

2006

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

ELECTORAL AMENDMENT BILL 2006

GOVERNMENT AMENDMENTS

**SUPPLEMENTARY
EXPLANATORY STATEMENT**

Circulated by the authority of
Mr Simon Corbell MLA
Attorney General

GOVERNMENT AMENDMENTS TO ELECTORAL AMENDMENT BILL 2006

OVERVIEW

The *Electoral Act 1992* (the Act) provides for the election of members of the Legislative Assembly and other matters related to elections. The Electoral Commission (the Commission) is established under the Act as an independent statutory authority with responsibility for the conduct of elections and referendums for the ACT Legislative Assembly; the determination of electoral boundaries for the ACT; and the provision of electoral advice and services.

The Commission is comprised of the Electoral Commissioner, the Chairperson and one other member. Members of the Commission are appointed by the Executive. Section 12 of the Act places qualifications on who may be appointed as Chairperson of the Commission.

These amendments to the Electoral Amendment Bill 2006 (the Bill) prevent the appointment of people who have been members of an Australian parliament in the previous 10 years. The prohibition against appointing a person who has been a member of a political party in the previous 5 years remains as it is in the Bill.

SUMMARY OF AMENDMENTS

Amendment 1 omits proposed new section 12A and replaces it with a revised new section 12 A. The revised provision prohibits the Executive from appointing as a member of the Commission a person who, in the 10 years prior to the proposed appointment, has been a member of an Australian parliament. People who have, in the five years prior to the proposed appointment been members of an Australian political party of any sort are also ineligible for appointment to the Commission.

The aim is to prevent people with an overt affiliation with a particular political party from becoming a member of the Electoral Commission. It does not prevent people with strong views or a record of participation in public affairs from being appointed.

Being a member of a parliament at the Commonwealth, State or Territory level can be seen as requiring more time for the person to acquire independence through distance from political involvement. However, simply because a person has at some time been a member of a parliament should not exclude them from ever contributing to the community through appointment to the Electoral Commission.

Actual membership of a political party or representation in a parliament could reasonably be seen as creating a conflict of interest situation. The exclusion is intended to avoid overt political appointments and to reassure the community that the Electoral Commission is independent and impartial on political matters.