

**2001**

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

**ELECTORAL AMENDMENT BILL 2001**

**PRESENTATION SPEECH**

**Circulated by authority of  
Bill Stefaniak, Attorney-General**

## OUTLINE

This Bill provides for a range of amendments to the *Electoral Act 1992* and the *Referendum (Machinery Provisions) Act 1994*. The amendments address issues raised by the ACT Electoral Commission and others after the conduct of the 1998 ACT Legislative Assembly election.

The amendments include significant changes to:

- The party registration scheme;
- The requirements for disclosure of political donations, expenditure and debts;
- The nomination process;
- Enrolment requirements;
- The voting process; and
- Requirements for authorising electoral matter;

as well as various minor and machinery amendments.

Several changes are proposed to the party registration scheme. The Bill will tighten the party registration requirements to require all registered political parties to demonstrate that they have 100 members on the ACT electoral roll. At present, “parliamentary parties” can be registered if they have at least one member who is a

representative in any Australian Parliament – this has the undesirable effect of allowing parties to register in the ACT without a local support base.

This Bill will also introduce a scheme of registration of ballot group names for use by Independent MLAs on ballot papers, thereby removing the need for Independent MLAs to register “parties of convenience”.

All registered political parties will be required to provide the Electoral Commissioner with an up-to-date copy of their constitution, which must be made publicly available by the Commissioner. At present, parties must supply their constitution when registering, but are not required to supply up-to-date copies.

To ensure that the ACT electoral roll remains in step with the Commonwealth electoral roll, the Bill will bring the provisions related to making and witnessing enrolment claims into line with recent Commonwealth changes. The Commonwealth Parliament has passed amendments to the Commonwealth Electoral Act that will if proclaimed provide for a limited list of persons eligible to witness enrolment claims and will require first time claimants to provide proof of identity. These changes are intended to enhance the integrity of the electoral roll. Adopting the Commonwealth witnessing and proof of identity requirements will ensure that, should these changes be proclaimed, the ACT and the

Commonwealth retain a common electoral roll.

The Bill provides for end-use restrictions to be applied to electoral rolls provided to candidates, to match those restrictions that currently apply to use of rolls supplied to parties and MLAs.

Currently, no end-use restrictions apply to rolls given to candidates.

Amendments are also proposed related to candidate nominations and the voting process.

The Electoral Commissioner will be given the power to reject a candidate's nomination where the name under which the candidate is nominated is obscene, is frivolous or has been assumed for a political purpose. This should serve to prevent the practice that has started to emerge in other jurisdictions where candidates have used contrived names to achieve a political advantage or to trivialise the election process

To increase the accessibility of the voting process, the Bill provides that an elector may vote outside a polling place, if the officer in charge is satisfied that the elector is unable to enter the polling place because of a physical disability, illness, advanced pregnancy or other condition. This mirrors a recent Commonwealth amendment along similar lines.

Another change made is to delay the start of the pre-poll period if it is otherwise due to commence on a public holiday.

The Bill also provides for major changes to the disclosure provisions to break the nexus with the Commonwealth scheme and to require a greater level of disclosure, such as requiring all amounts received to be taken into account when disclosure thresholds for parties, ballot groups, MLAs and associated entities are calculated (at present individual donations of less than \$500 do not have to be taken into account, creating a potential loophole in the scheme). The Bill will also extend the disclosure obligations currently imposed on independent MLAs to cover all MLAs, and extend the obligations imposed on associated entities to bring them into line with the obligations imposed on parties.

In order to more clearly identify sources of political advertising, the Bill provides that, where printed electoral matter is being published by or on behalf of a registered political party, ballot group or a candidate, the name of the party, ballot group or candidate should be included on the authorisation statement with the name and address of the person who authorised the matter.

An amendment will also be made to the definition of “electoral matter”, which is used to identify material that requires authorisation, to limit its application to matter more directly concerned with a Legislative Assembly election. At present the definition catches too wide a range of material.

The Bill also makes a range of other relatively minor changes that

are spelt out in the Explanatory Memorandum to the Bill.

This Bill, and the accompanying Bill increasing the number of versions of the ballot papers printed under the Robson rotation method, will further refine the ACT's electoral system to ensure that the ACT continues to follow best practice in the conduct of its elections.