

2014

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

ELECTORAL AMENDMENT BILL 2014

EXPLANATORY STATEMENT

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OVERVIEW

The Electoral Amendment Bill 2014 amends the *Electoral Act 1992* to increase the number of electorates in the Australian Capital Territory from 3 to 5. Each electorate will return 5 members of the Legislative Assembly for a total of 25 members.

The purpose of this Bill is to amend the Electoral Act to provide for the election of 25 Legislative Assembly members, 5 members in each of 5 electorates. This Bill is cognate with the Australian Capital Territory (Legislative Assembly) Bill 2014 (the ACT (LA) Bill), the purpose of which is to fix the overall number of Assembly members at 25.

The explanatory statement for the ACT (LA) Bill should be read with this explanatory statement.

Background

At present, section 34 of the Electoral Act provides for 17 Legislative Assembly members within a system of 3 multimember electorates. Two of the electorates (Brindabella and Ginninderra) elect 5 members, and 1 electorate (Molonglo) elects 7 members.

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.

As all electorates will elect 5 members to the larger Assembly, this Bill also makes consequential amendments to remove specific references to 7-member electorates elsewhere in the Electoral Act.

Human rights implications

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

CLAUSE NOTES

Clause 1 Name of Act

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

Clause 2 Commencement

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

Clause 3 Legislation amended

This clause states that this Act amends the *Electoral Act 1992*.

Clause 4 Section 34

This clause amends section 34 of the Electoral Act dealing with the composition of ACT electorates. It increases the number of electorates from 3 to 5 and provides that 5 members must be elected from each electorate, making a total of 25 members.

Subsection (3) states that the section only applies to a general election held after the commencement of the *Australian Capital Territory (Legislative Assembly) Act 2014*, so that the requirement for 5 electorates does not immediately apply to the current Assembly.

Under subsection (4), it and subsection (3) will expire on 31 December 2016 to ensure that they expire after the latest possible date fixed under section 100 of the Electoral Act for the 2016 general election.

Clause 5 Printing of ballot papers Section 116 (2)

This clause replaces the reference to *the relevant number* of candidates in a grouping on a ballot paper with the number 5 because of the elimination of the single 7-member electorate.

Clause 6 Sections 116 (3) and (5)

This clause replaces references to *the relevant number of* with the number 5, consistent with the previous amendment.

Clause 7 Section 116 (8)

This clause omits the definition of *relevant number* as a consequence of the amendments in clauses 5 and 6.

Clause 8 Limit on electoral expenditure—party groupings Section 205F (2)

This section clarifies that the maximum multiplier for the electoral expenditure cap is the sum of, for each electorate, the lesser of 5 and the number of candidates for the electorate. The amendment removes a reference to the 7-member electorate.

Clause 9 **Schedule 2, table *For 7-member electorates***

Schedule 2 sets out the procedure for producing the ‘Robson rotation’ of candidate names on batches of ballot papers. This section omits the table for 7-member electorates.