



Australian Capital Territory

Election Commitments Costing Act 2012

A2012-47

Contents

	Page
Part 1	Preliminary
1	Name of Act 2
2	Commencement 2
3	Dictionary 2
4	Notes 2
Part 2	Costing of election commitments
5	Requests to cost election commitments 3
6	Withdrawal of costing requests 4
7	Guidelines for costing election commitments 4

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Contents

	Page	
8	Additional information for costing election commitments	4
9	Costing of election commitments and publishing costings—before polling day	5
10	Costing of election commitments and publishing costings—on or after polling day	6
11	Request and disclosure of costing request information	7
12	Access to documents relating to costing request	8
Part 3	Miscellaneous	
13	Regulation-making power	9
14	Review of Act	9
Dictionary		10



Australian Capital Territory

Election Commitments Costing Act 2012

A2012-47

An Act to enable costing of election commitments

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Election Commitments Costing Act 2012*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*polling day*—see the *Electoral Act 1992*, dictionary.' means that the term 'polling day' is defined in that dictionary and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Costing of election commitments

5 Requests to cost election commitments

- (1) Before polling day in a costing period for an election of the Legislative Assembly—
 - (a) the leader of a registered party in the Legislative Assembly with 1 or more MLAs may ask the director-general to cost a publicly announced election commitment of the party; or
 - (b) an MLA who is not a member of a registered party may ask the director-general to cost a publicly announced election commitment of the MLA.

Example—publicly announced

media release or policy statement published on a party website

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) On or after polling day in a costing period for an election of the Legislative Assembly, the leader of a registered party with 1 or more MLAs before polling day, or another person nominated by the party, may ask the director-general to cost a publicly announced election commitment of the party.
- (3) A costing request must—
 - (a) be in writing; and
 - (b) include—
 - (i) a detailed explanation of the election commitment, including its purpose; and
 - (ii) any other information relevant to costing the election commitment.

Example—par (ii)

assumptions to be used when costing the election commitment

- (4) The director-general must, as soon as practicable after receiving a costing request, make the following details about the request publicly available:
 - (a) the election commitment to which the request relates;
 - (b) the name of the person making the request;
 - (c) the date the request was received.
- (5) A person must not ask the director-general to cost a publicly announced election commitment of—
 - (a) another MLA; or
 - (b) a registered party of which the person is not a member.

6 Withdrawal of costing requests

- (1) A person may withdraw a costing request made by the person at any time before the person is given a copy of the costing under section 9 (3) or section 10 (3).
- (2) A withdrawal of a costing request must be by written notice given to the director-general.

7 Guidelines for costing election commitments

The director-general may issue written guidelines setting out administrative procedures for costing an election commitment.

8 Additional information for costing election commitments

The director-general may ask a person, in writing, for additional information to cost an election commitment under a costing request made by the person.

9 Costing of election commitments and publishing costings—before polling day

- (1) If the director-general receives a costing request before polling day, and the request is not withdrawn under section 6, the director-general must—
- (a) cost the election commitment; and
 - (b) make the costing publicly available.

Examples—publicly available

- 1 published on the Treasury Directorate website
- 2 media release issued by the Treasury Directorate

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The director-general must cost an election commitment and make the costing publicly available—
- (a) as soon as practicable after receiving the costing request; and
 - (b) before polling day.
- (3) However, before making a costing publicly available, the director-general must give a copy of the costing to the person who made the costing request.
- (4) Also, if the director-general does not have adequate information or enough time to cost an election commitment and make the costing publicly available before polling day, the director-general must, before polling day, make publicly available a notice stating—
- (a) that the election commitment cannot be costed before polling day; and
 - (b) the reason why.

- (5) A costing request made before polling day that has not been costed and made publicly available before polling day is taken to be withdrawn on polling day.
- (6) If an election commitment under a costing request made before polling day has not been costed before polling day, the director-general must not begin or continue costing the election commitment on or after polling day.

10 Costing of election commitments and publishing costings—on or after polling day

- (1) If the director-general receives a costing request on or after polling day, and the request is not withdrawn under section 6, the director-general must—
 - (a) cost the election commitment; and
 - (b) make the costing publicly available.

Examples—publicly available

- 1 published on the Treasury Directorate website
- 2 media release issued by the Treasury Directorate

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The director-general must cost an election commitment and make the costing publicly available—
 - (a) as soon as practicable after receiving the costing request; and
 - (b) before the end of the costing period.
- (3) However, before making a costing publicly available, the director-general must give a copy of the costing to the person who made the costing request.

- (4) Also, if the director-general does not have adequate information or enough time to cost an election commitment and make the costing publicly available before the end of the costing period, the director-general must, before the end of the costing period, make publicly available a notice stating—
 - (a) that the election commitment cannot be costed before the end of the costing period; and
 - (b) the reason why.
- (5) A costing request made on or after polling day that has not been costed and made publicly available before the end of the costing period is taken to be withdrawn at the end of the costing period.
- (6) If an election commitment under a costing request made on or after polling day has not been costed before the end of the costing period, the director-general must not begin or continue costing the election commitment after the end of the costing period.

11 Request and disclosure of costing request information

- (1) During the costing period, costing information particular to a costing request must not be disclosed to anyone other than the person who made the request.
- (2) Subsection (1) does not apply to the disclosure of costing information particular to a costing request if the disclosure is made—
 - (a) under this Act or another territory law; or
 - (b) in relation to the exercise of a function under this Act or another territory law; or
 - (c) with the consent of the person who made the costing request.

12 Access to documents relating to costing request

- (1) For the FOI Act, a document is an exempt document—
 - (a) if it is a document in relation to a costing request; and
 - (b) during the costing period in which the costing request is made.
- (2) However, subsection (1) does not apply in relation to a request under either of the following sections of the FOI Act if the request is made by the person who made the costing request to which the document relates:
 - (a) section 14 (Requests for access);
 - (b) section 48 (Persons may make application for amendment of records).
- (3) To remove any doubt—
 - (a) subsection (1) is additional to, and does not limit, the operation of the FOI Act, part 4 (Exempt documents); and
 - (b) a document in relation to a costing request is not an exempt document under subsection (1) after the end of the costing period in which the costing request was made.
- (4) In this section:

FOI Act means the *Freedom of Information Act 1989*.

Part 3 Miscellaneous

13 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

14 Review of Act

- (1) The Minister must review the operation of this Act after the end of the costing period for the 2012 election.
- (2) The Minister must present a report of the review to the Legislative Assembly not later than—
 - (a) the last sitting day in October 2013; or
 - (b) if there is no sitting day in October 2013, the first sitting day after October 2013.
- (3) This section expires on 31 October 2014.

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- director-general (see s 163)
- Executive
- function
- Legislative Assembly.

costing period, for an election of the Legislative Assembly, means the period—

(a) starting—

(i) for an election held in 2012—on Monday 3 September 2012; or

(ii) for an election held in a later year—1 week after the last sitting day of the Legislative Assembly before the election; and

(b) ending when the Chief Minister is elected on the first sitting day of the Legislative Assembly after the election.

costing request means a request made under section 5.

election—see the *Electoral Act 1992*, dictionary.

MLA—see the *Electoral Act 1992*, dictionary.

polling day—see the *Electoral Act 1992*, dictionary.

registered party—see the *Electoral Act 1992*, dictionary.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 14 August 2012.

2 Notification

Notified under the Legislation Act on 29 August 2012.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Election Commitments Costing Bill 2012, which was passed by the Legislative Assembly on 24 August 2012.

Clerk of the Legislative Assembly

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