

EXPOSURE DRAFT

(Prepared by Parliamentary Counsel's Office)

Election Commitments Costing Bill 2011

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Election Commitments Costing Bill 2011

A Bill for

An Act to enable costing of election commitments

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

Part 1 Preliminary

1 Name of Act

This Act is the *Election Commitments Costing Act 2011*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Dictionary

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

Note 1 The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition '*polling day*—see the *Electoral Act 1992*, dictionary.' means that the term '*polling day*' is defined in that dictionary and the definition applies to this Act.

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

4 Notes

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

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

Part 2 Costing of election commitments

5 Requests to cost election commitments

- (1) During the pre-election period for an election of the Legislative Assembly—
- (a) the leader of a registered party with 1 or more MLAs may ask the chief executive to cost a publicly announced election commitment of the party; or
 - (b) an MLA who is not a member of a registered party may ask the chief executive to cost a publicly announced election commitment of the MLA.

Example—publicly announced

media release or policy statement published on a party website

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) A costing request must—
- (a) be in writing; and
 - (b) include—
 - (i) a detailed explanation of the election commitment, including its purpose; and
 - (ii) any other information relevant to costing the election commitment.

Example—par (ii)

assumptions to be used when costing the election commitment

- (3) An MLA must not ask the chief executive to cost a publicly announced election commitment of—
- (a) another MLA; or
 - (b) a registered party of which the MLA is not a member.
- (4) In this section:
- leader*, of a registered party, means the leader of the party in the Legislative Assembly.

6 Withdrawal of costing requests

- (1) An MLA may withdraw a costing request made by the MLA at any time before the costing is made publicly available under section 9.
- (2) A withdrawal of a costing request must be by written notice given to the chief executive.

7 Guidelines for costing election commitments

The chief executive may issue written guidelines setting out administrative procedures for costing an election commitment.

8 Additional information for costing election commitments

The chief executive may ask an MLA, in writing, for additional information to cost an election commitment requested by the MLA under section 5.

9 Costing of election commitments and publishing costings

- (1) If the chief executive receives a costing request under section 5, and the request is not withdrawn under section 6, the chief executive must—
- (a) cost the election commitment; and
 - (b) make the costing publicly available.

Examples—publicly available

- 1 published on the Department of Treasury website
- 2 media release issued by the Department of Treasury

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The chief executive must cost an election commitment and make the costing publicly available—
- (a) as soon as practicable after receiving the costing request; and
 - (b) before polling day.
- (3) However, if the chief executive does not have adequate information or enough time to cost an election commitment and make the costing publicly available before polling day, the chief executive must, before polling day, make publicly available a notice stating—
- (a) that the election commitment cannot be costed before polling day; and
 - (b) the reason why.

10 No costing of election commitments after polling day

The chief executive must not begin or continue costing an election commitment on or after polling day for the election.

Part 3 Miscellaneous

11 Determination of fees

- (1) The Minister may determine fees for this Act.

Note The Legislation Act contains provisions about the making of determinations and regulations relating to fees (see pt 6.3).

- (2) A determination is a disallowable instrument.

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

12 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

13 Review of Act

- (1) The Minister must review the operation of this Act by 31 December 2013.
- (2) The Minister must present a report of the review to the Legislative Assembly not later than 30 June 2014.
- (3) This section expires on 31 December 2014.

Dictionary

(see s 3)

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

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- chief executive (see s 163)
- Executive
- function
- Legislative Assembly.

costing request means a request made under section 5 (1).

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

MLA—see the *Electoral Act 1992*, dictionary.

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

pre-election period—see the *Electoral Act 1992*, dictionary.

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

Endnotes

- 1 Presentation speech**
Presentation speech made in the Legislative Assembly on 2011.
 - 2 Notification**
Notified under the Legislation Act on 2011.
 - 3 Republications of amended laws**
For the latest republication of amended laws, see www.legislation.act.gov.au.
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