

2020

**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

Electoral Legislation Amendment Bill 2019
Amendments to be moved by Caroline Le Couteur MLA

SUPPLEMENTARY EXPLANATORY STATEMENT

Circulated by
Caroline Le Couteur MLA

This supplementary explanatory statement relates to the amendments to the Electoral Legislation Amendment Bill 2019 (the Bill) by Caroline Le Couteur as presented to the Legislative Assembly. It has been prepared in order to assist the reader's understanding of amendments and to help inform debate on them. It does not form part of the amendments to the Bill and has not been endorsed by the Assembly.

The statement is to be read in conjunction with the amendments. It is not, and is not meant to be, a comprehensive description of the amendments.

Purpose of the amendments

These amendments will require the Electoral Commissioner to publish information about candidates for an ACT election on the Election ACT website. Currently the Elections ACT website lists candidates. This amendment will increase the amount of information available to members of the public about candidates by providing a central repository for viewing candidate profiles, including a short statement, photo, and a link to a website that can be chosen by each candidate.

This amendment has been planned for some time, but in the context of the COVID-19 pandemic takes on greater significance, as it provides an additional, non-physical, way of accessing information about candidates.

Human rights implications

There are no human rights implications for these amendments. As drafted, allowing candidates to provide information to the Electoral Commissioner to be published on the Elections ACT website is not a mandatory process for candidates.

Details of amendments

1 Proposed new clause 9A

New clause 9A inserts a new section, 110A, to the Act. This section heading is "Candidate information to be published". This section provides for information about candidates for an ACT election to be published on the Elections ACT website.

It stipulates that the Electoral Commissioner must determine the order in which statements are published by lot (110A(3)), and allows for a candidate to provide the commissioner with a single revised statement 14 days after the publication of the candidate's information (110A(4)). The rationale for this is that a candidate may wish to revise their statement, for example by correcting a phone number or link to a website. Limiting it to one amendment ensures that

candidates are not given free reign to continually change information displayed on the Elections ACT website or create an undue administrative burden on Elections ACT staff.

Proposed section 110A(6) prevents the Commissioner publishing obscene, defamatory, or otherwise unlawful information, and 110A(7) provides that the Commissioner must give written notice to a candidate stating the reasons for not publishing such information, and giving them the opportunity to amend their information.

The type of information that a candidate may provide to the Commissioner is detailed in proposed new section 119A(8), and includes the following: a photograph of the candidate; contact details for the candidate including a link to a website; and a statement about the candidate of not more than 500 words.