

Electoral (Reporting Periods) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 27

made under the

Electoral Act 1992

General Outline

Short title

Electoral (Reporting Periods) Amendment Regulation 2017

Authorising law

Sections 261 - 265, 266B, 290, 294, 296, 315A and 392 of the *Electoral Act 1992* (the Act).

Policy objectives and the reasons for them

The *Electoral and Other Legislation Amendment Act 2015* (2015 Act) amended the Act to facilitate the real-time reporting of the following gifts (individually or combined) that are equal to or more than the gift disclosure threshold (currently, \$1,000):

- received by candidates during the disclosure period for an election (section 261);
- made by third parties to candidates during the disclosure period for an election (section 264);
- made by entities to political parties in a reporting period (section 265);
- received by political parties in a reporting period (section 290); and
- received by associated entities of registered political parties in a reporting period (section 294).

Real time reporting has also been facilitated for: loans to candidates (section 262) and gifts used for third party expenditure for political purposes in the disclosure period for an election (section 263) (individually or combined) that are equal to or more than the gift disclosure threshold; and large gifts (section 266B).

The amendments in the 2015 Act facilitated real-time reporting by allowing regulations to be made prescribing the required reporting timeframes.

The purposes of the *Electoral (Reporting Periods) Amendment Regulation 2017* (Amendment Regulation) are to:

- prescribe the real time reporting timeframes to take effect from 1 March 2017;
- specify additional detail to be included in returns under section 290(2) and 294(2); and
- approve the procedures made by the Electoral Commission of Queensland (ECQ) under section 315A of the Act for the electronic lodgement of returns.

Achievement of policy objectives

The Amendment Regulation:

- requires returns to be given by the seventh business day after the relevant event (ie the day the gift or loan is made; or the day the gift is used for section 263; or threshold gift was made for section 264(5) or 265(4); or the day of the special reporting event for section 266B);
- requires a return under section 290(2) or 294(2) of the Act to state the day a gift or loan was made; and
- approves procedures for electronic lodgement under section 315A of the Act.

For gifts and loans made (or gifts used for section 263) before commencement during a current disclosure period, current reporting period or current special reporting period, the following transitional provisions apply:

- for a candidate or entity making a gift or loan to a candidate or a third party using gifts for expenditure for political purposes, a return is required by the seventh business day after the commencement;
- for gifts and loans to registered political parties and associated entities and entities making gifts to registered political parties, gifts and loans made in January and February 2017 will need to be returned by the seventh business day after the commencement; and
- for large gifts, if a return is not made before the commencement, a return is required by the seventh business day after the commencement.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefits of the Amendment Regulation are increased transparency and accountability in the disclosure of gifts and loans to candidates; registered political parties and associated entities and third parties.

There may be compliance costs for those required to lodge returns more frequently, however, there will also be benefits in being able to submit information electronically through modern technology rather than needing to prepare aggregated paper-based returns.

The ECQ has the resources for meeting the costs associated with implementing the online real-time disclosure system.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

ECQ was consulted during the preparation of the Amendment Regulation.

The Queensland Productivity Commission was consulted and confirmed that a Regulatory Impact Statement is not required.