



Australian Capital Territory

# **Election Commitments Costing Act 2012**

**A2012-47**

**Republication No 1**

**Effective: 30 August 2012 – 31 October 2014**

Republication date: 30 August 2012

Act not amended

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Election Commitments Costing Act 2012* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 30 August 2012. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Election Commitments Costing Act 2012

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Australian Capital Territory

# **Election Commitments Costing Act 2012**

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An Act to enable costing of election commitments

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## Part 1 Preliminary

### 1 Name of Act

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

### 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 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Election Commitments Costing Act 2012 A2012-47**

notified LR 29 August 2012

s 1, s 2 commenced 29 August 2012 (LA s 75 (1))

remainder commenced 30 August 2012 (s 2)

### 4 Amendment history

#### **Commencement**

s 2 om LA s 89 (4)

#### **Review of Act**

s 14 exp 31 October 2014 (s 14 (3))

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