



2004

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

ELECTORAL AMENDMENT REGULATIONS 2004 (No 1)

EXPLANATORY STATEMENT

SL2004-6

Circulated by the authority of

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Attorney-General

Outline

The *Electoral Amendment Regulations 2004 (No 1)* amend the *Electoral Regulations 1993* and are made under the *Electoral Act 1992* (the Electoral Act).

These amending regulations provide that publications of government agencies that contain the new “building our city, building our community” logo will not be required to include an electoral authorisation statement if the publications include electoral matter.

Background

Under section 292 of the Electoral Act, electoral matter in printed or electronic form must not be disseminated unless it is authorised – that is, it must include at the end the name and street address of the person who authorised the electoral matter, or its author – unless the material is specifically exempted from this requirement. This is intended to give the material’s audience an indication of the source of the material so that it can be judged accordingly.

The definition of electoral matter in section 4 of the Electoral Act includes any matter that is intended or likely to affect the voting in an ACT Legislative Assembly election. This includes, but is not limited to, matter which contains an express or implicit reference to, or comment on:

- the election;
- the performance of the ACT Government, the ACT Opposition, a previous ACT Government or a previous ACT Opposition;
- the performance of an MLA or a former MLA;
- the performance of a political party or a candidate or group of candidates in the election; or
- an issue submitted to, or otherwise before, the electors in relation to an election.

In order to exempt ACT Government agencies from the authorisation requirements where publications fall within the definition of electoral matter, section 295 of the Electoral Act currently provides that authorisation is not required where the publication meets certain standards, which at the time this section was last updated corresponded with the Government’s then current publishing standards. These standards were intended to make clear the source of the material so as to satisfy the intent of the authorisation requirements.

Under section 295(1)(d) of the Electoral Act, publications of Government agencies that contain electoral matter do not have to carry an authorisation statement, provided they include the name of the agency, the City of Canberra Arms and the words ‘Australian Capital Territory’, ‘Australian Capital Territory Legislative Assembly’, ‘ACT Legislative Assembly’, ‘Australian Capital Territory Government’ or ‘ACT Government’.

The ACT Government has recently adopted new Government publication guidelines relating to the use of the “building our city, building our community” theme. One of

the features of the new guidelines involves, in some circumstances, dropping use of the City of Canberra Arms and/or agency names and using instead the “building our city, building our community” logo.

These Regulations provide for an additional exemption to those currently listed in section 295 of the Electoral Act so that any ACT Government agency publications that use the “building our city, building our community” theme will be exempt from the authorisation requirements.

Note that the exemptions listed in section 295 and in these amending regulations do not extend to a publication of a Government agency that is published for the first time within 6 months immediately before a general election for the Legislative Assembly if the publication includes a picture of a Member of the Legislative Assembly.

Regulations

Regulations 1, 2 and 3

These are formal clauses which, respectively:

- state the name of the regulations;
- provide for the commencement of the regulations, namely upon the day after the notification day of the regulations; and
- state that the regulations amend the existing *Electoral Regulations 1993*.

Regulation 4

Regulation 4 omits existing regulation 3 of the *Electoral Regulations 1993*. This regulation lists definitions for existing regulation 6, which is being omitted by the following amending regulation. As a consequence, the definitions are no longer needed.

Regulation 5

Regulation 5 omits existing regulation 6 of the *Electoral Regulations 1993* and substitutes a new regulation 6.

Existing regulation 6 is being omitted as the substance of this regulation has been incorporated in section 295 of the Electoral Act.

New regulation 6 provides that publications of Government agencies that contain the words “building our city, building our community” and any of the words ‘Australian Capital Territory’, ‘Australian Capital Territory Legislative Assembly’, ‘ACT Legislative Assembly’, ‘Australian Capital Territory Government’ or ‘ACT Government’ will not be required to include an electoral authorisation statement if the publications include electoral matter.