

1995

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

ELECTORAL ACT 1992

ELECTORAL REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by authority of

**Gary Humphries MLA
Attorney-General**

EXPLANATORY NOTES

The *Electoral Act 1992* sets up the ACT Electoral Commission, and the office of the ACT Electoral Commissioner. The Act provides at section 26(1) that the Electoral Commissioner's remuneration and allowances shall be as prescribed. Section 341 of the same Act gives the Executive the power to make regulations which are consistent with the Electoral Act, to prescribe matters which are required or permitted by the Act to be prescribed. These are set out in the Electoral Regulations.

At present, the Electoral Regulations provide that the Commissioner shall receive remuneration equivalent to the maximum remuneration payable to a public servant having a classification of Senior Executive Service Officer, Band 1. This is less than the remuneration received by other comparable ACT office-holders who are paid a similar salary to the Commissioner but who also receive an amount in lieu of performance-based pay.

This regulation amends the Electoral Regulations to increase the Electoral Commissioner's salary in line with that of other comparable ACT office-holders. The regulation takes effect from 1 July 1994, which will put the Electoral Commissioner in a similar position to those other office-holders who were granted this additional amount by way of a Remuneration Tribunal determination at that date.

The *Subordinate Laws Act 1989* provides at section 7 that a subordinate law may not have retrospective effect if it would operate so as to prejudicially affect a person. As this amendment will benefit the Commissioner, it is not affected by this provision.