

**2000**

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

**ELECTORAL AMENDMENT BILL 2000**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of  
Gary Humphries, Attorney-General**

## OUTLINE

This Bill provides for the *Electoral Act 1992* to be amended to provide that Independent MLAs are required only to disclose gifts given for use solely or substantially for a purpose related to an MLA's position in their annual returns rather than all amounts received by the Independent MLA during the financial year.

At present the Electoral Act requires that all amounts received by parties and Independent MLAs be included in annual returns lodged with the ACT Electoral Commission and that details of amounts over \$1500 need to be disclosed. The only exemption to the reporting of amounts received by Independent MLAs provided in the Electoral Act is that gifts received by an MLA in a personal capacity, which are not used solely or substantially for a purpose related to his or her position as an MLA, need to be reported. In the case of Independent MLAs this means that all personal income such as salary and income from shares and property needs to be disclosed in their annual return.

As the Electoral Act stands only Independent MLAs are required to disclose personal income. Party MLAs are not required to disclose these details. This situation is inequitable and outside the intended scope of the legislation. This Bill is intended to bring the disclosure obligation of independent MLAs more into line with those imposed on registered political parties.

These amendments to the Electoral Act will alter the requirements for Independent MLAs annual returns for the 1999/2000 financial year which are due for lodgement by 23 October 2000.

### Financial Implications

None.

## DETAILED EXPLANATION

### 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 on which it is notified in the *Gazette*.

### Principal Act

Clause 4 amends section 230 of the Electoral Act to provide that independent MLAs are required only to disclose gifts used solely or substantially for a purpose related to the MLA's position in their annual returns under section 230, rather than all amounts received by independent MLAs during the financial year. This clause also continues to provide an exemption to disclosure of gifts given to the MLA in a private capacity, for his or her personal use, that the MLA has not and will not use solely or substantially for a purpose related to his or her position as an MLA.