

2016

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

**Election Commitments Costing Amendment Bill
2016**

EXPLANATORY STATEMENT

Presented By
Andrew Barr MLA
Treasurer

ELECTION COMMITMENTS COSTING AMENDMENT BILL 2016

Summary

The Election Commitments Costing Amendments Bill 2016 (the Bill) amends the *Election Commitments Costing Act 2012* (the Act).

Overview

The Bill amends the Act to provide a person with the ability to withdraw up to six costing requests from public release once they have been provided a copy of the completed costing, and prior to the completed costing being made publicly available.

The Bill also amends the Act to make specific reference to two periods of time contained in the Election Commitment Costing Guidelines (the Guidelines), issued by the director-general pursuant to section 7 of the Act. The time periods referenced in the Bill, and detailed in the Guidelines, are:

- (a) the length of time a person, having received a completed costing, has to notify the director-general they wish to withdraw a costing from public release; and
- (b) the length of time that must pass once a completed costing is provided to the costing requestor before the director-general can publicly release the costing.

Human Rights

It is considered that the right to freedom of expression ie s16(2) of the *Human Rights Act 2004* is not impinged in any way. It is noted that section 12 of the Act, namely the Freedom of Information provisions, remains unchanged. This section of the Act states that 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.

It is further noted that a document in relation to a costing request is not an exempt document after the end of the costing period in which the costing request was made. On this basis, a member of the public will be free to request a copy of any document under Freedom of Information provisions after the close of the costing period, as defined by the Act.

Details of the Election Commitments Costing Amendment Bill 2016

Clause 1 Name of Act

This clause provides that the name of the Act is the *Election Commitments Costing Amendment Act 2016*.

Clause 2 Commencement

This clause provides that the Act commences the day after its notification day.

Clause 3 Legislation amended

This clause provides that the Act amends the *Election Commitments Costing Act 2012*.

Clause 4 Section 6(1)

This clause updates references to sub-sections within sections 9 and 10 as a result of the amendments contained in the bill.

Clause 5 Section 6 (1A)

This is a new section that specifies the number of withdrawals a person can request, and the circumstances under which the person can make those requests.

Clause 6 Section 7

This clause updates the requirement to specify that that the director-general must produce guidelines which outline procedural arrangements around how election commitment costing requests will be processed.

Clause 7 Section 9 (1)

This clause amends section 9(1) of the Act to reference timeframe details specified in the Guidelines within which the director-general cannot publicly release a completed costing.

Clause 8 Section 10 (1)

This clause amends section 10(1) of the Act to reference timeframe details specified in the Guidelines within which the director-general cannot publicly release a completed costing.