



TASMANIA

EXPANSION OF HOUSE OF ASSEMBLY ACT 2022

No. 40 of 2022

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EXPANSION OF HOUSE OF ASSEMBLY ACT 2022

No. 40 of 2022

An Act to amend the *Constitution Act 1934* and the *Electoral Act 2004*

[Royal Assent 14 December 2022]

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Expansion of House of Assembly Act 2022*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

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Part 2 – Constitution Act 1934 Amended

PART 2 – CONSTITUTION ACT 1934 AMENDED

3. Principal Act

In this Part, the *Constitution Act 1934** is referred to as the Principal Act.

4. Section 8A amended (Limit on number of Ministers of the Crown)

Section 8A of the Principal Act is amended as follows:

- (a) by omitting “9” and substituting “11”;
- (b) by omitting “8” and substituting “10”.

5. Section 8I inserted

After section 8H of the Principal Act, the following section is inserted in Part II:

8I. Notice to be given of appointment to certain offices

The appointment of a person as a Minister or the Secretary to Cabinet is to be notified in the *Gazette* as soon as reasonably practicable after the appointment occurs.

*No. 94 of 1934

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6. Section 22 amended (Constitution of the Assembly)

Section 22 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “25 members” and substituting “35 members”;
- (b) by omitting from subsection (3) “5 members” and substituting “7 members”.

7. Section 25 amended (Quorum of the Assembly)

Section 25(1) of the Principal Act is amended by omitting “10 Members” and substituting “14 Members”.

8. Section 47 inserted

After section 46 of the Principal Act, the following section is inserted in Part V:

**47. Application of amendments made by
*Expansion of House of Assembly Act 2022***

- (1) In this section –

amending Act means the *Expansion of House of Assembly Act 2022*;

commencement day means the day on which the amending Act commences.

- (2) The amendments to this Act effected by the amending Act do not apply until the

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Part 2 – Constitution Act 1934 Amended

next expiration or dissolution of the House of Assembly after the commencement day.

- (3) Despite the amendments to this Act effected by the amending Act, the provisions of this Act that are amended by the amending Act, as those provisions were in force immediately before the commencement day, continue in force until the next expiration or dissolution of the House of Assembly after the commencement day.
- (4) Despite subsections (2) and (3), the amendments to this Act effected by the amending Act do apply to the extent that is necessary or expedient for the purpose of enabling those amendments to be brought into operation, or given full effect, on the next expiration or dissolution of the House of Assembly after the commencement day.

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PART 3 – ELECTORAL ACT 2004 AMENDED

9. Principal Act

In this Part, the *Electoral Act 2004** is referred to as the Principal Act.

10. Section 90 amended (Death of candidate at election)

Section 90(2) of the Principal Act is amended as follows:

- (a) by omitting from paragraph (a) “5 candidates” and substituting “7 candidates”;
- (b) by omitting from paragraph (b) “5 candidates” and substituting “7 candidates”.

11. Section 100 amended (Instructions on ballot papers)

Section 100(b)(i) of the Principal Act is amended by omitting “five boxes” and substituting “seven boxes”.

12. Section 102 amended (Marking of ballot papers)

Section 102(1)(a) of the Principal Act is amended by omitting “numbers 1, 2, 3, 4 and 5” and substituting “numbers 1, 2, 3, 4, 5, 6 and 7”.

*No. 51 of 2004

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Part 3 – Electoral Act 2004 Amended

13. Section 103 amended (Informal ballot papers)

Section 103(2) of the Principal Act is amended by omitting “number 5” and substituting “number 7”.

14. Section 244B inserted

After section 244A of the Principal Act, the following section is inserted in Part 10:

**244B. Application of amendments made by
*Expansion of House of Assembly Act 2022***

(1) In this section –

amending Act means the *Expansion of House of Assembly Act 2022*;

commencement day means the day on which the amending Act commences.

(2) The amendments to this Act effected by the amending Act do not apply until the next expiration or dissolution of the House of Assembly after the commencement day.

(3) Despite the amendments to this Act effected by the amending Act, the provisions of this Act that are amended by the amending Act, as those provisions were in force immediately before the commencement day, continue in force until the next expiration or dissolution of

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Part 3 – Electoral Act 2004 Amended

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the House of Assembly after the commencement day.

- (4) Despite subsections (2) and (3), the amendments to this Act effected by the amending Act do apply to the extent that is necessary or expedient for the purpose of enabling those amendments to be brought into operation, or given full effect, on the next expiration or dissolution of the House of Assembly after the commencement day.

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Part 4 – Concluding Provision

PART 4 – CONCLUDING PROVISION

15. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.

*[Second reading presentation speech made in:–
House of Assembly on 10 November 2022
Legislative Council on 16 November 2022]*