

CLAUSE NOTES

Expansion of House of Assembly Bill 2022

PART 1 - PRELIMINARY

- Clause 1 Short title
- This clause provides the short title of the proposed Act – the *Expansion of House of Assembly Act 2022*.
- Clause 2 Commencement
- This clause provides for the Act to commence on the day which it receives Royal Assent.

PART 2 – CONSTITUTION ACT 1934 AMENDED

- Clause 3 Principal Act
- This clause stipulates that the Principal Act which is being amended in Part 2 is the *Constitution Act 1934*.
- Clause 4 Section 8A amended (Limit on number of Ministers of the Crown)
- This clause provides for an increase in the maximum number of Ministers from nine to eleven, or where a Secretary to Cabinet has been appointed, from eight to ten.
- Clause 5 Section 8I inserted (Notice to be given of appointment to certain offices)
- This clause provides for the appointment of Ministers or the Secretary to Cabinet to be gazetted.
- Clause 6 Section 22 amended (Constitution of the Assembly)
- This clause amends subsection (1) to increase the constitution of the House of Assembly from 25 to 35 members.
- In addition, this clause amends subsection (3) to increase the number of members of each electoral division from five to seven.
- Clause 7 Section 25 amended (Quorum of the Assembly)
- This clause amends section 25(1) to increase the quorum of the House of Assembly from ten members to 14.

- Clause 8 Section 47 inserted (Application of amendments made by the *Expansion of House of Assembly Act 2022*)
- Clause 47(1) identifies the amending Act as the *Expansion of House of Assembly Act 2022* and defines the commencement date as the day on which that Act commences.
- Clause 47(2) specifies that amendments to the *Constitution Act 1934* do not take effect or apply until such time as the House of Assembly is dissolved or at the expiration of the current term of the House.
- Clause 47(3) provides that the provisions which will be amended by the amending Act will continue in force until the expiration or dissolution of the House of Assembly and after the commencement day.
- Clause 47(4) enables implementation to commence ahead of the Act taking effect to enable arrangements to be place for the expansion of the House of Assembly.

PART 3 – ELECTORAL ACT 2004 AMENDED

- Clause 9 Principal Act
- This clause stipulates that the Principal Act which is being amended in Part 3 of the Bill is the *Electoral Act 2004*.
- Clause 10 Section 90(2) amended (Death of candidate at election)
- This clause amends section 90(2)(a), substituting seven candidates in lieu of five, in the event that a person nominated as a candidate dies after noon on nomination day and before polling day.
- In the event that a candidate dies in the abovementioned circumstances, this clause also amends section 90(2)(b), substituting seven candidates in lieu of five. In that instance, the deceased candidate's votes are to be counted as votes cast for the candidate next in order of the elector's preference.
- Clause 11 Section 100 amended (Instructions on ballot papers)
- This clause amends section 100(b)(i), to specify seven as the number of boxes an elector is required to number on a ballot paper for the ballot paper to be valid.
- Clause 12 Section 102 amended (Marking of ballot papers)
- This clause amends section 102(1)(a), to specify seven as the number of candidates boxes an elector must mark in order of preference.
- Clause 13 Section 103 amended (Informal ballot papers)
- This clause amends section 103(2), specifically the circumstances in which a ballot paper would be deemed informal to reflect the increase to seven members per division.

Clause 14 Section 244B inserted

Section 244B inserted (Application of amendments made by the *Expansion of House of Assembly Act 2022*)

Clause 244B(1) identifies the amending Act as the *Expansion of House of Assembly Act 2022* and defines the commencement date as the day on which that Act commences.

Clause 244B(2) specifies that amendments to the *Constitution Act 1934* do not take effect or apply until such time as the House of Assembly is dissolved or at the expiration of the current term of the House.

Clause 244B(3) provides that the provisions which will be amended by the amending Act will continue in force until the expiration or dissolution of the House of Assembly and after the commencement day.

Clause 244B(4) enables implementation to commence ahead of the Act taking effect to enable arrangements to be place for the expansion of the House of Assembly.

PART 4 – CONCLUDING PROVISION

Clause 15 Repeal of Act

This clause repeals the amending Act on the first anniversary of the day on which it commenced.