

2001

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ELECTORAL AMENDMENT BILL 2001(NO. 2)

EXPLANATORY MEMORANDUM

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

OUTLINE

This Bill provides for amendments to the *Electoral Act 1992* to facilitate the increase in the number of Robson rotation versions of the ballot papers to be printed for a Legislative Assembly election to be made under the Electoral (Entrenched Provisions) Amendment Bill 2001.

This Bill has been presented separately from the Electoral (Entrenched Provisions) Amendment Bill 2001 as that Bill deals with Schedule 2 of the Electoral Act as in force on 1 December 1994, which is a provision entrenched under the *Proportional Representation (Hare-Clark) Entrenchment Act 1994*. The provisions dealt with in this Bill are not entrenched. Enacting the two Bills separately will ensure that there is no uncertainty as to the effect of the *Proportional Representation (Hare-Clark) Entrenchment Act 1994* on the Robson rotation provisions.

To facilitate the additional versions of the ballot papers provided for in the Electoral (Entrenched Provisions) Amendment Bill 2001, this Bill contains amendments to limit the maximum length of columns of candidates. Under these amendments, the maximum length of a column of candidates cannot exceed the number of candidates to be elected in an electorate. Consequently, a column of candidates cannot be longer than 5 candidates in the 5 member electorates, and a column of candidates cannot be longer than 7 candidates in the 7 member electorate.

The Electoral (Entrenched Provisions) Amendment Bill 2001 includes 60 different variations for lengths of columns up to 5 candidates long for the 5 member electorates, and 420 different variations for lengths of columns up to 7 candidates long for the 7 member electorate.

In recognition of the greater complexity of the process of printing 420 versions of the 7 member electorate ballot paper, this Bill also includes a measure to close nominations one day earlier to allow more time for typesetting, proof-reading and printing more versions of the ballot papers.

Financial Implications

While the increase in the number of Robson rotations will add to the complexity of the process of printing ballot papers, it is not expected to lead to significantly increased costs.

DETAILED EXPLANATION

References to *sections* in the following detailed explanation refer to sections in the *Electoral Act 1992*.

Formal clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement and to the Act being amended. The Act is to commence on the day it is notified in the *Gazette*.

Place and hour of nomination

Clause 4 amends section 108 to close nominations one day earlier to allow extra time for typesetting, proof-reading and printing more versions of the ballot papers. As the ACT has fixed term election dates, closing nominations one day earlier should not act to disadvantage prospective candidates for election.

Printing of ballot papers

Clauses 5, 6, 7 and 8 amend section 116 to provide that a column of names on a ballot paper cannot be longer than the number of candidates to be elected. That is, in the 5 member electorates, a column of names on a ballot paper cannot be longer than 5 candidates, and in the 7 member electorate, a column of names on a ballot paper cannot be longer than 7 candidates. This change is necessary to facilitate the increased number of Robson rotation versions of each ballot paper set out in the following amendment to Schedule 2.

Where a party or group nominates more candidates than the number of candidates to be elected in the electorate, that group would be split over two or more columns (following a random draw), such that no column would exceed the specified length.