

2020

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

**GOVERNMENT RESPONSE TO ACT ELECTORAL COMMISSION -
SPECIAL REPORT FEBRUARY 2020**

**'Effect of Commonwealth Electoral Act amendments on the ACT funding and disclosure
scheme'**

**Presented by
Gordon Ramsay MLA
Attorney-General**

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Introduction

On 20 February 2020, the Speaker tabled a report entitled “Effect of Commonwealth Electoral Act amendments on the ACT funding and disclosure scheme” (the report) on behalf of the ACT Electoral Commission (Electoral Commission).

The report outlined concerns about the operation of ACT’s funding and disclosure scheme as a result of amendments made to the *Commonwealth Electoral Act 1918 (Cth)* (Commonwealth Act) in November 2018.

The Electoral Commission recommended that legislative amendments be made to the *Electoral Act 1992 (Act)* (the Act) to ensure the transparency of funds received by ACT political parties and candidates as gifts is not circumvented by section 314B of the Commonwealth Act. Specifically, the Electoral Commissioner recommended that the Act be amended to:

- introduce a requirement for financial representatives of *receivers* of gifts to maintain a separate ACT election account;
- mandate that any money spent on Territory electoral purposes must be deposited in an ACT election account within a certain timeframe of its receipt by the financial representative (recommend seven days). The person making the donation will not be required to specify if it is used for Territory electoral purpose; and
- mandate that only money from an ACT election account may be spent on Territory electoral purposes.

The Electoral Commission noted that without the proposed legislative amendments to the Act, section 314B of the Commonwealth Act has a significant impact on the ACT’s funding and disclosure scheme prescribed by the Act by rendering provisions of the Act inoperative. In particular, the Electoral Commission’s report raised the concern that the ability of the Electoral Commission to administer this component of the ACT electoral laws have been detrimentally impacted and the ACT community now have a reduced ability to maintain oversight over whom and to what degree external third-parties are potentially impacting the ACT’s political processes.

Government response to the report

The ACT Government welcomes the report by the Electoral Commission.

The Government supports measures which uphold the integrity of the ACT electoral system including our disclosure and funding scheme which ensures transparency of gifts provided to ACT political parties and candidates.

Nevertheless, the emergence of the COVID-19 pandemic has impacted, and will continue to impact, all facets of our society significantly including in relation to electoral matters. As a result, the Government is continuing to give consideration to the Electoral Commission's recommendations in the report.

Noting that 2020 is an election year with the ACT Legislative Assembly election scheduled to occur on the third Saturday in October pursuant to section 100 of *Electoral Act 1992*, the Government focus is ensuring that any implications of the COVID-19 pandemic for the election are minimised.