

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the Election Funding Act 1981 in relation to:

- (a) payments of election campaign expenditure funding from the Constituency Fund established under that Act to certain Legislative Assembly candidates for election, and
- (b) increasing the powers of the Election Funding Authority to enable it to investigate certain failures to disclose electoral expenditure as required by that Act.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the amendments to the Election Funding Act 1981 set out in Schedule 1.

Clause 4 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the Interpretation Act 1987 provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendments

The Election Funding Act 1981 enables candidates for election to the Legislative Assembly, if eligible, to claim payment for expenditure incurred for election campaign purposes from the Constituency Fund established under that Act. Claims may only be made for such expenditure when it is incurred by the candidate or a person lawfully appointed by the candidate as his or her agent.

Schedule 1 [1] inserts proposed section 74 (6) and (7) into the Election Funding Act 1981 to make it clear that an endorsed candidate of a registered political party at a Legislative Assembly election may claim as electoral expenditure amounts incurred by the political party for the benefit of the candidate, or for the benefit of the candidate and other candidates endorsed by the party, at the election (such as advertising or printing costs) and invoiced by that party to the candidate for payment.

Part 6 of the Election Funding Act 1981 requires certain political parties, groups, candidates and other persons who incur electoral expenditure to disclose that expenditure to the Election Funding Authority. To enforce compliance with that Act, an authorised member of staff for the Election Funding Authority has, under section 110 of that Act, certain powers of inspection, examination and inquiry in relation to such parties, groups and candidates and agents for such parties, groups and candidates. However, neither the Election Funding Authority nor those authorised staff members have similar powers in relation to other persons.

Schedule 1 [2] inserts proposed section 110A into the Election Funding Act 1981 to provide that if the Election Funding Authority, or an authorised member of staff of the Election Funding Authority, reasonably suspects that a person has failed to lodge a declaration relating to electoral expenditure as required by section 85A of that Act (Obligation of persons (other than parties etc) to make disclosure), the Authority, or the authorised staff member, may require any other person whom the Authority, or the authorised staff member, reasonably suspects may have information regarding that electoral expenditure to give certain information and produce documents in relation to that failed disclosure or the electoral expenditure. It will be an offence, carrying a maximum penalty of 100 penalty units (currently \$11,000) to fail, without reasonable excuse, to comply with such a requirement.