

# Electoral Reform and Accountability Amendment Bill 2011

## Amendments agreed to during Consideration

- 1 Clause 2 (Commencement)**  
Page 12, lines 5 and 6—  
*omit.*
- 2 Clause 4 (Amendment of s 3 (Definitions))**  
Page 12, line 15—  
*omit.*
- 3 Clause 4 (Amendment of s 3 (Definitions))**  
Page 13, line 13—  
*omit.*
- 4 Clause 4 (Amendment of s 3 (Definitions))**  
Page 13, lines 19 and 20—  
*omit.*
- 5 Clause 4 (Amendment of s 3 (Definitions))**  
Page 16, line 14—  
*omit.*
- 6 After clause 14**  
Page 22, after line 16—  
*insert—*

**‘14A Omission of pt 7**

Part 7—

*omit.*’.

**7 Clause 15 (Insertion of new pt 9A)**

Page 22, line 26, ‘registered’—

*omit.*

**8 Clause 15 (Insertion of new pt 9A)**

Page 23, lines 5 and 6—

*omit, insert—*

‘*auditor* means an individual who—

- (a) has the qualifications or experience prescribed for this definition; and
- (b) is not, and has not ever been, a member of a political party.’.

**9 Clause 15 (Insertion of new pt 9A)**

Page 23, lines 25 and 26, ‘on the day of the poll’—

*omit, insert—*

‘at 6p.m. on the polling day’.

**10 Clause 15 (Insertion of new pt 9A)**

Page 24, line 14—

*omit.*

**11 Clause 15 (Insertion of new pt 9A)**

Page 24, lines 17 to 20—

*omit, insert—*

‘*electoral expenditure* see section 177AB.’.

**12 Clause 15 (Insertion of new pt 9A)**

Page 26, lines 3 to 7—

*omit.*

**13 Clause 15 (Insertion of new pt 9A)**

Page 29, line 17, after ‘division 4’—

*insert—*

‘or 5’.

**14 Clause 15 (Insertion of new pt 9A)**

Page 30, line 7, ‘party’—

*omit, insert—*

‘candidate’.

**15 Clause 15 (Insertion of new pt 9A)**

Page 30, line 8, ‘7, 8, 10 and 11’—

*omit, insert—*

‘3, 4, 6 and 9’.

**16 Clause 15 (Insertion of new pt 9A)**

Page 31, after line 21—

*insert—*

**‘177BBA Appointment of agents by unregistered third parties**

- ‘(1) An unregistered third party may appoint a person to be the agent of the third party for this part.
- ‘(2) During any period for which there is no appointment in force under subsection (1) for a third party—
  - (a) if the third party is a person, the third party is taken to be the third party’s own agent for this part; or

- (b) if the third party is not a person, each member of the executive committee of the third party is taken to be the agent of the third party.’.

**17 Clause 15 (Insertion of new pt 9A)**

Page 36, line 3, ‘a third party’—

*omit, insert—*

‘the agent of an unregistered third party’.

**18 Clause 15 (Insertion of new pt 9A)**

Page 36, line 9, ‘registered’—

*omit.*

**19 Clause 15 (Insertion of new pt 9A)**

Page 37, after line 18—

*insert—*

‘(1A) The agent of a third party must ensure the following donations are not paid into the third party’s campaign account—

- (a) a donation that is not a political donation;
- (b) a political donation that is made or received in contravention of division 6.

Maximum penalty—200 penalty units.’.

**20 Clause 15 (Insertion of new pt 9A)**

Page 37, line 19, after ‘subsection (1)’—

*insert—*

‘or (1A)’.

**21 Clause 15 (Insertion of new pt 9A)**

Page 37, lines 24 to 26—

*omit.*

**22 Clause 15 (Insertion of new pt 9A)**

Page 48, line 17, before ‘A’—

*insert—*

‘(1)’.

**23 Clause 15 (Insertion of new pt 9A)**

Page 48, after line 30—

*insert—*

‘(2) However, a registered political party is not eligible for administrative funding under this division if the agent of the party has, by written notice given to the commission, indicated that it does not wish to receive administrative funding under this Act.’.

**24 Clause 15 (Insertion of new pt 9A)**

Page 49, line 27, ‘endorsed by’—

*omit, insert—*

‘a member of’.

**25 Clause 15 (Insertion of new pt 9A)**

Page 49, line 31, ‘(2)’—

*omit, insert—*

‘(3)’.

**26 Clause 15 (Insertion of new pt 9A)**

Page 55, after line 24—

*insert—*

‘(1A) Also, a gift in kind made to a registered political party, candidate or third party is a political donation if it is made during, or for use during, the capped expenditure period for an election for campaign purposes, whether or not it is accompanied by a statement from the person making the gift that the gift is intended for that use.’.

**27 Clause 15 (Insertion of new pt 9A)**

Page 59, line 22—

*omit.*

**28 Clause 15 (Insertion of new pt 9A)**

Page 61, line 15—

*omit.*

**29 Clause 15 (Insertion of new pt 9A)**

Page 63, line 3—

*omit.*

**30 Clause 15 (Insertion of new pt 9A)**

Page 63, line 25, ‘donor’—

*omit, insert—*

‘person who made the donation’.

**31 Clause 15 (Insertion of new pt 9A)**

Page 64, line 13, before ‘gifts’—

*insert—*

‘political donations and’.

**32 Clause 15 (Insertion of new pt 9A)**

Page 67, lines 1 and 2, ‘State electoral’—

*omit, insert—*

‘political’.

**33 Clause 15 (Insertion of new pt 9A)**

Page 69, line 32, ‘donor’s’—

*omit, insert—*

‘third party’s’.

**34 Clause 15 (Insertion of new pt 9A)**

Page 72, line 21, ‘donor’s’—

*omit, insert—*

‘person’s’.

**35 Clause 15 (Insertion of new pt 9A)**

Page 75, line 3, ‘donor’s’—

*omit, insert—*

‘person’s’.

**36 Clause 15 (Insertion of new pt 9A)**

Page 86, line 16, ‘during’—

*omit, insert—*

‘for’.

**37 Clause 15 (Insertion of new pt 9A)**

Page 87, line 7, ‘during’—

*omit, insert—*

‘for’.

**38 Clause 15 (Insertion of new pt 9A)**

Page 87, line 17, ‘A candidate for an election must not, during’—

*omit, insert—*

‘The agent of a candidate for an election must ensure the candidate does not, for’.

**39 Clause 15 (Insertion of new pt 9A)**

Page 87, line 23, ‘A candidate for an election must ensure that, during’—

*omit, insert—*

‘The agent of a candidate for an election must ensure, for’.

**40 Clause 15 (Insertion of new pt 9A)**

Page 88, line 5, ‘A registered third party must not, during’—

*omit, insert—*

‘The agent of a registered third party must ensure the party does not, for’.

**41 Clause 15 (Insertion of new pt 9A)**

Page 88, line 12, ‘A third party must not, during’—

*omit, insert—*

‘The agent of a third party must ensure the third party does not, for’.

**42 Clause 15 (Insertion of new pt 9A)**

Page 88, lines 19 and 20—

*omit, insert—*

‘If a person contravenes a provision of this division by incurring electoral expenditure, for the capped expenditure’.



**43 Clause 15 (Insertion of new pt 9A)**

Page 89, line 13, before ‘for an election’—

*omit, insert—*

‘for the capped expenditure period’.

**44 Clause 15 (Insertion of new pt 9A)**

Page 89, lines 14 and 15, ‘for the capped expenditure period’—

*omit.*

**45 Clause 15 (Insertion of new pt 9A)**

Page 89, line 19, before ‘for the election’—

*insert—*

‘for the capped expenditure period’.

**46 Clause 15 (Insertion of new pt 9A)**

Page 89, lines 20 and 21, ‘for the capped expenditure period’—

*omit.*

**47 Clause 15 (Insertion of new pt 9A)**

Page 89, line 25, before ‘for an election’—

*insert—*

‘for the capped expenditure period’.

**48 Clause 15 (Insertion of new pt 9A)**

Page 89, line 26, ‘for the capped expenditure period’—

*omit.*

**49 Clause 15 (Insertion of new pt 9A)**

Page 89, after line 26—

*insert—*

- ‘(4) Subsection (3) does not apply if the electoral expenditure for the capped expenditure period for the election incurred by or with the authority of the registered third party is \$200 or less.’.

**50 Clause 15 (Insertion of new pt 9A)**

Page 112, line 6, ‘is convicted of an offence’—

*omit, insert—*

‘contravenes a provision’.

**51 Clause 15 (Insertion of new pt 9A)**

Page 117, line 13—

*omit, insert—*

‘with for the occupier; or

- (d) it is a place of business at which the authorised officer reasonably suspects any of the following documents are kept and the place is open for carrying on the business or otherwise open for entry—

(i) a document issued to a person under this part;

(ii) a document required to be kept by a person under this part.

- ‘(1A) For subsection (1)(d), a *place of business* includes an office or other place at which a political party, elected member, candidate or third party carries out political or administrative activities but does not include a part of a place where a person resides.’.

**52 Clause 15 (Insertion of new pt 9A)**

Page 123, lines 28 and 29, ‘or (c)’—

*omit, insert—*

*‘, (c) or (d)’.*

**53 Clause 17 (Insertion of new pt 11, div 5)**

Page 149, lines 20 to 23—

*omit.*

**54 Clause 17 (Insertion of new pt 11, div 5)**

Page 153, after line 29—

*insert—*

**‘199A Applicable expenditure cap**

‘A reference in section 177IA(1) to the first financial year starting after that section commences is taken to be a reference to—

- (a) if section 177IA commences before 1 July 2011, the financial year that commenced on 1 July 2010; or
- (b) if section 177IA commences on or after 1 July 2011, the financial year in which the section commences.’.