

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELECTORAL AMENDMENT BILL 2002

EXPLANATORY MEMORANDUM

**Circulated by authority of
Kerrie Tucker MLA**

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Outline

The intention of the Bill is to impose greater disclosure requirements on Parties and MLAs regarding their electoral funding and expenditure. The Bill's key amendment is to reduce the level of donations that have to be counted for determining whether the details of the donor and amount donated have to be disclosed in a Party's or MLA's annual return to the Electoral Commissioner.

Clauses

Clauses 1, 2 and 3

are formal requirements which set out the name of the Act, commencement provisions and the name of the Act amended.

Clause 4

substitutes section 217(3) with new wording that clarifies the means for determining whether a gift to a candidate does not need to be disclosed in the return required to be given to the Electoral Commissioner after an election.

Clause 5

applies the same wording as in clause 4 to section 218(3) which relates to disclosure of gifts to non-party groups.

Clause 6

omits sections 230(2) and (3) which allow a party, ballot group or MLA to use their audited annual accounts as the annual return required to be submitted to the Electoral Commissioner under section 230.

Clause 7

is a consequential amendment to subsection 230(4)(b) that inserts a reference to the new section 233 inserted by clause 16.

Clause 8

inserts a new section 230(7A) that requires the party, ballot group or MLA to distinguish in their annual return the receipts that are not for gifts and the purpose for which the amounts were received.

Clause 9

is a consequential editorial amendment regarding the renumbering of subsections.

Clause 10

omits section 231A which allows parties registered under the Commonwealth Electoral Act to submit their annual return to the Australian Electoral Commission as their return to the ACT

Electoral Commissioner. This clause is necessary as this Bill will create differing reporting requirements between the ACT and Commonwealth Electoral Acts.

Clause 11

is a consequential amendment to subsection 231B(2)(b) that inserts a reference to the new section 233 inserted by clause 16.

Clause 12

inserts a new section 231B(7) that requires an associated entity to distinguish in their annual return the receipts that are not for gifts and the purpose for which the amounts were received.

Clause 13

omits section 231C relating to returns by associated entities under the Commonwealth Electoral Act. This clause mirrors clause 10.

Clause 14

amends section 232(2) which specifies the amount below which donations need not be counted for working out whether the sum of donations received from a person or organisation during a financial year is \$1500 or more, and thus required to be disclosed in the annual return under section 232(1). This clause reduces the amount from \$1500 to \$100 received at a fundraising event.

Clause 15

inserts a new section 232(4) which defines “fundraising event” for the purposes of section 232.

Clause 16

reinserts section 233 which requires the annual returns of a party, ballot group MLA or associated entity to give particulars of amounts paid to a person or organisation that total more than \$1500 in the financial year. Under section 233(2) amounts less than \$500 and amounts paid for staff employment need not be counted.

Clause 17

inserts a transitional provision so that the amendments made by this Bill first apply to the annual returns for the financial year commencing 1 July 2002.