

2003

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

ELECTORAL AMENDMENT BILL 2003 (NO 2)

EXPLANATORY STATEMENT

**Circulated by authority of
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OUTLINE

This bill provides for amendments to the *Electoral Act 1992* (Electoral Act) to increase the length of the term of the ACT Legislative Assembly from fixed three year terms to fixed four year terms.

The change in the term of the Legislative Assembly is to take effect after the next election, due to be held in October 2004. As a result, polling day for the next election after the 2004 election would be due to be held on the third Saturday in October 2008.

Some consequential amendments are made to the disclosure provisions to extend various time limits that are linked to the term of the Legislative Assembly.

BACKGROUND

This bill seeks to give effect to the recommendations made by the Standing Committee on Legal Affairs in its Report No 7 2003: *Changing the term of Assembly Members from three years to four years*, tabled in the Legislative Assembly on 23 October 2003.

FINANCIAL IMPLICATIONS

If the term of the Assembly is changed from three years to four years, a cost saving of one election in every 12 year cycle will be realised. This would amount to \$1.5M every 12 years, or \$125,000 per annum, in 2003 terms.

DETAILED EXPLANATION

Formal clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Act, commencement and to the Act being amended. The Act is to commence on the day after its notification day.

Ordinary elections

Clause 4 amends section 100 of the Electoral Act to provide that an ordinary general election is to be held on the 3rd Saturday in October in the 4th year after the year when the last ordinary election was held. Section 100 currently provides for ordinary elections to be held every three years.

Disclosure periods, definition of *disclosure day*

Clause 5 amends section 201 of the Electoral Act to amend the definition of *disclosure day* to increase by one year the disclosure period applicable to candidates contesting two general elections in a row. This is consequential to the increase in the term of the Legislative Assembly.

Offences

Clause 6 amends section 236 of the Electoral Act to increase by one year the time period during which prosecution for an offence of failing to give the Electoral Commissioner a disclosure return may be begun. This is consequential to the increase in the term of the Legislative Assembly.

Records

Clause 7 amends section 239 of the Electoral Act to increase by one year the period for which records related to disclosure returns are required to be kept by persons required to submit returns. This is consequential to the increase in the term of the Legislative Assembly.

Transitional

Clause 8 inserts a new section 342 of the Electoral Act to provide that the provisions of the bill intended to introduce four year terms for the Legislative Assembly, and the amendments made as a consequence of that change, are to apply after the next ordinary election due to be held on 16 October 2004.

The new section 342 is to expire on 31 December 2004, by which time it will have served its purpose.