

2002

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Gary Humphries)

Costing of Election Commitments Bill 2002

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Costing of Election Commitments Bill 2002

A Bill for

An Act about the costing of election commitments

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Costing of Election Commitments Act 2002*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3 Dictionary**

9 The dictionary at the end of this Act is part of this Act.

10 *Note 1* The dictionary at the end of this Act defines certain words and
11 expressions used in this Act, and includes references (*signpost*
12 *definitions*) to other words and expressions defined elsewhere in this
13 Act or in other legislation.

14 For example, the signpost definition '*ordinary election*—see the
15 *Electoral Act 1992*, dictionary'. means that the expression 'ordinary
16 election' is defined in that dictionary and the definition applies to this
17 Act.

18 *Note 2* A definition in the dictionary (including a signpost definition) applies to
19 the entire Act unless the definition, or another provision of the Act,
20 provides otherwise or the contrary intention otherwise appears (see
21 Legislation Act, s 155 and s 156 (1)).

22 **4 Notes**

23 A note included in this Act is explanatory and is not part of this Act.

24 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

1 **Part 2** **Independent assessor**

2 **5 Independent assessor**

3 There is to be an independent assessor for each ordinary election.

4 **6 Function of independent assessor**

5 The function of the independent assessor for an ordinary election is
6 to cost policies for the election in accordance with this Act.

7 **7 Appointment of independent assessor**

- 8 (1) For each ordinary election, the Treasurer must, in writing, appoint a
9 person or other entity as the independent assessor for the election.

10 *Note* For the making of appointments, see Legislation Act, pt 19.3.

- 11 (2) In making the appointment, the Treasurer must be satisfied—

12 (a) for an individual—that the individual has relevant professional
13 qualifications and experience; and

14 (b) for a corporation or other body—that the people who will be
15 costing the policies have relevant professional qualifications
16 and experience.

- 17 (3) The *Legislation Act 2001*, section 209 (Power of appointment
18 includes power to make acting appointment) and division 19.3.3
19 (Appointments—Assembly consultation) do not apply to the
20 appointment.

- 21 (4) The appointment is a disallowable instrument.

22 *Note* A disallowable instrument must be notified, and presented to the
23 Legislative Assembly, under the Legislation Act.

- 24 (5) The appointment must be presented to the Legislative Assembly
25 more than 6 months before the polling day for the election.

1 **8 Acting independent assessor**

- 2 (1) This section applies if—
- 3 (a) the independent assessor for an ordinary election has been
- 4 appointed in accordance with section 7; and
- 5 (b) during any period, the independent assessor cannot, for any
- 6 reason, exercise the function of the position; and
- 7 (c) it is less than 6 months before the polling day for the election.

- 8 (2) The Treasurer may, in writing, appoint a person or other entity to act
- 9 as the independent assessor for the election.

10 *Note* See Legislation Act, div 19.3.2 (Acting appointments).

- 11 (3) In making the appointment, the Treasurer must be satisfied—
- 12 (a) for an individual—that the individual has relevant professional
- 13 qualifications and experience; and
- 14 (b) for a corporation or other body—that the people who will be
- 15 costing the policies have relevant professional qualifications
- 16 and experience.

- 17 (4) The *Legislation Act 2001*, division 19.3.3
- 18 (Appointments—Assembly consultation) does not apply to the
- 19 appointment.

- 20 (5) The appointment is a notifiable instrument.

21 *Note* A notifiable instrument must be notified under the Legislation Act.

22 **9 Ending of appointment of independent assessor**

23 The appointment of the independent assessor for an ordinary

24 election automatically ends on the day after the polling day for the

25 election.

26 *Note 1* The power to make an appointment includes the power to suspend or end

27 the appointment (see Legislation Act, s 208).

28 *Note 2* A person's appointment also ends if the person resigns (see Legislation

29 Act, s 210).

1 **10 Guidelines for independent assessor**

- 2 (1) The Treasurer may, in writing, approve guidelines about the
3 approaches or methods that the independent assessor for an ordinary
4 election must use to cost the election policies.

5 *Note* The power to approve guidelines includes the power to amend or repeal
6 them (see Legislation Act, s 46 (1)).

- 7 (2) An approved guideline is a disallowable instrument.

8 *Note 1* A disallowable instrument must be notified, and presented to the
9 Legislative Assembly, under the Legislation Act.

10 *Note 2* An amendment or repeal of an approved guideline is also a disallowable
11 instrument (see Legislation Act, s 46 (2)).

- 12 (3) An approved guideline may apply, adopt or incorporate an
13 instrument, or a provision of an instrument, as in force from time to
14 time.

15 *Note* The Legislation Act, s 47 (3) provides that a statutory instrument may
16 apply an instrument or provision of an instrument as in force only at a
17 particular time.

18 **11 Payment of independent assessor**

- 19 (1) The independent assessor for an ordinary election is entitled to be
20 paid, for the exercise of the assessor's function, the amount (if any)
21 agreed between the Treasurer and the assessor.

- 22 (2) The agreement must be made before the independent assessor's
23 appointment.

1 **Part 3 Costing of policies**

2 **12 Meaning of *eligible party***

3 In this part:

4 *eligible party*—a registered party is an *eligible party* for an ordinary
5 election if a member of the party was elected as a member of the
6 Legislative Assembly at the previous ordinary election.

7 **13 Eligibility for costing of policies**

8 An eligible party may have its policies for an ordinary election
9 costed in accordance with this part.

10 **14 Request for costing of policies**

11 (1) For an ordinary election, the registered officer of an eligible party
12 may ask the independent assessor to prepare a costing of its publicly
13 announced policies (a *policy costing request*) for the election.

14 (2) The request must—

15 (a) be in writing; and

16 (b) outline fully the policies to be costed; and

17 (c) state the purpose or intention of each of the policies.

18 (3) The request must be given to the independent assessor during the
19 period beginning on the 60th day before the polling day for the
20 election and ending on the 30th day before that day.

21 (4) The independent assessor may ask the registered officer of the party
22 for more information about the policies to be costed.

1 (5) The registered officer of the party may, by written notice to the
2 independent assessor, withdraw the request at any time before the
3 costing of the party's policies has been made public.

4 (6) In this section:

5 *registered officer*—see the *Electoral Act 1992*, dictionary.

6 **15 Public release of costing of policies**

7 (1) As soon as practicable after a policy costing request for an ordinary
8 election has been made by an eligible party, but at least 10 days
9 before the polling day for the election, the independent assessor
10 must make public the costing of the party's policies.

11 (2) Subsection (1) does not apply to a request that has been withdrawn
12 before the costing of the party's policies has been made public.

13 (3) If the independent assessor does not comply with subsection (1), the
14 assessor must make public, on or before the 10th day before the
15 polling day for the election, a statement giving the reasons for the
16 failure to make the costing public.

17 (4) The independent assessor must not take any further action in
18 relation to a policy costing request for an ordinary election on or
19 after the 9th day before the polling day for the election.

20 **16 Government bodies to give information or assistance**

21 (1) This section applies if the independent assessor for an ordinary
22 election is given a policy costing request by an eligible party.

23 (2) The independent assessor may ask, in writing, a government body to
24 give information or assistance to the assessor to help the assessor
25 prepare the costing of the party's policies.

26 (3) The government body must, as far as practicable, comply with a
27 request—

28 (a) for information—in enough time to allow the information to be
29 taken into account in preparing the costing; or

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- 1 (b) for assistance—in enough time to allow the independent
2 assessor to do the costing in time.
- 3 (4) The government body must not give information or assistance to the
4 independent assessor if doing so would contravene a law in force in
5 the ACT.
- 6 (5) In this section:
- 7 ***government body*** means—
- 8 (a) an administrative unit; or
9 (b) a Territory instrumentality; or
10 (c) a Territory owned corporation.

1 **Part 4** **Miscellaneous**

2 **17** **Regulation-making power**

3 The Executive may make regulations for this Act.

4 *Note* Regulations must be notified, and presented to the Legislative
5 Assembly, under the Legislation Act.

1 Dictionary

2 (see s 3)

3 *Note 1* The Legislation Act contains definitions and other provisions relevant to
4 this Act.

5 *Note 2* In particular, the Legislation Act, dict, pt 1, defines the following terms:

- 6 • administrative unit
- 7 • body
- 8 • corporation
- 9 • entity
- 10 • exercise
- 11 • function
- 12 • person
- 13 • Territory instrumentality
- 14 • Territory owned corporation.

15 *cost* means monetary cost.

16 *eligible party*, for part 3—see section 12.

17 *independent assessor*, for an ordinary election, means the person or
18 other entity appointed as the independent assessor for the election
19 under section 7.

20 *ordinary election*—see the *Electoral Act 1992*, dictionary.

21 *policy costing request*—see section 14.

22 *polling day*—see the *Electoral Act 1992*, dictionary.

23 *registered party*—see the *Electoral Act 1992*, dictionary.