

ELECTION FUNDING, EXPENDITURE AND DISCLOSURES AMENDMENT BILL 2014

Amendments proposed by Legislative Council on 21 October 2014.

- No. 1 **Oppn no. 1 [c2014-116B]**
Page 3, Schedule 1 [4] (proposed section 103B), line 31. Omit “1 October 2014”. Insert instead “1 July 2014”.
- No. 2 **Oppn no. 2 [c2014-116B]**
Page 3, Schedule 1 [4] (proposed section 103B), line 31. Omit “being”. Insert “and in the case of expenditure from and including 1 October 2014, being”.
- No. 3 **Govt no. 1 [c2014-111C]**
Page 3, Schedule 1 [4] (proposed section 103B). Insert after line 42:
Note: An individual who accepts donations for his or her proposed candidacy at a future election, or who makes a payment for electoral expenditure for the future election, is taken to be a candidate when accepting the donation or making the payment (see section 84 (2) and (2A)).
- No. 4 **Grns no. 1 [c2014-123B]**
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. 5 **Govt no. 1 [c2014-118]**
Page 4, Schedule 1 [4] (proposed section 103E). Insert after line 45:
 - (3) Despite subsection (2), a party may direct in writing that a part of the amount that is to be distributed to the party under section 103C be paid to any such candidate.
- No. 6 **Govt no. 2 [c2014-111C]**
Page 5, Schedule 1 [4] (proposed section 103F (1)), line 4. Omit “1 February 2015”. Insert instead “1 March 2015”.

- No. 7 **Govt no. 3 [c2014-111C]**
Page 5, Schedule 1 [4] (proposed section 103F). Insert after line 13:
- (4) The following provisions of this Act and the regulations do not apply to the disclosures made under this section for the additional relevant disclosure period:
 - (a) sections 92 (3)-(6), 96K and 96L and any other provision of this Act prescribed by the regulations,
 - (b) clauses 8A and 8B of the *Election Funding, Expenditure and Disclosures Regulation 2009*.
- No. 8 **Govt no. 4 [c2014-111C]**
Page 5, Schedule 1 [4] (proposed section 103F (5)), lines 19 to 21. Omit “However, those disclosures may be made by adopting (with or without variation) the disclosures made for the additional relevant disclosure period.”.
- No. 9 **Oppn no. 5 [c2014-110I]**
Page 5, Schedule 1 [4], lines 33–47 (proposed section 103H). Omit all words on those lines.
- No. 10 **Oppn no. 2 [2014-119B]**
Page 6, Schedule 2. Insert after line 13:
- [4] Section 96D Identification of persons from whom donations can be accepted**
Insert “or, if not so enrolled, who has supplied to the Commissioner identification that is acceptable to the Commissioner showing the individual’s full name and an Australian residential address” after “government election” in section 96D (1) (a).
 - [5] Section 96D (1) (b)**
Insert “or a principal or executive officer of which has supplied to the Commissioner identification that is acceptable to the Commissioner showing the principal or officer’s full name and an Australian residential address” after “number”.
 - [6] Section 96D (3) and (4)**
Insert after section 96D (2):
 - (3) The regulations may make provision as to what identification is acceptable for the purposes of this section.
 - (4) The objects of this section are:
 - (a) to create certainty about who is making a political donation, by requiring the donor to be properly identified, and
 - (b) to remove a perception that certain foreign donors could exert influence over the Australian political process, by requiring a donor to have a legitimate link with Australia, either through residence of the donor or its officer or by being registered in Australia.

No. 11

SFP no. 1 [c2014-122]

Page 7, Schedule 2 [10], line 5. Omit all words on that lines. Insert instead:

Omit section 97E (3) (a)–(d). Insert instead:

- (a) \$250,800 if there is only one elected member endorsed by the party, or
- (b) \$450,000 if there are only 2 elected members endorsed by the party, or
- (c) \$600,000 if there are only 3 elected members endorsed by the party, or
- (d) \$600,000 if there are more than 3 elected members endorsed by the party plus \$100,000 for each such member in excess of 3 up to a maximum of 22 members in excess of 3.

No. 12

Govt no. 1 [c2014-105C]

Page 7, Schedule 2. Insert after line 5:

[11] Section 97GB

Insert after section 97GA:

97GB Quarterly advance payments

- (1) A party or elected member is, subject to and in accordance with this Act, eligible for a quarterly advance payment from the Administration Fund in respect of each quarter of a calendar year (a *relevant quarter*) of an amount determined in accordance with this section.
- (2) The amount payable, by way of a quarterly advance payment in respect of a relevant quarter, is payable at the beginning of the relevant quarter and is:
 - (a) in respect of the first 3 quarters of a year—an amount equal to 50% of the total amount to which the party or elected member would be entitled under section 97GA in respect of that relevant quarter, or
 - (b) in respect of the fourth quarter of the year—an amount equal to 50% of the total amount to which the party or elected member would be entitled under this Part in respect of that year (after deducting any quarterly payments paid in that year under section 97GA).
- (3) The amount is to be determined on the assumption that:
 - (a) in the case of a party, the number of elected members endorsed by the party at the end of the calendar year will be the same as the number of elected members endorsed by the party at the date on which the claim for the quarterly advance payment is determined, and
 - (b) in the case of a person who is an elected member, the person will continue to be an elected member at the end of the calendar year, and on the assumption that the party or elected member will incur in the calendar year the maximum amount that can be payable to the party or member from the Administration Fund for the calendar year based on those assumptions.

- (4) Any amount paid to a party or elected member by way of a quarterly advance payment under this section in respect of a relevant quarter is to be deducted from any amount payable under section 97GA to the party or elected member from the Administration Fund in respect of that quarter.
- (5) If a party or elected member receives amounts by way of a quarterly advance payment under this section in respect of a relevant quarter in excess of the amount (if any) to which the party or member becomes entitled under section 97GA from the Administration Fund in respect of that quarter, the amount of the excess must be deducted from any amount payable in respect of the next quarter under section 97GA.
- (6) Any balance of quarterly advance payments at the end of the calendar year that is in excess of the amount payable to the party or elected member under this Part in respect of the calendar year is to be repaid within 60 days after the Authority notifies the party or elected member that the amount is repayable.
- (7) A claim for a quarterly advance payment under this section is to be made in the manner determined by the Authority and payment is to be made to the agent of the party or elected member. Section 97J does not apply to any such advance payment.
- (8) This section applies in the 2015 calendar year and subsequent calendar years.

No. 13 **Govt no. 2 [c2014-105C]**

Page 7, Schedule 2. Insert after line 9:

[13] Section 97J Claims for payment

Omit “6 weeks” from section 97J (5). Insert instead “30 days”.

No. 14 **SFP no. 2 [c2014-122]**

Page 8, Schedule 2 [20], line 8. Omit “(d)”. Insert instead “(a)–(d)”.
