

LEGISLATIVE ASSEMBLY

Electoral Funding Bill 2018

First print

Proposed amendments

No. 1 **Definition of “senior office holder”**

Pages 5 and 6, clause 4, definition of “senior office holder”, line 38 on page 5 to line 9 on page 6. Omit all words on those lines. Insert instead:

control of the party or the operations of the party.

No. 2 **Electoral expenditure incurred by party and invoiced to Assembly candidate**

Page 11, clause 9 (9) (a), line 16. Insert “direct or indirect” before “benefit” wherever occurring.

No. 3 **Electoral expenditure incurred by party and invoiced to Assembly candidate**

Page 11, clause 9 (9). Insert after line 20:

Such an amount of electoral expenditure is taken, for the purposes of this Act, not to be an amount of electoral expenditure by that party.

No. 4 **Amounts donated to electoral district campaign before candidate selected**

Page 11, clause 9. Insert after line 20:

(10) **Political donation made for benefit of a campaign before candidate selection**

For the purposes of this Act and despite section 38 (3) (a):

(a) a political donation may be made to a party agent on behalf of a future candidate for election in an Assembly electoral district before the candidate has been identified, selected or otherwise endorsed by the party, and

(b) it is unlawful for such a political donation to be used otherwise than to incur electoral expenditure for or on behalf of the candidate endorsed by the party for election in that electoral district.

Note. The party agent is responsible for disclosures under Part 3 of this Act for any such political donation and electoral expenditure.

No. 5 **Person responsible for disclosures—local government elections**

Page 13, clause 14 (2)–(5), lines 27–40. Omit all words on those lines. Insert instead:

(2) Despite subsection (1), the following persons are responsible for making a disclosure required under this Part:

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- (a) in the case of an elected member who is a councillor (including the mayor) of a local government area who is a member of a registered party—the elected member,
 - (b) in the case of a candidate in a local government election who is a member of a registered party—the candidate,
 - (c) in the case of a group in a local government election where all (or one or more) of the members of the group are members of a registered party—the lead candidate of the group.
 - (3) However, if a party agent consents in accordance with this section to be the person responsible for making any such disclosure, the party agent is the person responsible for making such disclosures for the elected member, candidate or the group concerned.
 - (4) A party agent of the registered party may, by notice in writing given to the Electoral Commission in an approved manner and form, with the agreement of the elected member, candidate or group concerned, consent to be the person who is responsible for making a disclosure required under this Part for the elected member, candidate or group.
 - (5) A party agent, elected member, candidate or group may withdraw such a consent or agreement (as the case requires) by a notice in writing given to the Electoral Commission in an approved manner and form.
 - (6) The regulations may make further provision dealing with the consequences of the giving or withdrawal of notices by persons under this section.

No. 6 **Self funding by candidates**

Page 21, clause 26. Insert after line 20:

- (4) For the avoidance of doubt, it not unlawful for a candidate for election to the Assembly who is a member of a registered party, during a financial year in which the election is conducted, to make:
 - (a) contributions to the party agent for payment into the State Campaign account of the party to finance the candidate’s own election campaign, and
 - (b) political donations to the party, being:
 - (i) political donations subject to the general applicable cap in section 23, and
 - (ii) political donations that are disregarded for the purposes of this Division by subsection (3).

Note. The applicable caps on electoral expenditure under section 29 for the 2019 State general election limit electoral expenditure by a candidate endorsed by a party to \$122,900. Therefore, such a candidate could self fund and make a contribution of that amount to the party agent and also make political donations to the party, during the financial year of the election, of \$67,600 (being the sum of \$6,100 and \$61,500).

No. 7 **Party electoral expenditure on behalf of candidates**

Page 22, clause 29 (2). Insert after line 42:

Note. Under section 9 (9) any amount of electoral expenditure incurred by a party for the benefit of a candidate endorsed by the party and invoiced by that party to the candidate for payment is the electoral expenditure of the candidate (that is subject to the applicable cap). Therefore it is not electoral expenditure of the party that is subject to the applicable cap under this subsection.

No. 8 **Management requirements for parties**

Page 28, clause 36 (1), lines 36–38. Omit all words on those lines. Insert instead:

- (1) It is unlawful for political donations to a party to be used otherwise than for the objects and activities of the party, including the following:
 - (a) the administration of the party and community activities,

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- (b) electoral expenditure for State elections and local government elections,
 - (c) electoral expenditure for or on behalf of elected members, candidates or groups of candidates who are members of the party.

No. 9

Dealing with amounts held for elected members, candidates and group

Page 30, clause 37. Insert after 30:

- (9) Any amount standing to the account of an elected member, group or candidate that remains in a campaign account after the elected member, group or candidate ceases to be an elected member, group or candidate becomes the property of the party.
- (10) The regulations may make provision for or with respect to campaign accounts (including the control of accounts, separately accounting for amounts held for elected members, groups and candidates and the provision of information to and the audit of accounts by the Electoral Commission).