

**2015**

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

**ELECTORAL AMENDMENT BILL 2014 (No 2)  
Amendments to be moved by the Attorney-General**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
Simon Corbell MLA  
Attorney-General**



## **Electoral Amendment Bill 2014 (No 2) 2014**

### **Overview and Purpose**

The *Electoral Amendment Bill 2014 (No 2)* amends the *Electoral Act 1992* (the Act) in response to recommendations made by the Select Committee on Amendments to the *Electoral Act 1992* in its report *Voting matters* (June 2014) and by the Electoral Commission in its *Report to the ACT Legislative Assembly: Proposed changes to the Electoral Act 1992* (September 2014).

The amendments are intended to result in clearer electoral regulation, including less onerous reporting responsibilities, without diminishing the accountability of parties and electoral candidates.

The amendments remove potential ambiguity from the operation of s 205K by clarifying that a party can only use \$10,000 of funds received from a related party for the purposes of incurring ACT electoral expenditure. In doing so, this clause makes it clear that the Act does not restrict other expenditure by parties, including in relation to federal election campaigns.

### **Background**

The *Electoral Amendment Bill 2014 (No 2)* was presented to the Legislative Assembly on 27 November 2014.

The Bill contains an amendment to s 205K to remove a reference to an ‘ACT election account’. This amendment arises as a consequence of removing the requirement for an ACT election account from the Act. With the removal of this reference, s 205K provides that an ACT registered party is only able to receive up to \$10,000 from related parties in a financial year.

Following presentation of the Bill, the ACT Electoral Commissioner raised concerns that, on one interpretation, s 205K would prevent parties from receiving funding for other purposes, including the conduct of federal election campaigns.

In order to address this possible issue, the amendment to s 205K will clarify that the \$10,000 limit on funds received from a related party for the purposes of incurring ACT electoral expenditure will not operate to constrain other expenditure, including in relation to federal election campaigns.

The amendment will preserve the policy intent of the existing 205K, which is to regulate expenditure in relation to ACT elections only.

### **Human Rights considerations**

The Bill generally limits the right to freedom of expressions. A detailed discussion of the limitations on this right are set out in the Revised Explanatory Statement to the Bill.

## **Clause notes**

### **Clause 20     Division 14.2C heading**

Substitutes the heading to more accurately reflect the operation of the division, changing the focus from ‘payments’ to ‘spending’.

### **Clause 22     Limit on payment within parties Section 205K**

Substitutes the current s 205K with a new section which removes the reference to ‘ACT election account’ and clarify that a party must not spend more than \$10,000 of payments received from a related political party on electoral expenditure relating to an ACT election.