

1994

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

ELECTORAL (AMENDMENT) BILL (NO. 2) 1994

EXPLANATORY MEMORANDUM

Circulated by authority of

Rosemary Follett, Chief Minister

OUTLINE

The Electoral (Amendment) Bill (No.2) 1994 amends the *Electoral Act 1992* to ensure that:

- claims for enrolment that are lodged with the Electoral Commissioner prior to the date of the close of rolls may be added after the rolls have closed;
- public holidays will not delay the election timetable;
- individual candidates who agree to be grouped with other candidates cannot have the word "Independent" printed next to their name;
- Independent MLAs are not required to disclose private debt; and
- the correct calculation of transfer value of votes can be made in the case of filling a casual vacancy.

FINANCIAL IMPLICATIONS

The Bill has no financial implications.

DETAILED EXPLANATION

Formal clauses

Clauses 1, 2, and 3 are formal requirements. They refer to the short title of the Bill, commencement and definition of the Principal Act (*the Electoral Act 1992*).

All provisions of the Bill are to commence on a day on which it is notified in the *Gazette*.

Closed Rolls

Clause 4 amends section 80 of the Principal Act to ensure that claims for enrolment that were lodged with the Electoral Commissioner prior to the close of rolls may be added to the rolls after the period for making an enrolment claim has expired.

As it stands, section 80 of the Principal Act does not allow the Electoral Commission to add persons to the rolls pursuant to claims received before the rolls close unless the claims are processed before the rolls close.

In practice, claims received shortly before the rolls close are not processed until after the rolls close for obvious reasons. This amendment will correct this unintended consequence.

Candidates to be nominated

Clause 5 amends section 105 of the Principal Act to ensure that the receipt of nominations is not delayed if the last day for receipt of nominations falls on a public holiday.

As the Principal Act stands, the operation of subsection 36(2) of the *Interpretation Act 1967* could disrupt the election timetable if a public holiday falls on the last day fixed for the receipt of nominations. This amendment will ensure that the timetable will not be so disrupted.

This amendment will not have the effect of cutting short the time available for lodging nominations, as the Electoral Commissioner will be required to receive nominations on the relevant day even where that day is a public holiday.

Place and hour of nomination

Clause 6 amends section 108 of the Principal Act to ensure that the declaration of nominations is not delayed if the hour of nomination falls on a public holiday.

As for Clause 5, the operation of subsection 36(2) of the *Interpretation Act 1967* could disrupt the election timetable if a public holiday falls on a day fixed for the hour of nomination. This amendment will ensure that the timetable will not be so disrupted.

Where the hour of nominations falls on a public holiday, the Electoral Commissioner will be required to declare the nominations on the relevant day even where that day is a public holiday.

Names on the ballot papers

Clause 7 amends section 117 of the Principal Act to ensure that only individual candidates who are not grouped with other candidates on the ballot paper can have the word 'Independent' printed next to their name on the ballot paper.

As it stands, the Principal Act allows non party candidates who choose to be grouped together on the ballot paper to also choose to have the word "Independent" printed next to their name on the ballot paper. This amendment will restrict this option to those ungrouped non party candidates who do not claim any connection with any other candidate on the ballot paper.

Outstanding amounts

Clause 8 amends section 234 of the Principal Act to provide that Independent MLAs are not required to disclose private debts.

As it stands, the Principal Act requires Independent MLAs to disclose all their debts including private debts. This amendment will ensure that Independent MLAs will only be required to disclose debts incurred in relation to election advertising, opinion polling or research. This brings Independent MLAs disclosure obligations into line with the obligations of registered political parties.

Schedule 4

Clause 9 amends schedule 4 of the Principal Act to provide for correct calculation of transfer values of votes in the case of filling a casual vacancy.

The amendment corrects a drafting error.