

South Australia

# Electoral (Accountability and Integrity) Amendment Act 2024

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*, in relation to a candidate in an election, means a candidate 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*, in relation to a group of candidates in an election, means a group 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;

*entitled registered political party* means a registered political party other than a registered political party where 1 or more members of the party is a member of Parliament (or, in relation to an election, was a member of Parliament at the time of the dissolution of the Parliament or event that resulted in the vacancy that gave rise 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;

- (3) Section 4—after subsection (2) insert:

- (3) Except as otherwise provided and subject to the regulations, a reference in this Act to a registered political party, group or candidate (as the case may be) includes a reference to an entitled registered political party, entitled group or entitled candidate (as the case requires).

### 4—Amendment of section 39—Application for registration

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

## 5—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.

#### **Note—**

Funding under Part 13A Division 4 in relation to an election for a candidate or group endorsed by a registered political party is not payable if the date of registration of the party was less than 8 months before polling day for the election.

- (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.

## **6—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 the prescribed times
- (3) Section 43A—delete subsection (4) and substitute:
  - (4) For the purposes of this section, the *prescribed times* for furnishing a return are:
    - (a) for a registered political party (other than a parliamentary party)—by 30 September each year; and
    - (b) for a parliamentary party—at least 30 days before the commencement of the capped expenditure period for each general election.

## **7—Insertion of sections 43B and 43C**

After section 43A insert:

### **43B—Notification of certain changes**

A political party (other than a parliamentary party) registered under this Part must, within 14 days after a change in any prescribed particulars, notify the Electoral Commissioner of the change.

Maximum penalty: \$5 000.

### **43C—Audits by Electoral Commissioner etc**

- (1) The Electoral Commissioner may, in accordance with any requirements of the regulations, audit the activities and documents of a political party for the purpose of determining whether the party is, or continues to be, eligible to be registered under this Part.
- (2) A political party the subject of an audit, its agent and any officer of the party, must assist the Electoral Commissioner by—
  - (a) giving the Electoral Commissioner full and free access at all reasonable times to all documents of the party 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: \$10 000.

- (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.

### 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)—after "nomination" insert:  
of an entitled candidate
- (3) Section 53A(3)(a)(ii)—after "nomination" insert:  
of an entitled candidate (including 1 who is to be a member of an entitled group)
- (4) 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 130PF 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 130PF 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)—before the definition of *administrative expenditure* insert:  
*ACNC registered entity* means a registered entity within the meaning of the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth;
- (2) Section 130A(1), definition of *administrative expenditure*—delete the definition and substitute:  
*administrative expenditure* means expenditure relating to the administration, operation or management of a registered political party (whether in relation to State activities of the party or otherwise), or administrative or operational expenditure of a non party member, and includes—
- (a) in the case of a party—expenditure for the administration, operation or management of the activities of the party; and
- (b) in the case of a party—expenditure on communication with members of the party on administrative, operational or management matters; and
- (c) expenditure for conferences, seminars, meetings or similar functions at which the policies of the party or non party member are discussed or formulated; and

- (d) expenditure in respect of complying with this Act and the audit of the financial accounts, claims or returns of the party or non party member under this or any other Act (including an Act of the Commonwealth); and
  - (e) expenditure on the remuneration of staff engaged in the matters referred to in paragraphs (a) to (d) for the party or non party member to the extent that that expenditure relates to the time that the staff are engaged in those matters; and
  - (f) expenditure on the training of staff and volunteers of the party or non party member in relation to any of the matters referred to in paragraphs (a) to (d); and
  - (g) expenditure on equipment or vehicles used by staff whilst engaged in the matters referred to in paragraphs (a) to (d) for the party or non party member to the extent that that expenditure relates to use of the equipment or vehicles by the staff whilst engaged in those matters; and
  - (h) expenditure on office accommodation for the staff and equipment referred to in paragraphs (e) and (g); and
  - (i) expenditure on interest payments on loans; and
  - (j) 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—
- (k) political expenditure; or
  - (l) 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
  - (m) expenditure of an allowance or benefit of a kind contemplated under section 6A(1) of the *Parliamentary Remuneration Act 1990*; or
  - (n) in the case of a party—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, provided that nothing in this paragraph prevents the application of administrative expenditure for a federal purpose unless the expenditure is primarily for the purpose of the election of members to the Commonwealth Parliament; or
  - (o) expenditure relating to local government elections; or
  - (p) any other expenditure, or class of expenditure, of a prescribed kind or determined by the Electoral Commissioner not to be administrative expenditure;

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

but does not include a registered industrial organisation or an entity wholly comprised of registered industrial organisations;

**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 or an entity wholly comprised of registered industrial organisations 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.

- (4) 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;

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

*designated participant* means—

- (a) an entitled registered political party; or
- (b) an entitled candidate; or
- (c) an entitled group; or
- (d) a third party;

- (6) Section 130A(1)—after the definition of *disposition of property* insert:

*donation* means any disposition of property made by a person to another person, 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 labour for no consideration or for inadequate consideration; or
  - (ii) the provision of professional services for no consideration or for inadequate consideration; and
- (b) a fee, subscription or other amount paid to a registered political party for membership or affiliation with the party (whether compulsory or otherwise); and
- (c) a disposition of property made by a registered political party, a branch of a registered political party or an associated entity; and
- (d) the payment of an amount in respect of a guarantee; and
- (e) a payment for the purposes of a fundraising function; and
- (f) a disposition of a prescribed kind or in prescribed circumstances,
- but does not include—
- (g) a subscription for membership of a registered political party of \$250 (2026 indexed) or less per year; or
  - (h) a levy paid to a registered political party by a person in respect of the person's membership of the party; or
  - (i) a payment under Division 4 or Division 5; or
  - (j) 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) an allowance or benefit of a kind contemplated under section 6A(1) of the *Parliamentary Remuneration Act 1990*; or
  - (l) a disposition of property made by a registered political party to a nominated entity of the registered political party; or
  - (m) the provision of broadcasting services for no consideration by a person engaged in a broadcasting service (within the meaning of the *Broadcasting Services Act 1992* of the Commonwealth) that is not a commercial broadcasting service (within the meaning of that Act); or
  - (n) a disposition of a prescribed kind or in prescribed circumstances;

**Note—**

The following are generally not regarded as dispositions of property for no consideration or inadequate consideration:

- payment of interest on commercial terms for the use of money borrowed;
- payment of interest or dividends on commercial terms for money invested.

A payment in respect of an event or function is not a donation if the payment is only for the purposes of recovering the costs of holding the event or function (such as the costs of venue hire and food and beverages).

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

*electoral donation*—see Division 6A Subdivision 1;

**electoral loan**—see Division 6A Subdivision 1;

- (8) Section 130A(1)—after the definition of **entity** insert:

**federal account** and **federal purpose** have the respective meanings as they have in section 287 of the *Commonwealth Electoral Act 1918*;

- (9) 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;

- (10) Section 130A(1), definition of **gift**—delete the definition

- (11) 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—

- (e) a loan provided by a financial institution; or
- (f) a loan made by a registered political party to a nominated entity of the registered political party;

**Note**—

A loan from a financial institution does not fall within the ambit of the definition of **loan** and so is not an electoral loan (see Division 6A).

**nominated entity**, of a registered political party, means an entity the name and address of which is entered on the Register of Nominated Entities as a nominated entity of the registered political party;

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

- (12) Section 130A(1), definition of **political expenditure**, (h)—after "administrative expenditure" insert:

or policy development expenditure

- (13) Section 130A(1), definition of **political expenditure**—after paragraph (i) insert:

- (ia) expenditure by a third party on employees, other than an employee of a prescribed kind; or

- (14) Section 130A(1)—after the definition of *registered industrial organisation* insert:  
*Register of Nominated Entities* means the Register of Nominated Entities established and maintained under Division 2A;
- (15) Section 130A(1)—after the definition of *State campaign account* insert:  
*State electoral purposes* does not include a federal purpose or local government electoral purposes;
- (16) Section 130A(1), definition of *third party*, (g)—delete "(other than where the last preceding general election was the first general election occurring after the commencement of section 4 of the *Electoral (Funding, Expenditure and Disclosure) Amendment Act 2013*)"
- (17) Section 130A(2) and (5)—delete "gift" wherever occurring and substitute in each case:  
donation
- (18) Section 130A(5)—delete "For" and substitute:  
Subject to subsection (5a), for
- (19) Section 130A—after subsection (5) insert:
- (5a) A disposition by will to a candidate endorsed by a registered political party (including a candidate who is a member of a group all of whose members are endorsed as candidates by the same registered political party) is not to be treated as a donation to the party.
- (5b) If a loan is provided by a financial institution to a candidate endorsed by a registered political party (other than a loan provided in a private capacity to the candidate for their personal use), the candidate must notify the agent of the party as soon as reasonably practicable after the loan is provided in accordance with any requirements of the agent.
- Note—**  
A loan from a financial institution does not fall within the ambit of the definition of *loan* and so is not an electoral loan (see Division 6A).
- (5c) Uncharged interest on a loan to a person or body is taken to be a donation to the person or body for the purposes of this section.
- (5d) For the purposes of subsection (5c), *uncharged interest*, in relation to a loan to a person or body, means the additional amount that would have been payable on the loan by the person or body 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.
- (5e) A disposition by will that is unlawful under this Part is void.

(20) 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.
- (7b) Despite subsection (7a), a return under this Part need not set out details of each loan of a kind referred to in that subsection if the return includes the statement of card transactions for the relevant credit card (being the card transactions each of which constitutes a separate loan under subsection (7a)).

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

- (9) For the purposes of this Part, if a monetary amount is followed by the words (**2026 indexed**), the amount is to be adjusted on 1 July of each financial year beginning on 1 July 2026 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 2025 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(b) and (c)—delete paragraphs (b) and (c) and substitute:

- (b) to promote integrity and accountability and reduce the risk and perception of undue influence in the electoral process by—
  - (i) prohibiting electoral donations and electoral loans to certain participants and limiting other electoral donations and electoral loans; and
  - (ii) providing for public funding of elections and funding for administrative expenditure of certain participants in the electoral process; and
  - (iii) imposing caps on political expenditure;
- (c) to ensure transparency in the sources of funding and political expenditure of participants in the electoral process;
- (ca) to reduce the need for participants in the electoral process to engage in fundraising activities so as to improve their capacity to represent their constituents and perform functions as office holders or candidates;

#### **11—Amendment of section 130C—Application of Part**

Section 130C—delete "donations and"

#### **12—Amendment of section 130F—Third parties and associated entities may appoint agents**

- (1) Section 130F(1)—after "third party" first occurring insert:  
or associated entity

- (2) Section 130F(1)—after "third party" second occurring insert:  
or associated entity (as the case may be)
- (3) Section 130F—after subsection (2) insert:
- (3) During any period during which there is no appointment in force of an agent of an associated entity, the financial controller of the associated entity is taken to be the associated entity's agent for the purposes of this Part.

### **13—Amendment of section 130H—Registration of agents**

Section 130H(5)—delete subsection (5) and substitute:

- (5) If the agent of a registered political party dies or resigns, the registered political party must, within 28 days after the death or resignation, give to the Electoral Commissioner—
- (a) written notice of the death or resignation; and
- (b) notice under this Part of the appointment of another person as its agent.

### **14—Insertion of section 130HA**

After section 130H insert:

#### **130HA—Conferral of agent's functions and powers**

- (1) Subject to this section, if an agent is temporarily absent or unavailable to perform official functions or powers, the agent may, by written instrument, confer their functions and powers under this Part on an eligible person (an *acting agent*) for the period of absence or unavailability.
- (2) An instrument under subsection (1) must—
- (a) set out the name and address of the acting agent; and
- (b) contain any other details required by the Electoral Commissioner.
- (3) A copy of an instrument under subsection (1) must be given to the Electoral Commissioner as soon as is reasonably practicable after the making of the instrument.
- (4) Subject to subsection (5), the conferral of functions and powers pursuant to an instrument under subsection (1) has effect for a period specified in the instrument (provided that the period cannot commence before the date on which a copy of the instrument is given to the Electoral Commissioner and cannot be of a duration of more than 3 months).
- (5) The conferral of functions and powers by an agent pursuant to an instrument under subsection (1) ceases to have effect immediately on any of the following occurring:
- (a) the appointment of the agent ceasing to have effect under this Part;

- (b) the acting agent being convicted of an offence against this Part or Part 20 of the *Commonwealth Electoral Act 1918* in relation to a particular State or Commonwealth election.
- (6) An agent cannot exercise their functions and powers under this Part during any period for which the instrument conferring those functions and powers on an acting agent under this section has effect.
- (7) The Electoral Commissioner may include in the Register maintained under section 130H a notation of the name and address of an acting agent and the period for which the instrument conferring functions and powers on the acting agent under this section has effect.
- (8) An agent may, by written instrument, revoke an instrument under subsection (1).
- (9) A copy of an instrument under subsection (8) must be given to the Electoral Commissioner as soon as is reasonably practicable after the making of the instrument.
- (10) In this section—
  - eligible person* means an individual—
    - (a) who is of or over the age of 18 years; and
    - (b) who has not been convicted of an offence against this Part or Part 20 of the *Commonwealth Electoral Act 1918* in relation to a particular State or Commonwealth election.

## **15—Amendment of section 130I—Termination of appointment of agent**

- (1) Section 130I(1)—delete "or a third party" and substitute:
  - , a third party or associated entity
- (2) Section 130I(3)—delete subsection (3) and substitute:
  - (3) If the agent of a candidate, group, third party or associated entity dies or resigns, the candidate, member of the group whose name is to appear first in the group on the ballot papers, third party or associated entity (as the case requires) must, within 7 days of the death or resignation, give to the Electoral Commissioner notice in writing of the death or resignation.

## **16—Insertion of Part 13A Division 2A**

Part 13A—after Division 2 insert:

### **Division 2A—Nominated entities**

#### **130JA—Register of Nominated Entities**

- (1) The Electoral Commissioner must establish and maintain a register, to be known as the *Register of Nominated Entities*.
- (2) The Register of Nominated Entities must include the following details in relation to each nominated entity:
  - (a) the name and address of the entity;

- (b) the registered political party of which the entity is a nominated entity;
  - (c) any other details prescribed by regulation.
- (3) The Electoral Commissioner must publish the Register of Nominated Entities on a website maintained by the Electoral Commissioner.

### **130JB—Appointment of nominated entities**

- (1) Subject to this section, a registered political party may, by notice in writing, appoint no more than 2 associated entities as nominated entities of the registered political party.
- (2) An entity is not eligible to be appointed as a nominated entity of a registered political party if—
  - (a) the entity is not an associated entity of the registered political party; or
  - (b) the entity is currently the nominated entity of another registered political party; or
  - (c) the entity, or an officer of the entity within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth, has been convicted of an offence against this Part or Part 20 of the *Commonwealth Electoral Act 1918*; or
  - (d) the appointments of 2 other associated entities as nominated entities of the registered political party are in effect.
- (3) The agent of a registered political party must provide to the Electoral Commissioner—
  - (a) a copy of a notice under subsection (1); and
  - (b) details of the name and address of the entity; and
  - (c) a copy of a declaration endorsed in a manner determined by the Electoral Commissioner by the associated entity to which the notice relates, stating that the entity is eligible to be appointed as a nominated entity of the registered political party; and
  - (d) any other information or document relevant to registration of a nominated entity required by the Electoral Commissioner.

### **130JC—Registration of nominated entities**

- (1) The Electoral Commissioner must, as soon as reasonably practicable after receipt of a notice under section 130JB(3), enter the name and address of the nominated entity to which the notice relates as a nominated entity of the registered political party on the Register of Nominated Entities if the Electoral Commissioner is satisfied that the entity is eligible to be appointed as a nominated entity of the registered political party.

- (2) The appointment of an entity as a nominated entity of a registered political party takes effect when the Electoral Commissioner enters the name and address of the entity, and the registered political party of which the entity is a nominated entity, on the Register of Nominated Entities.

### **130JD—Revocation etc of appointment and removal from Register of Nominated Entities**

- (1) The agent of a registered political party may, by notice in writing, revoke the appointment of an entity as a nominated entity of the registered political party.
- (2) A nominated entity may resign as a nominated entity of the registered political party by notice in writing to the agent of the registered political party.
- (3) The agent of a registered political party must give the Electoral Commissioner a copy of a notice under subsection (1) or (2) as soon as reasonably practicable after giving or receiving (as the case may be) the relevant notice.
- (4) The Electoral Commissioner must, as soon as reasonably practicable after receipt of a notice under subsection (1) or (2), remove the name and address of the entity to which the notice relates, as a nominated entity of the registered political party, from the Register of Nominated Entities.
- (5) The Electoral Commissioner must remove the name and address of an entity, as a nominated entity of a registered political party, from the Register of Nominated Entities if—
  - (a) the entity ceases to be an associated entity of the registered political party; or
  - (b) the entity, or an officer of the entity within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth, is convicted of an offence against this Part or Part 20 of the *Commonwealth Electoral Act 1918*.
- (6) The appointment of an entity as a nominated entity of a registered political party ceases if the Electoral Commissioner removes the name and address of the entity, as a nominated entity of the registered political party, from the Register of Nominated Entities.

### **17—Insertion of section 130KA**

After section 130K insert:

#### **130KA—Register of State campaign accounts**

- (1) The Electoral Commissioner must establish and maintain a register of State campaign accounts required to be kept under this Division, to be known as the *Register of State campaign accounts*.

- (2) The Register of State campaign accounts must include the following details in relation to each account:
  - (a) the name and account number of the account;
  - (b) the agent responsible for the account;
  - (c) any other details required by the Electoral Commissioner.
- (3) An agent required to keep a State campaign account under this Division must, on the request of the Electoral Commissioner, provide the Electoral Commissioner with any details relating to the account required by the Electoral Commissioner.
- (4) An agent must not keep a State campaign account unless the account is included in the Register of State campaign accounts.

## **18—Substitution of sections 130L to 130N**

Sections 130L to 130N (inclusive)—delete the sections and substitute:

### **130L—Amounts to be paid into State campaign account**

- (1) Subject to this section (including regulations under subsection (4)), the agent of a registered political party, third party, candidate or group must ensure that the following amounts received by or on behalf of the registered political party, third party, candidate or group are paid into the State campaign account kept by the agent of the registered political party, third party, candidate or group:
  - (a) a payment of funding under Division 4;
  - (b) an 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) to enable the registered political party, third party, candidate or group to incur political expenditure; or
    - (ii) to reimburse the registered political party, third party, candidate or group for incurring political expenditure.

**Note—**

If an amount of money is received for multiple purposes, this provision requires that the part of the amount intended to be used for a purpose referred to in subparagraph (i) or (ii) is to be paid into the State campaign account.

- (2) In addition, the agent of a designated participant must ensure that a 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 an electoral donation; 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 person that is lawfully paid into a federal account kept in accordance with the *Commonwealth Electoral Act 1918*.
- (4) The regulations may make provision 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 person keeps a federal account with an ADI for a federal purpose, the agent of the person 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.

### **130M—Political expenditure to be paid out of State campaign account**

An agent required to keep a State campaign account under this Division must ensure that any payment of money for political expenditure of the registered political party, third party, candidate or group on behalf of which the State campaign account is kept is paid from, or attributed to, its State campaign account in accordance with any requirements of the Electoral Commissioner.

### **19—Amendment of section 130P—General entitlement to funds**

Section 130P(1) and (2)—delete subsections (1) and (2) and substitute:

- (1) Subject to this Division, the amount of election funding payable in respect of a general election (including a simultaneous Legislative Council election) for—
- (a) each candidate in the general election or candidate or group in the Legislative Council election endorsed by a registered political party at least 1 member of which was a member of Parliament at the time of the dissolution of the Parliament in relation to the election is for each eligible vote given to the candidate or group \$5.50 (2026 indexed); and
  - (b) each candidate in the general election or candidate or group in the Legislative Council election endorsed by any other registered political party is—
    - (i) for each eligible vote given to the candidate or group that falls within the range of 0% to 10% of the total primary vote—\$6.00 (2026 indexed); and

- (ii) for each eligible vote given to the candidate or group that exceeds 10% of the total primary vote—\$5.50 (2026 indexed); and
  - (c) for each candidate in the general election or Legislative Council election (other than a candidate of a kind referred to in paragraph (a) or (b)) who was a member of Parliament at the time of the dissolution of the Parliament in relation to the election is for each eligible vote given to the candidate \$8.50 (2026 indexed); and
  - (d) for any other candidate or group in the general election or Legislative Council election is—
    - (i) for each eligible vote given to the candidate or group that falls within the range of 0% to 10% of the total primary vote—\$9.00 (2026 indexed); and
    - (ii) for each eligible vote given to the candidate or group that exceeds 10% of the total primary vote—\$8.50 (2026 indexed).
- (2) Subject to this Division, the amount of election funding payable in respect of an election for a House of Assembly district (other than an election held as part of a general election) for—
- (a) each candidate in the election endorsed by a registered political party at least 1 member of which was a member of Parliament at the time of the event that resulted in the vacancy that gave rise to the election is for each eligible vote given to the candidate \$8.50 (2026 indexed); and
  - (b) for any other candidate in the election is—
    - (i) for each eligible vote given to the candidate that falls within the range of 0% to 10% of the total primary vote—\$9.00 (2026 indexed); and
    - (ii) for each eligible vote given to the candidate or group that exceeds 10% of the total primary vote—\$8.50 (2026 indexed).

**20—Insertion of sections 130PA to 130PG**

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, pay to the agent of a person or body referred to in the second column of the following table (under the heading "Recipient") the payments referred to in the third and fourth columns of the table (under the headings "Payment A" and "Payment B") in accordance with the provisions of the table:

**Advance payments relating to House of Assembly districts at general elections**

Item	Recipient	Payment A	Payment B
			if—
		if—	
		(a) the party elects to be treated as a recontesting party—60% of the notional amount for the party; or	(a) the party elects to be treated as a recontesting party—20% of the notional amount for the party; or
		(b) the party does not so elect—\$2 500 (2026 indexed) for each candidate endorsed by the party in a House of Assembly district (up to the prescribed maximum number) at the general election,	(b) the party does not so elect—\$2 500 (2026 indexed) for each candidate endorsed by the party in a House of Assembly district (up to the prescribed maximum number) at the general election,
1	entitled registered political party that endorses 1 or more candidates in the election	to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party	to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party or the issue of the writs for the general election (whichever occurs later)

2	<p>registered political party (other than an entitled registered political party) that endorses 1 or more candidates in the election</p>	<p>60% of the notional amount for the party, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party</p>	<p>20% of the notional amount for the party, to be paid as soon as reasonably practicable after the issue of the writs for the general election</p>
3	<p>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)</p>	<p>60% of the notional amount for the member's agent, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate</p>	<p>20% of the notional amount for the member's agent, to be paid as soon as reasonably practicable after the issue of the writs for the general election</p>
4	<p>entitled candidate in a House of Assembly district</p>	<p>if—</p> <p>(a) the candidate elects to be treated as a recontesting candidate—60% of the notional amount for the candidate; or</p> <p>(b) the candidate does not so elect—\$2 500 (2026 indexed),</p> <p>to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate</p>	<p>if—</p> <p>(a) the candidate elects to be treated as a recontesting candidate—20% of the notional amount for the candidate; or</p> <p>(b) the candidate does not so elect—\$2 500 (2026 indexed),</p> <p>to be paid as soon as reasonably practicable after the day on which the person is nominated as a candidate</p>

- (2) The following provisions apply for the purposes of the table:
- (a) the agent of a recipient referred to in the second column must lodge a certificate with the Electoral Commissioner in accordance with section 130PF;
  - (b) for the purposes of the payments referred to in item 1, the **notional amount** means the amount calculated by multiplying—
    - (i) the number of eligible votes given at the previous general election for each candidate endorsed by the party in a House of Assembly district; by
    - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the general election to which the payments referred to in the item relate;
  - (c) for the purposes of the payments referred to in item 2, the **notional amount** means the amount calculated by multiplying—
    - (i) the number of eligible votes given at the previous general election for each candidate endorsed by the party in a House of Assembly district; by
    - (ii) the amount of election funding payable under section 130P (after deducting any deductible amount (within the meaning of section 130Q) applying in relation to the previous general election from that amount) for each such eligible vote as if they were given at the general election to which the payments referred to in the item relate;

**Example—**

Party A has at least 1 member of Parliament (or had at least 1 member at the time of the dissolution of the Parliament for the 2026 general election). The number of eligible votes given at the 2022 general election for candidates endorsed by Party A in House of Assembly districts is 100 000. The amount of election funding payable under section 130P for each eligible vote as if those votes were given at the general election to which the payments referred to in item 2 relate (that is, the 2026 general election) is \$5.50 (2026 indexed). The **notional amount** is \$550 000.
  - (d) for the purposes of the payments referred to in item 3, the **notional amount** means the amount calculated by multiplying—
    - (i) the number of eligible votes given at the previous general election for the member at the previous election at which the member was elected; by

- (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the general election to which the payments referred to in the item relate;
- (e) for the purposes of the payments referred to in item 4, the **notional amount** means the amount calculated by multiplying—
  - (i) the number of eligible votes given at the previous general election for the candidate at the previous election at which the candidate was elected; by
  - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the general election to which the payments referred to in the item relate;
- (f) the **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, pay to the agent of a person or body referred to in the second column of the following table (under the heading "Recipient") the payment referred to in the third column of the table (under the heading "Payment") in accordance with the provisions of the table:

<b>Advance payments—other House of Assembly elections</b>		
<b>Item</b>	<b>Recipient</b>	<b>Payment</b>
		if—
1	entitled registered political party that endorses a candidate in the election	<ul style="list-style-type: none"> <li>(a) the party elects to be treated as a recontesting party—80% of the notional amount for the party; or</li> <li>(b) the party does not so elect—the designated amount,</li> </ul> to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party

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	if—	
		(a) the candidate elects to be treated as a recontesting candidate—80% of the notional amount for the candidate; or
2	entitled candidate in the election	(b) the candidate does not so elect—the designated amount, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate

- (2) The following provisions apply for the purposes of the table:
- (a) the agent of a recipient referred to in the second column must lodge a certificate with the Electoral Commissioner in accordance with section 130PF;
  - (b) for the purposes of the payment referred to in item 1, the **notional amount** means the amount calculated by multiplying—
    - (i) the number of eligible votes 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; by
    - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election to which the payments referred to in the item relate;
  - (c) for the purposes of the payment referred to in item 2, the **notional amount** means the amount calculated by multiplying—
    - (i) the number of eligible votes given at the previous election for the district (whether held as part of a general election or otherwise) for the candidate; by
    - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the election to which the payments referred to in the item relate;
  - (d) **designated amount**, in relation to an election for a district, means the lesser of the following amounts:
    - (i) the amount determined by dividing \$50 000 (2026 indexed) by the number of candidates endorsed by entitled registered political parties and entitled candidates at the election;
    - (ii) \$5 000 (2026 indexed).

**130PC—Advance payments—Legislative Council election**

- (1) Subject to this Division, in relation to an election for the Legislative Council district (held simultaneously with a general election), the Electoral Commissioner must, in a manner prescribed by the regulations, pay to the agent of a person or body referred to in the second column of the following table (under the heading "Recipient") the payments referred to in the third and fourth columns of the table (under the headings "Payment A" and "Payment B") in accordance with the provisions of the table:

**Advance payments relating to Legislative Council election**

Item	Recipient	Payment A	Payment B
		if—	if—
		(a) the party elects to be treated as a recontesting party—60% of the notional amount for the party; or	(a) the party elects to be treated as a recontesting party—20% of the notional amount for the party; or
		(b) the party does not so elect—\$2 500 (2026 indexed) for each candidate endorsed by the party in the Legislative Council district (up to a maximum of 6 candidates),	(b) the party does not so elect—\$2 500 (2026 indexed) for each candidate endorsed by the party in the Legislative Council district (up to a maximum of 6 candidates),
1	entitled registered political party that endorses 1 or more 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)	to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party	to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party or the issue of the writs for the general election (whichever occurs later)

2	<p>any other registered political party that endorses 1 or more 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)</p>	<p>60% of the notional amount for the party, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the party</p>	<p>20% of the notional amount for the party, to be paid as soon as reasonably practicable after the issue of the writs for the general election</p>
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3	<p>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)</p>	<p>60% of the notional amount for the member's agent, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate</p>	<p>20% of the notional amount for the member's agent, to be paid as soon as reasonably practicable after the issue of the writs for the general election</p>
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4	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)	60% of the notional amount for the group, to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the group	20% of the notional amount for the group, to be paid as soon as reasonably practicable after the issue of the writs for the general election
5	entitled group in the Legislative Council district	if— (a) the group elects to be treated as a recontesting group—60% of the notional amount for the group; or (b) the group does not so elect—\$2 500 (2026 indexed),  to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the group	if— (a) the group elects to be treated as a recontesting group—20% of the notional amount for the group; or (b) the group does not so elect—\$2 500 (2026 indexed),  to be paid 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

	if—	if—
6	entitled candidate in the Legislative Council district	entitled candidate in the Legislative Council district
	<p>(a) the candidate elects to be treated as a recontesting candidate—60% of the notional amount for the candidate; or</p> <p>(b) the candidate does not so elect—\$2 500 (2026 indexed),</p> <p style="padding-left: 2em;">to be paid as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged in respect of the candidate</p>	<p>(a) the candidate elects to be treated as a recontesting candidate—20% of the notional amount for the candidate; or</p> <p>(b) the candidate does not so elect—\$2 500 (2026 indexed),</p> <p style="padding-left: 2em;">to be paid as soon as reasonably practicable after the day on which the person is nominated as a candidate</p>

(2) The following provisions apply for the purposes of the table:

- (a) the agent of a recipient referred to in the second column must lodge a certificate with the Electoral Commissioner in accordance with section 130PF;
- (b) for the purposes of the payments referred to in item 1, the **notional amount** means the amount calculated by multiplying—
  - (i) the number of eligible votes given for each candidate or group endorsed by the party at the preceding Legislative Council election; by
  - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election held simultaneously with the general election to which the payments referred to in the item relate;
- (c) for the purposes of the payments referred to in item 2—
  - (i) the **notional amount** means—
    - (A) in the case of a party that became registered during the period beginning on the day after polling day for the Legislative Council election (the **twice preceding Legislative Council election**) preceding the general election preceding the election to which the payments relate and ending on polling day for the preceding general election—the amount calculated by multiplying—

- the number of eligible votes given at the Legislative Council election held simultaneously with that preceding general election for each candidate or group endorsed by the party at that Legislative Council election; by
  - the amount of election funding payable under section 130P (after deducting any deductible amount (within the meaning of section 130Q) applying in relation to the Legislative Council election held simultaneously with that preceding general election from that amount) for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate; or
- (B) in any other case—the amount calculated by multiplying—
- the number of eligible votes given for each candidate or group endorsed by the party at the twice preceding Legislative Council election; by
  - the amount of election funding payable under section 130P (after deducting any deductible amount (within the meaning of section 130Q) applying in relation to the twice preceding Legislative Council election from that amount) for each such eligible vote as if they were given at the Legislative Council election held simultaneously with the general election to which the payments referred to in the item relate; and
- (ii) subject to subparagraph (iii), in relation to a notional amount payable to the agent of an eligible Legislative Council minor party calculated under subparagraph (i)(B) in respect of the twice preceding Legislative Council election—

- (A) the agent of the party may request that an amount specified in the request (which may not exceed 50% of the notional amount) be paid to the agent for the purposes of the Legislative Council election next occurring after that twice preceding Legislative Council election; and
  - (B) the Electoral Commissioner must, in a manner prescribed by the regulations, pay to the agent of the party the specified amount as soon as reasonably practicable after the day on which a certificate under section 130PF is lodged for the party for the purposes of the payment; and
- (iii) for the purposes of subparagraph (ii)—
- (A) a request of a kind referred to in subparagraph (ii) must be included in the certificate lodged with the Electoral Commissioner by the agent of the party in accordance with section 130PF; and
  - (B) the payment referred to in subparagraph (ii) must be made as soon as reasonably practicable after the day on which the certificate is lodged; and
  - (C) the amount paid under subparagraph (ii)(B) will be deducted from the amount payable to the agent under this Division in respect of the next Legislative Council election (being the election next occurring after the Legislative Council election in relation to which that amount is paid);
- (d) for the purposes of the payments referred to in item 3, the **notional amount** means the amount calculated by multiplying—
- (i) the number of eligible votes given at the twice preceding Legislative Council election for the member; by
  - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate;
- (e) for the purposes of the payments referred to in item 4, the **notional amount** means the amount calculated by multiplying—

- (i) the number of eligible votes given at the twice preceding Legislative Council election for the group of which the member was a member; by
    - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate;
  - (f) for the purposes of the payment referred to in item 5, the **notional amount**, in relation to an entitled group (the **recontesting group**), means the amount calculated by multiplying—
    - (i) the number of eligible votes given at the preceding Legislative Council election for the group of which the member of the recontesting group whose name is to appear first in the recontesting group on the ballot papers was a member; by
    - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate;
  - (g) for the purposes of the payment referred to in item 6, the **notional amount** means the amount calculated by multiplying—
    - (i) the number of eligible votes given at the preceding Legislative Council election for the candidate; by
    - (ii) the amount of election funding payable under section 130P for each such eligible vote as if they were given at the Legislative Council election to which the payments referred to in the item relate.
- (3) If a Legislative Council minor party—
- (a) endorses 1 or more candidates in a Legislative Council election and 1 or more candidates in House of Assembly districts at the general election with which the Legislative Council election is held simultaneously; and
  - (b) has not endorsed 1 or more candidates in House of Assembly districts at a previous general election (whether held before or after the commencement of this subsection),

the Electoral Commissioner must, in a manner prescribed by the regulations, pay to the agent the amount of \$5 000 (2026 indexed) for each candidate endorsed by the party in a House of Assembly district (up to the prescribed maximum number (as defined in section 130PA)).

- (4) For the purposes of subsection (3)—
- (a) the certificate lodged by the agent of the party with the Electoral Commissioner in accordance with section 130PF must include a declaration that the party has not endorsed 1 or more candidates in House of Assembly districts at a previous general election; and
  - (b) the amount payable under subsection (3) must be paid to the agent as soon as reasonably practicable after the day on which the certificate is lodged.
- (5) In this section—
- Legislative Council minor party***, in relation to an election, means a registered political party in respect of which—
- (a) 2 or fewer members of the party are members of the Legislative Council (or were members of the Legislative Council at the time of the dissolution of the Parliament in relation to the election); and
  - (b) no other member of the party is a member of Parliament (or was a member of Parliament at the time of the dissolution of the Parliament in relation to that election).

### **130PD—Early payment of certain advance funding**

- (1) The agent of a registered political party (other than an entitled registered political party) or non party member may, in respect of a general election, give the Electoral Commissioner a notice for payment of either of the following:
- (a) a specified percentage of the payment payable to the agent under section 130PA for the election referred to as Payment A in the table under that section (up to a maximum of 10% of Payment A or \$100 000, whichever is the lesser);
  - (b) a specified percentage of the payment payable to the agent under section 130PC for the election referred to as Payment A in the table under that section (up to a maximum of 10% of Payment A or \$100 000, whichever is the lesser).
- (2) A notice under subsection (1) in respect of a general election—
- (a) may only be given during the period commencing from the day falling 30 days after polling day for the previous general election and ending at the start of the capped expenditure period for the general election; and
  - (b) must—
    - (i) be given in a manner and form determined by the Electoral Commissioner; and

- (ii) contain a verification that the payment under the notice is sought in respect of the general election by the registered political party or non party member; and
  - (iii) contain an undertaking that the payment under the notice will be used for political expenditure.
- (3) The Electoral Commissioner must pay a payment specified in a notice under subsection (1) to the relevant agent as soon as reasonably practicable after receipt of the notice.
- (4) An amount paid—
  - (a) in accordance with paragraph (a) of subsection (1) will be deducted from Payment A referred to in that paragraph; or
  - (b) in accordance with paragraph (b) of subsection (1) will be deducted from Payment A referred to in that paragraph.
- (5) The agent of a registered political party or non party member must ensure that a payment to the agent under this section is only used for political expenditure.
- (6) For the purposes of this Part, expenditure attributable to a payment to the agent of a registered political party or non party member under this section in respect of a general election is taken to be political expenditure incurred by the party or non party member (as the case requires) during the capped expenditure period for the election.
- (7) If an agent of a registered political party or non party member gives a notice under subsection (1) in respect of a general election, the agent cannot give the Electoral Commissioner another notice under subsection (1) in respect of that election.

### **130PE—Payments of advance funding to be deducted from public funding etc**

- (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 to 130PD (inclusive) paid to the agent in respect of that election is to be deducted from the amount payable under section 130P.
- (2) The Electoral Commissioner may require the repayment of any amount under section 130PA to 130PD (inclusive) received by an agent in respect of an election (whether a general election or otherwise) if—
  - (a) in all cases—the registered political party, candidate or group for which the agent is appointed does not contest the election, unless, in the case of a candidate or group, the Electoral Commissioner is satisfied that the candidate or group has good reason for not contesting the election; or

- (b) in the case of the agent of a registered political party, candidate or group, other than—
  - (i) a party at least 1 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 election); or
  - (ii) a candidate who is a member of Parliament (or was a member at the time of the dissolution of the Parliament in relation to the election); or
  - (iii) a group 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 election),there is no entitlement by virtue of section 130Q(1) or (2) for payment in respect of votes given in the election to be made to the agent; or
- (c) 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.

### **130PF—Certificate for advance payments**

- (1) The following provisions apply to a certificate required to be lodged with the Electoral Commissioner by an agent under section 130PA or 130PC:
  - (a) the certificate must be lodged in a manner and form determined by the Electoral Commissioner;
  - (b) the certificate must contain a verification that the relevant payments under section 130PA or 130PC, and payment under section 130P, are sought in respect of the election by the person or body to which the certificate relates;
  - (c) the certificate must contain an undertaking that those payments will be used for State electoral purposes;
  - (d) in the case of a certificate lodged for an entitled registered political party under section 130PA—the certificate must state the number of House of Assembly districts in which a candidate endorsed by the party will stand for election;
  - (e) in the case of a certificate lodged for an entitled registered political party under section 130PC—the certificate must state the number of candidates (up to a maximum of 6) endorsed by the party in the election for the purposes of payments under section 130PC;

- (f) in the case of a certificate lodged for a group or candidate (other than a group or candidate endorsed by a registered political party)—the certificate must contain a declaration endorsed in a manner determined by the Electoral Commissioner—
    - (i) if the certificate is 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;
  - (g) in the case of a certificate lodged for an entitled registered political party, entitled group or entitled candidate—the certificate must indicate, in a manner determined by the Electoral Commissioner, whether the entitled registered political party, entitled group or entitled candidate (as the case may be) elects to be treated as a recontesting party, candidate or group (as the case requires) for the purposes of the payments to which the certificate relates;
  - (h) the certificate (other than a certificate lodged for a registered political party) must be endorsed in a manner determined by the Electoral Commissioner—
    - (i) in the case of a certificate lodged for candidates in an entitled group—by at least 250 electors for the Legislative Council electoral district for each candidate in the entitled group; or
    - (ii) in the case of a certificate lodged for an entitled candidate in a Legislative Council election (other than a candidate of a kind referred to in subparagraph (i))—at least 250 electors for the Legislative Council electoral district; or
    - (iii) in the case of a certificate lodged for an entitled candidate (other than a candidate of a kind referred to in subparagraph (i) or (ii))—by at least 20 electors for the relevant district;
  - (i) in the case of 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—the certificate must contain a declaration that such an application will be made before the hour of nomination for the election.
- (2) The following provisions apply to a certificate required to be lodged with the Electoral Commissioner by an agent of a candidate under section 130PB:
- (a) the certificate must be lodged in a manner and form determined by the Electoral Commissioner;

- (b) the certificate must contain a verification that the relevant payments under section 130PB and section 130P are sought by the candidate in respect of the election;
  - (c) the certificate must contain an undertaking that those payments will be used for State electoral purposes;
  - (d) the certificate must indicate, in a manner determined by the Electoral Commissioner, whether the entitled registered political party or entitled candidate (as the case may be) elects to be treated as a recontesting party or candidate (as the case requires) for the purposes of the payments to which the certificate relates;
  - (e) in the case of a certificate lodged for an entitled candidate—the certificate must be endorsed in a manner determined by the Electoral Commissioner by at least 20 electors for the relevant district.
- (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.
  - (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 seeking payment under section 130PA, 130PB or 130PC cannot be lodged on or after polling day for the election for which the payment is sought.
  - (6) A certificate required to state the number of candidates endorsed by an entitled registered political party may be lodged under this section even if the identity of the candidates is not determined at the time of lodgement.
  - (7) A certificate lodged under this section cannot be withdrawn.

### **130PG—Special provisions relating to advance payments**

- (1) The total amount payable to the agent of a person to whom Division 6 applies under section 130PA to 130PC in relation to an election cannot exceed the amount equal to the person's applicable expenditure cap for the election.
- (2) If an entitled registered political party lodges a certificate under section 130PA and, as at the hour of nomination in relation to the election, the number of House of Assembly districts in which a candidate endorsed by the party is nominated is different from the number that the certificate states will stand for election, the following provisions apply:
  - (a) the Electoral Commissioner must give the agent of the entitled registered political party a notice setting out—

- (i) the difference between number of candidates nominated and the number stated in the certificate; and
    - (ii) if—
      - (A) the difference is positive, the amount of additional funding payable to the agent under section 130PA (being Payment A and Payment B in respect of each additional candidate nominated); or
      - (B) the difference is negative, the fact that the agent is required to repay the excess amount of funding paid under section 130PA in accordance with paragraph (b);
  - (b) for the purposes of paragraph (a)(ii)(B), the agent of the entitled registered political party must repay to the Electoral Commissioner, in accordance with any requirements of the Electoral Commissioner, the sum of Payment A and Payment B multiplied by the difference referred to in the notice under paragraph (a) (disregarding the negative sign).
- (3) For the purposes of this Part, additional funding payable under subsection (2)(a)(ii)(A)—
- (a) will be taken to be an amount paid under section 130PA; and
  - (b) must be paid as soon as reasonably practicable after the notice under paragraph (a) is given.
- (4) If an entitled registered political party lodges a certificate under section 130PC and, as at the hour of nomination in relation to the Legislative Council election, the number of candidates endorsed by the party nominated for the election (up to a maximum of 6) is different from the number that the certificate states will stand for election, the following provisions apply:
- (a) the Electoral Commissioner must give the agent of the entitled registered political party a notice setting out—
    - (i) the difference between number of candidates nominated and the number stated in the certificate; and
    - (ii) if—
      - (A) the difference is positive, the amount of additional funding payable to the agent under section 130PC (being Payment A and Payment B in respect of each additional candidate nominated); or

- (B) the difference is negative, the fact that the agent is required to repay the excess amount of funding paid under section 130PC in accordance with paragraph (b).
  - (b) for the purposes of paragraph (a)(ii)(B), the agent of the entitled registered political party must repay to the Electoral Commissioner, in accordance with any requirements of the Electoral Commissioner, the sum of Payment A and Payment B multiplied by the difference referred to in the notice under paragraph (a) (disregarding the negative sign).
- (5) For the purposes of this Part, additional funding payable under subsection (4)(a)(ii)(A)—
- (a) will be taken to be an amount paid under section 130PC; and
  - (b) must be paid as soon as reasonably practicable after the notice under paragraph (a) is given.

## **21—Substitution of section 130Q**

Section 130Q—delete the section and substitute:

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

- (1) A payment referred to in section 130P will not be made in respect of votes given in an election for a candidate unless—
  - (a) the total number of eligible votes cast in favour of the candidate is—
    - (i) in the case of a candidate in a Legislative Council election—at least 2% of the total primary vote; or
    - (ii) in the case of a candidate in a House of Assembly election—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 2% 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 130PF in respect of the candidate or group for the election; or

- (b) if paragraph (a) does not apply, within 14 days after polling day for the election (or such longer period as the Electoral Commissioner may allow), 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—
  - (a) be accompanied by any information or material required by the Electoral Commissioner; and
  - (b) be lodged in a manner and form determined by the Electoral Commissioner.
- (5) The deductible amount for a House of Assembly election or Legislative Council election must be deducted from the amount of election funding payable in accordance with section 130P(1)(a) or (b) to the agent of a registered political party for the relevant election.
- (6) No amount is payable under this Division to the agent of a registered political party in relation to an election 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.
- (7) 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.
- (8) 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.
- (9) The following provisions apply for the purposes of determining the **deductible amount** in relation to election funding payable to the agent of a registered political party:
- (a) for a general election (of members of the House of Assembly), the deductible amount is determined—
    - (i) by dividing the number of districts in which a candidate is endorsed by the party at the general election by the total number of House of Assembly districts and then multiplying the quotient of that division by the aggregate primary vote to obtain the **relevant aggregate primary vote**; and
    - (ii) by dividing the sum of the eligible votes given for the candidates endorsed by the party at the general election by the relevant aggregate primary vote; and
    - (iii) by subtracting 0.33 from the quotient obtained in subparagraph (ii); and
    - (iv) if the result of the subtraction under subparagraph (iii) is negative, the **deductible amount** is \$0; and
    - (v) if the result of the subtraction under subparagraph (iii) is positive, the **deductible amount** is the amount obtained by—
      - (A) multiplying the result of that subtraction by the relevant aggregate primary vote; and
      - (B) multiplying the result of that multiplication by \$5.50 (2026 indexed);
  - (b) for a Legislative Council election, the deductible amount is determined—
    - (i) by dividing the sum of the eligible votes given for the groups and candidates endorsed by the party at the election by the Legislative Council aggregate primary vote; and
    - (ii) by subtracting 0.33 from the quotient obtained in subparagraph (i); and

- (iii) if the result of the subtraction under subparagraph (ii) is negative, the *deductible amount* is \$0; and
  - (iv) if the result of the subtraction under subparagraph (ii) is positive, the *deductible amount* is the amount obtained by—
    - (A) multiplying the result of that subtraction by the total primary vote; and
    - (B) multiplying the result of that multiplication by \$5.50 (2026 indexed).
- (10) In this section—

*aggregate primary vote* means the total number of eligible votes cast in favour of all of the candidates in a general election of members of the House of Assembly;

*deductible amount*—see subsection (9);

*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 person or body incurred as part of a scheme of a kind referred to in section 130ZZE(a3)(a),

exceed the applicable expenditure cap;

*Legislative Council aggregate primary vote* means the total number of eligible votes cast in favour of all of the candidates (including members of groups) in a Legislative Council election.

## 22—Amendment of section 130R—Making of payments

- (1) Section 130R(1)—after "Division" second occurring insert:
  - (other than a payment under section 130PA to 130PD (inclusive))
- (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 paid,

**23—Amendment of section 130S—Death of candidate**

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

section 130P

**24—Amendment of heading to Part 13A Division 5**

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

**Division 5—Administrative funding for political parties and members of Parliament**

**25—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).
- (2) Section 130T(3)(a)—delete "special assistance" and substitute:  
administrative

**26—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:  
administrative
- (2) Section 130U(1)—delete "special assistance" and substitute:  
administrative
- (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 as follows:
- (a) if the registered party has 1 member who is a member of Parliament (as at the last day of the relevant period), \$85 000 (2026 indexed);
- (b) if the registered party has 2 members who are members of Parliament (as at the last day of the relevant period), \$245 000 (2026 indexed);
- (c) if the registered party has more than 2 members who are members of Parliament (as at the last day of the relevant period), the lesser of the following amounts:

- (i) the amount of \$245 000 (2026 indexed) in respect of 2 members of Parliament plus \$55 000 (2026 indexed) for each additional member of Parliament;
  - (ii) \$800 000 (2026 indexed),(the *half yearly entitlement*).
- (2a) Subject to this Division, a non party member is entitled to be paid their half yearly entitlement to administrative 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 \$20 000 (2026 indexed) (the *half yearly entitlement*).
- (5) Section 130U(3)—delete "subsection (1)(c)" and substitute:  
this section

## **27—Insertion of sections 130UA and 130UB**

After section 130U insert:

### **130UA—Entitlement to and claim for one-off payment of administrative funding**

- (1) Subject to this Division, a registered political party is entitled to a one-off payment of administrative funding if—
  - (a) the party is entitled to administrative funding under section 130U and has received a half yearly entitlement payment; and
  - (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.
- (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
  - (b) be in a form determined by the Electoral Commissioner; and
  - (c) be in writing and endorsed in a manner determined by the Electoral Commissioner by the agent.
- (4) A one-off payment of administrative funding paid to the agent of a registered political party under this section must only be used to reimburse the party for prescribed administrative expenditure.

- (5) To avoid doubt, a registered political party that has received a one-off payment of administrative funding under this Division is not entitled to any further such payment.
- (6) This section expires on 31 August 2026.
- (7) In this section—

*prescribed administrative expenditure* means administrative expenditure incurred by a registered political party before the prescribed date for the purpose of complying with this Part (whether the administrative expenditure was incurred before or after the commencement of this section), but does not include administrative expenditure set out in a claim under section 130U(1)(c) (as in force immediately before the commencement of this section) for a half yearly entitlement to special assistance funding.

### **130UB—Entitlement to and claim for one-off payment of administrative funding**

- (1) Subject to this Division, a non party member is entitled to a one-off payment of administrative funding if—
  - (a) the non party member is a member of Parliament on the commencement of this section; and
  - (b) the agent of the non party member submits a claim to the Electoral Commissioner, in accordance with subsection (3), setting out the amount of prescribed administrative expenditure incurred by the member.
- (2) The amount to be paid to a non party member under subsection (1) is the amount of prescribed administrative expenditure up to a maximum of \$50 000.
- (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
  - (b) be in a form determined by the Electoral Commissioner; and
  - (c) be in writing and endorsed in a manner determined by the Electoral Commissioner by the agent.
- (4) A one-off payment of administrative funding paid to the agent of a non party member under this section must only be used to reimburse the non party member for prescribed administrative expenditure (within the meaning of that section).
- (5) To avoid doubt, a non party member who has received a one-off payment of administrative funding under this Division is not entitled to any further such payment.
- (6) This section expires on 31 August 2026.

(7) In this section—

*prescribed administrative expenditure* means administrative expenditure incurred by a non party member before the prescribed date for the purpose of complying with this Part (whether the administrative expenditure was incurred before or after the commencement of this section).

## **28—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)

## **29—Substitution of section 130W**

Section 130W—delete the section and substitute:

### **130W—Use of administrative funding**

The agent of a registered political party or non party member must ensure—

- (a) that administrative funding paid to the agent under this Division is used for administrative expenditure (including as reimbursement for administrative expenditure incurred); and
- (b) that administrative funding is not paid into a State campaign account kept under this Part.

## **30—Insertion of section 130WA**

After section 130W insert:

### **130WA—Repayment of administrative funding**

(1) If an agent of a registered political party receives administrative funding in respect of the relevant period in relation to a general election and—

- (a) the registered political party for which the agent is appointed does not contest the election; or
- (b) before polling day for the election, the party ceases to operate or be registered or has been, or is being, dissolved or wound up,

any administrative funding so received that has not been spent at the time the Electoral Commissioner becomes aware that the registered political party will not contest the election or ceases to operate or be registered or has been (or commenced being) dissolved or wound up, must be repaid, on demand by the Electoral Commissioner, to the Electoral Commissioner.

- (2) If an agent of a non party member receives administrative funding in respect of the relevant period in relation to a general election and—
- (a) the non party member for which the agent is appointed does not contest the election; or
  - (b) during the relevant period in relation to the election the non party member's seat becomes vacant (other than in the case of a vacancy arising from the member's retirement in accordance with section 14 of the *Constitution Act 1934*) ; or
  - (c) during the relevant period in relation to the election the non party member—
    - (i) becomes a member of a registered political party; or
    - (ii) announces an intention to stand for election as a candidate endorsed by a registered political party,

any administrative funding so received that has not been spent at the time the Electoral Commissioner becomes aware that an event referred to in paragraph (a) to (c) has occurred in relation to the non party member must be repaid, on demand by the Electoral Commissioner, to the Electoral Commissioner.

- (3) If—
- (a) 2 or more registered political parties are associated in respect of an election; or
  - (b) a registered political party and a non party member are associated in respect of an election,

the regulations may prescribe modifications to this Division in connection with the following in respect of administrative funding paid or payable to the associated parties and non party members during the relevant period in relation to the election:

- (c) the amount of administrative funding;
  - (d) the sharing of administrative funding;
  - (e) the repayment of administrative funding.
- (4) For the purposes of subsection (3)—
- (a) registered political parties are *associated* in respect of an election if—
    - (i) they endorse the same candidate for the election; or
    - (ii) they endorse candidates included in the same group in a Legislative Council election; or
    - (iii) they form a recognised coalition and endorse different candidates for the election or endorse candidates in different groups in a Legislative Council election; and

- (b) a registered political party and a non party member are ***associated*** in respect of an election if they form a recognised coalition, or if the non party member is a member of Cabinet in a government formed by members of the party.
- (5) In this section—  
***relevant period***, in relation to a general election, means the period starting the day after polling day for the previous general election and ending on the day on which the House of Assembly is dissolved for the purposes of the general election.

### 31—Insertion of Part 13A Division 5A

Part 13A—after Division 5 insert:

#### **Division 5A—Policy development funding for certain political parties**

##### **130WB—Preliminary**

In this Division—

***annual entitlement***—see section 130WC(2);

***policy development expenditure***, in relation to an entitled registered political party, means—

- (a) expenditure on conferences, seminars, meetings or similar functions at which policies of the party are discussed; or
- (b) expenditure on providing information on policies of the party to members and supporters of the party; or
- (c) expenditure on research undertaken by or on behalf of the party for the purposes of policy development; or
- (d) any other expenditure, or class of expenditure, prescribed by the regulations.

##### **130WC—Entitlement to and claims for annual entitlement to policy development funding**

- (1) Subject to this Division, an entitled registered political party is to be paid its entitlement to policy development funding in respect of a calendar year if—
- (a) the party was an entitled registered political party for all of the calendar year to which the payment relates; and
- (b) the agent of the party submits a claim to the Electoral Commissioner, in accordance with subsection (3), setting out the amount of policy development expenditure incurred by the party during that year.

- (2) The amount to be paid to a registered political party under this Division for a calendar year is the amount of policy development expenditure incurred by the party during that year up to a maximum of \$20 000 (2026 indexed) (the *annual entitlement*).
- (3) A claim under subsection (1)(b) must—
  - (a) be submitted within 30 days after the end of the calendar year to which it relates; and
  - (b) be in a form determined by the Electoral Commissioner; and
  - (c) be in writing and signed by the agent.

### **130WD—Making of payments**

- (1) The Electoral Commissioner must, within 28 days after receipt of a claim under this Division from the agent of an entitled registered political party, pay to the agent the annual entitlement of the party.
- (2) A payment under this section may be made electronically.

### **130WE—Use etc of policy development funding**

If an amount is paid to an entitled registered political party for policy development funding under this Division, the agent of the party must ensure that—

- (a) it is only used as reimbursement for policy development expenditure of the party; and
- (b) no part of the amount is paid into a State campaign account kept under this Part.

### **32—Amendment of section 130X—Interpretation**

- (1) Section 130X(1), definition of *person to whom this Division applies*—after paragraph (c) insert:

or

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

### **33—Repeal of section 130Y**

Section 130Y—delete the section

### **34—Amendment of section 130Z—Expenditure caps**

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

\$500 000 (2026 indexed)
- (2) Section 130Z(1)(b)(i)—delete "\$75 000 (indexed)" and substitute:

\$75 000 (2026 indexed)
- (3) Section 130Z(1)(b)(ii)—delete "\$100 000 (indexed)" and substitute:

\$100 000 (2026 indexed)

- (4) Section 130Z(1)(b)(ii)—delete "election but only up to a maximum of 5" and substitute:  
election) but only up to a maximum of 5
- (5) Section 130Z(1)(d)—delete "\$100 000 (indexed)" and substitute:  
\$100 000 (2026 indexed)
- (6) Section 130Z(1)(e)—delete "\$500 000 (indexed)" and substitute:  
\$100 000 (2026 indexed) multiplied by the number of members of the group but only up to a maximum of 5
- (7) Section 130Z(1)(f)—delete "\$125 000 (indexed)" and substitute:  
\$125 000 (2026 indexed)
- (8) Section 130Z(1)—after paragraph (f) insert:  
(g) for a third party—the cap is—  
(i) for a general election (including in relation to a simultaneous Legislative Council election)—\$450 000 (2026 indexed); and  
(ii) in relation to an election for a House of Assembly district (other than 1 held as part of a general election)—\$60 000 (2026 indexed).
- (9) Section 130Z(2)(a)—delete "\$100 000" and substitute:  
\$100 000 (2026 indexed)
- (10) Section 130Z(2)(b)—delete "\$40 000" and substitute:  
\$40 000 (2026 indexed)
- (11) Section 130Z—after subsection (3a) insert:  
(3b) In connection subsection (1)(g)(i), the agent of a third party must ensure that the third party does not incur more than \$60 000 (2026 indexed) in political expenditure relating to an election in a House of Assembly electoral district at the general election.  
(3c) For the purposes of subsections (1)(g) and (3b), political expenditure incurred by a third party relates to an election for an electoral district if the expenditure is for electoral matter that—  
(a) is communicated to electors in the district; and  
(b) is not mainly communicated to electors outside the district.
- (12) Section 130Z—after subsection (4) insert:  
(5) A candidate endorsed by a registered political party must provide information to the agent of the party on political expenditure incurred by the candidate in accordance with any requirements of the agent.

**35—Amendment of section 130ZB—Regulation of political expenditure by parties and candidates endorsed by parties**

Section 130ZB(3)(a)—delete paragraph (a)

### 36—Insertion of section 130ZBA

After section 130ZB insert:

#### **130ZBA—Prohibition on political expenditure by nominated entities**

An associated entity must not incur political expenditure during any period in which it is the nominated entity of a registered political party.

### 37—Substitution of section 130ZC

Section 130ZC—delete the section and substitute:

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

- (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 10 times the excess may be recovered from the agent of the person by the Crown as a debt due to the Crown.
- (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.

### 38—Insertion of Part 13A Division 6A

Part 13A—after Division 6 insert:

#### **Division 6A—Regulation of donations etc**

##### **Subdivision 1—Preliminary**

##### **130ZCA—Interpretation**

- (1) In this Division—  
*electoral donation*—see section 130ZCB;  
*electoral loan*—section 130ZCC;  
*foreign entity* means a person or body that is—
  - (a) a body politic of a foreign country or of a part of a foreign country; or
  - (b) a part of a body politic referred to in paragraph (a); or
  - (c) a foreign public enterprise as defined in the *Criminal Code* of the Commonwealth, section 70.1; or
  - (d) a body (whether or not incorporated) that does not meet any of the following conditions:
    - (i) the body is incorporated in Australia;
    - (ii) the body's head office is in Australia;

- (iii) the body's principal place of activity is, or is in, Australia; or
- (e) an individual who is none of the following:
  - (i) an elector;
  - (ii) an Australian citizen;
  - (iii) an Australian resident;
  - (iv) a New Zealand citizen who holds a Subclass 444 (Special Category) visa under the *Migration Act 1958* of the Commonwealth, or if that Subclass ceases to exist, the kind of visa that replaces the Subclass;

***prohibited period***, for an election, in relation to recontesting participant, means the period commencing at the start of the capped expenditure period for the recontesting participant in respect of the election and ending 30 days after polling day for the election;

***recontesting participant***, for an election, means an entitled registered political party, entitled candidate or entitled group that elects to be treated as a recontesting party, candidate or group in a certificate lodged under section 130PF for the election;

***regulated designated participant*** means—

- (a) an entitled registered political party; or
  - (b) an entitled candidate; or
  - (c) an entitled group; or
  - (d) a third party, other than an ACNC registered entity.
- (2) For the purposes of this Division—
- (a) a person who is a candidate in an election, or
  - (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.
- (4) 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.

### **130ZCB—Meaning of *electoral donation***

- (1) Subject to this section, 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, other than a donation made to a registered political party from a nominated entity of the registered political party that is not paid into a State campaign account kept under this Part and is only used for administrative expenditure; or
  - (b) a donation (or such part of a donation) made to or for the benefit of a member of Parliament that was used or is intended to be used by the member—
    - (i) solely or substantially for State electoral purposes or 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 (or such part of a donation) made to or for the benefit of a candidate that was used or is intended to be used by the candidate—
    - (i) solely or substantially for 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; or
  - (d) a donation (or such part of a donation) made to or for the benefit of a third party that was used or is intended to be used by the third party—
    - (i) solely or substantially for State electoral purposes; or
    - (ii) to enable the third party to make, directly or indirectly, an electoral donation or to incur political expenditure; or
    - (iii) to reimburse the third party for making, directly or indirectly, an electoral donation or incurring political expenditure.

(2) If any part of a donation that is not an electoral donation pursuant to subsection (1)(b), (c) or (d) is subsequently used for State electoral purposes, a member's duties as a member or to incur political expenditure, that part of the donation becomes an electoral donation.

(3) If—

- (a) a member of Parliament attends an event or activity in the performance of their duties as a member; or
- (b) a candidate attends an event or activity in the conduct of their campaign for election,

the payment of an incidental expense of the member or candidate at, or for entry to, the event or activity is taken not to be an electoral donation to the member or candidate (as the case requires).

**Note—**

For example, the provision of a meal or entry ticket without charge at an event attended by a member of Parliament in the performance of their duties as a member.

(4) If—

- (a) a member of Parliament uses a venue or premises in the performance of their duties as a member; or
- (b) a candidate uses a venue or premises in the conduct of their campaign for election,

the provision of the venue or premises for use by the member or candidate for no consideration or inadequate consideration is taken not to be an electoral donation to the member or candidate (as the case requires).

(5) Subject to subsection (6), a donation to an associated entity is taken—

- (a) in the case of an associated entity that is a nominated entity of a registered political party—to be a donation to or for the benefit of the party and (if made) to have been accepted by the agent of the registered political party; and
- (b) in any other case—to be a donation to or for the benefit of the party in respect of which the entity is associated and (if made) to have been accepted by the agent of the registered political party.

(6) Subsection (5) does not apply to—

- (a) a disposition of property by will to an associated entity, unless the associated entity is a nominated entity of a registered political party; or
- (b) a disposition of property made by a registered political party to a nominated entity of the registered political party.

### 130ZCC—Meaning of *electoral loan*

- (1) Subject to this section, 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, other than a loan made to a registered political party from a nominated entity of the registered political party that is not paid into a State campaign account kept under this Part and is only used for administrative expenditure; or
  - (b) a loan (or such part of a loan) made to or for the benefit of a member of Parliament that 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 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 (or such part of a loan) made to or for the benefit of a candidate that was used or is intended to be used by the candidate—
    - (i) solely or substantially for State electoral purposes; 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; or
  - (d) a loan (or such part of a loan) made to or for the benefit of a third party that was used or is intended to be used by the third party—
    - (i) solely or substantially for State electoral purposes; or
    - (ii) to enable the third party to make, directly or indirectly, an electoral donation or to incur political expenditure; or
    - (iii) to reimburse the third party for making, directly or indirectly, an electoral donation or incurring political expenditure.

- (2) If any part of a loan that is not an electoral loan pursuant to subsection (1)(b), (c) or (d) is subsequently used for State electoral purposes, a member's duties as a member or to incur political expenditure, that part of the loan becomes an electoral loan.
- (3) A loan to an associated entity is taken—
  - (a) in the case of an associated entity that is a nominated entity of a registered political party—to be a loan to or for the benefit of the party and (if made) to have been accepted by the agent of the registered political party; and
  - (b) in any other case—to be a loan to or for the benefit of the party in respect of which the entity is associated and (if made) to have been accepted by the agent of the registered political party.
- (4) Subsection (3) does not apply to a loan made by a registered political party to a nominated entity of the registered political party.

## **Subdivision 2—Prohibition on donations and loans for certain parties, candidates etc**

### **130ZCD—Donations to certain parties, candidates etc prohibited**

- (1) Subject to this section, it is unlawful for—
  - (a) a person—
    - (i) to make an electoral donation to a registered political party, member of Parliament, group, candidate or third party (other than a third party that is an ACNC registered entity); or
    - (ii) to accept an electoral donation (including from a foreign entity) to a registered political party, member of Parliament, group, candidate or third party (other than a third party that is an ACNC registered entity); or
  - (b) an ACNC registered entity or a person acting on their behalf to accept an electoral donation from a foreign entity.
- (2) Despite subsection (1) but subject to subsection (3)—
  - (a) a person may make an electoral donation to a regulated designated participant; or
  - (b) a person may accept an electoral donation (other than an electoral donation from a foreign entity) to a regulated designated participant,

if the electoral donation is made or accepted in accordance with Subdivision 3.

- (3) Subsection (2) does not operate to allow—
- (a) a disposition by will to an entitled registered political party;  
or
  - (b) an electoral donation during the prohibited period for an election for a recontesting participant.
- (4) If a recontesting participant lodges their certificate under section 130PF for an election on a day that falls after the day on which their capped expenditure period for the election commences—
- (a) no offence is committed by a person who makes or accepts an electoral donation (other than an electoral loan from a foreign entity) in accordance with Subdivision 3 to the recontesting participant after that commencement and before the certificate is lodged (despite the fact that the electoral donation is made during the prohibited period for the election for the recontesting participant); and
  - (b) the recontesting participant must, in relation to any electoral donation received during the period referred to in paragraph (a)—
    - (i) take all reasonable steps to return the electoral donation to the person from whom it was received;  
or
    - (ii) in the case of an electoral donation that cannot be so returned—give the electoral donation to the Electoral Commissioner for payment into the consolidated account.
- Note—**
- The prohibited period for a recontesting participant starts on the day on which their capped expenditure period for the election commences. The fact that an entitled party, entitled candidate or entitled group is a recontesting participant is not determined until they lodge their certificate under section 130PF for the election.
- (5) It is not unlawful for a person to make or accept an electoral donation if—
- (a) in the case of an electoral donation that is money—the donation is to be paid into (or held as an asset of) a federal account kept in accordance with the *Commonwealth Electoral Act 1918*; or
  - (b) in the case of an electoral donation that is not money (including property)—the donation is used for a federal purpose.

- (6) An electoral donation of a kind referred to in subsection (5) ceases to be excluded by that subsection from the prohibition under this section if—
- (a) in the case of an electoral donation that is money—any amount of the money is transferred or withdrawn from the federal account (other than if the money is used for a federal purpose or transferred to another federal account); or
  - (b) in the case of an electoral donation that is not money—the proceeds of the disposal of the donation are transferred or withdrawn from the federal account (other than if the proceeds are used for a federal purpose or transferred to another federal account).
- (7) No offence is committed by a person referred to in subsection (1), or a person acting on their behalf, who receives an electoral donation in contravention of subsection (1) if, on becoming aware of the receipt of the electoral donation, they—
- (a) take all reasonable steps to return the electoral donation to the person from whom it was received; or
  - (b) in the case of an electoral donation that cannot be so returned—give the electoral donation to the Electoral Commissioner for payment into the consolidated account.
- (8) Subject to subsection (9), it is not unlawful for—
- (a) in relation to a House of Assembly election—
    - (i) a candidate endorsed by an entitled registered political party, during the 12 months immediately preceding polling day for the election, to make contributions up to a total amount equal to 50% of the applicable expenditure cap under Division 6 of the candidate in respect of the election to the agent of the party for payment into the State campaign account kept by the agent to finance the candidate's election campaign; or
    - (ii) any other candidate, other than a candidate endorsed by a registered political party (not being an entitled registered political party), during the 12 months immediately preceding polling day for the election, to make contributions up to a total not exceeding their applicable expenditure cap under Division 6 in respect of the election to their agent for payment into the State campaign account kept by the agent to finance the candidate's election campaign; or

- (b) in relation to a Legislative Council election, the following persons, during the 12 months immediately preceding polling day for the election, to make contributions up to a total amount of \$100 000 (2026 indexed) to their agent for payment into the State campaign account kept by the agent to finance the group or candidate's (as the case requires) election campaign:
  - (i) a member of an entitled group;
  - (ii) a member of a group, or a candidate, endorsed by an entitled registered political party;
  - (iii) any other candidate in a Legislative Council election, other than a candidate endorsed by a registered political party (not being an entitled registered political party).
- (9) For the purposes of this Part, any amount of a contribution under subsection (8)(a) or (b) that exceeds the total amount applying under the relevant paragraph is taken to be an electoral donation.

### **130ZCE—Loans to parties, candidates etc prohibited**

- (1) Subject to this section, it is unlawful for—
  - (a) a person—
    - (i) to provide an electoral loan to a registered political party, member of Parliament, group, candidate or third party (other than a third party that is an ACNC registered entity); or
    - (ii) to accept an electoral loan (including from a foreign entity) to a registered political party, member of Parliament, group, candidate or third party (other than a third party that is an ACNC registered entity); or
  - (b) an ACNC registered entity or a person acting on their behalf to accept an electoral loan from a foreign entity.
- (2) Despite subsection (1)—
  - (a) a person may provide an electoral loan to a regulated designated participant; or
  - (b) a person may accept an electoral loan (other than an electoral loan from a foreign entity) to a regulated designated participant,if the electoral loan is made or accepted in accordance with Subdivision 3.
- (3) Subsection (2) does not operate to allow an electoral loan during the prohibited period for an election for a recontesting participant.

- (4) If a recontesting participant lodges their certificate under section 130PF for an election on a day that falls after the day on which their capped expenditure period for the election commences—
- (a) no offence is committed by a person who provides or accepts an electoral loan (other than an electoral loan from a foreign entity) in accordance with Subdivision 3 to the recontesting participant after that commencement and before the certificate is lodged (despite the fact that the electoral loan is provided during the prohibited period for the election for the recontesting participant); and
  - (b) the recontesting participant must, in relation to any electoral loan received during the period referred to in paragraph (a)—
    - (i) take all reasonable steps to return the electoral loan to the person from whom it was received; or
    - (ii) in the case of an electoral loan that cannot be so returned—deal with the electoral loan in accordance with any requirements of the regulations.

**Note—**

The prohibited period for a recontesting participant starts on the day on which their capped expenditure period for the election commences. The fact that an entitled party, entitled candidate or entitled group is a recontesting participant is not determined until they lodge their certificate under section 130PF for the election.

- (5) It is not unlawful for a person to provide or accept an electoral loan if—
- (a) in the case of an electoral loan that is money—the loan is to be paid into (or held as an asset of) a federal account kept in accordance with the *Commonwealth Electoral Act 1918*; or
  - (b) in the case of an electoral loan of property or a thing that is not money (including property)—the property or thing is used for a federal purpose.
- (6) An electoral loan that is money ceases to be excluded from the prohibition under this section by subsection (5) if any amount of the money is transferred or withdrawn from the federal account (other than if the money is used for a federal purpose or transferred to another federal account).
- (7) 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—Limitations on donations etc to regulated designated participants**

#### **130ZCF—Application**

This Subdivision applies in addition to, and does not limit the operation of, Subdivision 1 and Subdivision 2.

**Note—**

For example, the fact that a donation or loan to an associated entity is taken under Subdivision 1 to be a donation or loan to or for the benefit of the registered political party in respect of which the entity is associated, and to have been accepted by that party's agent (being a donation or loan that is unlawful under Subdivision 2) is not affected by this Subdivision even if the associated entity is also a third party.

#### **130ZCG—Individual cap on electoral donations**

- (1) The *individual cap* on an electoral donation for a regulated designated participant is \$5 000 (2026 indexed).
- (2) For the purposes of this section, an electoral donation of or less than the amount specified in subsection (1) made by a person or body is to be treated as a donation that exceeds the individual cap on electoral donations if that and other separate electoral donations made by that person or body to the same regulated designated participant within the same financial year would, if aggregated, exceed the regulated designated participant's individual cap on electoral donations.

#### **130ZCH—Prohibition on electoral donations that exceed individual cap**

- (1) Subject to this section, it is unlawful for a regulated designated participant or a person acting on their behalf to receive an electoral donation to or for the benefit of the regulated designated participant if the donation exceeds the regulated designated participant's individual cap on an electoral donation.

**Note—**

The effect of this provision and section 130ZCG is that a regulated designated participant can receive an electoral donation (or donations) from a person of up to \$5 000 in a financial year.

- (2) A regulated designated participant or person acting on their behalf who receives an electoral donation to or for the benefit of the regulated designated participant that exceeds the individual cap does not contravene subsection (1) if, on becoming aware of the receipt of the electoral donation, the regulated designated participant or person (as the case requires)—
  - (a) takes all reasonable steps to return the electoral donation to the person from whom it was received; or
  - (b) in the case of an electoral donation that cannot be so returned—gives the electoral donation to the Electoral Commissioner for payment into the consolidated account.

- (3) It is not unlawful for a regulated designated participant or a person acting on their behalf to receive an electoral donation to or for the benefit of the regulated designated participant that exceeds the individual cap if the donation is to be paid into (or held as an asset of) a federal account kept by the regulated designated participant in accordance with the *Commonwealth Electoral Act 1918*.

### **130ZCI—General caps on electoral donations**

- (1) The agent of a relevant regulated designated participant must ensure that the relevant regulated designated participant or a person acting on their behalf does not receive electoral donations to or for the benefit of the relevant regulated designated participant that, in total, are in excess of the general donations cap during the capped expenditure period in relation to an election.
- (2) If a relevant regulated designated participant or a person acting on their behalf receives electoral donations that, in total, are 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 relevant regulated 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 relevant regulated designated participant or person acting on their behalf who receives an electoral donation to or for the benefit of the relevant regulated designated participant that results in the relevant regulated designated participant exceeding their 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 relevant regulated designated participant or person (as the case requires)—
  - (a) takes all reasonable steps to return the electoral donation (or that part of it that results in the relevant regulated designated participant exceeding their general donations cap) to the person from whom it was received; or
  - (b) in the case of an electoral donation (or the relevant part of the electoral donation) that cannot be so returned—gives the electoral donation (or relevant part) to the Electoral Commissioner for payment into the consolidated account.
- (4) In this section—

***general donations cap***, for a relevant regulated designated participant in relation to an election, is the amount equal to the relevant regulated designated participant's applicable expenditure cap for the election;

***relevant regulated designated participant*** means—
  - (a) an entitled registered political party; or
  - (b) an entitled candidate; or
  - (c) an entitled group.

### **130ZCJ—Individual cap on electoral loans**

- (1) The *individual cap* on an electoral loan for a regulated designated participant is \$5 000 (2026 indexed).
- (2) For the purposes of this section, an electoral loan of or less than the amount specified in subsection (1) made by a person or body is to be treated as a loan that exceeds the individual cap on electoral loans if that and other separate electoral loans made by that person or body to the same regulated designated participant within the same financial year would, if aggregated, exceed the regulated designated participant's individual cap on electoral loans.

### **130ZCK—Prohibition on electoral loans that exceed individual cap**

- (1) Subject to this section, it is unlawful for a regulated designated participant or a person acting on their behalf to receive an electoral loan to or for the benefit of the regulated designated participant if the loan exceeds the regulated designated participant's individual cap on an electoral loan.

**Note—**

The effect of this provision and section 130ZCJ is that a regulated designated participant can receive an electoral loan (or loans) from a person of up to \$5 000 in a financial year. The definition of *loan* does not include a loan from a financial institution.

- (2) It is not unlawful for a regulated designated participant or a person acting on their behalf to receive an electoral loan to or for the benefit of the regulated designated participant that exceeds the individual cap if the money lent is to be paid into a federal account kept by the regulated designated participant in accordance with the *Commonwealth Electoral Act 1918*.

### **130ZCL—General caps on electoral loans**

- (1) The agent of a relevant regulated designated participant must ensure that the relevant regulated designated participant or a person acting on their behalf does not receive electoral loans to or for the benefit of the relevant regulated designated participant that, in total, are in excess of the general loans cap during the capped expenditure period in relation to an election.
- (2) If a relevant regulated designated participant or a person acting on their behalf receives electoral loans that, in total, are in excess of the general loans 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 relevant regulated 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 relevant regulated designated participant or person acting on their behalf who receives an electoral loan to or for the benefit of the relevant regulated designated participant that results in the relevant regulated designated participant exceeding their general loans cap during the capped expenditure period in relation to an election if, on becoming aware of the receipt of the electoral loan, the relevant regulated designated participant or person (as the case requires) takes all reasonable steps to return the proceeds of the electoral loan (or that part of it that results in the relevant regulated designated participant exceeding their general loans cap) to the person from whom it was received.
- (4) In this section—
- general loans cap*, for a relevant regulated designated participant in relation to an election, is the amount equal to the relevant regulated designated participant's applicable expenditure cap for the election;
- relevant regulated designated participant* means—
- (a) an entitled registered political party; or
  - (b) an entitled candidate; or
  - (c) an entitled group.

### **39—Amendment of Part 13A Division 7—Disclosure of donations**

- (1) Part 13A Division 7—delete "gift" wherever occurring and substitute in each case:  
donation
- (2) Part 13A Division 7—delete "gifts" wherever occurring and substitute in each case:  
donations

### **40—Amendment of section 130ZD—Interpretation**

Section 130ZD—after the definition of *campaign donations return* insert:  
*donation* does not include a donation that is a disposition by will.

### **41—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 subsection (3) and substitute:
- (3) A campaign donations return for an entitled candidate or entitled group in an election must—
- (a) in the case of donations or loans of more than \$1 000 received during the disclosure period—set out the prescribed details in relation to each such donation or loan; and
- (b) in the case of all other donations and loans received during the disclosure period—set out the total value of the donations and loans received and the number of persons from whom such donations and loans were received.
- (4) Section 130ZF(4)(a)—delete paragraph (a)
- (5) Section 130ZF(4)(b)—delete paragraph (b) and substitute:
- (b) in the case of a donation or loan made to an entitled candidate (including a member of an entitled group)—the donation 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 donation 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
- (7) Section 130ZF(5)(d)—delete paragraph (d) and substitute:
- (d) 2 or more donations (excluding private donations) or 2 or more loans (excluding private loans) made by the same person to an entitled candidate or entitled group during the disclosure period are to be treated as 1 gift or loan (as the case requires).
- (8) Section 130ZF(5a)—delete "a candidate or group of candidates endorsed by a registered political party" and substitute:
- the members of an entitled group

- (9) Section 130ZF—after subsection (5a) insert:
- (6) In this section—
- prescribed details*, of a donation or loan, means—
- (a) the amount or value of the donation or loan; and
  - (b) the date on which it was made; and
  - (c) the name and address of the person from whom the donation or loan was received; and
  - (d) any other details prescribed by the regulations.

#### **42—Amendment of section 130ZG—Gifts, loans to candidates etc**

- (1) Section 130ZG, heading—delete "Gifts" and substitute:
- Donations
- (2) Section 130ZG, heading—before "candidates" insert:
- certain
- (3) Section 130ZG(1)(a)—before "candidate" insert:
- entitled
- (4) Section 130ZG(1)(a)—delete "a group" and substitute:
- an entitled group
- (5) Section 130ZG(1)(b)—delete "\$5 000 (indexed)" and substitute:
- \$1 000
- (6) Section 130ZG(2)—delete subsection (2)
- (7) Section 130ZG(3)—delete subsection (3) and substitute:
- (3) The person must provide to the Electoral Commissioner a return—
- (a) for donations and loans referred to in subsection (1) made during the disclosure period—
    - (i) in the case of a donation or loan of more than \$1 000—setting out the prescribed details in relation to the donation or loan; and
    - (ii) in the case of all other donations and loans referred to in subsection (1)—setting out the total value of the donations and loans made and the number of persons to whom such donations and loans were made; and
  - (b) for donations and loans received by the person at any time that the person used during the period (either wholly or partly) to enable the person to make the donations or loans referred to in paragraph (a) or to reimburse the person for making such donations or loans—

- (i) in the case of a donation or loan of more than \$1 000—setting out the prescribed details in relation to the donation or loan; and
  - (ii) in the case of all other such donations and loans—setting out the total value of the donations and loans received and the number of persons from whom such donations and loans were received.
- (8) Section 130ZG(4)(b)—delete "at" and substitute:  
within 7 days after
- (9) Section 130ZG(5)—delete subsection (5)
- (10) Section 130ZG(7)—delete "a candidate, group or specified person or body" and substitute:  
an entitled candidate or entitled group
- (11) Section 130ZG(7)—delete "the candidate, group or specified person or body" and substitute:  
the entitled candidate or entitled group
- (12) Section 130ZG—after subsection (7) insert:
  - (8) In this section—  
*prescribed details*, of a donation or loan, means—
    - (a) the amount or value of the donation or loan; and
    - (b) the date on which it was made or received; and
    - (c) any other details prescribed by the regulations.

#### **43—Amendment of section 130ZH—Gifts to relevant entities**

- (1) Section 130ZH, heading—delete "Gifts" and substitute:  
Donations
- (2) Section 130ZH, heading—delete "relevant entities" and substitute:  
entitled registered political parties
- (3) Section 130ZH(1)—delete subsection (1) and substitute:
  - (1) If a person makes a donation or donations totalling more than \$1 000 to an entitled registered political party in a financial year, the person must furnish a return to the Electoral Commissioner in accordance with this section.
- (4) Section 130ZH(2), (6) and (8)—delete "relevant entity" wherever occurring and substitute in each case:  
entitled registered political party

- (5) Section 130ZH(3) and (4)—delete subsections (3) and (4) and substitute:
- (3) A return must—
    - (a) for donations referred to in subsection (1) made by the person furnishing the return during the period to which the return relates—
      - (i) in the case of a donation of more than \$1 000—set out the prescribed details in relation to the donation; and
      - (ii) in the case of all other donations—set out the total value of the donations made and the number of persons to whom such donations were made; and
    - (b) for donations received by the person at any time that the person used during that period (either wholly or partly) to enable the person to make the donations referred to in paragraph (a) or to reimburse the person for making such donations—
      - (i) in the case of a donation of more than \$1 000—set out the prescribed details in relation to the donation; and
      - (ii) in the case of all other such donations—set out the total value of the donations received and the number of persons from whom such donations were received.
- (6) Section 130ZH(7)(b)(i)(A) and (B)—delete subsubparagraphs (A) and (B) and substitute:
- (A) if the gift was made on or after 1 January in a year—within 30 days of 30 June in that year; or
  - (B) if the gift was made on or after 1 July in a year—within 30 days of 31 December in that year;
- (7) Section 130ZH(7)(b)(ii)—delete "at" and substitute:  
within 7 days after
- (8) Section 130ZH(8)—delete "entity" second occurring and substitute:  
entitled registered political party
- (9) Section 130ZH—after subsection (8) insert:
- (9) In this section—  
***prescribed details***, of a donation, means—
    - (a) the amount or value of the donation; and
    - (b) the date on which it was made or received; and
    - (c) any other details prescribed by the regulations.

#### 44—Insertion of section 130ZHA

After section 130ZH insert:

##### **130ZHA—Donations to third parties**

- (1) If a person makes an electoral donation or electoral donations totalling more than \$1 000 to a third party in a financial year, the person must furnish a return to the Electoral Commissioner in accordance with this section.
- (2) If a person makes an electoral donation to any person or body with the intention of benefitting a particular third party, the person is taken for the purposes of subsection (1) to have made that electoral donation directly to that third party.
- (3) A return must—
  - (a) for electoral donations referred to in subsection (1) made by the person furnishing the return during the period to which the return relates—
    - (i) in the case of an electoral donation of more than \$1 000—set out the prescribed details in relation to the donation; and
    - (ii) in the case of all other electoral donations—set out the total value of the donations made and the number of persons to whom such donations were made; and
  - (b) for electoral donations received by the person at any time that the person used during that period (either wholly or partly) to enable the person to make the donations referred to in paragraph (a) or to reimburse the person for making such donations—
    - (i) in the case of an electoral donation of more than \$1 000—set out the prescribed details in relation to the donation; and
    - (ii) in the case of all other such electoral donations—set out the total value of the donations received and the number of persons from whom such donations were received.
- (4) A return must be in a form approved by the Electoral Commissioner and furnished at the prescribed times.
- (5) For the purposes of this section, the *prescribed times* for furnishing a return are as follows:
  - (a) in relation to an electoral donation made between the period commencing 30 days after polling day in a general election until the start of the designated period for the next general election—

- (i) if the electoral donation was made on or after 1 January in a year—within 30 days of 30 June in that year; or
    - (ii) if the electoral donation was made on or after 1 July in a year—within 30 days of 31 December in that year;
  - (b) in relation to an electoral donation made during the designated period for the relevant election—within 7 days after the end of the designated period.
- (6) If the agent of a third party knows that the third party has received an electoral donation requiring a return to be furnished under this section, the agent must inform the person who gave the electoral donation of the requirement that the person furnish a return in relation to the electoral donation under this Part.
- (7) In this section—
- prescribed details*, of an electoral donation, means—
- (a) the amount or value of the donation; and
  - (b) the date on which it was made or received; and
  - (c) any other details prescribed by the regulations.

#### **45—Repeal of section 130ZI**

Section 130ZI—delete the section

#### **46—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 an entitled registered political party or a person acting on their behalf to receive a donation, 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 party by another person, unless—
    - (a) the name and address of the person making the donation are known to the person receiving the donation; or
    - (b) at the time when the donation is made—
      - (i) the person making the donation gives to the person receiving the donation their name and address; and
      - (ii) the person receiving the donation has no grounds to believe that the name and address so given are not the true name and address of the person making the donation.

- (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 donation made to or for the benefit of the candidate or the group, as the case may be, being a donation 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 donation are known to the person receiving the donation; or
  - (b) at the time when the donation is made—
    - (i) the person making the donation gives to the person receiving the donation their name and address; and
    - (ii) the person receiving the donation has no grounds to believe that the name and address so given are not the true name and address of the person making the donation.
- (2a) It is unlawful for a third party or a person acting on their behalf to receive an electoral donation, 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 third party by another person, unless—
  - (a) the name and address of the person making the electoral donation are known to the person receiving the electoral donation; or
  - (b) at the time when the electoral donation is made—
    - (i) the person making the electoral donation gives to the person receiving the electoral donation their name and address; and
    - (ii) the person receiving the electoral donation has no grounds to believe that the name and address so given are not the true name and address of the person making the electoral donation.
- (2) Section 130ZJ(3)—delete "or (2)" and substitute:  
    , (2) or (2a)
- (3) Section 130ZJ(4)—delete "a candidate" wherever occurring and substitute in each case:  
    an entitled candidate
- (4) Section 130ZJ(5)—delete "a group" and substitute:  
    an entitled group
- (5) Section 130ZJ(6)—delete "relevant entity" wherever occurring and substitute in each case:  
    prescribed designated participant

- (6) Section 130ZJ—after subsection (6) insert:
- (7) In this section—
- prescribed designated participant* means—
- (a) an entitled registered political party; or
- (b) a third party.

#### **47—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(1)—delete "\$1 000" and substitute:
- \$500
- (3) Section 130ZK(2)—delete subsection (2)
- (4) Section 130ZK(4) and (5)—delete "subsection (2)" wherever occurring and substitute in each case:
- this section
- (5) Section 130ZK(4)—delete "a candidate" wherever occurring and substitute in each case:
- an entitled candidate
- (6) Section 130ZK(5)—delete "a group" and substitute:
- an entitled group
- (7) Section 130ZK(6)—delete subsection (6) and substitute:
- (6) If a designated participant or other person receives a loan that, by virtue of this section, it is unlawful for the designated participant 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 or person, or, in the case of a designated person 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).
- (8) Section 130ZK(7) and (8)—delete subsections (7) and (8)

#### **48—Repeal of section 130ZL**

Section 130ZL—delete the section

#### **49—Amendment of section 130ZM—Interpretation**

Section 130ZM, definition of *amount*—delete "gift" and substitute:

donation

## 50—Amendment of section 130ZN—Returns by registered political parties

- (1) Section 130ZN(2)(a)—after "period" insert:

, which must include a statement of the total of amounts of \$1 000 or less received by, or on behalf of, the party during the prescribed period and the number of persons from whom such amounts were received
- (2) Section 130ZN(2)(b)—delete paragraph (b) and substitute:
  - (b) the prescribed details in relation to each amount of more than \$1 000 received by, or on behalf of, the party during each prescribed period; and
- (3) Section 130ZN(2)(c)—after "party" insert:

, which must include a statement of the total amount of debts of \$1 000 or less incurred by, or on behalf of, the party during the prescribed period and the number of persons to whom such debts are owed
- (4) Section 130ZN(2)(d)—delete paragraph (d) and substitute:
  - (d) the prescribed details in relation to each debt of more than \$1 000 incurred by, or on behalf of, the party during each prescribed period.
- (5) Section 130ZN—after subsection (2) insert:
  - (2a) A political party return must include a declaration endorsed in a manner determined by the Electoral Commissioner 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.
- (6) Section 130ZN(3)(a)(iii)(B) and (C)—delete "7" wherever occurring and substitute in each case:

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- (7) Section 130ZN(4)—delete "of more than \$200"
- (8) Section 130ZN—after subsection (4) insert:
  - (5) In this section—

*prescribed details*, of an amount received or debt incurred, means—

    - (a) the value of the amount or debt; and
    - (b) the date on which it was received or incurred; and
    - (c) the name and address of the person from whom the amount was received or to whom the debt was incurred; and
    - (d) any other details prescribed by the regulations.

## 51—Amendment of section 130ZO—Returns by associated entities

- (1) Section 130ZO(1)—delete "financial controller" and substitute:

agent

- (2) Section 130ZO(1)(a)—after "period" insert:  
    , which must include a statement of the total of amounts of \$1 000 or less received by, or on behalf of, the entity during the prescribed period and the number of persons from whom such amounts were received
- (3) Section 130ZO(1)(b)—delete paragraph (b) and substitute:  
    (b) the prescribed details in relation to each amount of more than \$1 000 received by, or on behalf of, the entity during each prescribed period; and
- (4) Section 130ZO(1)(c)—after "entity" insert:  
    , which must include a statement of the total amount of debts of \$1 000 or less incurred by, or on behalf of, the entity during the prescribed period and the number of persons to whom such debts are owed
- (5) Section 130ZO(1)(d)—delete paragraph (d) and substitute:  
    (d) the prescribed details in relation to each debt of more than \$1 000 incurred by, or on behalf of, the entity during each prescribed period.
- (6) Section 130ZO—after subsection (1) insert:  
    (1a) An associated entity return must include a declaration endorsed in a manner determined by the Electoral Commissioner by the agent 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.
- (7) Section 130ZO—after subsection (5) insert:  
    (5a) The regulations may, in relation to an associated entity that is a nominated entity, require the agent of the entity to furnish returns in accordance with the regulations (in addition to any return that the associated entity is required to furnish under subsection (1)).
- (8) Section 130ZO(7)—delete "of more than \$200"
- (9) Section 130ZO—after subsection (7) insert:  
    (8) In this section—  
        *prescribed details*, of an amount received or debt incurred, means—  
        (a) the value of the amount or debt; and  
        (b) the date on which it was received or incurred; and  
        (c) the name and address of the person from whom the amount was received or to whom the debt was incurred; and  
        (d) any other details prescribed by the regulations.

## 52—Amendment of section 130ZP—Returns by third parties

- (1) Section 130ZP(1)—delete subsection (1) and substitute:
- (1) The agent of a third party must, at the prescribed times, furnish to the Electoral Commissioner a *third party return*, in respect of each prescribed period, in a form approved by the Electoral Commissioner, setting out—
    - (a) the total amount of all electoral donations received by, or on behalf of, the third party during each prescribed period, which must include a statement of the total of electoral donations of \$1 000 or less received by, or on behalf of, the third party during the prescribed period and the number of persons from whom such electoral donations were received; and
    - (b) the prescribed details in relation to each electoral donation of more than \$1 000 received by, or on behalf of, the third party during each prescribed period; and
    - (c) the total outstanding amount, as at the end of each prescribed period, of all debts incurred by, or on behalf of, the third party solely or substantially for State electoral purposes or for the purposes of political expenditure (including for the purposes of reimbursement for political expenditure), which must include a statement of the total amount of such debts of \$1 000 or less incurred by, or on behalf of, the third party during the prescribed period and the number of persons to whom such debts are owed; and
    - (d) the prescribed details in relation to each debt of more than \$1 000 incurred by, or on behalf of, the third party solely or substantially for State electoral purposes or for the purposes of political expenditure (including for the purposes of reimbursement for political expenditure) during each prescribed period.
- (2) Section 130ZP(2)(a)(iii)(A) to (C)—delete subparagraphs (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 subparagraph (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 subparagraph (A) until the day falling 30 days after the relevant polling day; and
- (3) Section 130ZP(3)—delete "of more than \$200"

(4) Section 130ZP—after subsection (4) insert:

(5) In this section—

*prescribed details*, of an electoral donation received or debt incurred, means—

- (a) the amount or value of the electoral donation or debt; and
- (b) the date on which it was received or incurred; and
- (c) the name and address of the person from whom the electoral donation was received or to whom the debt was incurred; and
- (d) any other details prescribed by the regulations.

**53—Amendment of section 130ZQ—Returns relating to political expenditure during capped expenditure period**

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

\$5 000

**54—Amendment of section 130ZR—Annual returns relating to political expenditure**

Section 130ZR(1)(b)—delete paragraph (b) and substitute:

- (b) the amount of the expenditure was more than \$5 000; and

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

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

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)(c)—delete "\$5 000 (indexed)" and substitute:

\$1 000

(5) Section 130ZS(2)—delete subsection (2) and substitute:

- (2) The person must provide to the Electoral Commissioner a return for the financial year setting out the prescribed details in respect of each amount of more than \$1 000 referred to in subsection (1)(b).

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

- (4) For the purposes of subsection (2), 2 or more amounts given, during the financial year, by the same person to another person are taken to be 1 amount.

(5) In this section—

*prescribed details*, of an amount received, means—

- (a) the value of amount; and
- (b) the date on which it was received; and
- (c) the name and address of the person from whom the amount was received; and
- (d) any other details prescribed by the regulations.

## 56—Insertion of Part 13A Division 8A

Part 13A—after Division 8 insert:

### Division 8A—Registration of third parties

#### 130ZU—Interpretation

In this Division—

*register* means the register of third parties established under section 130ZUB;

*register period* means the period commencing on the day that falls 30 days after polling day for a general election and concluding on the day that falls 30 days after polling day for the subsequent general election.

#### 130ZUA—Political expenditure by third parties

A third party (being a person (other than one referred to in paragraphs (a) to (e) of the definition of *third party* in section 130A) who incurs or intends to incur more than \$10 000 in political expenditure during the designated period in relation to an election) must not incur such expenditure unless the third party is registered under this Division.

#### 130ZUB—Register of Third Parties

- (1) The Electoral Commissioner must establish and maintain a register, to be known as the *Register of Third Parties* (the *register*), setting out a list of the third parties that are registered under this Division.
- (2) The register is to be maintained in the form and manner determined by the Electoral Commissioner.
- (3) The Electoral Commissioner must publish the register on a website maintained by the Electoral Commissioner.

#### 130ZUC—Application for registration

- (1) An application to register a third party in the register may be made to the Electoral Commissioner by the agent of the third party or another person authorised by the third party to make the application.

- (2) An application for registration—
  - (a) must be made in the manner and form approved by the Electoral Commissioner; and
  - (b) cannot be made less than 45 days before the end of the relevant register period; and
  - (c) must contain the following particulars:
    - (i) the full name and address of the third party;
    - (ii) any other information required by the Electoral Commissioner.

### **130ZUD—Registration**

- (1) The Electoral Commissioner may, on an application for registration, register a third party on the register.
- (2) Without limiting subsection (1), the Electoral Commissioner may refuse to register a third party if the Electoral Commissioner believes on reasonable grounds that any particulars in the third party's application for registration are incomplete or not correct, but may, if the Electoral Commissioner thinks fit, register the third party despite any such defect.
- (3) If the Electoral Commissioner refuses to register a third party under subsection (2)—
  - (a) the Electoral Commissioner must, as soon as is reasonably practicable, notify the agent of the third party of the refusal and of the reasons for the refusal; and
  - (b) the agent of the third party may, within 30 days after the date of the notification by the Electoral Commissioner, amend the application for registration by substituting the relevant particulars; and
  - (c) the amended application is taken to have been received by the Electoral Commissioner when the original application was received by it.

### **130ZUE—Third party must notify Electoral Commissioner of change in particulars**

If a change occurs in any of the particulars stated in the register in relation to a third party (being particulars of the kind required to be stated in an application for registration of the third party), the agent of the third party must, within 30 days after the date of the change, notify the Electoral Commissioner of the change in the manner and form approved by the Electoral Commissioner.

### **130ZUF—Variation and cancellation of registration**

- (1) The Electoral Commissioner may vary the particulars set out in the register in relation to a third party in accordance with a notification or written request made by the agent of the third party.

- (2) The Electoral Commissioner may cancel the registration of a third-party—
  - (a) in accordance with a written request made by the agent of the third party; or
  - (b) on the Electoral Commissioner's own initiative if satisfied that the registration of the third party should be cancelled.
- (3) Before acting under subsection (2)(b), the Electoral Commissioner must take reasonable steps to give notice of the proposed cancellation to the third party.
- (4) The Electoral Commissioner may, on the Electoral Commissioner's own initiative or on request, omit any particulars from the register if the Electoral Commissioner is satisfied that the particulars are not correct.
- (5) The Electoral Commissioner may, on the Electoral Commissioner's own initiative or on request, include any particulars in the register if it is satisfied that the particulars are correct.
- (6) The Electoral Commissioner must notify the agent of the relevant third party of any variations made to the register under this section.
- (7) The cancellation of the registration of a third party during a period in which the third party is required to furnish a return under this Part does not affect the requirement to submit the return for that period.

#### **57—Amendment of section 130ZV—Audit certificates**

- (1) Section 130ZV(1)(b)—delete "special assistance funding under section 130U or 130UA" and substitute:

funding under section 130UA, 130UB or 130WC
- (2) Section 130ZV(3)—after "must" insert:

, 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
- (3) Section 130ZV—after subsection (3) insert:
  - (3a) In addition, a certificate from an auditor under this section must state that the auditor is eligible to act as an auditor in accordance with paragraphs (a) and (b) of the definition of auditor in section 130A.

#### **58—Insertion of sections 130ZWA and 130ZWB**

After section 130ZW insert:

##### **130ZWA—Audits by Electoral Commissioner etc**

- (1) The Electoral Commissioner may, in accordance with any requirements of the regulations, audit the activities and documents of an applicable entity.

- (2) An applicable entity the subject of an audit, its agent and any officer of the applicable entity, must assist the Electoral Commissioner by—
  - (a) giving the Electoral Commissioner full and free access at all reasonable times to all documents of the applicable 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: \$10 000.

- (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.
- (5) In this section—

*applicable entity* means—

  - (a) a person or body to whom funding is payable under this Part; or
  - (b) an associated entity; or
  - (c) a third party.

### **130ZWB—Registered political party to provide details of associated entities**

- (1) The agent of each registered political party must, within 30 days after 30 June in each year, furnish to the Electoral Commissioner, in a form approved by the Electoral Commissioner, details of each entity that the agent knows, or ought reasonably to know, is an associated entity in relation to the registered political party.
- (2) Without limiting subsection (1), the agent of each registered political party must, as soon as is reasonably practicable after an entity becomes an associated entity of the party (and in any event within 30 days of the start of the association), furnish to the Electoral Commissioner, in a form approved by the Electoral Commissioner, details of the entity.

### **59—Amendment of section 130ZZ—Nil returns**

Section 130ZZ—delete "gifts" and substitute:

donations

### **60—Amendment of section 130ZZB—Investigation etc**

- (1) Section 130ZZB(1)—after the definition of *authorised officer* insert:

*designated entity* means a candidate, group, registered political party, third party or associated entity.

- (2) Section 130ZZB(3) and (4)—delete subsections (3) and (4) and substitute:
- (3) An authorised officer may, for the purpose of finding out whether the agent of a designated entity has complied with this Part, by notice served personally or by post on the agent or (in the case of a registered political party, third party or associated entity) any officer of the registered political party, third party or associated entity (as the case may be), require the agent or officer—
- (a) to produce, within the period and in the manner specified in the notice, the documents or other things referred to in the notice; or
- (b) to appear, at a time and place specified in the notice, before the authorised officer to give evidence, either orally or in writing, and to produce the documents or other things referred to in the notice.
- (4) If a notice under subsection (3) requires an officer of a registered political party, third party or associated entity (other than the agent) to appear before an authorised officer under subsection (3)(b), then the agent of the registered political party, third party or associated entity (as the case may be) is entitled—
- (a) to attend at the proceeding under subsection (3)(b); or
- (b) to nominate another person in writing to attend on behalf of the agent.
- (3) Section 130ZZB(5)—delete "subsection (3)(d)" and substitute:  
subsection (3)(b)
- (4) Section 130ZZB(14), penalty provision—delete "\$5 000" and substitute:  
\$10 000
- (5) Section 130ZZB(15), penalty provision—delete "\$5 000" and substitute:  
\$10 000

## **61—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 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 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 ought reasonably to know of the facts that result in the act or omission being unlawful under the relevant Division.  
Maximum penalty: \$10 000 or imprisonment for 2 years.

- (a3) 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

- (a4) Subsection (a3) applies whether or not the person also participates in the scheme for other purposes.

- (2) Section 130ZZE—after subsection (6) insert:

- (6a) If—

- (a) a person admits the commission of an offence against subsection (a1) or (a2); and
- (b) the offence was committed within 2 years after the commencement of that subsection; and
- (c) the Electoral Commissioner is of the opinion that the matter does not warrant prosecution,

the Electoral Commissioner may informally caution the person against further offending, require the person to complete a course of education, training or instruction determined by the Electoral Commissioner and proceed no further against the person.

- (6b) A person who fails to comply with a requirement of the Electoral Commissioner under subsection (6a) is guilty of an offence.

- (3) Section 130ZZE—after subsection (8) insert:

- (8a) For the purposes of this Part, a person will not be taken to participate in a scheme by reason only of the fact that the person is a member of 2 or more bodies involved in the electoral process.

- (4) 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.

## 62—Amendment of section 130ZZH—Regulations

- (1) Section 130ZZH(2)(a)—delete "gifts" and substitute:  
donations

- (2) Section 130ZZH(2)(b)—after "130ZN" insert:  
    , 130ZO or 130ZP

### 63—Amendment of section 139—Regulations

- (1) Section 139(2)(g)—delete "there has been a disendorsement of a candidate by a registered political party" and substitute:
- 
- (i) there has been a disendorsement of a candidate by, or a member of Parliament has resigned from, a registered political party; or
  - (ii) a person who was a member of a group has been disendorsed by the group, or otherwise is no longer a member of the group
- (2) Section 139(2)—after paragraph (g) insert:
- (ga) without limiting paragraph (g) or (h), modify the application of Part 13A, or a provision of that Part, other than Division 6A Subdivision 2, in respect of the whole or any part of the period commencing on the commencement of this paragraph and ending on 31 December 2026; and
- (3) Section 139(2)(h)—delete "enactment of Part 13A" and substitute:  
    amendment of this Act by another Act

### 64—Review

- (1) The Special Minister of State must cause a comprehensive review of the operation and impact of the amendments to the *Electoral Act 1985* made by this Act, including the effectiveness of the amendments in achieving transparency, accountability, integrity and public confidence in the electoral process and its participants, to be conducted and a report on the review to be submitted to the Minister.
- (2) The review must be conducted by 3 or more persons appointed by the Minister.
- (3) The Minister must be satisfied that each person appointed to conduct the review has knowledge or experience in all of the following areas:
- (a) community advocacy and engagement;
  - (b) legal and regulatory compliance;
  - (c) contemporary issues relating to electoral funding.
- (4) The Minister must not appoint a person under subsection (2) if the person is—
- (a) a current employee or executive of a registered political party; or
  - (b) a current Electoral Commissioner or a member of the Electoral Commissioner's staff; or
  - (c) a current or former member of the Parliament of South Australia.
- (5) The Minister must appoint the persons to conduct the review before 1 January 2027 and the review and report must be completed and submitted to the Minister within 9 months after that date.

- (6) The Minister must cause a copy of the report submitted under this section to be laid before both Houses of Parliament within 6 sitting days after receiving the report.
- (7) The Special Minister of State must, within 6 sitting days of the expiration of 6 months after receiving the report under this section, cause a report to be laid before both Houses of Parliament setting out, in relation to each recommendation in the report—
  - (a) details of any action taken or proposed to be taken in consequence of the recommendation; or
  - (b) if no action has been taken or is proposed to be taken in consequence of the recommendation—giving reasons for not taking action or proposing to take action.