Commonwealth Electoral Legislation Amendment Bill 1987

Date Introduced: 1 April 1987
House: Senate
Presented by: Senator the Hon. Michael Tate, Special Minister of State

Digest of Bill

Purpose
To amend the Commonwealth Electoral Act 1918 (the Principal Act) as a result of an inquiry into the 1984 election. The major changes relate to redistribution procedure, the scrutiny of votes and funding and financial disclosures.

Background
The report on the 1984 election was undertaken by the Joint Select Committee on Electoral Reform. This body was established pursuant to a House of Representatives resolution of 4 May 1983 and a concurring Senate resolution of 11 May 1983. The Committee's first report was tabled on 13 September 1983 and contained 132 recommendations, most of which were adopted through the Commonwealth Electoral Legislation Amendment Act 1983 and the Commonwealth Electoral Legislation Amendment Act 1984. The Committee's second report, presented in December 1986, dealt with the effect of these amendments on the 1984 election and is titled The Operation during the 1984 General Election of the 1983/84 Amendments to Commonwealth Electoral Legislation. There was an increase of 4.69% in informal votes in the House of Representatives and a decrease of 5.16% in informal Senate votes in the 1984 election compared to the 1983 election.

The report on the 1984 election contains 156 recommendations, many of a formal or machinery nature. The recommendations relate to eight categories, i.e. the redistribution process, enrolment and roll maintenance, registration of political parties and candidates, the electoral process, polling, scrutiny, electoral funding and financial disclosure and enforcement.

The Government's response to the report was delivered in the Senate by the Special Minister of State on 31 March 1987. It was announced that the Government had accepted the great majority of the 156 recommendations. One of the recommendations not accepted was that the electoral rolls contain the age of the voter.

The Government's method of implementing the recommendations was also outlined in the response to the report. It was noted that some reforms would require legislation while others could be implemented in other ways such as by regulation. In addition, it was considered essential that some recommendations be implemented before the next election. This Bill will implement those changes.
Main Provisions

It should be noted that the numbering of sections and Parts in the Principal Act was substantially altered by the *Commonwealth Electoral Legislation Amendment Act 1984*. A table showing the new numbering appears at the end of that Act in the 1984 volume of Acts of the Parliament.

A new section 4A will be inserted into the Principal Act to extend its operation to officers outside Australia (clause 4).

Section 59 of the Principal Act requires that a redistribution in a State be undertaken ‘forthwith’ if seven years has expired since the last redistribution in that State (or, if the period expires during the last 12 months of the term of the House of Representatives, forthwith after the first meeting of the new House). This section will be amended to require the redistribution within 30 days of the expiration of that period to allow the Australian Electoral Commission greater flexibility in the timing of redistributions (clause 5).

When making a redistribution the Redistribution Committee is to endeavour to ensure that, three-and-a-half years after the redistribution, the Divisions are equal. This will be amended to allow a variation of plus or minus 2% (clause 7 which will amend section 66 of the Principal Act).

The time for objections against proposed redistributions will be increased from 14 to 28 days (clause 10 which will amend section 69 of the Principal Act).

The period for the consideration of objections will be increased from six weeks to 60 days (clause 11 which will amend section 70 of the Principal Act).

Section 72 of the Principal Act will be amended to provide for objections against decisions of the augmented Electoral Commission (which considers appeals against decisions of Redistribution Committees) where that decision is, in the opinion of the augmented Electoral Commission, significantly different from the decision of the Redistribution Committee (clause 12).

Part XII of the Principal Act deals with the registration of candidates. The Part will be repealed by clause 18.

Section 166 of the Principal Act will be amended to allow the registered officer of a registered political party to nominate endorsed candidates (clause 19).

Sections 168 and 169 of the Principal Act, which deal with the grouping of candidates, will be repealed and new sections 168, 169, 169A, 169B and 169C substituted. Proposed section 168 will allow candidates for the Senate to request that they be grouped on the ballot paper. Proposed section 169 will allow a registered officer of a registered party to, with the candidate’s consent, request that the name of the party be listed next to the name of the candidate. Proposed section 169A will allow an independent to request that ‘independent’ be printed next to their name while proposed section 169B will provide for the verification of party endorsement (clause 20).

Section 210 of the Principal Act will be amended to provide that the name of candidates that have requested that their names be grouped appear on the ballot paper ahead of other candidates (clause 24).
An incumbent Senator who is not part of a group may lodge a statement contain­ing up to three voting tickets of candidates with that Senator at the head of the list. Such Senators will also be able to require that a square be put above their name to allow ticket voting (clause 27 which will insert a new section 211A into the Principal Act).

Where group voting tickets are used the Australian Electoral Commission is to dis­play a poster in each booth showing the tickets (clause 29 which will substitute a new section 216 into the Principal Act).

Section 273 of the Principal Act will be amended to speed up and simplify the procedure for scrutiny of Senate votes (clause 32).

A definition of 'electoral advertisement' as any advertisement containing electoral matter will be inserted into the Principal Act by clause 35.

The Electoral Commissioner will be given power to correct formal defects in a re­quest for public funding or financial returns (clause 38 which will insert a new sec­tion 319A into the Principal Act).

Clause 44 will substitute new forms relating to nomination into the Principal Act.

Reference


For further information, if required, contact the Law and Government Group.

5 May 1987

Bills Digest Service
Legislative Research Service

This Digest does not have any official legal status. Other sources should be consult­ed to determine the subsequent official status of the Bill.

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