

1998-99

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 2) 1998

FURTHER SUPPLEMENTARY EXPLANATORY MEMORANDUM

**(Circulated with the authority of the Special Minister of State,
Senator the Honourable Chris Ellison)**

Amendments to be moved on Behalf of the Government

ELECTORAL AND REFERENDUM AMENDMENT BILL (NO. 2) 1998

OUTLINE

The amendments to be moved on behalf of the government amend the Electoral and Referendum Amendment Bill (No. 2) 1998.

The proposed amendments are designed to:

- provide that while only the Presiding Officer at a polling place may assist electors in the marking of their ballot papers, the voter may nominate another person to be present, and if the voter so desires, scrutineers who wish to may be present, or in the absence of a nominated person any scrutineers who wish to observe. In the absence of either a nominated person or scrutineers, another polling official must be present unless the voter objects;
- make it unlawful for political parties, candidates and groups, and those acting on behalf of political parties, candidates and groups, to receive certain loans except from a financial institution, as defined, unless certain records are kept by the receiver of the loan;
- provide the ability to ensure consistency of treatment for loans, regardless of whether they are sourced from traditional or non-traditional financial institutions;
- clarify that, in the case of loans that result from credit card usage, the threshold figure of \$1500 relates to each credit card transaction.

FINANCIAL IMPACT STATEMENT

The proposed amendments will result in minimal cost increases in some polling places. These costs will be absorbed within the election budget. They will not give rise to savings.

NOTES ON CLAUSES

Amendments to Schedule 1 of the Bill

Commonwealth Electoral Act 1918 (the CEA) and *Referendum (Machinery Provisions) Act 1984* (the R(MP)A).

Amendment (1) and (4) – Assisted Voting

1. These amendments alter items 39 and 57, which amend subsection 234(2) of the CEA and subsection 36(2) of the R(MP)A, to provide that while the Presiding Officer at a polling place is the only person who can assist a voter to mark his or her ballot paper, the voter may nominate another person to be present during the process who may observe as well as facilitate communication between the Presiding Officer and the voter. Scrutineers, if present and who wish to, may observe the process if the voter wishes. If the voter does not nominate a person to be present, any scrutineers present who wish to may observe the process. If the voter does not nominate a person to be present and there are no scrutineers present, then a polling official must observe the process unless the voter objects.

Amendment (2) – Certain loans not to be received

2. This amendment to the CEA replaces Senate Amendment (26), and makes it unlawful to receive certain loans from a financial provider that is not a *financial institution*, as defined, unless the receiver of the loan keeps the required records. A *financial institution* is defined in subclause (8) and additional financial institutions can be prescribed by regulation. Where a loan results from use of a credit card that was not issued by a financial institution, the provision will only apply if a transaction involves an amount of \$1500 or more.

Amendment (3) – Technical corrections

3. This amendment to the CEA will delete references in paragraph 314AEA(1)(b) and subsection 314AEA(5) to section 314AD, which has been repealed. It will also correct an incorrect reference in subsection 314AEA(5).