

LEGISLATIVE COUNCIL

Election Funding, Expenditure and Disclosures Amendment Bill 2014

First print

Proposed amendments

No. 1 **Amount of election campaign funding—parties**

Page 4, Schedule 1 [4] (proposed section 103C (3)), lines 16–20. Omit all words on those lines. Insert instead:

- (3) If a party is under section 57 eligible for payment from the Election Campaign Fund because it meets the eligibility criteria in the periodic Council election but not the Assembly general election:
 - (a) in the case of a party that had 10 or more endorsed candidates in the Assembly general election—the amount distributed under subsection (2) is to include \$4 for each first preference vote in relation to the Legislative Assembly general election (in addition to \$3 for each first preference vote in relation to the periodic Council election), or
 - (b) in any other case—the amount distributed under subsection (2) is to be calculated at the rate of \$4.50 (instead of \$3) for each first preference vote in relation to the periodic Council election (and by excluding any votes received in the Assembly general election).

No. 2 **Amount of election campaign funding—parties (alternative 1)**

Page 4, Schedule 1 [4] (proposed section 103C), lines 9, 10 and 18. Omit “\$4”, “\$3”, “\$4.50” and “\$3”. Insert instead “\$2.40”, “\$1.80”, “\$2.70” and “\$1.80” respectively.

No. 3 **Amendment of election campaign funding: LA party candidates**

Page 4, Schedule 1 [4], lines 13 and 14 (proposed section 103C (2) (b)). Omit “and of those endorsed candidates of the party”.

No. 4 **Amendment of election campaign funding: LA party candidates**

Page 4, Schedule 1 [4], lines 29 and 30 (proposed section 103D (1)). Omit “other than endorsed candidates of a party excluded by section 103E”. Insert instead “other than endorsed candidates of a party to whom section 103E applies”.

No. 5 **Amendment of election campaign funding: LA party candidates**

Page 4, Schedule 1 [4], lines 40 to 46 (proposed section 103E). Omit all words on those lines. Insert instead:

103E Amount of public campaign funding for endorsed Assembly candidates of eligible parties

- (1) This section applies in relation to candidates who are (under section 59) eligible for payment from the Election Campaigns Fund in respect of the 2015 State general election, being candidates who are duly nominated for the Assembly general election and endorsed by:
 - (a) a party that is eligible for payment from the Fund under section 103C, or
 - (b) a party that is registered on polling day for the election and that has an endorsed candidate of the party elected at the election in either the Legislative Council or the Legislative Assembly.
- (2) The amount to be distributed from the Election Campaigns Fund to any such candidate in respect of the 2015 State general election is:
 - (a) \$4 for each first each first preference vote received by any such candidate in that election, or
 - (b) the total amount of the actual campaign expenditure of the candidate, whichever is the lesser.
- (3) This section applies despite section 60.

No. 6 **Amendment of election campaign funding: LA party candidates [alternative to Nos 3,4 and 5]**

Page 4, Schedule 1 [4]. Insert after line 45:

- (4) Despite subsection (2), a party is required to direct the Authority that a part of the amount that is to be distributed to the party under section 103C be paid to each such candidate endorsed by the party, being at least such amount as the candidate would have received under section 103E from the Election Campaigns Fund if the candidate had not been excluded from receiving that payment by subsection (1).

No. 7 **More timely disclosure of donations**

Page 6, Schedule 2. Insert after line 4:

[2] Section 84 Definitions—general

Omit the definition of *relevant disclosure period* from section 84 (1).

[3] Section 84 (3), note

Omit “if they were a candidate or group during any part of the relevant disclosure period for the disclosure” from the note.

[4] Section 88 Disclosures required to be made

Omit “during the relevant disclosure period” wherever occurring in section 88 (1) and (4).

[5] Section 88 (1A)

Omit “the relevant disclosure period” wherever occurring.
Insert instead “each 12-month period ending on 30 June”.

[6] Section 88 (2)

Omit “, during the relevant disclosure period,”.

[7] Section 89 Relevant disclosure period

Omit the section.

[8] Section 91 When and how disclosures are to be made

Insert before section 91 (1):

- (1A) Disclosures of reportable political donations under this Part are to be made as follows:
- (a) in the case of donations made in the 6-month period before the polling day for a general election—within 24 hours after the political donation is made, or on the first business day after the donation is made, whichever is later,
 - (b) in the case of donations made in the period between the issue of a writ for a by-election and the polling day for the by-election—within 24 hours after the donation is made, or on the first business day after the political donation is made, whichever is later,
 - (c) in the case of donations made at any other time, within 7 days after the political donation is made.

[9] Section 91 (1)

Omit “Disclosures under this Part”.

Insert instead “Disclosures by a third-party campaigner”.

[10] Section 91 (1)

Omit “relevant disclosure period”. Insert instead “12-month period ending on 30 June”.

[11] Section 91 (4)

Omit “in relation to the relevant disclosure period”.

[12] Section 91 (5A)

Omit “a relevant disclosure period”. Insert instead “the same period”.

[13] Section 92 Political donations required to be disclosed

Omit “during the relevant disclosure period” wherever occurring in section 92 (2), (3) (a), (4) (a) and (5).

[14] Section 95 Public access to disclosures, expenditure etc

Insert after section 95 (2):

- (2A) In the case of donations made in the period between the issue of a writ for a by-election and the polling day for the by-election, the disclosures are to be published within 1 hour after the due date for the making of the disclosure on the first business day after that date.

No. 8 **Changes to caps on donations and expenditures**

Page 6, Schedule 2. Insert after line 13:

[4] Section 95A Applicable cap on political donations

Omit section 95A (1). Insert instead:

(1) **General cap**

The applicable cap on political donations is as follows:

- (a) \$1,500 for political donations to or for the benefit of a registered party,
- (b) \$500 for political donations to or for the benefit of a party that is not a registered party,

-
- (c) \$500 for political donations to or for the benefit of an elected member,
 - (d) \$1,500 for political donations to or for the benefit of a group,
 - (e) \$500 for political donations to or for the benefit of a candidate,
 - (f) \$500 for political donations to or for the benefit of a third-party campaigner.

[5] Section 95F Applicable caps on electoral communication expenditure on State election campaigns

Omit section 95F (2)–(12). Insert instead:

- (2) **Parties with Assembly candidates in a general election**

For a State general election, the applicable cap for a party that endorses candidates for election to the Assembly is \$55,000 multiplied by the number of electoral districts in which a candidate is so endorsed.
- (3) Subsection (2) does not apply to a party that endorses candidates in a group for election to the Council and endorses candidates for election to the Assembly in not more than 10 electoral districts.

Note. The total cap for a party that endorses candidates in all 93 electorates at a general election is \$5.115 million.
- (4) **Other parties with Council candidates in a general election**

For a State general election, the applicable cap for a party that endorses candidates in a group for election to the Council, but does not endorse any candidates for election to the Assembly or does not endorse candidates in more than 10 electoral districts, is \$1,166,600.
- (5) **Independent groups of candidates in Council general elections**

For a periodic Council election, the applicable cap for a group of candidates who are not endorsed by any party is \$1,166,600.
- (6) **Party candidates in Assembly general election**

For a State general election, the applicable cap for a candidate endorsed by a party for election to the Assembly is \$65,000.
- (7) **Independent candidates in Assembly general election**

For a State general election, the applicable cap for a candidate not endorsed by any party for election to the Assembly is \$110,600.
- (7A) **Grouped candidates for Council general election**

For a periodic Council election, the applicable cap for a candidate included in a group is \$60,000.
- (8) **Non-grouped candidates in Council general election**

For a periodic Council election, the applicable cap for a candidate who is not included in a group is \$166,700.
- (9) **Candidates in Assembly by-election**

For a by-election for the Assembly, the applicable cap for a candidate (whether or not endorsed by a party) is \$222,300.
- (10) **Third-party campaigners**

For a State general election, the applicable cap for a third-party campaigner is \$250,000.
- (11) For a by-election for the Assembly, the applicable cap for a third-party campaigner is \$22,300 for each by-election.

(12) **Additional cap for individual Assembly seats**

The applicable cap for parties and third-party campaigners is subject to an additional cap (within the overall applicable cap) in relation to State general elections, or by-elections in more than one electorate, for electoral communication expenditure incurred substantially for the purposes of the election in a particular electorate, being:

- (a) in the case of a party—\$50,600 in respect of each such electorate, or
- (b) in the case of a third-party campaigner—\$20,000 in respect of each such electorate.

No. 9 **Meaning of electoral expenditure**

Page 6, Schedule 2. Insert after line 4:

[2] Section 87 Meaning of “electoral expenditure” and “electoral commission expenditure”

Insert “Comparing, rating or commenting on the policies or track record of the political parties does not of itself constitute influencing, directly or indirectly, the voting at an election” at the end of section 87 (1).

No. 10 **Meaning of electoral expenditure**

Page 6, Schedule 2. Insert before line 14:

[4] Section 87 (4)

Omit “or influencing the voting at an election”.

No. 11 **Removal of Administration Fund changes**

Page 7, Schedule 2 [10], lines 4 and 5. Omit all words on those lines.

No. 12 **Removal of Administration Fund changes**

Page 8, Schedule 2 [20], lines 6–12. Omit all words on those lines.