

Electoral Amendment Bill 2024

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Western Australia

LEGISLATIVE ASSEMBLY

Electoral Amendment Bill 2024

A Bill for

An Act to amend the *Electoral Act 1907*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Electoral Amendment Act 2024*.

3 **2. Commencement**

4 This Act comes into operation as follows —

- 5 (a) sections 1 and 2 — on the day on which this Act
6 receives the Royal Assent;
- 7 (b) the rest of the Act — immediately after the *Electoral*
8 *Amendment (Finance and Other Matters) Act 2023*
9 sections 112, 130, 131, 132, 136, 147 and 153 come into
10 operation.

11 **3. Act amended**

12 This Act amends the *Electoral Act 1907*.

13 **4. Part 6 heading amended**

14 In the heading to Part 6 delete “**gifts,**” and insert:

15

16 **political contributions,**

17

18 **5. Sections 175MA and 175MB replaced**

19 Delete sections 175MA and 175MB and insert:

20

21 **175MA. Disclosure of political contributions that are, or that**
22 **are in combination, more than specified amount**

- 23 (1) This section applies if a political entity receives from a
24 person in a financial year a political contribution —
- 25 (a) the amount or value of which is more than the
26 specified amount; or

- 1 (b) the amount or value of which is, in combination
2 with all previous political contributions
3 received by the political entity from the same
4 person in the same financial year, more than the
5 specified amount.
- 6 (2) The responsible person for the political entity must
7 lodge a notice with the Electoral Commissioner by —
- 8 (a) if the political contribution is received during
9 the capped expenditure period for an
10 election — the end of the next business day
11 after the day on which the political entity
12 receives the political contribution; or
- 13 (b) otherwise — the end of the period of 7 days
14 after the day on which the political entity
15 receives the political contribution.
- 16 (3) The notice must be in writing and state that the
17 political entity has received a political contribution —
- 18 (a) the amount or value of which is more than the
19 specified amount; or
- 20 (b) the amount or value of which is, in combination
21 with all previous political contributions
22 received by the political entity from the same
23 person in the same financial year, more than the
24 specified amount.
- 25 (4) The notice must also state the relevant details of —
- 26 (a) the political contribution; and
- 27 (b) each political contribution, from the same
28 person in the same financial year, for which the
29 responsible person has not previously lodged a
30 notice with the Electoral Commissioner.

- 1 (5) The responsible person is taken to have lodged the
2 notice if another person lodges the notice on behalf of
3 the responsible person.

4 Note for this section:

5 Division 5 contains offences in relation to notices to be
6 lodged under this section.

7

8 **6. Section 175MC amended**

- 9 (1) Delete section 175MC(1) and insert:

10

- 11 (1) The Electoral Commissioner must, as soon as
12 practicable after receiving a notice under
13 section 175MA, publish the information contained in
14 the notice on the Commission website.

15

- 16 (2) In section 175MC(3):

17 (a) delete “contained in a notice under section 175MA(1) or
18 175MB(2) or (4)”;

19 (b) after paragraph (a) insert:

20

21 (aa) a person’s address other than their postcode;

22

- 23 (3) In section 175MC(4):

24 (a) delete “175MA(1) or 175MB(2) or (4)” and insert:

25

26 175MA

27

28 (b) after “address” insert:

29

30 (including their postcode)

31

1 **7. Section 175N amended**

2 In section 175N(3):

3 (a) in paragraph (a) before “amount or value” insert:

4

5 combined

6

7 (b) delete paragraphs (b) and (c) and insert:

8

9 (b) the relevant details of each political
10 contribution for which a notice under
11 section 175MA is required to be lodged.
12

13 **8. Section 175NA amended**

14 In section 175NA(2):

15 (a) in paragraph (a) before “amount or value” insert:

16

17 combined

18

19 (b) delete paragraphs (b) and (c) and insert:

20

21 (b) the relevant details of each political
22 contribution for which a notice under
23 section 175MA is required to be lodged.
24

1 **9. Section 175R amended**

2 (1) Delete section 175R(1) and insert:

3

4 (1AA) In this section —

5 **acceptable action**, in relation to a political
6 contribution, means —

7 (a) an amount equal to the amount or value of the
8 political contribution is transferred to the State;
9 or

10 (b) the political contribution is returned to the
11 donor or another person acting on behalf of the
12 donor; or

13 (c) an amount equal to the amount or value of the
14 political contribution is returned to the donor or
15 another person acting on behalf of the donor;

16 **donor**, in relation to a political contribution, means the
17 person who makes the political contribution, or on
18 whose behalf the political contribution is made;

19 **relevant political entity** means —

20 (a) a political party; or

21 (b) an associated entity; or

22 (c) a candidate in an election; or

23 (d) a group in an election; or

24 (e) a third-party campaigner.

25 (1) It is unlawful for a relevant political entity, or a person
26 acting on behalf of a relevant political entity, to receive
27 a political contribution to or for the benefit of the
28 relevant political entity by another person unless —

29 (a) the person receiving the political contribution
30 (the **recipient**) knows the name and address of
31 the donor; or

- 1 (b) at the time the political contribution is made —
2 (i) the name and address of the donor are
3 given to the recipient; and
4 (ii) the recipient has no grounds to believe
5 that the name and address given are not
6 the true name and address of the donor.

7 (1A) A reference in this section to a relevant political entity,
8 or a person acting on behalf of a relevant political
9 entity, receiving a political contribution is, if the
10 relevant political entity is a group in an election, a
11 reference to a person included in the group, or a person
12 acting on behalf of a person included in the group,
13 receiving a political contribution.

14 (1B) A reference in this section to a relevant political entity,
15 or a person acting on behalf of a relevant political
16 entity, receiving a political contribution to or for the
17 benefit of the relevant political entity is, if the relevant
18 political entity is a third-party campaigner, a reference
19 to the third-party campaigner or a person acting on its
20 behalf receiving a political contribution for the purpose
21 of the incurring of expenditure for a political purpose.
22

23 (2) In section 175R(3):
24 (a) delete “subsection (1) — ” and insert:

25
26 this section —
27

28 (b) delete paragraph (c).

29 (3) Delete section 175R(4) and (5) and insert:
30

31 (4) The responsible person for a relevant political entity
32 must, unless the responsible person has a reasonable

- 1 excuse, ensure that neither of the following receives a
2 political contribution if it is unlawful for either of the
3 following to receive the political contribution under
4 subsection (1) —
- 5 (a) the relevant political entity;
- 6 (b) a person acting on behalf of the relevant
7 political entity.
- 8 Penalty for this subsection:
- 9 (a) if the relevant political entity is a political
10 party and the responsible person is the agent
11 of the political party — a fine of \$36 000; or
- 12 (b) otherwise — a fine of \$24 000.
- 13 (4A) The responsible person for a relevant political entity
14 does not commit an offence under subsection (4) if the
15 responsible person, or another person acting on behalf
16 of the responsible person, takes all reasonable steps to
17 ensure that acceptable action is taken in relation to the
18 political contribution by the end of the period of 7 days
19 after the day on which the political contribution is
20 received.
- 21 (5) An amount equal to the amount or value of a political
22 contribution received by a person is payable by the
23 person to the State if —
- 24 (a) it is unlawful for the person to receive the
25 political contribution under subsection (1); and
- 26 (b) acceptable action is not taken in relation to the
27 political contribution by the end of the period
28 of 7 days after the day on which the political
29 contribution is received.
- 30

- 1 (4) In section 175R(6) delete the passage that begins with “An
2 amount” and ends with “against —” and insert:
3

4 The State may recover an amount payable under subsection (5),
5 and may seek an order for the recovery of the amount in a court
6 of competent jurisdiction, from —
7

8 **10. Section 175T amended**

9 In section 175T(1) in the definition of *disclosure document*
10 paragraph (d) delete “175MA(1) or 175MB(2) or (4).” and
11 insert:
12

13 175MA.
14

15 **11. Section 175ZC amended**

16 (1) After section 175ZC(4)(a) insert:
17

18 (aa) a person’s address other than their postcode;
19

20 (2) In section 175ZC(5) delete “is not published under
21 subsection (2).” and insert:
22

23 (including their postcode) is not published under subsection (2)
24 or available for perusal or to be copied under subsection (3).
25

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