**Directorate: Justice and Community Safety**

**17/680 Government Response to the Report of the Select Committee on the Inquiry into the 2016 ACT Election and the Electoral Act**

|  |
| --- |
| **Summary of Impacts** |
| The Government’s response to the Select Committee Report *Inquiry into the 2016 ACT Election and Electoral Act* will strengthen the ACT electoral system by supporting or supporting in principle recommendations to:* developing better electronic reminders for voters;
* authorising the social media profile pages of political parties and candidates;
* including fundraising contributions of $250 or less in the definition of “gift” for disclosure purposes;
* retaining the current minimum voting age;
* reviewing legislation and practices around MLA, Executive, political and private functions to improve transparency and demarcation;
* reviewing the rules for the use of MLA’s office, staffing and communications allowances;
* banning political donations from property developers;
* maintaining the current donation timeframe reporting model with consideration of improvements based on Queensland’s legislation;
* the ACT Electoral Commission or other appropriate body providing a detailed proposal, including costs of setting up and maintaining a website, mobile app and printed material, with details of candidates at Legislative Assembly elections, starting with the 2020 ACT election;
* amending the *Public Unleased Land Act 2013* to allow an authorised person to remove a non-compliant electoral advertising sign from public unleased land without providing the seven day direction requesting compliance;
* an electronic voting option for overseas electors;
* ensuring secret ballot voting for electronic voting by blind and visually impaired electors;
* the ACT Electoral Commissioner investigating and reporting on the possible use of Australian Consular and diplomatic posts overseas as an alternative voting option;
* the ACT Electoral Commissioner reporting to the Assembly on the results of the investigation into the provision of both a limited electronic voting for electors who are overseas and a similar electronic voting option for blind and visually impaired electors; and
* removing sections 303(2) and 70(b) of the Electoral Act for consistency in the measuring of a defined polling area.
 |

**17/680 Government Response to the Report of the Select Committee on the Inquiry into the 2016 ACT Election and the Electoral Act (Cont.)**

*Key to impacts: Red - negative, Amber - neutral and Green - positive*

**Social**

|  |  |
| --- | --- |
| **Justice and rights** | * The recommendation to ban political donations from property developers will align the ACT with NSW, where donations from property developers have been banned since 2009, and strengthen the integrity of the ACT electoral system. As noted in the Report, this recommendation would limit ‘outside influence’ from people who are not registered to vote in the ACT, including ‘the perceived influence of property developers’. The NSW ban has survived a constitutional challenge in the High Court of Australia.
* The recommendation to maintain the current donation reporting timeframe model will preserve existing regulation and transparency of donation reporting.
* The recommendation for secret ballot for blind and visually impaired people being given the opportunity to cast secret ballot enhances the right to take part in public life.
 |

**Economic**

|  |  |
| --- | --- |
| **ACT Government Budget** | * The Cabinet submission does not have a budget impact.
 |
| **Productivity** | * The recommendation to amend the Public Unleased Land Act to allow an authorised person to remove a non-compliant electoral advertising sign from public unleased land without providing the seven day direction requesting compliance will reduce delays and allow more efficient action to be taken against non-compliant electoral advertising, including addressing immediate safety concerns.
* The recommendation to maintain the existing exclusion zone around a polling place preserves the status quo and does not increase the regulatory burden.
 |
| **Investment** | * N/A
 |
| **Competition** | * N/A
 |

**Environmental**

Not applicable