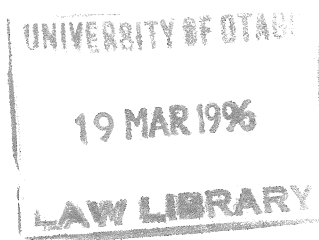


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HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Wednesday, 28 February 1996

LIMITS ON CAMPAIGN SPENDING FOR CANDIDATES IN LOCAL ELECTIONS BILL

*Proposed Amendments*

RICHARD NORTHEY, in Committee, to move the following amendments:

*Clause 3:* To omit subsection (1) of section 64E (lines 10 to 14 on page 3), and substitute the following subsection:

“(1) Within 70 days after the day on which the candidate returned at any election is declared elected, every candidate at the election shall transmit to the Returning Officer a return of the candidate’s election expenses in **Form 11** or to like effect setting out—

“(a) The candidate’s election expenses; and

“(b) The name and address of each person or body who made an election donation or donations aggregating,—

“(i) In the case of a candidate (other than a mayoral candidate), \$500 or more inclusive of any goods and services tax and the amount of each such election donation; or

“(ii) In the case of a mayoral candidate, \$1,000 or more inclusive of any goods and services tax and the amount of each such election donation; and

“(c) Where an election donation or donations of money or of the equivalent of money are made to the candidate anonymously and the amount of those donations total,—

“(i) In the case of a candidate (other than a mayoral candidate), \$500 or more inclusive of any goods and services tax; or

“(ii) In the case of a mayoral candidate \$1,000 or more inclusive of any goods and services tax— the amount of each such donation and the fact that it has been received anonymously.”

To add to section 64E the following subsection:

“(7) In subsection (1) of this section, the term ‘election donation’, in relation to a candidate at an election,—

- “(a) Means a donation (whether of money or of the equivalent of money or of goods or services or of a combination of those things) made to the candidate or to any person or party on the candidate’s behalf, for use by or on behalf of the candidate in the campaign for his or her election; and
- “(b) Includes, where goods or services are provided to the candidate, or to any person or party on the candidate’s behalf, under a contract at 90 percent or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services; but
- “(c) Does not include the labour of any person which is provided to the candidate, or to any person or party on the candidate’s behalf, free of charge or at a reduced charge by that person.”

*Clause 3:* To omit subsection (2) of section 64c (lines 14 to 30 on page 5), and substitute the following subsections:

“(2) The total election expenses (which sum shall be inclusive of any goods and services tax) of a candidate (other than a mayoral candidate) shall not—

- “(a) Exceed \$2,500 in the case of a candidate at an election to any constituency or ward with a population of less than 10,000:
- “(b) Exceed \$5,000 in the case of a candidate at an election to any constituency or ward with a population of less than 20,000 but more than 9,999:
- “(c) Exceed \$7,500 in the case of a candidate at an election to any constituency or ward with a population of less than 50,000 but more than 19,999:
- “(d) Exceed \$10,000 in the case of a candidate at an election to any constituency or ward with a population of less than 100,000 but more than 49,999:
- “(e) Exceed \$12,500 in the case of a candidate at an election to any constituency or ward with a population of less than 150,000 but more than 99,999:
- “(f) Exceed \$15,000 in the case of a candidate at an election to any constituency or ward with a population of less than 200,000 but more than 149,999:
- “(g) Exceed \$17,500 in the case of a candidate at an election to any constituency or ward with a population of less than 250,000 but more than 199,999:
- “(h) Exceed \$20,000 in the case of a candidate at an election to any constituency or ward with a population of less than 300,000 but more than 249,999:
- “(i) Exceed \$22,500 in the case of a candidate at an election to any constituency or ward with a population of less than 400,000 but more than 299,999:
- “(j) Exceed \$25,000 in the case of a candidate at an election to any constituency or ward with a population of 400,000 or more.

“(2A) The total election expenses (which sum shall be inclusive of any goods and services tax) of a mayoral candidate shall not—

- “(a) Exceed \$5,000 in the case of a candidate at an election for any city or district with a population of less than 10,000:
- “(b) Exceed \$10,000 in the case of a candidate at an election for any city or district with a population of less than 20,000 but more than 9,999:
- “(c) Exceed \$15,000 in the case of a candidate at an election for any city or district with a population of less than 50,000 but more than 19,999:
- “(d) Exceed \$20,000 in the case of a candidate at an election for any city or district with a population of less than 100,000 but more than 49,999:
- “(e) Exceed \$25,000 in the case of a candidate at an election for any city or district with a population of less than 150,000 but more than 99,999:
- “(f) Exceed \$30,000 in the case of a candidate at an election for any city or district with a population of less than 200,000 but more than 149,999:
- “(g) Exceed \$35,000 in the case of a candidate at an election for any city or district with a population of less than 250,000 but more than 199,999:
- “(h) Exceed \$40,000 in the case of a candidate at an election for any city or district with a population of less than 300,000 but more than 249,999:
- “(i) Exceed \$45,000 in the case of a candidate at an election for any city or district with a population of less than 400,000 but more than 299,999:
- “(j) Exceed \$50,000 in the case of a candidate at an election for any city or district with a population of 400,000 or more.

“(2B) Where a candidate stands for more than one position in the same city or district, the limit for election expenses shall be the limit relating to one of those positions, whichever one provides the greater or greatest amount.

“(2c) Where a candidate stands for more than one position in different cities or districts, the limits specified in subsection (2) of this section shall apply for each position.”

*Clause 3:* To add the following new sections:

“64i. **Maximum amount of parties’ election expenses—**

(1) Subject to this section, in this Act,—

“‘Election activity’, in relation to a party, means an activity—

“(a) Which is carried out by the party or with the party’s authority; and

“(b) Which comprises—

“(i) Advertising of any kind; or

“(ii) Radio or television broadcasting; or

“(iii) Publishing, issuing, distributing, or displaying addresses, notices, posters, pamphlets, handbills, billboards, and cards; and

“(c) Which—

“(i) Encourages or persuades or appears to encourage or persuade voters to vote for candidates endorsed or supported by that party; or

“(ii) Encourages or persuades or appears to encourage or persuade voters not to vote

for candidates not endorsed or supported by that party; or

“(iii) Both; and

“(d) Which takes place within the 3 months immediately preceding polling day:

“ ‘Election expenses’, in relation to a party,—

“(a) Means expenses that are incurred by or on behalf of the party in respect of any election activity; and

“(b) Includes expenses that are incurred by or on behalf of the party, before or after the 3 months immediately preceding polling day, in respect of any election activity; and

“(c) Includes the reasonable market value of any materials applied in respect of any election activity which are given to the party or which are provided to the party free of charge or at 90 percent or less of their reasonable market value; and

“(d) Includes the cost of any printing or postage in respect of any election activity, whether or not the expenses in respect of the printing, or postage are incurred by or on behalf of the party; but

“(e) Does not include the labour of any person which is provided to the party free of charge by that person; and

“(f) Does not include expenditure relating exclusively to the election expenses of any individual candidates under sections 64A to 64H of this Act:

“ ‘Party’ means any group, body, or organisation that is endorsing or supporting candidates and is carrying out any election activity.

“(2) The total election expenses of a party (which sum shall be inclusive of any goods and services tax) shall not exceed the maximum total election expenses of the candidates it is supporting or endorsing as set out in section 64G (2) of this Act but does not include expenses spent exclusively for those individual candidates as defined under section 64G and returned under section 64E.

“(3) Every person who directly or indirectly pays or knowingly aids or abets any person in paying for an account of any election expenses any sum in excess of the maximum amount prescribed by this section is guilty of an illegal practice, and shall be liable on conviction on indictment to a fine not exceeding \$3,000.

“64J. **Return of election expenses**—(1) Within 70 days after the day on which the last of the results of the candidates supported or endorsed by a party is declared, an official of every party carrying out any election activity shall transmit to the Returning Officer a return of the party’s election expenses setting out—

“(a) The party’s election expenses:

“(b) The name and address of each person or body who made an election donation or donations aggregating \$1,000 or more inclusive of any goods and services tax to the party and the amount of each such donation:

“(c) Where an election donation or donations or money or of the equivalent of money are made to the party

anonymously and the amount of those donations total \$1,000 or more inclusive of any goods and services tax, the amount of each such donation and the fact that it has been received anonymously.

“(2) In subsection (1) of this section, the term ‘election donation’, in relation to a party endorsing or supporting a candidate at an election,—

“(a) Means a donation (whether of money or of an equivalent of money or of goods and services or of a combination of those things) made to the party to any person on the party’s behalf, for use on behalf of the party in campaigning in the election; and

“(b) Includes, where goods or services are provided to the party or to any person on the party’s behalf under a contract at 90 percent or less of their reasonable market value, the amount of the difference between the contractual price of the goods or services and the reasonable market value of those goods or services; but

“(c) Does not include the labour of any person which is provided to the party or to any person on the party’s behalf, free of charge or at a reduced charge by that person.

“(3) Any official who forwards the Returning Officer a return that is false in any material particular is guilty of an illegal practice and is liable on conviction on indictment to a fine not exceeding \$3,000.”

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