

Electoral Reform Amendment Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the *Electoral Reform Amendment Bill 2013*

Policy objectives and the reasons for them

The amendments to the *Electoral Act 1992* in the *Electoral Reform and Accountability Amendment Act 2011* (the 2011 amendments) made substantial changes to the rules governing political donations, the public funding of elections and electoral expenditure. The Government was concerned that these changes by the former Labor Government were implemented with too little consideration and consultation.

On 3 January 2013, the Queensland Government released the Electoral Reform Discussion Paper announcing its intention to review Queensland's electoral system. The goal of the review was to ensure Queensland has an electoral system that meets high standards of integrity and accountability, with fair and effective electoral laws that promote participation in our democracy through political representation and voting.

Accordingly, the policy objectives of the Bill are to amend the *Electoral Act 1992* to:

- ensure the opportunity for full participation in Queensland's electoral process; and
- enhance voter integrity and voting convenience.

Achievement of policy objectives

To achieve the policy objectives the Bill introduces a number of legislative changes including:

- removing the caps on donations and expenditure as unnecessarily restricting participation in the political process;
- increasing the disclosure threshold to \$12400 to more closely align with the threshold applying at the Commonwealth level;
- returning the basis for electoral public funding to a stated dollar amount per vote and increasing the threshold for entitlement to public funding from 4% to 10% of the primary vote to reduce the cost of funding to the community;
- facilitating electronically assisted voting, particularly to ensure access to secret and independent voting for blind and vision impaired voters; and voters who require assistance because of a disability, motor impairment or insufficient literacy;
- changing particular requirements in relation to postal voting to make it more convenient and accessible for voters;
- in recognition of how-to-vote cards as an important resource for voters—providing the cards are to be made available on the Electoral Commission of Queensland (ECQ)

- website and granting the ECQ power to refuse to register a card if it is satisfied it is likely to mislead or deceive a voter in casting their vote; and
- implementing a proof of identity requirement to vote in a state election in a non-discriminatory way that reduces the potential for electoral fraud.

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by legislative amendment.

Estimated cost for government implementation

The Bill provides for a change to the current basis for public electoral funding. The new public funding system will result in some savings to government.

The cost of implementing the other reforms introduced by the Bill will be met from within existing budget allocations.

Consistency with fundamental legislative principles

The Bill is considered to be generally consistent with the fundamental legislative principles under the *Legislative Standards Act 1992*.

Clause 2 provides that the Act, apart from specified provisions, is taken to have commenced on the day the Bill is introduced into the Legislative Assembly. The retrospective commencement is important to ensure clarity of disclosure and reporting requirements in the lead up to the next general election. The amendments generally will not operate to the disadvantage of any person.

Proposed new sections 121A, 121B and 121E contain a delegation of legislative power. New section 121A provides that a regulation may prescribe a class of electors who may make an electronically assisted vote. Proposed new section 121B contains a delegation of legislative power by providing for the ECQ to make procedures for electronically assisted voting. The delegation of legislative power has been mitigated by clearly setting out in the section the information to be included in the procedures and providing that the procedures do not take effect until approved by regulation and must be tabled with the regulation and published on the ECQ website. Proposed new section 121E provides for the ECQ to decide that electronically assisted voting is not to be used for a particular election, or for a class of electors at a particular election.

The Government has noted its support, in principle, for making electronically assisted voting available to all Queensland voters, subject to being satisfied of the associated security arrangements, such as ensuring voting information can not be intercepted. Electronically assisted voting will have considerable resource implications and significant feasibility, systems development and implementation lead times (including for necessary trialling). For these reasons, initially the priority is electronically assisted voting for blind and vision impaired voters; and voters who need help voting because of a disability, motor impairment or insufficient literacy. Other suitable categories may be subsequently prescribed by regulation.

To ensure the feasibility, integrity and security of electronically assisted voting, it is important to provide flexible and timely mechanisms to ensure Queensland State elections are conducted efficiently and with integrity. For example, section 121E would allow the ECQ to make a decision to stop a class of electors making an electronically assisted vote if there are emergent security concerns or technical issues with the information technology to be used for that electronically assisted voting.

Section 183 (Lodging how-to-vote cards) is amended to provide that the ECQ or a returning officer may refuse to register a how-to-vote card if satisfied the card is likely to mislead or deceive an elector in voting. The amendment could be considered to be inconsistent with the principles of natural justice as the person submitting the card will have no right of review of the decision. The necessarily tight timeframes involved in having a how-to-vote card submitted, assessed and published on the ECQ website would mean a review would be unlikely to be decided before polling day. To mitigate the concern, the ECQ or returning officer, on deciding not to register a how-to-vote card, must provide to the person who submitted the card the reasons for the decision. The person would then have the opportunity to resubmit a revised card.

The amendments to sections 223 and 224, which provide for the public funding of registered political parties and candidates, to increase to 10% the threshold for receiving public electoral funding could be argued to be an infringement of fundamental legislative principles by removing an individual's existing right. The increase to 10% will strike a balance between individual and community interests, enabling full participation in the process by candidates who have a level of community support, while ensuring public funds do not go to candidates who have no realistic hope of being elected.

The removal of existing section 225, which provides for a candidate or registered political party to apply to receive partial advance payment of election funding, could also be argued to be an infringement of fundamental legislative principles by removing an individual's existing right. The section has been removed as it is incompatible with the new public funding model proposed in the Bill.

New section 240 contains a delegation of legislative power by providing for the amount of a policy development payment to be prescribed under a regulation. This will provide the flexibility to set amounts taking into account the economic climate, while providing for scrutiny by Parliament.

New section 421 provides for eligible registered political parties to receive a policy development payment instalment to January 2014. The section will not operate to the disadvantage of any person.

Consultation

On 3 January 2013, the Queensland Government started a review of Queensland's electoral system with the release the Electoral Reform Discussion Paper to seek community feedback on a range of electoral reform issues.

- Part A of the Discussion Paper focused on options for reform in relation to political donations, public funding for elections and election campaign expenditure.

- Part B of the Discussion Paper identified a range of other issues including the voting system, voter enrolment, postal voting and political advertising.

The community was encouraged to make their views known on the options canvassed in the Discussion Paper and on any other improvements or changes to Queensland's electoral laws.

Public submissions closed on 1 March 2013 and over 250 submissions were received. All submissions were considered and on 2 July 2013 the Government published the outcomes of the review of Queensland's electoral system.

The ECQ was consulted about the operational aspects of the amendments.

Consistency with legislation of other jurisdictions

The Bill is specific to the State of Queensland, and is not uniform with or complementary to legislation of the Commonwealth or another state. However, the opportunity was taken to align the disclosure and reporting regime applying for Queensland state elections more closely with that currently applying at the Commonwealth level.

Notes on provisions

Clause 1 states that, when enacted, the Bill will be cited as the *Electoral Reform Amendment Act 2013*.

Clause 2 provides that the Bill amends the *Electoral Act 1992* (the Act).

Clause 3 provides that the Bill, other than clauses 5 to 21, is taken to have commenced on the day the Bill was introduced into the Legislative Assembly.

Clause 4 amends section 2 (Definitions) to omit redundant definitions, amend existing definitions and insert new definitions for the Act.

Clause 5 amends section 89 (Deposit to accompany nomination) to increase to 10% the threshold of first preference votes that must be received by a candidate for the deposit accompanying their nomination to be returned. This is consistent with the changes made to increase the threshold for a candidate to receive public funding.

Clause 6 amends section 99 (Kinds of polling booths) to provide that pre-polling voting offices, as declared under section 111 of the Act, are taken to be a type of polling booth for the purposes of the Act.

Clause 7 amends section 102 (Supply of ballot papers and electoral rolls) to provide that a ballot paper resulting from electronically assisted voting does not have to comply with the format and size requirements under the section but must be of a size and format that enables a vote cast electronically to be accurately determined.

Clause 8 amends section 104 (Scrutineers) to take account of electronically assisted voting. The section, as amended, will provide for scrutineers to be present when ballot papers for electronically assisted votes are printed, to observe any part of a procedure for making an electronically assisted vote and at the counting of such votes.

Clause 9 amends section 107 (Procedure for voting) to provide that to cast a vote at a polling booth on polling day, an elector must provide an issuing officer with proof of the elector's identity. If the elector does not provide the issuing officer with proof of identity or the issuing officer is not satisfied of the elector's identity, the elector will be able to make a declaration vote under section 121. The *Electoral Regulation 2013* will set out the types of documents that may be used as proof of identity by voters.

Clause 10 amends section 112 (Procedure for pre-poll ordinary voting) to provide that to cast a vote at a polling booth before polling day, an elector must provide an issuing officer with proof of the elector's identity. If the elector does not provide the issuing officer with proof of identity or the issuing officer is not satisfied of the elector's identity, the elector will be able to make a declaration vote under section 121. Examples of the types of documents that may be used as proof of identity will be set out in the *Electoral Regulation 2013*.

Clause 11 amends section 114 (Who may make a declaration vote) to remove the eligibility criteria for who may cast a postal vote. Under the section, as amended, any eligible voter may apply to cast a postal vote in a Queensland state election.

The clause also amends section 114(3)(a)(iii) to provide for particular overseas electors, including defence members or defence civilians and Australian Federal Police officers or staff members serving outside Australia to automatically receive ballot papers for a Queensland state election, as currently happens for Federal elections.

Clause 12 amends section 119 (Making a declaration vote using posted voting papers) to provide that an application to vote using posted voting papers may be given to the ECQ or returning officer in an approved form. This change will allow a voter to apply online for a ballot paper and declaration envelope.

Subclauses (2) and (3) amend section 119 to provide that an application for a ballot paper and declaration envelope must be received by the ECQ or returning officer by 7pm on the Wednesday before polling day. This will increase the chances of voters who apply for a postal vote on the last allowable day receiving their ballot material in time to cast a valid vote.

Clause 13 amends section 120 (Electoral visitor voting) to change to Wednesday 7pm the time a person has to make a request to vote as an electoral visitor voter. A change to the registration deadline will align this provision to the postal voting registration provisions. Further, and more importantly, this will provide additional time for the ECQ to administer the process allowing the elector to cast their vote before 6pm on polling day.

Clause 14 amends section 121 (Making a declaration vote in cases of uncertain identity) to provide that an elector who fails to provide sufficient proof of their identity to an issuing officer under section 107(7) or 112(7) must be provided with a declaration envelope.

Clause 15 inserts new part 7, division 5, subdivision 3A which provides for electronically assisted voting for state elections.

New section 121A (Who may make an electronically assisted vote) is inserted to provide for the implementation of electronically assisted voting. Electronic voting refers to any system by which voters cast their votes using an online system such as the internet or touch-tone phone. It includes both remote voting and electronically assisted voting.

The priority is to implement electronically assisted voting for an elector who can not vote without assistance because of impairment or because they have insufficient literacy. Subclause (2) provides for a regulation to be made to prescribe a class of electors who may make an electronically assisted vote.

New section 121B (Prescribed procedure for electronically assisted voting) provides for the ECQ to make procedures about electronically assisted voting. The procedures do not take effect until approved by regulation and must be tabled in the Legislative Assembly with the regulation and published on the ECQ website.

New section 121C (Audit of electronically assisted voting for an election) provides for the independent auditing, before and after each election, of the information technology used under the procedures for electronically assisted voting approved under section 121B.

New section 121D (Protection of information technology) provides for the protection of the information technology used for electronically assisted voting. Subclause (1) provides that it is an offence for a person to disclose any source code or other computer software related to electronically assisted voting unless authorised to do so. The maximum penalty of 40 penalty units or 6 months is consistent with the penalty under section 33 for a person unlawfully disclosing information gained because of the person's administration of the Act.

Subclause (2) provides that it is an offence to destroy or interfere with any computer program, data file or electronic device used for or in connection with electronically assisted voting. The maximum penalty of 100 penalty units or 2 years imprisonment reflects the gravity of a person deliberately destroying information technology used to conduct democratic elections in Queensland.

New section 121E (Commissioner may decide electronically assisted voting is not to be used) provides for the Electoral Commissioner to decide electronically assisted voting is not to be used at a particular election, or for a class of electors at a particular election, and that the decision is to be published on the ECQ website. This provision provides the required flexibility for the ECQ to make a decision to ensure integrity and security in relation to electronically assisted voting, for example, if there are emergent security concerns or technical issues with the information technology to be used for electronically assisted voting.

New section 121F (Review of electronically assisted voting) provides for the Electoral Commissioner to carry out a review of the use of electronically assisted voting when requested to do so by the Minister. The Electoral Commissioner must give a report on the review to the Minister and the report must then be tabled in the Legislative Assembly.

Clause 16 amends section 122 (How electors must vote) to make provision for electronically assisted voting.

Clause 17 amends section 123 (Formal and informal ballot papers) to make provision for electronically assisted voting.

Clause 18 amends section 125 (Preliminary processing of declaration envelopes and ballot papers) to remove the requirement to check that the signature on a declaration envelope matches the signature contained with the application for a postal vote. The amendments to section 119 will allow for the application for a postal vote to be made online.

Clause 19 amends section 127 (Preliminary counting of ordinary votes) to make provision for electronically assisted voting.

Clause 20 amends section 128 (Official counting of votes) to make provision for electronically assisted voting.

Clause 21 amends section 183 (Lodging how-to-vote cards) to provide that the ECQ or returning officer must reject a how-to-vote card if satisfied the card is likely to mislead or deceive electors when they cast their votes. In making a decision to reject a how-to-vote card, the ECQ or returning officer must provide to the person who submitted the card written reasons for the decision. The person may then revise the card to address the concerns and resubmit it by 5pm on the Wednesday immediately before polling day. The section is also amended to provide that a how-to-vote card must be made available on the ECQ website.

Clause 22 omits redundant definitions from section 197 (Definitions) and inserts new definitions for part 11 of the Act.

Clause 23 amends section 199 (Meaning of *electoral expenditure*) and relocates it as new section 282A. The definition of electoral expenditure will now apply only for the purposes of the disclosure of electoral expenditure. References to the capped expenditure period for an election have been removed and the provision will instead apply for an election period. The clause also replaces section 199(h) so that the carrying out of opinion polls or other election related research will not be considered to be electoral expenditure if the dominant purpose of the carrying out of such polls or research is not to promote or oppose a registered political party or candidate or influence voting at an election.

Clause 24 inserts new section 201A (CPI indexation of particular amounts) which provides for the annual indexation against CPI of the disclosure/reporting amount of \$12400 in part 11 of the Act.

Clause 25 makes a consequential amendment to section 203 (Electoral committee to be treated as part of candidate) to update a reference.

Clause 26 omits the now redundant section 204 (Associated entity to be treated as part of party for particular purposes) which provides that an associated entity and a political party are to be treated as one and the same for those provisions relating to state campaign accounts, political donations and electoral expenditure.

Clause 27 omits sections 208 (Appointment of agents by registered third parties) and 209 (Appointment of agents by unregistered third parties). With the removal of donation and expenditure caps, third parties are no longer required to appoint agents.

Clause 28 amends section 210 (Requisites for appointment) to remove references to third parties and registered third parties. The section now applies to the appointment conditions of agents of candidates and registered political parties.

Clause 29 amends section 211 (Register of agents) to remove a reference to a registered third party and replace it with a reference to candidate. The section will now provide that the register of agents kept by the ECQ include the name and address of every person appointed to be an agent of a registered political party or candidate for part 11 of the Act.

Clause 30 amends section 214 (Responsibility for action when agent of party dead or appointment vacant) to remove now redundant cross-references.

Clause 31 omits section 215 (Responsibility for action when agent of registered third party dead or appointment vacant) to remove a now redundant provision.

Clause 32 amends section 216 (Revocation of appointment of agent) to remove references to registered third party.

Clause 33 amends section 217 (Notice of death or resignation of agent of candidate or registered third party) to remove references to registered third party.

Clause 34 omits part 11, division 3 (State campaign accounts). The requirement for political parties, candidates and third parties to establish and maintain dedicated state campaign accounts was introduced as part of the 2011 amendments. With the removal of the caps on political donations and electoral expenditure, the requirement for dedicated state campaign accounts is redundant.

Clause 35 amends section 222 (Interpretation) to insert a new definition of *electoral expenditure* for the purposes of part 11, division 4 (Election funding).

Clause 36 amends section 223 (Entitlement to election funding—registered political parties). Section 223(1) is amended to provide that a registered political party is eligible for reimbursement for electoral expenditure for all elections held on the same day for all of its endorsed candidates who meet a 10% threshold of first preference votes.

Section 223(2) is amended to provide that the amount to be paid to the registered political party for each eligible candidate is the amount calculated under section 225 (Election funding amount) for each formal first preference vote received by the candidate or, if the party's actual eligible expenditure for all elections held that day is less than the amount that would be paid for each formal first preference vote, that amount.

Clause 37 amends section 224 (Entitlement to election funding—candidates). Section 224(1) is amended to provide that a candidate is eligible for reimbursement for electoral expenditure if they meet a 10% threshold of first preference votes.

Section 224(2) is amended to provide that for each eligible candidate, the amount to be paid is the amount calculated under section 225 (Election funding amount) for each formal first preference vote received by the candidate or, if the candidate's actual eligible expenditure is less than the amount that would be paid for each formal first preference vote, that amount.

Clause 38 replaces section 225 (Advance payment of election funding) to provide for the election funding amount. Electoral funding will be paid to registered political parties and candidates on a dollar per vote basis, set initially at \$2.90 a vote for an eligible registered political party and \$1.45 a vote for an eligible candidate. The section provides for the payment per valid vote amount to be adjusted annually, in line with CPI.

The advance payment of electoral funding is not compatible with a dollar per vote system of public funding and has been removed.

Clause 39 amends section 226 (Need for a claim) to provide that a claim for election funding may be made by a candidate or their agent. The section is also renamed and amended to remove a reference to a claim for advance electoral funding.

Clause 40 amends section 227 (Candidate may give direction about payment of election funding) to provide that a candidate or their agent may direct that the candidate's election funding be paid to the registered political party that endorsed the candidate in the election.

Clause 41 amends section 228 (Electoral expenditure incurred) to remove references to advance payments and to reflect that a claim for funding may be made by a candidate or their agent.

Clause 42 amends section 230 (Lodging of claim) to remove references to advance payments.

Clause 43 amends section 231 (Deciding claim) to remove references to advance payments.

Clause 44 makes consequential amendments to section 232 (Accepting a claim) to update references.

Clause 45 amends section 233 (Refusing a claim) to reflect that a claim for funding may be made by a candidate or their agent.

Clause 46 amends section 234 (Application for reconsideration of decision refusing a claim) to reflect that a claim for funding may be made by a candidate or their agent.

Clause 47 amends section 235 (Reconsideration by commission) to reflect that a claim for funding may be made by a candidate or their agent.

Clause 48 amends section 236 (Making payments) to remove the requirement that election funding be paid into a State campaign account. The funding will instead be paid to a candidate or their agent (or to a registered political party's agent if the candidate has made a payment direction under section 227) or a registered political party or the party's agent.

Clause 49 inserts new part 11, division 5 (Policy development payments) to provide for policy development payments to be paid to eligible registered political parties.

New section 239 (Eligibility of political party for policy development payment) sets out the eligibility criteria for a registered political party to receive policy development payments. The section provides that a registered political party may request not to receive policy development payments.

New section 240 (Amount of policy development payment to which eligible registered political party is entitled) provides for a policy development payment each financial year to be apportioned between eligible registered political parties according to their relative electoral support.

New section 241 (When eligibility is decided and when policy development payment is made) provides when the ECQ is to decide the eligibility of registered political parties for policy development payments and the amount of those payments. Subclause (2) provides for the payments to be made in 6 monthly instalments.

New section 242 (Application for reconsideration of decision about eligibility) provides for an agent of a registered political party to apply to the ECQ to reconsider a decision about the eligibility of the party for a policy development payment and the amount of a payment.

New section 243 (Reconsideration by commission) provides that on receiving an application from an agent under new section 242, the ECQ must reconsider its decision and give the agent notice stating the outcome of the ECQ's reconsideration and its reasons for the decision.

New section 244 (Recalculation of policy development payment) provides for the recalculation of the amount of a policy redevelopment payment, if required because of a

decision by the ECQ under new section 243, and for the recovery from a registered political party of an excess payment.

Clause 50 omits part 11, division 6 (Political donations). The 2011 amendments imposed caps on the amounts donors could make to political parties, candidates and third parties for election spending.

Clause 51 consequentially amends the part 11, division 7 heading (Disclosure of donations).

Clause 52 amends section 261 (Disclosure by candidates of political donations and gifts) to remove references to political donations and to increase to \$12400, CPI indexed for the financial year, the disclosure threshold for gifts received by candidates for an election or by-election.

Clause 53 amends section 262 (Loans to candidates) to increase to \$12400, CPI indexed for the financial year, the disclosure threshold for loans received by a candidate during the disclosure period for an election.

Clause 54 amends section 263 (Disclosure of gifts by third parties that receive political donations or incur expenditure for political purposes) to remove references to political donations and to increase to \$12400, CPI indexed for the financial year, the disclosure threshold for gifts received by third parties who incur political expenditure for an election.

Clause 55 amends section 264 (Donations to candidates etc.) to rename the section, to remove references to political donations and to increase to \$12400, CPI indexed for the financial year, the disclosure threshold for gifts given by a third party to a candidate during the disclosure period for an election.

Clause 56 replaces section 265 (Donations to political parties) to rename the section, to remove references to political donations and to increase to \$12400, CPI indexed for the financial year, the disclosure threshold for gifts made to a political party. The section is also amended to provide that the return must be made within 20 weeks after the end of a financial year.

The clause also replaces section 266 (Special reporting of large gifts) to provide that section 265 (as amended) is taken to have been complied with if a certified copy of the return for the financial year lodged with the Australian Electoral Commission, under section 305B of the *Commonwealth Electoral Act 1918*, is provided to the ECQ.

Clause 57 makes consequential amendments to section 271 (Particular gifts not to be received) to increase to \$12400, CPI indexed for the financial year, the disclosure threshold for anonymous gifts received by a political party. This is consistent with requirements under the *Commonwealth Electoral Act 1918*.

Clause 58 amends section 272 (Particular loans not to be received) to increase the threshold to \$12400, CPI indexed for the financial year, and to make consequential amendments.

Clause 59 omits part 11, division 9 (Electoral expenditure). The 2011 amendments placed caps on certain expenditure by political parties, candidates and third parties in the period

before an election. The omission of division 9 will mean there is no legislated limit on what political parties, candidates and third parties may spend in relation to an election.

Clause 60 makes a consequential amendment to part 11, division 10 heading (Disclosure of electoral expenditure) to update a reference.

Clause 61 replaces section 283 (Returns of electoral expenditure) to remove references to registered third party and the capped expenditure period, and the related requirement for a political party to provide to the ECQ a return setting out its expenditure during the capped expenditure period. A political party's expenditure is reported under section 290 of the Act. Candidate expenditure will now be reported in relation to the election period. Subsections 283(3) and (4) are omitted as they are now redundant.

Clause 62 amends section 284 (Returns by broadcasters) to remove a reference to the capped expenditure period. The section will now provide that a broadcaster must give to the ECQ a return setting out details of all advertisements broadcast with the authority of a participant during the election period for the election.

Clause 63 amends section 285 (Returns by publishers) to remove a reference to the capped expenditure period. The section will now provide that a publisher of a journal must give to the ECQ a return setting out details of all advertisements relating to an election published with the authority of a participant during the election period for the election.

Clause 64 makes a consequential amendment to replace the part 11, division 11 heading.

Clause 65 amends section 290 (Returns for reporting periods by registered political parties) to provide that within 16 weeks of the end of a financial year a registered political party must give to the ECQ a return setting out amounts received by the party, amounts paid by or for the party and the total outstanding amount all debts incurred by or for the party, with the required details. The section is also amended to provide that the section is taken to have been complied with if a certified copy of the annual return lodged with the Australian Electoral Commission, under section 314AB of the *Commonwealth Electoral Act 1918*, is provided to the ECQ.

Clause 66 amends section 291 (Amounts received) to provide that a political party's return must include relevant particulars of an amount received from an entity during the financial year if that amount is more than \$12400, CPI indexed for the financial year in which the amount was received. Section 291(3) is omitted (a definition of *relevant particulars* has been included in section 197).

Clause 67 omits section 292 (Amounts paid) which provides that certain particulars must be included in a return by a political party relating to payments of \$1000 or more made to an entity during a reporting period. Consistent with the Commonwealth position, section 290(c) will be relied on to provide for the reporting of the total amount paid by or for a political party during a reporting period. A political party will be required to disclose all transactions that result in amounts, both above and below the disclosure threshold, paid to an external entity.

Clause 68 amends section 293 (Outstanding amounts) to provide that a return must include the relevant particulars of each entity to whom a debt of more than \$12400, CPI indexed for the financial year in which the sum was incurred is owed.

Clause 69 amends section 294 (Returns for reporting periods by associated entities) to provide that within 16 weeks of the end of a financial year an entity that has been an associated entity at any time during the financial year, must give to the ECQ a return setting out amounts received by the entity, amounts paid by the entity, and the total outstanding amount of all debts incurred by or for the entity, with the required details.

Clause 70 omits part 11, division 12 (Registration of third parties). The 2011 amendments placed caps on certain expenditure by political parties, candidates and third parties in the period before an election. The omission of division 12 is consistent of the removal of restrictions on third parties making donations or expenditure for an election.

Clause 71 amends section 310 (Audit certificates) to remove in subsection (1) a reference to a return made under omitted section 266 (Special reporting of large gifts) and consequentially renumber cross-references.

Subsection 310(2) is amended to remove a reference to a registered third party and subsection 310(3) is amended to remove a provision that provided for the waiver of compliance in relation to political donations received and electoral expenditure incurred.

Clause 72 amends section 311 (Auditor to give notice of contravention) to remove a reference to registered third party.

Clause 73 amends section 313 (Extension for giving return) to provide that an extension to lodge a return given to a person under the section may not extend the day the return is required by more than one month after the day the return would originally have been due.

Clause 74 amends section 316 (Publishing of returns) to provide that a return mentioned in section 316(1) must be published within 5 working days after the return is given to the ECQ. The section is also amended to remove a reference to a return made under omitted section 266 (Special reporting of large gifts) and consequentially renumber cross-references.

Clause 75 amends section 317 (Inspection and supply of copies of claims and returns) to remove a reference to omitted section 266 (Special reporting of large gifts).

Clause 76 omits the now redundant section 318 (Recovery of unlawful donations) which provides for the recovery by the state of a political donation that was unlawfully accepted.

Clause 77 amends section 330 (General power to enter places) to remove a now redundant reference to third party.

Clause 78 inserts new part 13, division 7 (Transitional provisions for Electoral Reform Amendment Act 2013). New sections 418 to 420 are transitional provisions in relation to the removal of advance funding under the Act and how claims for payment must be dealt with. New section 421 provides for eligible registered political parties to receive a policy development payment instalment to January 2014.