Government Act to give the Assembly the legislative power to pass an enactment to determine the number of Assembly members.

### Human rights implications

This Bill aligns with the right to take part in public life (s 17 of the *Human Rights Act 2004*) by increasing the ACT community's level of representation in the Assembly. The Bill provides greater opportunities for citizens to take part in public affairs and to vote or be elected to public office.

## CLAUSE NOTES

### **Clause 1 Name of Act**

This is a formal provision that sets out the name of the Act.

### **Clause 2 Commencement**

This is a formal provision that provides for the commencement of the Act.

### **Clause 3 Number of Legislative Assembly members—Self-Government Act, s 8 (2)**

Subsection (1) states that the *Australian Capital Territory (Legislative Assembly) Act 2014* is made for the purposes of section 8 (2) of the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), which allows for the number of Assembly members to be provided by enactment.

Subsection (2) fixes the number of Assembly members at 25.

Subsection (3) provides that the number of members fixed in subsection (2) applies to the Assembly constituted by members elected at a general election after the commencement of the Act. This provision ensures that the requirement that the Assembly have 25 members does not immediately apply to the current (Eighth) Assembly.