

Electoral Newsfile

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Changes to the *Commonwealth Electoral Act 1918*

Introduction

The *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* (the Act), which received Royal Assent on 22 June 2006, has brought about changes to several aspects of electoral and referendum law. This edition of *Electoral Newsfile* provides a summary of the main amendments made to the *Commonwealth Electoral Act 1918* by the Act. Similar amendments, where relevant, were made to the *Referendum (Machinery Provisions) Act 1984*.

This *Newsfile* is not intended to provide legal advice and should not be relied upon as such. Readers are advised to refer to the Act for the exact details of the amendments. Links to the relevant legislation are provided on Page 2 of this *Newsfile*.

Background

The provisions of the amending Act are in response to recommendations made by the Joint Standing Committee on Electoral Matters in their report on the 2004 Federal Election, as well as some additional reform measures considered a priority by the Government.

The Bill proposing the amendments was introduced into the House of Representatives on 8 December 2005 and was passed by the Parliament on 21 June 2006.

Summary of amendments

The major provisions of the Act are summarised below. Unless otherwise noted, each of the amendments listed commenced on the date of Royal Assent, 22 June 2006.

Enrolment

• From early next year people will be required to provide proof of identity when enrolling or updating their enrolment. The date that this provision will take effect is to be advised.

• The close of rolls period has been reduced from seven days after the writ is issued to three working days. During this period:

- people already enrolled may update their details;
- 17 year olds who will turn 18 before election day may enrol; and
- people who expect to become Australian citizens by election day may enrol.

Anyone else needing to enrol only has until 8pm on the day of the writ to do so. Applicants not meeting this deadline will not be eligible to vote at the election.

This is the roll that is used on election day. The electoral roll is not updated again until after the election.

Voting

• Anyone wanting to cast a provisional vote will now have to provide proof of identity at the time of casting the vote or by the following Friday. A provisional vote is a vote cast, for example, when an elector's name cannot be found on the roll or has already been marked off the roll as having voted. The vote cannot be counted until a careful check of enrolment records and entitlements has been made.

• Prisoners serving full time sentences of less than three years are no longer entitled to vote. This means only prisoners serving sentences of periodic detention, on early release, or on parole retain that right, however all prisoners are entitled to remain enrolled.

Candidates

• The nomination deposit has been increased from \$350 to \$500 for House of Representatives candidates and from \$700 to \$1,000 for the Senate.

• Paid electoral advertising on the internet must now be authorised in the same manner as printed electoral advertisements.

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Funding and disclosure

- All disclosure thresholds for political donations and receipts have been increased to amounts above \$10,000, and will now be indexed annually by the Consumer Price Index. The new threshold applied from 8 December 2005, which is when the Bill was first introduced to Parliament.
- Third parties (persons other than parties, candidates and groups, members of Parliament and Commonwealth departments and agencies) that incur expenditure for a political purpose in excess of the disclosure threshold, or if they receive gifts that are used for such expenditure, will now have to complete annual disclosure returns. Previously, they were required to do so only for election periods.
- The definition of 'associated entity' has been extended to include entities with financial membership of, or voting rights in, a registered political party, and entities on whose behalf a person exercises such membership or voting rights. This will increase the number of entities with annual disclosure obligations.
- Broadcasters and publishers are no longer required to lodge disclosure returns on electoral advertisements broadcast or published during election periods.
- All currently registered political parties without current or past representation in the Commonwealth Parliament will automatically be deregistered on 27 December 2006.

Deregistered parties will have to meet contemporary registration requirements before being re-registered.

Other changes

- The level of tax-deductible contributions and gifts, whether from an individual or corporation, to political parties and independent candidates has been increased from \$100 to \$1,500 in any income year. Note that this is an amendment to the *Income Tax Assessment Act 1997*.
- The range of people from whom the AEC may request information from for the purposes of maintaining the electoral roll has been expanded to include officers working for all state and territory government agencies. Previously, the AEC was limited to requesting information from the police and statistical and electoral agencies of the states and territories.
- In future, AEC divisional offices must be located within their own divisional boundary unless otherwise authorised by the Special Minister of State.
- Persons or organisations that verify, or contribute to the verification of, the identity of persons for the purposes of the *Financial Transaction Reports Act 1988* (FTR Act) may now request access to electoral roll information but this is limited to name and address details only. The FTR Act requires cash dealers, including financial institutions, to verify the identity of signatories to accounts to minimise the risk of accounts being used for criminal purposes.

The Acts referred to in this Newsfile can be accessed via the Commonwealth Attorney-General's legislation website, ComLaw.

Commonwealth Electoral Act 1918

www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/all/search/4E11653A3B440759CA2571A200014B84

Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006

www.comlaw.gov.au/ComLaw/Legislation/Act1.nsf/all/search/E50535E944E4D45ECA2571990012CFBC

Referendum (Machinery Provisions) Act 1984

www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/all/search/8218580EF2EBF339CA2571A000276135

Income Tax Assessment Act 1997

www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/all/search/E00624DD13B31096CA2571B50080374D

Financial Transaction Reports Act 1988

www.comlaw.gov.au/ComLaw/Legislation/ActCompilation1.nsf/all/search/65C9E03863E3DB90CA2571AE000D122B

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