



Full Day Hansard Transcript (Legislative Council, 17 June 2014, Proof)

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Extract from NSW Legislative Council Hansard and Papers Tuesday, 17 June 2014 (Proof).

ELECTION FUNDING, EXPENDITURE AND DISCLOSURES CONSEQUENTIAL AMENDMENT BILL 2014

Second Reading

The Hon. DUNCAN GAY (Minister for Roads and Freight, and Vice-President of the Executive Council) [3.04 p.m.]: I move:

That this bill be now read a second time.

I seek leave to incorporate the second reading speech in *Hansard*.

Leave granted.

The Election Funding, Expenditure and Disclosures Consequential Amendment Bill 2014 addresses a gap in election funding regulation that has arisen as a result of a recent decision of the High Court of Australia.

In that decision, the High Court struck down amendments made to the Election Funding, Expenditure and Disclosures Act 1981 in 2012, which banned corporate donations and aggregated the campaign expenditure limits of parties and their affiliates.

While the High Court's decision invalidated sections 960 and 95G (6) of the Election Funding, Expenditure and Disclosure Act, it did not affect various consequential amendments made at the time of the introduction of these two provisions, which therefore remain in force.

The general effect of this is that the Act allows for donations from individuals and corporations, but the supporting provisions of the Act only contemplate donations made by individuals. This means that the disclosure requirements applying to donations made by individuals do not apply in their entirety to corporate donations.

This bill will resolve this issue.

I am not going to repeat all that was said about the bill in the other House by the Premier. However, I will briefly address an amendment made to the bill in the other place.

The amendments contained in this bill will be taken to have commenced on 18 December 2013, being the date of the High Court's decision in *Unions NSW and Ors v State of New South Wales*. This is the date on which people became aware that the ban on corporate donations did not apply, and so it is sensible that the associated consequential amendments are reversed as of this date.

However, I note that the Government accepted an Opposition amendment that would also require the disclosure of any political donation made by a corporation after the commencement of the 2012 amendments that was not already disclosed in a declaration lodged with the Election Funding Authority before 18 December 2013.

We supported this amendment because we are committed to the task of cleaning up political donations in NSW. We are genuine in our desire to increase political transparency and accountability in this State. I commend the bill to the House.