

LEGISLATIVE ASSEMBLY

Electoral Funding Bill 2018

First print

Proposed amendments

- No. 1 **When disclosures of political donations to be made**
Page 14, clause 15 (1) (b), lines 10 and 11. Omit “the end of the quarter within which the political donation was”. Insert instead “the political donation being”.
- No. 2 **How are disclosures to be made**
Page 15, clause 17. Insert after line 18:
- (5) A declaration lodged under this section in relation to a relevant disclosure period or a quarterly period is also to contain a statement that no political donation has been accepted by the relevant person or entity from a prohibited donor (within the meaning of Division 7) or a person on behalf of a political donor.
 - (6) A declaration lodged under this section by a party agent must be verified by statutory declaration.
- No. 3 **Electoral expenditure incurred for the purposes of a particular district, area or ward**
Page 16, clause 18 (3) (a), lines 10 and 11. Omit all words on those lines. Insert instead:
- (a) explicitly mentions the name of a candidate in the election in that electoral district, the name of that electoral district or the name of any identifiable geographic area or landmark within that electoral district or contains an image of a candidate in the election in that electoral district, and
- No. 4 **Declarations to be kept by Electoral Commission in perpetuity**
Page 18, clause 22 (4), line 25. Omit “for at least 6 years after the period to which they relate”. Insert instead “in perpetuity”.
- No. 5 **Public access to declarations**
Page 18, clause 22 (5), line 27. Omit “may”. Insert instead “must”.
- No. 6 **Applicable caps on political donations**
Page 19, clause 23 (1) (a), line 3. Omit “\$6,100”. Insert instead “\$2,500”.
- No. 7 **Applicable caps on political donations**
Page 19, clause 23 (1) (b), line 5. Omit “\$2,700”. Insert instead “\$1,000”.

-
- No. 8 **Contributions to candidate’s own campaign**
Page 19, clause 23 (5), lines 35–38. Omit all words on those lines. Insert instead:
- (5) **Non-aggregation of contributions to candidate’s own campaign (other than Legislative Council candidates)**

A contribution by a candidate (other than a candidate in a periodic Council election) to finance the candidate’s own election campaign is not a political donation and is not included in the applicable cap on political donations to the candidate.
 - (6) **Aggregation of Legislative Council candidate contributions to own campaign**

A contribution by a candidate in a periodic Council election to finance the candidate’s own election campaign is taken, for the purposes of this Division, to be a political donation and, for the avoidance of doubt, is to be included in the applicable cap on political donations to the candidate.
- No. 9 **Limiting prohibition on donations to more than 3 third-party campaigners**
Page 21, clause 25. Insert after line 7:
- (4) A political donation to a third-party campaigner in contravention of this section is not unlawful if the total amount of donations to third-party campaigners made, within the same financial year, by the person making the donation does not exceed the third-party campaigner applicable cap amount as referred to in section 23 (1) (b).
- No. 10 **Candidate contributions to own parties and groups to count as donations**
Page 21, clause 26 (3)–(5), lines 14 to 28. Omit all words on those lines.
- No. 11 **Candidate contributions to own parties and groups to count as donations**
Page 21, clause 26 (8), lines 41–42. Omit all words on those lines.
- No. 12 **Applicable caps on electoral expenditure**
Page 22, clause 29 (2), line 41. Omit “\$122,900”. Insert instead “\$61,450”.
- No. 13 **Applicable caps on electoral expenditure**
Page 22, clause 29 (3), note, line 47. Omit “\$11,429,700”. Insert instead “\$5,714,850”.
- No. 14 **Applicable caps on electoral expenditure**
Page 23, clause 29 (4), line 5. Omit “\$1,288,500”. Insert instead “\$614,500”.
- No. 15 **Applicable caps on electoral expenditure**
Page 23, clause 29 (5), line 8. Omit “\$1,288,500”. Insert instead “\$614,500”.
- No. 16 **Applicable caps on electoral expenditure**
Page 23, clause 29 (6), line 11. Omit “\$122,900”. Insert instead “\$100,000”.
- No. 17 **Applicable caps on electoral expenditure**
Page 23, clause 29 (7), line 14. Omit “\$184,200”. Insert instead “\$150,000”.
- No. 18 **Applicable caps on electoral expenditure**
Page 23, clause 29 (8), line 17. Omit “\$184,200”. Insert instead “\$150,000”.
- No. 19 **Applicable caps on electoral expenditure**
Page 23, clause 29 (9), line 20. Omit “\$245,600”. Insert instead “\$200,000”.
-

-
- No. 20 **Applicable caps on electoral expenditure**
Page 23, clause 29 (12) (a), line 33. Omit “\$61,500”. Insert instead “\$30,700”.
- No. 21 **Electoral expenditure incurred for the purposes of a particular district, area or ward**
Page 23, clause 29 (13) (a), lines 39 and 40. Omit all words on those lines. Insert instead:
- (a) explicitly mentions the name of a candidate in the election in that electoral district, the name of that electoral district or the name of any identifiable geographic area or landmark within that electoral district or contains an image of a candidate in the election in that electoral district, and
- No. 22 **Electoral expenditure incurred for the purposes of a particular district, area or ward**
Page 26, clause 31 (13) (a), lines 41 and 42. Omit all words on those lines. Insert instead:
- (a) explicitly mentions the name of a candidate in the election in that local government area or ward, the name of that area or ward or the name of any identifiable geographic area or landmark within that area or ward or contains an image of a candidate in the election in that area or ward, and
- No. 23 **Third-party campaigner acting in concert**
Page 28, clause 35, lines 19–31. Omit all words on those lines.
- No. 24 **Additional prohibited donors**
Page 37, clause 51. Insert at the end of line 42:
- , or
 - (d) a mining or petroleum industry business entity, or
 - (e) a person who has contracted with the State government,
- No. 25 **Additional prohibited donors**
Page 39, clause 53. Insert after line 1:
- (5) Each of the following persons is a ***mining or petroleum industry business entity***:
 - (a) a corporation engaged in a business undertaking that is mainly concerned with an extractive industry,
 - (b) a corporation that has made an application for any of the following:
 - (i) an authorisation under the *Mining Act 1992*,
 - (ii) an exploration permit, retention lease or production licence under the *Petroleum (Offshore) Act 1982*,
 - (iii) a petroleum title under the *Petroleum (Onshore) Act 1991*,
 - (c) a corporation that has made a relevant planning application in relation to development for the purposes of an extractive industry,
 - (d) a person who is a close associate of a corporation referred to in paragraphs (a), (b) or (c).
 - (6) Each of the following persons is a ***person who contracts with the State government***:
 - (a) a corporation engaged in a business undertaking that has, in the previous 4 years (following the commencement of this Act), applied for or held a contract for the provision of goods or services to the government of the State or any of its agencies with a value of \$50,000 or more,
 - (b) a person who is a close associate of a corporation referred to in paragraph (a) or (b).
-

No. 26 **Additional prohibited donors**

Page 39, clause 53 (5). Insert after line 29:

extractive industry means any industry that primarily involves any of the following:

- (a) prospecting or mining for minerals within the meaning of the *Mining Act 1992*,
- (b) prospecting for or mining petroleum on land within the meaning of the *Petroleum (Onshore) Act 1991*,
- (c) exploring for or recovering petroleum in an adjacent area under the *Petroleum (Offshore) Act 1982*,
- (d) the winning or removal of extractive materials other than minerals or petroleum (including sand, soil, gravel, rock or similar substances) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating.

No. 27 **Third-party campaigner acting in concert**

Page 41, clause 58 (5), lines 41–46. Omit all words on those lines.

No. 28 **Prepayment amount when suspicion of contravention of Act**

Page 49, clause 77 (2), lines 36–38. Omit all words on those lines. Insert instead:

- (2) The preliminary payment is to be of the following amounts (reduced by the amount of any advance payments made for the election concerned):
 - (a) if the Electoral Commission reasonably believes that the party has contravened this Act and the contravention is outstanding or unresolved—an amount equal to 70% of the total amount estimated by the Electoral Commission to be payable to the party,
 - (b) in any other case—an amount equal to 90% of the total amount estimated by the Electoral Commission to be payable to the party.
- (3) If the Electoral Commission has made a preliminary payment under subsection (2) (a), the Electoral Commission is to make a further payment of the outstanding 20% of the total amount estimated by the Electoral Commission to be payable to the party if the Electoral Commission is satisfied that:
 - (a) the party did not so contravene this Act, or
 - (b) the contravention has been adequately rectified.

No. 29 **Prepayment period suspended while requested information outstanding**

Page 49, clause 77. Insert after line 46:

- (6) Despite subsection (1), in determining whether the 14 day period has expired, any period between a request being made by the Electoral Commission to the party for further information about the claim for payment and the response on behalf of the party to that request is to be disregarded.