

House of Representatives

Supplementary Order Paper

Wednesday, 13 March 2019

Local Electoral Matters Bill

Proposed amendments

Jami-Lee Ross, in Committee, to move the following amendments:

New clauses 5F to 5K

After clause 5E (page 7, line 19), insert:

5F New section 103CA inserted

After section 103C, insert:

103CA Donations to be accepted from electors only

- (1) A candidate may only accept a donation from an elector.
- (2) If a candidate receives a donation from a person that the candidate knows, or has reasonable grounds to believe, is not an elector, the candidate must, within 20 working days of receipt of the donation,—
 - (a) give back to the person the total amount donated by the person, or its value; or
 - (b) if that is not possible, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value.
- (3) If **subsection (2)(b)** applies to a candidate who is seeking election to more than 1 office, the candidate must designate the electoral officer responsible for the conduct of 1 election campaign for election to 1 office for the purposes of complying with that subsection.
- (4) An electoral officer who receives an amount under **subsection (2) or (3)** must, within 20 working days of receiving that amount,—

- (a) issue a receipt to the candidate; and
- (b) pay the amount into the general fund of the local authority that appointed the electoral officer.

103CB Offence relating to contravention of section 103CA

- (1) A person who enters into an agreement, arrangement, or understanding with any other person that has the effect of circumventing **section 103CA(1) or (2)** commits an offence and is liable on conviction to a fine not exceeding \$5,000.
- (2) A candidate who contravenes **section 103CA(1) or (2)** commits an offence and is liable on conviction to a fine not exceeding \$5,000.

5G Section 103D amended (Contributors to be identified)

- (1) In section 103D(1), delete “(other than an anonymous donation)”.
- (2) After section 103D(1), insert:
 - (1A) A donor must not accept a contribution that the donor knows, or has reasonable grounds to believe, is not from an elector.
- (3) In section 103D(2)(b), delete “that, either on its own or when aggregated with other contributions made by the same contributor to the donation, exceeds \$1,500 in sum or value”

5H Section 103F amended (Identity of donor to be disclosed by transmitter, if known)

- (1) In the heading to section 103F, delete “, if known”.
- (2) Replace 103F(2) with:
 - (2) A candidate must give back to the transmitter the entire amount of the donation, or its entire value, if the candidate knows, or has reasonable grounds to believe, that the transmitter has failed to comply with subsection (1) in any respect.
- (3) For the purpose of section 112A, any amount given back by a candidate under **subsection (2)** is taken not to have been received by the candidate.

5I Section 103H amended (Disclosure of identity of donor)

In section 103H, delete “exceeding \$1,500”.

5J Section 103J replaced (Anonymous donation may not exceed \$1,500)

Replace section 103J with:

103J Anonymous donation not to be accepted

- (1) If an anonymous donation is received by a candidate in relation to an election campaign, the candidate must, within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value.
- (2) If an anonymous donation is received by a candidate who is seeking election to more than 1 office, the candidate must—
 - (a) designate 1 election campaign for election to 1 office for which the donation will be used; and
 - (b) within 20 working days of receiving the donation, pay to the electoral officer responsible for the conduct of the election to which that campaign relates the amount of the donation, or its value.
- (3) An electoral officer who receives an amount under **subsection (1) or (2)** must, within 20 working days of receiving that amount,—
 - (a) issue a receipt to the candidate; and
 - (b) pay the amount into the general fund of the local authority that appointed the electoral officer.

Explanatory note

This Supplementary Order Paper inserts additional amendments into the Local Electoral Act 2001 to restrict the ability of candidates to accept donations from people (especially corporate entities) that are not electors. To support this prohibition, this Supplementary Order Paper also contains amendments to the Act to prevent anonymous donations being accepted.