

**1993**

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**ELECTORAL (AMENDMENT) (CONSEQUENTIAL PROVISIONS) BILL 1993**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of**

**Rosemary Follett, Chief Minister**

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

## OUTLINE

The Electoral (Amendment) (Consequential Provisions) Bill 1993 provides for transitional provisions related to the amendments of the *Electoral Act 1992* to be made by the Electoral (Amendment) Bill 1993, and makes consequential amendments of the *Evidence Act 1971*, the *Freedom of Information Act 1989* and the *Juries Act 1967*.

## FINANCIAL IMPLICATIONS

The transitional provisions and consequential amendments made by this Bill have no financial implications.

## DETAILED EXPLANATION

### PART 1 — PRELIMINARY

#### Formal clauses

Clauses 1 and 2 are formal requirements. They refer to the short title of the Bill and commencement.

The clauses of the Bill dealing with the register of political parties are to commence on the day on which the corresponding Part of the amended Act commences. The clause of the Bill dealing with eligible overseas electors is to commence on the day on which the Part of the amended Act dealing with electoral rolls commences. The clause of the Bill which saves regulations made under the *Electoral Act 1992* commences on the day that the regulation making provision in the *Electoral Act 1992* is amended by the amending Act. The Parts of the Bill dealing with the amendments of the *Freedom of Information Act 1989* and the *Juries Act 1967* are to commence on the day on which the Part of the amended Act dealing with electoral rolls commences.

The remaining provisions of the Bill are to commence on the day on which the amended Act is notified in the *Gazette*.

#### Interpretation

Clause 3 provides that 'amended Act' means the *Electoral Act 1992* as amended by the Electoral (Amendment) Act 1993, and that, unless the contrary intention appears, expressions in this Bill have the same meaning as in the amended Act.

### PART II — TRANSITIONAL PROVISIONS

#### Interpretation

Clause 4 defines terms for use in this Part.

#### Eligible overseas electors

Clause 5 confers eligible overseas elector status on those overseas electors currently treated as eligible overseas electors under the Commonwealth's *Australian Capital Territory (Electoral) Act 1988*.

### **Registration of political parties**

Clause 6 provide that any political party entered on the register of political parties kept under the Commonwealth's *Australian Capital Territory (Electoral) Act 1988* will automatically be entered on the register of political parties to be kept under the amended Act.

### **Application of amended Act**

Clause 7 provides that nothing in the Parts in the amended Act dealing with casual vacancies, disputed elections, eligibility and vacancies, electoral offences and enforcement proceedings shall be taken to apply to an election, or an MLA elected, under the Commonwealth's ACT electoral legislation. By virtue of this clause, for example, a casual vacancy arising before the first election held under the amended Act could not be dealt with under the amended Act, nor could any dispute concerning the eligibility of a member elected under the Commonwealth legislation be dealt with under the amended Act.

### **Savings — repealed regulations**

Clause 8 provides that the Electoral Regulations in force immediately before the repeal of the regulation-making section of the *Electoral Act 1992* (which is being repealed and re-enacted to facilitate renumbering of the amended Act) shall continue in force as if they had been made under the amended Act. The Electoral Regulations currently provide for remuneration and allowances for members of the Electoral Commission.

## **PART III — AMENDMENTS OF THE EVIDENCE ACT**

Clauses 9 and 10 amend the *Evidence Act 1971* to provide that all courts are to take judicial notice of the signature of the Electoral Commissioner.

## **PART IV — AMENDMENTS OF THE FREEDOM OF INFORMATION ACT**

Clauses 11 and 12 amend the *Freedom Of Information Act 1989* (FOI Act) to provide that electoral roll information is not to be made available under the FOI Act, to ensure that the limits on disclosure and misuse of electoral roll information contained in the electoral legislation will not be circumvented by obtaining information under the FOI Act. A document is not an exempt document under the FOI Act in relation to a person to the extent that the document sets out only the particulars of the person. This amendment mirrors a recent Commonwealth amendment to the FOI Act.

## **PART V — AMENDMENTS OF THE JURIES ACT**

Clauses 13, 14 and 15 amend the *Juries Act 1967* to provide that the new A.C.T. electoral roll will be used for compiling jury lists for the A.C.T. Supreme Court. In keeping with the limits on disclosure and misuse of electoral roll information contained in the electoral legislation, the provisions requiring publication of the juries list in Post Offices are being deleted.