

South Australia

Electoral (Accountability and Integrity) Amendment Bill 2024

A BILL FOR

An Act to amend the *Electoral Act 1985*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Electoral (Accountability and Integrity) Amendment Act 2024*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Electoral Act 1985*

3—Amendment of section 4—Interpretation

- (1) Section 4(1)—after the definition of *electoral visitor* insert:

entitled candidate means a candidate in an election other than—

- (a) a candidate endorsed by a registered political party; or
- (b) a candidate who—
 - (i) in the case of a general election—was a member of Parliament at the time of the dissolution of the Parliament in relation to the election; or
 - (ii) in the case of any other election—was a member of Parliament at the time of the event that resulted in the vacancy that gave rise to the election;

entitled group means a group of candidates in an election other than—

- (a) a group containing a candidate endorsed by a registered political party; or
- (b) a group containing a candidate who in the case of a general election—was a member of Parliament at the time of the dissolution of the Parliament in relation to the election;

- (2) Section 4(1)—after the definition of *medical practitioner* insert:

member of Parliament means a member of the Parliament of South Australia;

4—Amendment of section 36—Definitions and related provisions

Section 36(1), definition of *eligible political party*, (b)—delete "200" and substitute:

500

5—Amendment of section 39—Application for registration

- (1) Section 39(2)(f)(i)—delete "200" and substitute:

500

- (2) Section 39(2)(f)—after subparagraph (ii) insert:

(iii) set out the following information:

- (A) the party's objects;
- (B) the procedure for amending the party's constitution;
- (C) the rules for membership of the party, including the procedure for accepting a person as a member and ending a person's membership;
- (D) a description of the party structure and of how the party manages its internal affairs;
- (E) the procedure for selecting a person to hold an office in the party and for removing a person from office;

- (F) the names of the officers or members of the party responsible for ensuring the party complies with Part 13A; and

6—Insertion of section 42AA

After section 42 insert:

42AA—Entitlements resulting from political party registration not available until 8 months after registration

- (1) A political party (other than a parliamentary party) that becomes registered under this Part is not a registered political party until 8 months after the date of its registration for the purposes of the following provisions:
- (a) section 26(2)(c);
 - (b) Part 8 Division 1;
 - (c) Part 8 Division 2;
 - (d) Part 13A Division 5.
- (2) This section extends to a political party whose registration was previously cancelled under this Part.
- (3) Subject to subsections (4) and (5), if the registration of a political party has been wrongfully delayed by any act or omission of the Electoral Commissioner, the Supreme Court or the Electoral Commissioner may, by order, backdate the registration of the party to the date on which the political party should have been registered.
- (4) An order under subsection (3) cannot be made so as to backdate the registration of a political party to a date occurring during or before a previous period referred to in section 40(3).
- (5) The Register cannot be amended to backdate the registration of a political party, except as authorised by an order under subsection (3).
- (6) For the purpose of calculating the 8 month period referred to in subsection (1), any period of time after the issue of a writ for a general election and before the return of the writ is to be disregarded.

7—Amendment of section 43A—Annual returns and other inquiries

- (1) Section 43A, heading—delete "Annual returns" and substitute:

Returns

- (2) Section 43A(1)—delete "by 30 September each year" and substitute:

at least 30 days before the commencement of the capped expenditure period for each general election

8—Amendment of section 53A—Nomination of candidate by a person

- (1) Section 53A(3)—delete "A" and substitute:

Subject to this section, a

(2) Section 53A(3)(a)(i) and (ii)—delete subparagraphs (i) and (ii) and substitute:

(i) in the case of a nomination of an entitled candidate for election as a member of the House of Assembly—100 electors for the relevant district; or

(ii) in the case of a nomination of an entitled candidate for election as a member of the Legislative Council—500 electors for the relevant district; and

(3) Section 53A—after subsection (3a) insert:

(3b) Subsection (3)(a)(i) does not apply to the nomination of an entitled candidate for election if, on or before the making of the nomination, a certificate is lodged under section 130PC(1) on behalf of the entitled candidate.

(3c) Subsection (3)(a)(ii) does not apply to the nomination of an entitled candidate, if a certificate is lodged under section 130PC(1) on behalf of the entitled candidate (including, in the case of an entitled candidate who is a member of an entitled group, a certificate lodged on behalf of the entitled group).

9—Amendment of section 130A—Interpretation

(1) Section 130A(1), definition of **administrative expenditure**—delete "and operation of a registered political party" and substitute:

, operation or management of a registered political party (whether in relation to State activities of the party or otherwise), and includes—

(a) expenditure for the administration, operation or management of the activities of the party; and

(b) expenditure for conferences, seminars, meetings or similar functions at which the policies of the party are discussed or formulated; and

(c) expenditure in respect of the audit of the financial accounts of, or claims or returns under this Act of, the party; and

(d) expenditure on the remuneration of staff engaged in the matters referred to in paragraphs (a) to (c) for the party to the extent that that expenditure relates to the time that the staff are engaged in those matters; and

(e) expenditure on equipment or vehicles used by staff whilst engaged in the matters referred to in paragraphs (a) to (c) for the party to the extent that that expenditure relates to use of the equipment or vehicles by the staff whilst engaged in those matters; and

(f) expenditure on office accommodation for the staff and equipment referred to in paragraphs (d) and (e); and

(g) expenditure on interest payments on loans; and

(h) any other expenditure, or class of expenditure, of a prescribed kind or determined by the Electoral Commissioner to be administrative expenditure,

but does not include—

- (i) political expenditure; or
- (j) expenditure of an electorate allowance or another allowance, expense or benefit (as determined by the Remuneration Tribunal) under section 4(1)(c) of the *Parliamentary Remuneration Act 1990*; or
- (k) expenditure of an allowance or benefit of a kind contemplated under section 6A(1) of the *Parliamentary Remuneration Act 1990*; or
- (l) expenditure that is incurred substantially in respect of operations or activities relating to the election of members of the party to a Parliament other than the Parliament of South Australia; or
- (m) any other expenditure, or class of expenditure, of a prescribed kind or determined by the Electoral Commissioner not to be administrative expenditure;

(2) Section 130A(1), definition of ***associated entity***—after paragraph (f) insert:

but does not include a registered industrial organisation;

Notes—

(1) An associated entity is also a third party under this Part (see the definition of ***third party***) if it—

- incurs or intends to incur more than \$10 000 in political expenditure during the designated period in relation to an election; or
- incurred more than \$10 000 in political expenditure during the designated period in relation to the last preceding general election.

(2) A registered industrial organisation is a third party under this Part if it—

- incurs or intends to incur more than \$10 000 in political expenditure during the designated period in relation to an election; or
- incurred more than \$10 000 in political expenditure during the designated period in relation to the last preceding general election.

(3) Section 130A(1)—after the definition of ***CPI*** insert:

credit card means—

- (a) any article of a kind commonly known as a credit card; or
- (b) any similar article intended for use in obtaining cash, goods or services on credit,

and includes any article of a kind that persons carrying on business commonly issue to their customers or prospective customers for use in obtaining goods or services from those persons on credit;

(4) Section 130A(1)—before the definition of ***designated period*** insert:

designated participant—see Division 6A Subdivision 3;

- (5) Section 130A(1)—after the definition of ***financial controller*** insert:

financial institution means a body which carries on a business that consists of, or includes, the provision of financial services or financial products and which is—

- (a) an ADI; or
- (b) a body prescribed by the regulations for the purposes of this paragraph;

- (6) Section 130A(1), definition of ***gift***—delete the definition and substitute:

gift means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes—

- (a) the provision of a service for no consideration or for inadequate consideration, other than—
 - (i) the provision of voluntary labour; or
 - (ii) the provision of voluntary professional services to a political party; and
- (b) the payment of an amount in respect of a guarantee; and
- (c) a payment for the purposes of a fundraising function; and
- (d) a disposition of a prescribed kind;

- (7) Section 130A(1)—after the definition of ***journal*** insert:

loan means any of the following:

- (a) an advance of money;
- (b) a provision of credit or any other form of financial accommodation;
- (c) a payment of an amount for, on account of, on behalf of or at the request of, a person, if there is an express or implied obligation to repay the amount;
- (d) a transaction (whatever its terms or form) which in substance effects a loan of money,

but does not include a loan provided by a financial institution;

newly registered political party means—

- (a) in relation to a general election or a Legislative Council election—a political party that becomes registered during the period beginning on the day after polling day for the previous general election and ending on the day that is 8 months before the general election; or
- (b) in relation to an election for a House of Assembly district—a political party that becomes registered during the period beginning on the day after polling day for the previous election for the district (whether held as part of a general election or otherwise) and ending on the day before the occurrence of the event that resulted in the vacancy that gave rise to the election for the district;

(8) Section 130A(1), definition of **political expenditure**, (h)—after "expenditure" insert:
or political expenditure attributable to operational funding

(9) Section 130A—after subsection (7) insert:

(7a) For the purposes of this Part, if credit is provided on a credit card in respect of card transactions, the credit is to be treated as a separate loan for each transaction.

(10) Section 130A—after subsection (8) insert:

(9) For the purposes of this Part, if a monetary amount is followed by the words (**2025 indexed**), the amount is to be adjusted on 1 July of each financial year beginning on 1 July 2025 by multiplying the stated amount by a proportion obtained by dividing the CPI for the March quarter of the immediately preceding financial year by the CPI for the March quarter 2023 with the amount so adjusted being rounded up to the nearest multiple of 10 cents.

10—Amendment of section 130B—Objects of Part

Section 130B(c)—delete paragraph (c) and substitute:

(c) to prohibit electoral donations to certain entities and limit other electoral donations;

11—Amendment of section 130C—Application of Part

Section 130C—delete "donations and"

12—Substitution of sections 130L and 130M

Sections 130L and 130M—delete the sections and substitute:

130L—Amounts to be paid into State campaign account

(1) The agent of a registered political party, third party, candidate or group must ensure that electoral income received by or on behalf of the registered political party, third party, candidate or group is paid into the State campaign account kept by the agent of the registered political party, third party, candidate or group.

(2) In addition, the agent of a designated participant must ensure that an electoral donation that is an amount of money received by or on behalf of the designated participant is paid into the State campaign account kept by the agent of the designated participant unless—

(a) the donation is made or received in contravention of this Part; or

(b) the donation is not intended by the designated participant to be used for political expenditure; or

(c) the donation is otherwise an amount that must not be paid into such an account in accordance with this Division.

(3) Nothing in this section is to be taken to apply to an amount received by a registered political party that is lawfully paid into an account kept by the party for federal election campaigns.

(4) The regulations may make additional provisions in relation to amounts that the agent of a registered political party, third party, candidate or group must, or must not, pay into the State campaign account kept by the agent.

(5) If a registered political party keeps an account with an ADI for federal electoral purposes, the agent of the registered political party must ensure that no amount is paid or transferred from that account into the State campaign account.

(6) A person does not commit an offence against this Part for a contravention of a provision of this section (or the regulations) if the person, on becoming aware that an amount of money was paid into the State campaign account in contravention of the relevant provision, takes all reasonable steps to immediately withdraw the amount from the account.

(7) In this section—

electoral donation has the same meaning as in Division 6A;

electoral income means—

(a) a payment under Division 4 or Division 5, or

(b) any other amount of money lawfully received by or on behalf of a registered political party, third party, candidate or group intended to be used by the registered political party, third party, candidate or group (as the case may be)—

(i) solely or substantially for State electoral purposes; or

(ii) to enable the registered political party, third party, candidate or group to incur political expenditure; or

(iii) to reimburse the registered political party, third party, candidate or group for incurring political expenditure.

13—Amendment of section 130N—State campaign account to be used for political expenditure

Section 130N, heading—delete all of the words in the heading and substitute:

Political expenditure to be paid out of State campaign account

14—Insertion of sections 130PA to PE

After section 130P insert:

130PA—Advance payments relating to House of Assembly districts at general elections

(1) Subject to this Division, in relation to a general election, the Electoral Commissioner must, in a manner prescribed by the regulations—

(a) pay to the agent of a newly registered political party—

- 5 (i) on the commencement of the capped expenditure period for the general election or within 1 month of the date of registration of the party (whichever occurs later), the amount of \$2 500 (2025 indexed) for each candidate endorsed by the party in a House of Assembly district (up to the prescribed maximum number) at the general election; and
- 10 (ii) as soon as reasonably practicable after the issue of the writs for the general election, the prescribed amount for each candidate endorsed by the party in a House of Assembly district (up to the prescribed maximum number) at the general election; and
- 15 (b) pay to the agent of a registered political party (other than a newly registered political party)—
- 20 (i) on the commencement of the capped expenditure period for the general election, an amount equal to 60% of the notional amount for the party; and
- (ii) as soon as reasonably practicable after the issue of the writs for the general election, an amount equal to 20% of the notional amount for the party; and
- 25 (c) pay to the agent of a candidate in a House of Assembly district who is not endorsed by a registered political party and is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election)—
- 30 (i) as soon as reasonably practicable after the day on which a certificate under section 130PE is lodged in respect of the candidate, an amount equal to 60% of the notional amount for the member's agent; and
- (ii) as soon as reasonably practicable after the issue of the writs for the general election, an amount equal to 20% of the notional amount for the member's agent; and
- 35 (d) pay to the agent of an entitled candidate in a House of Assembly district —
- (i) as soon as reasonably practicable after the day on which a certificate under section 130PE is lodged in respect of the entitled candidate, the amount of \$2 500 (2025 indexed); and
- 40 (ii) as soon as reasonably practicable after the day on which the person is nominated as a candidate, the prescribed amount.

(2) In this section—

notional amount means—

- (a) for a registered political party referred to in subsection (1)(b)—the amount payable under section 130P to the party's agent for each eligible vote given at the previous general election for each candidate endorsed by the party in a House of Assembly district (disregarding any deduction or reduction applying to any amount payable to the agent under this Division in relation to that general election); or
- (b) in the case of an agent of a member of a kind referred to in subsection (1)(c)—the amount payable under section 130P to the member's agent for each eligible vote cast in favour of the member at the previous election at which the member was elected (disregarding any deduction or reduction applying to that amount under this Division in relation to the election);

prescribed amount, in relation to a general election, means the lesser of the following amounts:

- (a) the amount determined by dividing \$500 000 (2025 indexed) by the number of candidates endorsed in House of Assembly districts and the Legislative Council district by newly registered political parties and entitled candidates at the election (including candidates who are members of groups endorsed by newly registered political parties or entitled groups);
- (b) \$2 500 (2025 indexed);

prescribed maximum number is the number equal to the number of House of Assembly districts in the State.

130PB—Advance payments—other House of Assembly elections

- (1) Subject to this Division, in relation to an election for a House of Assembly district (other than an election held as part of a general election), the Electoral Commissioner must, in a manner prescribed by the regulations—
 - (a) pay to the agent of a newly registered political party as soon as reasonably practicable after the close of nominations for the election the designated amount; and
 - (b) pay to the agent of a registered political party (other than a newly registered political party) as soon as reasonably practicable after the close of nominations for the election an amount equal to 80% of the notional amount for the agent; and

(c) pay to the agent of a candidate who is not endorsed by a registered political party and was a member of Parliament at the time of the event that resulted in the vacancy that gave rise to the election as soon as reasonably practicable after the day on which a certificate under section 130PE is lodged in respect of the candidate an amount equal to 80% of the notional amount for the member's agent; and

(d) pay to the agent of an entitled candidate as soon as reasonably practicable after the day on which a certificate under section 130PE is lodged in respect of the candidate the designated amount.

(2) In this section—

designated amount, in relation to an election for a district, means the lesser of the following amounts:

- (a) the amount determined by dividing \$30 000 (2025 indexed) by the number of candidates endorsed by newly registered political parties and entitled candidates at the election;
- (b) \$5 000 (2025 indexed);

notional amount, means—

- (a) for a registered political party referred to in subsection (1)(b)—the amount payable under section 130P to the party's agent for each eligible vote given at the previous election for the district (whether held as part of a general election or otherwise) for the candidate endorsed by the party (disregarding any deduction or reduction applying to that amount under this Division in relation to the election); or
- (b) for the agent of a member of a kind referred to in subsection (1)(c)—the amount payable under section 130P to the member's agent for each eligible vote given at the previous election for the district (whether held as part of a general election or otherwise) for the member (disregarding any deduction or reduction applying to that amount under this Division in relation to the election).

130PC—Advance payments—Legislative Council district

(1) Subject to this Division, in relation to a general election, the Electoral Commissioner must, in a manner prescribed by the regulations—

- (a) pay to the agent of a newly registered political party that endorses candidates in the Legislative Council district (whether or not the party also endorses candidates in 1 or more House of Assembly districts at the general election)—

- 5 (i) on the commencement of the capped expenditure period for the general election or within 1 month of the date of registration of the party (whichever occurs later), the amount of \$2 500 (2025 indexed) for each candidate endorsed by the party in the Legislative Council district (up to a maximum of 6 candidates); and
- 10 (ii) as soon as reasonably practicable after the issue of the writs for the general election, the prescribed amount for each candidate endorsed by the party in the Legislative Council district (up to a maximum of 6 candidates); and
- 15 (b) pay to the agent of a registered political party (other than a newly registered political party) that endorses candidates in the Legislative Council district (whether or not the party also endorses candidates in 1 or more House of Assembly districts at the general election)—
- 20 (i) on the commencement of the capped expenditure period for the general election, an amount equal to 60% of the notional amount for the party; and
- (ii) as soon as reasonably practicable after the issue of the writs for the general election, an amount equal to 20% of the notional amount for the party; and
- 25 (c) pay to the agent of a candidate in the Legislative Council district who is not endorsed by a registered political party and is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election)—
- 30 (i) as soon as reasonably practicable after the day on which a certificate under section 130PE is lodged in respect of the candidate, an amount equal to 60% of the notional amount for the candidate; and
- 35 (ii) as soon as reasonably practicable after the issue of the writs for the general election, an amount equal to 20% of the notional amount for the candidate; and
- (d) pay to the agent of an entitled candidate in the Legislative Council district (other than a candidate who is a member of an entitled group)—
- 40 (i) as soon as reasonably practicable after the day on which a certificate under section 130PE is lodged in respect of the entitled candidate, the amount of \$2 500 (2025 indexed); and
- 45 (ii) as soon as reasonably practicable after the day on which the person is nominated as a candidate, the prescribed amount; and

(e) pay to the agent of a group of candidates in the Legislative Council district not endorsed by a registered political party and a member of which is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the general election)—

(i) as soon as reasonably practicable after the day on which a certificate under section 130PE is lodged in respect of the group, an amount equal to 60% of the notional amount for the group; and

(ii) as soon as reasonably practicable after the issue of the writs for the general election, an amount equal to 20% of the notional amount for the group; and

(f) pay to the agent of an entitled group in the Legislative Council district—

(i) as soon as reasonably practicable after the day on which a certificate under section 130PE is lodged in respect of the entitled group, the amount of \$2 500 (2025 indexed); and

(ii) as soon as reasonably practicable after the day on which the members of the group apply under section 58 to have their names grouped together on the ballot papers for the election, the prescribed amount.

(2) The following limitations apply to the total amount payable under subsection (1):

(a) the total amount payable to the agent of a group (other than a group endorsed by a registered political party) cannot exceed the amount equal to 60% of the group's applicable expenditure cap for the Legislative Council election;

(b) the total amount payable to the agent of a candidate in the Legislative Council district (other than a candidate endorsed by a registered political party) cannot exceed the amount equal to 60% of the candidate's applicable expenditure cap for the Legislative Council election.

(3) In this section—

notional amount means—

(a) for a registered political party referred to in subsection (1)(b)—

- 5 (i) in the case of a party that became registered during
the period beginning on the day after polling day
for the Legislative Council election preceding the
previous general election and ending on polling day
for that previous general election—the amount
payable under section 130P to the party's agent for
each eligible vote given at the Legislative Council
election held simultaneously with that previous
10 general election for each candidate endorsed by the
party at that Legislative Council election
(disregarding any deduction or reduction applying
to any amount payable to the agent under this
Division in relation to that general election); or
- 15 (ii) in any other case—the amount payable under
section 130P to the party's agent for each eligible
vote given at the Legislative Council election
preceding the previous general election for each
candidate endorsed by the party at that Legislative
20 Council election (disregarding any deduction or
reduction applying to any amount payable to the
agent under this Division in relation to the general
election held simultaneously with that Legislative
Council election); and
- 25 (b) for a candidate referred to in subsection (1)(c)—the amount
payable under section 130P for each eligible vote given at
the Legislative Council election preceding the previous
general election for the candidate (disregarding any
deduction or reduction applying to that amount under this
Division in relation to that Legislative Council election); and
- 30 (c) for a group referred to in subsection (1)(e)—the amount
payable under section 130P for each eligible vote given at
the Legislative Council election preceding the previous
general election for the group of which the member of
Parliament referred to in subsection (1)(e) was a member
35 (disregarding any deduction or reduction applying to that
amount under this Division in relation to that Legislative
Council election);

prescribed amount, in relation to a general election, means the lesser
of the following amounts:

- 40 (a) the amount determined by dividing \$500 000 (2025 indexed)
by the number of candidates endorsed in House of Assembly
districts and the Legislative Council district by newly
registered political parties and entitled candidates at the
election (including candidates who are members of groups
45 endorsed by newly registered political parties or entitled
groups);
- (b) \$2 500 (2025 indexed).

130PD—Payments of funding in advance to be deducted from public funding

- (1) If an amount is payable under section 130P (taking into account any reduction of the amount under section 130Q) to an agent in respect of an election (whether a general election or otherwise) any amount under section 130PA, 130PB or 130PC paid to the agent in respect of that election is to be deducted from the amount payable under section 130P.
- (2) Any amount under section 130PA, 130PB or 130PC received by an agent in respect of an election (whether a general election or otherwise), must be repaid, on demand by the Electoral Commissioner, to the Electoral Commissioner if—
- (a) in all cases—the registered political party, candidate or group for which the agent is appointed does not contest the election; or
 - (b) in the case of the agent of a registered political party—before polling day for the election, the party ceases to operate or be registered or it has been, or is being, dissolved or wound up.

130PE—Certificate for advance payments

- (1) For the purposes of section 130PA(1)(c) and (d) and section 130PC(1)(c) to (f) (inclusive), an agent of a candidate or group of a kind referred to in those paragraphs must lodge a certificate with the Electoral Commissioner, in a manner determined by the Electoral Commissioner—
- (a) verifying that the relevant payments under sections 130PA(1) or 130PC(1), and payment under section 130P, are sought by the candidate or group (as the case requires) in respect of the election; and
 - (b) containing an undertaking that those payments will be used for State electoral purposes; and
 - (c) containing a declaration endorsed in a manner determined by the Electoral Commissioner—
 - (i) in the case of a certificate lodged for candidates in a group—that each candidate is qualified to stand as a candidate in the election; or
 - (ii) in any other case—that the candidate is qualified to stand as a candidate in the election; and
 - (d) in the case of—
 - (i) a certificate lodged for candidates in an entitled group—endorsed in a manner determined by the Electoral Commissioner by at least 500 electors for the Legislative Council electoral district for each candidate in the entitled group; or

- 5 (ii) a certificate lodged for an entitled candidate in a
Legislative Council election (other than a candidate
of a kind referred to in subparagraph (i))—endorsed
in a manner determined by the Electoral
Commissioner by at least 500 electors for the
Legislative Council electoral district; or
- 10 (iii) a certificate lodged for an entitled candidate (other
than a candidate of a kind referred to in
subparagraph (i) or (ii))—by at least 100 electors
for the relevant district; and
- 15 (e) in the case a certificate relating to 2 or more candidates who
intend to have their names grouped together on the ballot
paper in accordance with section 58 that is lodged in respect
of them before the relevant application is made—containing
a declaration that such an application will be made before
the hour of nomination for the election.
- 20 (2) For the purposes of paragraphs (c) and (d) of section 130PB(1), an
agent of a candidate of a kind referred to in those paragraphs must
lodge a certificate with the Electoral Commissioner, in a manner
determined by the Electoral Commissioner—
- (a) verifying that the relevant payments under
sections 130PB(1) and 130P are sought by the candidate in
respect of the election; and
- 25 (b) containing an undertaking that those payments will be used
for State electoral purposes.
- (3) A certificate cannot be lodged under subsection (1) in relation to an
election before the commencement of the capped expenditure period
for the election.
- 30 (4) A certificate cannot be lodged under subsection (2) for a candidate in
relation to an election before the receipt of the candidate's
nomination for the election.
- (5) A certificate lodged under this section cannot be withdrawn.

15—Substitution of section 130Q

Section 130Q—delete the section and substitute:

130Q—Payment not to be made or to be reduced in certain circumstances

- 35 (1) A payment referred to in section 130P will not be made in respect of
votes given in an election for a candidate unless—
- 40 (a) the total number of eligible votes cast in favour of the
candidate is at least 4% of the total primary vote; or
- (b) the candidate is elected.

(2) A payment referred to in section 130P will not be made in respect of votes given in an election for a group unless—

(a) the total number of eligible votes cast in favour of the group is at least 4% of the total primary vote; or

(b) a member of the group is elected.

(3) A payment referred to in section 130P will not be made in respect of votes given in an election for a candidate or group unless—

(a) a certificate was lodged under section 130PE in respect of the candidate or group for the election; or

(b) if paragraph (a) does not apply, within 7 days after polling day for the election, the agent of the candidate or group lodges a certificate under this paragraph to receive funding in respect of the election.

(4) A certificate under subsection (3)(b) must be accompanied by any information or material required by the Electoral Commissioner.

(5) No amount is payable under this Division in respect of a candidate or group endorsed by a registered political party if the date of registration of the party under Part 6 is less than 8 months before polling day for the election to which the amount relates.

(6) If the agent of a person to whom Division 6 applies fails to ensure that the person does not incur political expenditure in excess of the person's applicable expenditure cap during the capped expenditure period in relation to an election—

(a) the amount payable in accordance with section 130P to that agent is reduced by an amount equal to 20 times the excess amount; or

(b) if the excess amount is greater than the amount payable in accordance with section 130P—the payment will not be made to the relevant agent.

(7) If, in relation to the payment of an amount in accordance with section 130P to an agent, the Electoral Commissioner is not satisfied, based on an expenditure return under section 130ZQ furnished by the relevant agent, that—

(a) in the case of a payment to be made to the agent of a registered political party—the combined political expenditure of the party and candidates endorsed by the party; or

(b) in the case of a payment to be made to the agent of a candidate not endorsed by a registered political party or a group whose members are not endorsed by a registered political party—the political expenditure of the candidate or group (as the case requires),

exceeds the amount that would, apart from this subsection, be payable in accordance with section 130P to the relevant agent—

(c) in a case where there is no satisfactory evidence of political expenditure—a payment in accordance with section 130P will not be made to the relevant agent; or

(d) in a case where there is satisfactory evidence of political expenditure but the total of that expenditure is less than the amount that would otherwise be payable in accordance with section 130P to the relevant agent—the amount payable in accordance with section 130P is reduced to an amount equal to the amount of that expenditure.

(8) In this section—

excess amount, in relation to a person, means the amount by which—

(a) the political expenditure of the person; and

(b) any political expenditure of another entity incurred as part of a scheme of a kind referred to in section 130ZZE(a2)(a),

exceed the applicable expenditure cap.

16—Amendment of section 130R—Making of payments

(1) Section 130R(1)—after "Division" second occurring insert:

(other than a payment under section 130PA, 130PB or 130PC)

(2) Section 130R(2)—delete "in respect of votes given in an election or elections for" and substitute:

in relation to

(3) Section 130R(3)—delete "in respect of votes given in a Legislative Council election for" and substitute:

in relation to

(4) Section 130R(7)—delete "section" and substitute:

Division

(5) Section 130R(7)—after "paid," insert:

or is required to repay the whole or part of the amount,

17—Amendment of section 130S—Death of candidate

Section 130S(1) and (3)—delete "this Division" wherever occurring and substitute in each case:

section 130P

18—Amendment of heading to Part 13A Division 5

Part 13A, heading to Division 5—delete the heading and substitute:

Division 5—Operational funding for political parties and members of Parliament

19—Amendment of section 130T—Preliminary

- (1) Section 130T(1), definition of *half yearly entitlement*—delete the definition and substitute:

half yearly entitlement—

- (a) for a registered political party—see section 130U(2); and
(b) for a non party member—see section 130U(2b);

non party member means a member of Parliament, other than a member of Parliament who is a member of a registered political party.

- (2) Section 130T(3)(a)—delete "special assistance" and substitute:

operational

20—Amendment of section 130U—Entitlement to and claims for half yearly entitlement to special assistance funding

- (1) Section 130U, heading—delete "special assistance" and substitute:

operational

- (2) Section 130U(1)—delete "special assistance" and substitute:

operational

- (3) Section 130U(1)(c)—delete ", setting out the amount of administrative expenditure incurred by the party during that period"

- (4) Section 130U(2)—delete subsection (2) and substitute:

- (2) The amount to be paid to a registered political party under this Division for a half yearly period is the lesser of the following amounts:

- (a) the amount determined by multiplying \$47 000 (2025 indexed) by the number of members of the party who are members of Parliament (as at the last day of the relevant period);

- (b) \$700 000 (2025 indexed),

(the *half yearly entitlement*).

- (2a) Subject to this Division, a non party member is entitled to be paid their half yearly entitlement to operational funding if—

- (a) the non party member is a member of Parliament for all or part of the half yearly period; and
(b) the agent of the non party member submits a claim to the Electoral Commissioner, in accordance with subsection (3).

- (2b) The amount to be paid to a non party member under this Division for a half yearly period is \$15 000 (2025 indexed) (the *half yearly entitlement*).

- (5) Section 130U(3)—after "subsection (1)(c)" insert:

and (2a)(b)

21—Insertion of section 130UA

After section 130U insert:

130UA—Entitlement to and claim for one-off payment of operational funding

- 5 (1) Subject to this Division, a registered political party is entitled to a one-off payment of operational funding if—
- (a) the party is entitled to operational funding under section 130U and has received a half yearly entitlement payment; and
- 10 (b) the agent of the party submits a claim to the Electoral Commissioner, in accordance with subsection (3), setting out the amount of prescribed administrative expenditure incurred by the party.
- 15 (2) The amount to be paid to a registered political party under subsection (1) is the amount of prescribed administrative expenditure up to a maximum of \$200 000.
- (3) A claim under subsection (1)(b) must—
- (a) be submitted on or after the commencement of this section and by no later than the prescribed date; and
- 20 (b) be in a form determined by the Electoral Commissioner; and
- (c) be in writing and signed by the agent.
- (4) To avoid doubt, a registered political party that has received a one-off payment of operational funding under this Division is not entitled to any further such payment.
- 25 (5) This section expires on 31 August 2026.
- (6) In this section—

prescribed administrative expenditure means administrative expenditure incurred by a registered political party on relevant outgoings for the purpose of complying with this Part due to the amendments effected by the *Electoral (Accountability and Integrity) Amendment Act 2024* that is in excess of the administrative expenditure incurred by the party in relation to which a payment of a half yearly entitlement to operational funding has been paid;

relevant outgoings means expenditure on computer software, hardware or accessories (including upgrades).

- 35 (7) A reference in this section to operational funding (other than in subsection (4)) includes a reference to special assistance funding (as provided for by Part 13A Division 5 of this Act before the commencement of the amendments to that Division effected by the *Electoral (Accountability and Integrity) Amendment Act 2024*).
- 40

22—Amendment of section 130V—Making of payments

- (1) Section 130V(1)—after "registered political party" insert:

or non party member

- (2) Section 130V(1)—after "the party" insert:

or non party member (as the case requires)

23—Substitution of section 130W

Section 130W—delete the section and substitute:

130W—Use of operational funding

- (1) If an amount is paid to a registered political party for operational funding under this Division, the agent of the party—

(a) must ensure that at least 50% of the amount is used for administrative expenditure; and

(b) may use any remaining part of the amount for political expenditure in relation to an election.

- (2) Nothing in this Part limits the purpose for which operational funding paid to the agent of a non party member under this Division may be used.

24—Amendment of section 130X—Interpretation

Section 130X(1), definition of *person to whom this Division applies*—delete "that has lodged a certificate under section 130Y"

25—Repeal of section 130Y

Section 130Y—delete the section

26—Amendment of section 130Z—Expenditure caps

- (1) Section 130Z(1)(a)—delete "\$500 000 (indexed)" and substitute:

\$100 000 (2025 indexed) multiplied by the number of candidates endorsed (as at the end of the capped expenditure period in relation to the party for the election but only up to a maximum of 5)

- (2) Section 130Z(1)(b)(i)—before "indexed" insert:

2025

- (3) Section 130Z(1)(b)(ii)—before "indexed" insert:

2025

- (4) Section 130Z(1)(d)—before "indexed" insert:

2025

- (5) Section 130Z(1)(e)—delete "\$500 000 (indexed)" and substitute:

\$100 000 (2025 indexed) multiplied by the number of candidates endorsed (as at the end of the capped expenditure period in relation to the party for the election but only up to a maximum of 5)

(6) Section 130Z(1)(f)—delete "\$125 000 (indexed)" and substitute:

\$100 000 (2025 indexed)

(7) Section 130Z(2)(a)—after "\$100 000" insert:

(2025 indexed)

5 (8) Section 130Z(2)(b)—after "\$40 000" insert:

(2025 indexed)

27—Substitution of section 130ZC

Section 130ZC—delete the section and substitute:

130ZC—Recovery in relation to political expenditure in excess of cap

- 10
- (1) If a person to whom this Division applies incurs political expenditure in excess of the applicable expenditure cap during the capped expenditure period in relation to an election, the amount that is equal to twice the excess may be recovered from the agent of the person by the Crown as a debt due to the Crown.
- 15
- (2) This section applies in addition to any penalty for an offence against this Part for incurring political expenditure in excess of the applicable expenditure cap.

28—Insertion of Part 13A Division 6A

20 Part 13A—after Division 6 insert:

Division 6A—Regulation of donations etc

Subdivision 1—Preliminary

130ZCA—Interpretation

- 25
- (1) In this Division—
donation—see subsections (4) and (5);
electoral donation—see section 130ZCB;
electoral loan—section 130ZCC.
- (2) For the purposes of this Division—
(a) a person who is a candidate in an election, or
30 (b) a group of candidates in an election,
is taken to remain a candidate or group for 30 days after polling day for the election.
- (3) Subsection (2) does not apply to a candidate at a time when the candidate is a member of Parliament.
- 35
- (4) For the purposes of this Division, a *donation* is—
(a) a gift; or

- (b) a fee, subscription, levy or other amount paid to a registered political party for membership or affiliation with the party (whether compulsory or otherwise),

and includes the disposition of property made by a registered political party, a branch of a registered political party or an associated entity, but does not include—

- (c) a subscription for membership of a registered political party of \$100 (2025 indexed) or less per year; or
- (d) a payment under Division 4 or Division 5; or
- (e) an electorate allowance or another allowance, expense or benefit (as determined by the Remuneration Tribunal) under section 4(1)(c) of the *Parliamentary Remuneration Act 1990*; or
- (f) an allowance or benefit of a kind contemplated under section 6A(1) of the *Parliamentary Remuneration Act 1990*.

- (5) Uncharged interest on a loan to an entity is taken to be a **donation** to the entity for the purposes of this section.
- (6) For the purposes of this Division, an individual who, or a group of individuals that, accepts a donation for use solely or substantially for a purpose related to the proposed candidacy of the individual or individuals at a future election is taken to be a candidate or group (as the case requires) when accepting the donation.
- (7) In this section—

uncharged interest, in relation to a loan to an entity, means the additional amount that would have been payable on the loan by the entity if—

- (a) the loan had been made on terms requiring the payment of interest at the generally prevailing interest rate for a loan of that kind; and
- (b) any interest payable had not been waived; and
- (c) any interest payments were not capitalised.

130ZCB—Meaning of *electoral donation*

- (1) For the purposes of this Division, an **electoral donation** is—
 - (a) a donation made to or for the benefit of a registered political party or a group; or
 - (b) a donation made to or for the benefit of a member of Parliament, the whole or part of which was used or is intended to be used by the member—
 - (i) solely or substantially for State electoral purposes or to the member’s duties as a member; or

- (ii) to enable the member to make, directly or indirectly, an electoral donation or to incur political expenditure; or
- (iii) to reimburse the member for making, directly or indirectly, an electoral donation or incurring political expenditure; or
- (c) a donation made to or for the benefit of a candidate, the whole or part of which was used or is intended to be used by the candidate—
- (i) solely or substantially for a State electoral purposes; or
- (ii) to enable the candidate to make, directly or indirectly, an electoral donation or to incur political expenditure; or
- (iii) to reimburse the candidate for making, directly or indirectly, an electoral donation or incurring political expenditure.
- (2) However, if any part of a donation that is not an electoral donation pursuant to subsection (1)(b) or (c) is subsequently used to incur political expenditure, that part of the donation becomes an electoral donation.
- (3) A donation to an associated entity is taken to be a donation to or for the benefit of the registered political party in respect of which the entity is associated and (if made) is taken to have been accepted by the agent of the registered political party.

130ZCC—Meaning of *electoral loan*

- (1) For the purposes of this Part, an *electoral loan* is—
- (a) a loan made to or for the benefit of a registered political party or a group; or
- (b) a loan made to or for the benefit of a member of Parliament, the whole or part of which was used or is intended to be used by the member—
- (i) solely or substantially for a purpose related to an election or to the member's duties as a member; or
- (ii) to enable the member to make, directly or indirectly, an electoral loan or to incur political expenditure; or
- (iii) to reimburse the member for making, directly or indirectly, an electoral loan or incurring political expenditure; or
- (c) a loan made to or for the benefit of a candidate, the whole or part of which was used or is intended to be used by the candidate—

- (i) solely or substantially for a purpose related to an election; or
- (ii) to enable the candidate to make, directly or indirectly, an electoral loan or to incur political expenditure; or
- (iii) to reimburse the candidate for making, directly or indirectly, an electoral loan or incurring political expenditure.

- (2) A loan to an associated entity will be taken to be a loan to or for the benefit of the registered political party in respect of which the entity is associated and (if made) will be taken to have been accepted by the agent of the registered political party.

Subdivision 2—Prohibition on donations etc for certain entities

130ZCD—Application

This Subdivision does not apply to a designated participant.

130ZCE—Donations to parties, certain candidates etc prohibited

- (1) Subject to this section, it is unlawful for a person—
 - (a) to make an electoral donation to a registered political party, member of Parliament, group or candidate; or
 - (b) to accept an electoral donation to a registered political party, member of Parliament, group or candidate.
- (2) It is not unlawful for a person to accept an electoral donation if the donation is to be paid into (or held as an asset of) an account kept exclusively for the purposes of federal election campaigns.
- (3) An electoral donation of property (not being money) that is held as an asset of an account kept for federal election campaigns ceases to be excluded by subsection (2) from the prohibition under this section if the proceeds of the disposal of the property are paid into any other account.
- (4) For the purposes of this Division but subject to subsection (5), it is not unlawful for a candidate or group in relation to an election, during the 12 months immediately preceding polling day for the election, to make contributions up to a total amount equal to the applicable expenditure cap applying to the candidate or group (as the case requires) under Division 6 in respect of the election to the agent of the candidate or group for payment into the State campaign account kept by the agent to finance the election campaign of the candidate or group.
- (5) For the purposes of this Division, any amount of a contribution under subsection (4) that exceeds the total amount referred to in that subsection is taken to be an electoral donation.

130ZCF—Loans to parties, candidates etc prohibited

- (1) It is unlawful for a person—
- (a) to provide an electoral loan to a registered political party, member of Parliament, group or candidate; or
 - (b) to accept an electoral loan to a registered political party, member of Parliament, group or candidate.
- (2) For the purposes of this Division, an individual who, or a group of individuals that, receives a loan for use solely or substantially for a purpose related to the proposed candidacy of the individual or individuals at a future election is taken to be a candidate or group (as the case requires) when accepting the loan.

Subdivision 3—Caps on donations etc to designated participants**130ZCG—Application**

In this Subdivision—

designated participant means—

- (a) a newly registered political party; or
- (b) an entitled candidate; or
- (c) an entitled group.

130ZCH—Applicable cap on electoral donations

- (1) The ***applicable cap*** on an electoral donation for a designated participant is \$2 700 (2025 indexed).
- (2) For the purposes of this section, an electoral donation of or less than the amount specified in subsection (1) made by an entity is to be treated as a donation that exceeds the applicable cap on electoral donations if that and other separate electoral donations made by that entity to the same designated participant within the same financial year would, if aggregated, exceed the designated participant's applicable cap on political donations.

130ZCI—Prohibition on electoral donations that exceed applicable cap

- (1) Subject to this section, it is unlawful for a designated participant or a person acting on their behalf to receive an electoral donation to or for the benefit of the designated participant if the donation exceeds the designated participant's applicable cap on an electoral donation.
- (2) A designated participant or person acting on their behalf who receives an electoral donation to or for the benefit of the designated participant that exceeds the applicable cap does not contravene subsection (1) if, on becoming aware of the receipt of the electoral donation, the designated participant or person (as the case requires) takes all reasonable steps to return the electoral donation to the person from whom it was received.

- (3) It is not unlawful for a designated participant or a person acting on their behalf to receive an electoral donation to or for the benefit of the designated participant that exceeds the applicable cap if the donation (or that part of the donation that exceeds the applicable cap) is not to be paid into the State campaign account of the designated participant under section 130L.

130ZCJ—General caps on electoral donations for designated participants

- (1) The agent of a designated participant must ensure that the designated participant or a person acting on their behalf does not receive electoral donations to or for the benefit of the designated participant in excess of the general donations cap during the capped expenditure period in relation to an election.
- (2) If a designated participant or a person acting on their behalf receives electoral donations in excess of the general donations cap during the capped expenditure period in relation to an election, the amount that is equal to twice the excess may be recovered from the agent of the designated participant by the Crown as a debt due to the Crown.
- (3) No offence is committed against subsection (1) by, and subsection (2) doesn't apply to, a designated participant or person acting on their behalf who receives an electoral donation to or for the benefit of the designated participant in excess of the general donations cap during the capped expenditure period in relation to an election if, on becoming aware of the receipt of the electoral donation, the designated participant or person (as the case requires) takes all reasonable steps to return the electoral donation (or that part of it that results in the designated participant exceeding their general donations cap) to the person from whom it was received.
- (4) In this section—
general donations cap, for a designated participant in relation to an election, is the amount equal to the designated participant's applicable expenditure cap for the election.

29—Amendment of section 130ZF—Returns by certain candidates and groups

- (1) Section 130ZF(1)—delete "person (including a member of a group) who is a candidate" and substitute:
entitled candidate (including a member of an entitled group)
- (2) Section 130ZF(2)—after "each" insert:
entitled
- (3) Section 130ZF(3)—delete "a candidate or group of candidates" and substitute:
an entitled candidate or entitled group
- (4) Section 130ZF(4)(a)—delete "\$5 000" and substitute:
\$200

(5) Section 130ZF(4)(b)—delete paragraph (b) and substitute:

- (b) in the case of a gift or loan made to an entitled candidate (including a member of an entitled group)—the gift or loan was made in a private capacity to the entitled candidate for their personal use and the entitled candidate has not used, and will not use, the gift or loan solely or substantially for a purpose related to an election.

(6) Section 130ZF(5)(a)—delete paragraph (a) and substitute:

- (a) the ***disclosure period***, in relation to a campaign donations return, is the period commencing—

(i) in relation to an entitled candidate in an election who is a new candidate—on the day on which the person announced that they would be a candidate in the election or on the day on which the person was nominated as a candidate, whichever was the earlier; or

(ii) in relation to an entitled candidate in an election who is not a new candidate—at the end of 30 days after polling day for the last preceding election in which the person was a candidate; or

(iii) in relation to an entitled group in an election—on the day on which the members of the group applied under section 58 to have their names grouped together on the ballot papers for the election,

and ending 30 days after polling day for the election; and

30—Amendment of section 130ZG—Gifts, loans to candidates etc

(1) Section 130ZG, heading—before "candidates" insert:

entitled

(2) Section 130ZG(1)(a)—before "candidate" insert:

entitled

(3) Section 130ZG(1)(a)—delete "a group" and substitute:

an entitled group

(4) Section 130ZG(1)(b)—delete "\$5 000 (indexed)" and substitute:

\$200 (2025 indexed)

(5) Section 130ZG(2)—delete subsection (2)

(6) Section 130ZG(3)—delete "and (2)"

(7) Section 130ZG(3)(b)—delete "\$5 000 (indexed)" and substitute:

\$200 (2025 indexed)

(8) Section 130ZG(7)—delete "candidate, group" wherever occurring and substitute in each case:

entitled candidate, entitled group

31—Amendment of section 130ZH—Gifts to relevant entities

- (1) Section 130ZH, heading—delete "relevant" and substitute:
certain
- (2) Section 130ZH(1)—delete "\$5 000" and substitute:
\$200 (2025 indexed)
- (3) Section 130ZH(1) to (3) (inclusive), (6) and (8)—delete "relevant entity" wherever occurring and substitute in each case:
prescribed entity
- (4) Section 130ZH(4)—delete "\$5 000" and substitute:
\$200 (2025 indexed)
- (5) Section 130ZH(8)—delete "entity" second occurring and substitute:
prescribed entity
- (6) Section 130ZH—after subsection (8) insert:
(9) In this section—
prescribed entity means—
(a) a newly registered political party; or
(b) a third party.

32—Repeal of section 130ZI

Section 130ZI—delete the section

33—Amendment of section 130ZJ—Certain gifts not to be received

- (1) Section 130ZJ(1) and (2)—delete subsections (1) and (2) and substitute:
- (1) It is unlawful for a prescribed entity or a person acting on behalf of a prescribed entity to receive a gift, the amount or value of which is at least \$200 or a greater amount prescribed by regulation, made to or for the benefit of the prescribed entity by another person, unless—
- (a) the name and address of the person making the gift are known to the person receiving the gift; or
- (b) at the time when the gift is made—
- (i) the person making the gift gives to the person receiving the gift their name and address; and
- (ii) the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(2) It is unlawful for an entitled candidate or a member of an entitled group, or a person acting on their behalf, to receive a gift made to or for the benefit of the candidate or the group, as the case may be, being a gift the amount or value of which is at least \$200 or a greater amount prescribed by regulation, unless—

(a) the name and address of the person making the gift are known to the person receiving the gift; or

(b) at the time when the gift is made—

(i) the person making the gift gives to the person receiving the gift their name and address; and

(ii) the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(2) Section 130ZJ(6)—delete "relevant entity" wherever occurring and substitute in each case:

prescribed entity

(3) Section 130ZJ—after subsection (6) insert:

(7) In this section—

prescribed entity means—

(a) a newly registered political party; or

(b) a third party.

34—Amendment of section 130ZK—Certain loans not to be received

(1) Section 130ZK(1)—delete "relevant entity" wherever occurring and substitute in each case

designated participant

(2) Section 130ZK(2)—delete subsection (2) and substitute:

(2) It is unlawful for a third party or a person acting on behalf of a third party to receive a loan of \$1 000 or more from a person other than a financial institution unless the loan is made in accordance with subsection (3).

(3) Section 130ZK(4) and (5)—delete "subsection (2)" wherever occurring and substitute: this section

(4) Section 130ZK(6)—delete subsection (6) and substitute:

(6) If a designated participant, third party or other person receives a loan that, by virtue of this section, it is unlawful for the designated participant, third party or person to receive, an amount equal to the amount or value of the loan is payable to the Crown (and may be recovered by the Crown as a debt by action, in a court of competent jurisdiction) by the designated participant, third party or person, or, in the case of a relevant entity or third party that is an unincorporated body, each member of the executive committee (who are, for the purposes of this subsection, jointly and severally liable for the debt).

(5) Section 130ZK(7) and (8)—delete subsections (7) and (8)

35—Repeal of section 130ZL

Section 130ZL—delete the section

36—Amendment of section 130ZN—Returns by registered political parties

(1) Section 130ZN(2)(b)—before "indexed" insert:

2025

(2) Section 130ZN(2)(d)—before "indexed" insert:

2025

(3) Section 130ZN(2)—after paragraph (d) insert:

and

(e) any other details prescribed by the regulations relating to the prescribed period.

(4) Section 130ZN—after subsection (2) insert:

(2a) A political party return must include a declaration signed by the agent of the party stating that the party has not received any electoral donations in contravention of Division 6A during the prescribed period to which the return relates.

(5) Section 130ZN(3)(iii)(A) to (C)—delete subsubparagraphs (A) to (C) (inclusive) and substitute:

(A) each period of 30 days from the start of the designated period; and

(B) if the number of days from the end of the last period referred to in subsubparagraph (A) until the expiration of 30 days after the relevant polling day is less than 30 days—the period commencing from the end of the last prescribed period referred to in subsubparagraph (A) until the day falling 30 days after the relevant polling day; and

37—Amendment of section 130ZO—Returns by associated entities

(1) Section 130ZO(1)(b)—before "indexed" insert:

2025

- (2) Section 130ZO(1)(d)—before "indexed" insert:

2025

- (3) Section 130ZO(1)—after paragraph (d) insert:

and

- 5 (e) any other details prescribed by the regulations relating to the prescribed period.

- (4) Section 130ZO—after subsection (1) insert:

- 10 (1a) An associated entity return must include a declaration signed by the financial controller of the entity stating that the entity has not received any electoral donations in contravention of Division 6A during the prescribed period to which the return relates.

- (5) Section 130ZO(6)(ii)(A) to (C)—delete subsubparagraphs (A) to (C) (inclusive) and substitute:

- 15 (A) each period of 30 days from the start of the designated period; and
(B) if the number of days from the end of the last period referred to in subsubparagraph (A) until the expiration of 30 days after the relevant polling day is less than 30 days—the period commencing from the end of the last prescribed period referred to in subsubparagraph (A) until the day falling 30 days after the relevant polling day; and

20 **38—Amendment of section 130ZP—Returns by third parties**

- (1) Section 130ZP(1)(b)—delete "\$5 000" and substitute:

\$2 700

- (2) Section 130ZP(1)(b)—before "indexed" insert:

2025

- 25 (3) Section 130ZP(1)(d)—before "indexed" insert:

2025

- (4) Section 130ZP(1)—after paragraph (d) insert:

and

- 30 (e) any other details prescribed by the regulations relating to the prescribed period.

- (5) Section 130ZP(4)—delete subsection (4)

39—Amendment of section 130ZS—Annual returns relating to gifts received for political expenditure

- (1) Section 130ZS, heading—delete "gifts" and substitute:

35 amounts

- (2) Section 130ZS(1)(b)—delete "a gift or gifts" and substitute:

an amount or amounts

(3) Section 130ZS(1)(c)—delete "the amount of at least 1 such gift" and substitute:
 at least 1 such amount

(4) Section 130ZS(1)(d)—delete "gift" and substitute:
 amount

5 (5) Section 130ZS(2)—delete "gift" first occurring and substitute:
 amount

(6) Section 130ZS(2)(a)—delete paragraph (a) and substitute:
 (a) the total of the amount;

(7) Section 130ZS(2)(b)—delete "gift was made" and substitute:
 10 amount was given

(8) Section 130ZS(2)(c)—delete "a gift made" and substitute:
 an amount given

(9) Section 130ZS(2)(d)—delete "a gift purportedly made" and substitute:
 an amount purportedly given

15 (10) Section 130ZS(2)(e)—delete "made the gift" and substitute:
 gave the amount

(11) Section 130ZS(4)—delete subsection (4) and substitute:
 (4) For the purposes of subsection (2), 2 or more amounts of more than
 \$200 given, during the financial year, by the same person to another
 20 person are taken to be 1 amount.

40—Amendment of section 130ZV—Audit certificates

(1) Section 130ZV(1)(b)—delete "special assistance" and substitute:
 operational

(2) Section 130ZV(3)—after "must" insert:
 25 , in relation to a return under Division 8 that sets out an amount received,
 identify the source of each such amount, and in all cases must

41—Insertion of section 130ZVA

After section 130ZV insert:

130ZVA—Audits

30 (1) The Electoral Commissioner may, in accordance with any
 requirements of the regulations, audit the activities and documents of
 an entity to whom funding is payable under this Part.

(2) An entity the subject of an audit, and its agent, must assist the
 Electoral Commissioner by—

35 (a) giving the Electoral Commissioner full and free access at all
 reasonable times to all documents of the entity or agent
 relevant to the audit; and

- (b) giving the Electoral Commissioner all information and explanations that the Electoral Commissioner reasonably requires with respect to the audit.

Maximum penalty: \$5 000.

- (3) The Electoral Commissioner may, by instrument in writing signed by the Electoral Commissioner, authorise a person or a class of persons to perform audits under this section.
- (4) A person, or a person of a class, appointed under this section may exercise the same functions as the Electoral Commissioner in relation to audits under this section.

42—Amendment of section 130ZZE—Offences

- (1) Section 130ZZE—before subsection (1) insert:

- (a1) A person who does an act or makes an omission that is unlawful under Division 6 or Division 6A is guilty of an offence if the person knows or ought reasonably to know of the facts that result in the act or omission being unlawful under the relevant Division.

Maximum penalty: \$20 000 or imprisonment for 4 years.

- (a2) A person must not knowingly participate, directly or indirectly, in a scheme to circumvent—

- (a) a prohibition or requirement under Division 6 relating to political expenditure; or
- (b) a prohibition or requirement under Division 6A relating to electoral donations.

Maximum penalty: \$50 000 or imprisonment for 10 years

- (a3) Subsection (a2) applies whether or not the person also participates in the scheme for other purposes.

- (2) Section 130ZZE—after subsection (9) insert:

- (10) In this section—

participate in, a scheme, includes—

- (a) enable, aid or facilitate entry into, or the carrying out of, a scheme; and
- (b) organise or control a scheme;

scheme includes an arrangement, agreement, understanding, course of conduct, promise or undertaking, whether express or implied.

43—Amendment of section 139—Regulations

- (1) Section 139(2)(g)—after "by" insert:

, or a member of Parliament has resigned from,

- (2) Section 139(2)(h)—delete "enactment of Part 13A" and substitute:

amendment of this Act by another Act