

2012

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Treasurer)

# Election Commitments Costing Bill 2012

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## **Election Commitments Costing Bill 2012**

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### **A Bill for**

An Act to enable costing of election commitments

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Election Commitments Costing Act 2012*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Dictionary**

9 The dictionary at the end of this Act is part of this Act.

10 *Note 1* The dictionary at the end of this Act defines certain terms used in this  
11 Act, and includes references (*signpost definitions*) to other terms  
12 defined elsewhere.

13 For example, the signpost definition '*polling day*—see the *Electoral*  
14 *Act 1992*, dictionary.' means that the term 'polling day' is defined in  
15 that dictionary and the definition applies to this Act.

16 *Note 2* A definition in the dictionary (including a signpost definition) applies to  
17 the entire Act unless the definition, or another provision of the Act,  
18 provides otherwise or the contrary intention otherwise appears (see  
19 Legislation Act, s 155 and s 156 (1)).

20 **4 Notes**

21 A note included in this Act is explanatory and is not part of this Act.

22 *Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of  
23 notes.

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## 1 Part 2 Costing of election commitments

### 2 5 Requests to cost election commitments

3 (1) Before polling day in a costing period for an election of the  
4 Legislative Assembly—

5 (a) the leader of a registered party in the Legislative Assembly  
6 with 1 or more MLAs may ask the director-general to cost a  
7 publicly announced election commitment of the party; or

8 (b) an MLA who is not a member of a registered party may ask the  
9 director-general to cost a publicly announced election  
10 commitment of the MLA.

#### 11 **Example—publicly announced**

12 media release or policy statement published on a party website

13 *Note* An example is part of the Act, is not exhaustive and may extend, but  
14 does not limit, the meaning of the provision in which it appears (see  
15 Legislation Act, s 126 and s 132).

16 (2) On or after polling day in a costing period for an election of the  
17 Legislative Assembly, the leader of a registered party with 1 or  
18 more MLAs before polling day, or another person nominated by the  
19 party, may ask the director-general to cost a publicly announced  
20 election commitment of the party.

21 (3) A costing request must—

22 (a) be in writing; and

23 (b) include—

24 (i) a detailed explanation of the election commitment,  
25 including its purpose; and

26 (ii) any other information relevant to costing the election  
27 commitment.

#### 28 **Example—par (ii)**

29 assumptions to be used when costing the election commitment

- 1 (4) The director-general must, as soon as practicable after receiving a  
2 costing request, make the following details about the request  
3 publicly available:
- 4 (a) the election commitment to which the request relates;  
5 (b) the name of the person making the request;  
6 (c) the date the request was received.
- 7 (5) A person must not ask the director-general to cost a publicly  
8 announced election commitment of—
- 9 (a) another MLA; or  
10 (b) a registered party of which the person is not a member.

11 **6 Withdrawal of costing requests**

- 12 (1) A person may withdraw a costing request made by the person at any  
13 time before the person is given a copy of the costing under  
14 section 9 (3) or section 10 (3).
- 15 (2) A withdrawal of a costing request must be by written notice given to  
16 the director-general.

17 **7 Guidelines for costing election commitments**

18 The director-general may issue written guidelines setting out  
19 administrative procedures for costing an election commitment.

20 **8 Additional information for costing election commitments**

21 The director-general may ask a person, in writing, for additional  
22 information to cost an election commitment under a costing request  
23 made by the person.

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- 1     **9           Costing of election commitments and publishing**  
2           **costings—before polling day**
- 3           (1) If the director-general receives a costing request before polling day,  
4           and the request is not withdrawn under section 6, the  
5           director-general must—
- 6                 (a) cost the election commitment; and  
7                 (b) make the costing publicly available.
- 8                 **Examples—publicly available**  
9                     1 published on the Treasury Directorate website  
10                    2 media release issued by the Treasury Directorate
- 11                 *Note*     An example is part of the Act, is not exhaustive and may extend,  
12                     but does not limit, the meaning of the provision in which it  
13                     appears (see Legislation Act, s 126 and s 132).
- 14           (2) The director-general must cost an election commitment and make  
15           the costing publicly available—
- 16                 (a) as soon as practicable after receiving the costing request; and  
17                 (b) before polling day.
- 18           (3) However, before making a costing publicly available, the  
19           director-general must give a copy of the costing to the person who  
20           made the costing request.
- 21           (4) Also, if the director-general does not have adequate information or  
22           enough time to cost an election commitment and make the costing  
23           publicly available before polling day, the director-general must,  
24           before polling day, make publicly available a notice stating—
- 25                 (a) that the election commitment cannot be costed before polling  
26                     day; and  
27                 (b) the reason why.

1 (5) A costing request made before polling day that has not been costed  
2 and made publicly available before polling day is taken to be  
3 withdrawn on polling day.

4 (6) If an election commitment under a costing request made before  
5 polling day has not been costed before polling day, the  
6 director-general must not begin or continue costing the election  
7 commitment on or after polling day.

8 **10 Costing of election commitments and publishing**  
9 **costings—on or after polling day**

10 (1) If the director-general receives a costing request on or after polling  
11 day, and the request is not withdrawn under section 6, the  
12 director-general must—

13 (a) cost the election commitment; and

14 (b) make the costing publicly available.

15 **Examples—publicly available**

16 1 published on the Treasury Directorate website

17 2 media release issued by the Treasury Directorate

18 *Note* An example is part of the Act, is not exhaustive and may extend,  
19 but does not limit, the meaning of the provision in which it  
20 appears (see Legislation Act, s 126 and s 132).

21 (2) The director-general must cost an election commitment and make  
22 the costing publicly available—

23 (a) as soon as practicable after receiving the costing request; and

24 (b) before the end of the costing period.

25 (3) However, before making a costing publicly available, the  
26 director-general must give a copy of the costing to the person who  
27 made the costing request.



- 1 (4) Also, if the director-general does not have adequate information or  
2 enough time to cost an election commitment and make the costing  
3 publicly available before the end of the costing period, the  
4 director-general must, before the end of the costing period, make  
5 publicly available a notice stating—
- 6 (a) that the election commitment cannot be costed before the end  
7 of the costing period; and
- 8 (b) the reason why.
- 9 (5) A costing request made on or after polling day that has not been  
10 costed and made publicly available before the end of the costing  
11 period is taken to be withdrawn at the end of the costing period.
- 12 (6) If an election commitment under a costing request made on or after  
13 polling day has not been costed before the end of the costing period,  
14 the director-general must not begin or continue costing the election  
15 commitment after the end of the costing period.

16 **11 Request and disclosure of costing request information**

- 17 (1) During the costing period, costing information particular to a  
18 costing request must not be disclosed to anyone other than the  
19 person who made the request.
- 20 (2) Subsection (1) does not apply to the disclosure of costing  
21 information particular to a costing request if the disclosure is  
22 made—
- 23 (a) under this Act or another territory law; or
- 24 (b) in relation to the exercise of a function under this Act or  
25 another territory law; or
- 26 (c) with the consent of the person who made the costing request.

- 1 **12 Access to documents relating to costing request**
- 2 (1) For the FOI Act, a document is an exempt document—
- 3 (a) if it is a document in relation to a costing request; and
- 4 (b) during the costing period in which the costing request is made.
- 5 (2) However, subsection (1) does not apply in relation to a request
- 6 under either of the following sections of the FOI Act if the request is
- 7 made by the person who made the costing request to which the
- 8 document relates:
- 9 (a) section 14 (Requests for access);
- 10 (b) section 48 (Persons may make application for amendment of
- 11 records).
- 12 (3) To remove any doubt—
- 13 (a) subsection (1) is additional to, and does not limit, the operation
- 14 of the FOI Act, part 4 (Exempt documents); and
- 15 (b) a document in relation to a costing request is not an exempt
- 16 document under subsection (1) after the end of the costing
- 17 period in which the costing request was made.
- 18 (4) In this section:
- 19 ***FOI Act*** means the *Freedom of Information Act 1989*.

1 **Part 3** **Miscellaneous**

2 **13** **Regulation-making power**

3 The Executive may make regulations for this Act.

4 *Note* A regulation must be notified, and presented to the Legislative  
5 Assembly, under the Legislation Act.

6 **14** **Review of Act**

7 (1) The Minister must review the operation of this Act after the end of  
8 the costing period for the 2012 election.

9 (2) The Minister must present a report of the review to the Legislative  
10 Assembly not later than—

11 (a) the last sitting day in October 2013; or

12 (b) if there is no sitting day in October 2013, the first sitting day  
13 after October 2013.

14 (3) This section expires on 31 October 2014.

## 1 Dictionary

2 (see s 3)

3 *Note 1* The Legislation Act contains definitions and other provisions relevant to  
4 this Act.

5 *Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- 6 • director-general (see s 163)
- 7 • Executive
- 8 • function
- 9 • Legislative Assembly.

10 ***costing period***, for an election of the Legislative Assembly, means  
11 the period starting on the first day of the pre-election period and  
12 ending when the Chief Minister is elected on the first sitting day of  
13 the Legislative Assembly after the election.

14 ***costing request*** means a request made under section 5.

15 ***election***—see the *Electoral Act 1992*, dictionary.

16 ***MLA***—see the *Electoral Act 1992*, dictionary.

17 ***polling day***—see the *Electoral Act 1992*, dictionary.

18 ***pre-election period***—see the *Electoral Act 1992*, dictionary.

19 ***registered party***—see the *Electoral Act 1992*, dictionary.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 14 August 2012.

**2 Notification**

Notified under the Legislation Act on 2012.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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