



Supplementary Notice Paper

Electoral Amendment (Finance and Other Matters)

Bill 2023 [130-2]

SNP 130, Issue No. 3

Tuesday, 14 November 2023

When in committee on the *Electoral Amendment (Finance and Other Matters) Bill 2023*:

Clause 4

Hon Ben Dawkins: To move —

2/4 Page 5, lines 24 to 27 — To delete the lines.

Hon Ben Dawkins: To move —

3/4 Page 10, lines 22 and 23 — To delete “A person who is enrolled under section 17AA(1) is taken, under section 17AA(2)(c),” and insert:

An elector who has not attained 18 years of age is taken, under section 51BA,

Clause 15

Hon Ben Dawkins: To move —

4/15 Page 23, after line 2 — To insert:

(aa) in paragraph (b) delete “18 years” and insert:

16 years

Clause 16

Hon Ben Dawkins: To —

5/16 Page 25, line 1 to page 26, line 3 — To oppose the clause.

Clause 34

Hon Ben Dawkins: To move —

7/34 Page 40, lines 12 to 29 — To delete the lines and insert:

if —

- (a) the claimant is unable to include in their claim the date of birth because it is not known to them; and
- (b) the claim contains a statement to that effect; and
- (c) a person who may attest as to the claimant’s identity under the *Commonwealth Electoral Act 1918* section 98AA(2)(c), in relation to an application or claim to which that section applies, certifies in writing that they are satisfied that the claimant is not under 16 years of age.

Clause 35

Hon Ben Dawkins: To move —

8/35 Page 41, lines 21 to 28 — To delete the lines and insert:

- (b) if the claimant has not attained 18 years of age —
 - (i) the claimant is taken to be a silent elector under section 51BA; and
 - (ii) unless the claimant applies to be a silent elector under section 51B, the claimant will no longer be a silent elector when the claimant attains 18 years of age.

Clause 36

Hon Ben Dawkins: To move —

9/36 Page 42, lines 16 and 17 — To delete “district, otherwise than under section 17AA(1),” and insert:

district

Clause 38

Hon Ben Dawkins: To move —

10/38 Page 47, lines 1 to 7 — To delete the lines and insert:

- (3) Delete section 47(4).

Clause 43**Hon Ben Dawkins:** To move —

11/43 Page 53, after line 19 — To insert:

51BA. Electors under 18 years of age taken to be silent electors

An elector who has not attained 18 years of age is taken to be a silent elector until the elector attains 18 years of age.

Clause 52**Hon Ben Dawkins:** To move —

14/52 Page 67, after line 13 — To insert:

(2) In section 62C(1) insert:

democratic endorsement principle means the constitution of the eligible political party must provide the endorsement of a party member to stand as a candidate following a plebiscite of party members in the particular division, district, electorate or state, excepting where the party member to be endorsed is —

- (a) a sitting member; or
- (b) has applied to be endorsed but is the only member of that party to apply for endorsement (is unopposed); and

for a member of a political party to be entitled to apply for endorsement via a plebiscite of members, a political party may —

- (a) require the member to have been a member of the eligible political party for a minimum period;
- (b) disqualify from participating in the process of endorsement by plebiscite any member who is not a fit and proper person as set out in the relevant sections of the *Electoral Act 1907*, the *Electoral Regulations 1996*, the *Constitution Acts Amendment Act 1899* and the *Public Sector Management Act 1994*; and
- (c) require their member to make party specific undertakings as the party may see fit.

Hon Ben Dawkins: To move —

74/52 Page 67, lines 14 to 22 — To delete the lines and insert:

(3) In section 62C(1) in the definition of *eligible political party* delete “that has at least 500 members who are electors and that has a constitution that specifies as one of its objects or activities the promotion of the election to the Parliament of the State of a candidate or candidates endorsed by it;” and insert:

that —

- (a) has at least 500 members who are electors; and

- (b) has a constitution that specifies as 1 of its objects or activities the promotion of the election to the Parliament of the State of a candidate or candidates endorsed by it; and
- (c) has a constitution that complies with the democratic endorsement principle for candidates.

Clause 61

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

1/61 Page 71, line 21 — To delete “Friday” and insert:

Thursday

Clause 78

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

73/78 Page 97, lines 1 to 6 — To delete the lines and insert:

- (j) in paragraph (c) delete “or deputy returning officer, who shall forthwith,” and insert:

for the whole of State electorate or returning officer for a district who must,

Clause 113

Hon Dr Brad Pettitt: To move —

22/113 Page 222, after line 19 — To insert:

close associate, of a body corporate, means —

- (a) an officer (as defined in the *Corporations Act 2001* (Commonwealth) section 9) of the body corporate; or
- (b) a person whose voting power (as defined in the *Corporations Act 2001* (Commonwealth) section 610) in the body corporate is greater than 20%; or
- (c) the spouse or de facto partner of a person referred to in paragraph (a) or (b); or
- (d) if the body corporate is a stapled entity in relation to a stapled security — the other stapled entity in relation to the stapled security; or
- (e) if the body corporate is a trustee, manager or responsible entity in relation to a discretionary trust — a beneficiary of the trust;

Hon Dr Brad Pettitt: To move —

23/113 Page 223, lines 1 and 2 — To delete the lines.

Hon Dr Brad Pettitt: To move —

24/113 Page 225, after line 5 — To insert:

liquor or gambling industry business entity means —

- (a) a body corporate that carries on a business or undertaking mainly concerned with either or both of the following, but only if it is for the ultimate purpose of making a profit —
 - (i) the manufacture or sale of liquor products;
 - (ii) wagering, betting or other gambling (including the manufacture of machines used primarily for wagering, betting or other gambling);
 or
- (b) a close associate of a body corporate referred to in paragraph (a);

Hon Dr Brad Pettitt: To move —

25/113 Page 225, after line 7 — To insert:

mineral resources or fossil fuel industry business entity means —

- (a) a body corporate that carries on a business or undertaking mainly concerned with exploring or prospecting for, or the discovery, development or extraction of, mineral resources or fossil fuels; or
- (b) a close associate of a body corporate referred to in paragraph (a);

Hon Dr Brad Pettitt: To move —

26/113 Page 225, after line 29 — To insert:

prohibited contribution means a political contribution the donor of which is a prohibited donor;

prohibited donor means any of the following —

- (a) a foreign donor;
- (b) a liquor or gambling industry business entity;
- (c) a mineral resources or fossil fuel industry business entity;
- (d) a property developer;
- (e) a tobacco industry business entity;
- (f) a representative organisation if the majority of its members are persons referred to in paragraphs (a) to (e);

property developer means any of the following —

- (a) a person who engages in an activity —
 - (i) in the course of carrying on a business or undertaking mainly concerned with the residential or commercial development of land for the ultimate purpose of the sale or lease of the land for profit; but
 - (ii) that is not for the dominant purpose of providing commercial premises at which the person will carry on the business, unless the business involves the sale or lease of a substantial part of the premises;
- (b) if a person referred to in paragraph (a) is an individual — the spouse or de facto partner of the person;
- (c) if a person referred to in paragraph (a) is a body corporate — a close associate of the body corporate;

Hon Dr Brad Pettitt: To move —

27/113 Page 226, lines 13 to 16 — To delete the lines and insert:

specified amount means \$1 000;

Hon Dr Brad Pettitt: To move —

28/113 Page 226, after line 16 — To insert:

stapled entity —

- (a) means an entity the interests in which are traded along with the interests in another entity as stapled securities; and
- (b) if an entity referred to in paragraph (a) is a trust — includes any trustee, manager or responsible entity in relation to the trust;

Hon Dr Brad Pettitt: To move —

29/113 Page 227, after line 20 — To insert:

tobacco industry business entity means —

- (a) a body corporate that carries on a business or undertaking mainly concerned with the manufacture, sale or supply of tobacco products; or
- (b) a close associate of a body corporate referred to in paragraph (a).

Clause 114

Hon Dr Brad Pettitt: To move —

30/114 Page 230, after line 12 — To insert:

- (1A) Without limiting subsection (1), a *gift* includes an amount that is paid by a person as a contribution, entry fee or other payment to entitle a person to attend, participate in or obtain a benefit from a fundraising event, venture or function.

Examples for this subsection:

- 1. An amount paid to attend a dinner or other event with an elected member who is a member of a registered political party.
- 2. An amount paid for an item at a fundraising auction.

Hon Dr Brad Pettitt: To move —

31/114 Page 231, line 17 — To delete the line.

New Clause 125A**Hon Ben Dawkins:** To move —**15/NC125A** Page 243, after line 21 — To insert:**125A. Section 175LG amended**

(1) Before section 175LG(1) insert:

(1A) If a claim (a *multi-election party claim*) is lodged by the agent of a registered political party in accordance with section 175LD(3) —

- (a) each election to which the claim relates must be considered separately for the purposes of calculating the amount to be paid in respect of the claim; and
- (b) the amount of a payment under this Division made in respect of each election must not exceed the electoral expenditure incurred by or with the authority of the party in the election, less any input tax credit in respect of that expenditure.

(2) In section 175LG(1):

- (a) delete “section 175LD is not to” and insert:

section 175LD, other than a multi-election party claim, must not

- (b) delete paragraph (a) and insert:

- (a) if the claim is lodged by the agent of a registered political party under section 175LD(2)(a) or (b) and relates to a single election, the electoral expenditure incurred by or with the authority of the party in relation to the election to which the claim relates, less any input tax credit in respect of that expenditure; or

(3) In section 175LG(2) delete “subsection (1) — ” and insert:

subsections (1A) and (1) —

Clause 128**Parliamentary Secretary to the Minister for Electoral Affairs:** To move —**75/128** Page 244, after line 20 — To insert:*eligible SCA nominee*, in relation to a political entity, means —

- (a) for an endorsed candidate — the political party that endorsed the candidate; or
- (b) for a candidate included in a group — the group; or
- (c) for an elected member —
 - (i) if the elected member is a member of a political party — the political party; or

- (ii) if the member is a member of a group — the group;
- or
- (d) for an associated entity — a political party, or the party group of a political party, to which the associated entity relates;

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

76/128 Page 245, line 25 — To delete the line and insert:

Penalty for this subsection:

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

77/128 Page 245, after line 28 — To insert:

- (2) Subsection (1) does not apply if —
 - (a) a political entity (the *relevant political entity*) who or which is not a group, political party or third-party campaigner, does not have a State campaign account because the relevant political entity intends to make use of the State campaign account of another political entity; and
 - (b) the other political entity is an eligible SCA nominee in relation to the relevant political entity; and
 - (c) the other political entity consents to make payments for electoral expenditure on behalf of the relevant political entity out of the other political entity's State campaign account; and
 - (d) the responsible person for the relevant political entity lodges a notice under section 175LN(1).

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

78/128 Page 246, lines 5 and 6 — To delete the lines and insert:

- (a) that the political entity —
 - (i) has a State campaign account; or
 - (ii) intends to make use of the State campaign account of another political entity named in the notice that is an eligible SCA nominee in relation to the political entity and has given the consent mentioned in section 175LM(2)(c);
 and

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

79/128 Page 246, line 12 — To delete “subsection (1)(b) or (c)” and insert:

this section

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

80/128 Page 246, lines 16 to 18 — To delete “stating the changes within the period of 5 business days after the day on which the change occurs.” and insert:

stating, within the period of 5 business days after the day on which the change occurs, details about the changes to the information, including —

- (a) if the change is that a new State campaign account is established — the information about that State campaign account mentioned in subsection (1)(b) and (c); and
- (b) if the change is that the political entity intends to make use of the State campaign account of another political entity — that the other political entity is an eligible SCA nominee in relation to the relevant political entity and has given the consent mentioned in section 175LM(2)(c).

Hon Dr Brad Pettitt: To move —

32/128 Page 247, line 23 — To delete “foreign” and insert:

prohibited

Hon Ben Dawkins: To move —

16/128 Page 247, after line 23 — To insert:

- (c) a prohibited contribution as defined in section 175RA(1).

Clause 130

Hon Ben Dawkins: To move —

17/130 Page 257, line 14 to page 258, line 2 — To delete the lines and insert:

affiliate fee is the name and address of the person who made the gift or paid the fee.

Clause 136

Hon Ben Dawkins: To move —

18/136 Page 269, line 13 to page 270, line 4 — To delete the lines and insert:

- (2) Delete section 175R(2).

New Clause 136A**Hon Ben Dawkins:** To move —**19/NC136A** Page 272, after line 7 — To insert:**136A. Section 175RA inserted**

After section 175R insert:

175RA. Political entities not to accept prohibited contributions

(1) In this section —

donor, in relation to a political contribution, means the person who makes the political contribution, or on whose behalf the political contribution is made;*prohibited contribution* means a political contribution the donor of which is not an individual.

(2) The responsible person for a political entity commits a crime if the political entity or the responsible person accepts a prohibited contribution or the benefit of a prohibited contribution.

Penalty for this subsection: imprisonment for 3 years or a fine of \$36 000.

(3) Subsection (2) does not apply if the prohibited contribution is made in a private capacity to the political entity or the responsible person for private use.

(4) Subsection (2) does not apply if the terms on which the prohibited contribution is made are inconsistent with the contribution's use as electoral expenditure in relation to an election.

Clause 138**Hon Dr Brad Pettitt:** To move —**33/138** Page 273, line 13 — To delete “**foreign**” and insert:**prohibited****Hon Dr Brad Pettitt:** To move —**34/138** Page 273, line 17 — To delete “**foreign**” and insert:

prohibited

Hon Dr Brad Pettitt: To move —**35/138** Page 273, line 20 — To delete “**foreign**” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

36/138 Page 273, line 22 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

37/138 Page 273, line 26 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

39/138 Page 274, line 1 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

40/138 Page 274, line 6 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

41/138 Page 274, line 7 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

42/138 Page 274, line 10 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

43/138 Page 274, line 12 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

44/138 Page 274, line 17 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

45/138 Page 274, line 18 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

46/138 Page 274, line 23 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

47/138 Page 274, line 29 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

48/138 Page 274, line 32 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

49/138 Page 275, line 4 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

50/138 Page 275, line 8 — To delete “foreign” and insert:

prohibited

Hon Ben Dawkins: To move —

20/138 Page 275, line 11 to page 277, line 3 — To delete the lines and insert:

- (a) the particulars relating to the individual on the register of electors; or
- (b) a copy of a passport, a certificate evidencing the individual’s naturalisation, or any other document evidencing the individual’s Australian citizenship; or
- (c) a copy of a visa evidencing the individual’s permanent residency in Australia; or
- (d) a copy of the individual’s Subclass 444 (Special Category) visa under the *Migration Act 1958* (Commonwealth) or, if that Subclass ceases to exist, the kind of visa that replaces the Subclass; or

- (e) any information, or a copy of any document, prescribed by the regulations for the purposes of this paragraph;

Hon Ben Dawkins: To move —

72/138 Page 277, lines 7 to 29 — To delete the lines.

Hon Dr Brad Pettitt: To move —

51/138 Page 278, lines 8 to 13 — To delete the lines and insert:

receives a prohibited contribution or the benefit of a prohibited contribution;
and

- (b) at the end of the acceptable action period in relation to the prohibited contribution, acceptable action has not been taken in relation to the prohibited contribution.

Hon Dr Brad Pettitt: To move —

52/138 Page 278, line 20 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

53/138 Page 278, line 22 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

54/138 Page 278, line 27 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

55/138 Page 279, line 5 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

56/138 Page 279, line 10 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

57/138 Page 279, line 16 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

58/138 Page 279, line 20 — To delete “foreign” and insert:

prohibited contribution, or the benefit of a prohibited

Hon Dr Brad Pettitt: To move —

59/138 Page 279, line 23 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

60/138 Page 280, lines 20 and 21 — To delete the lines and insert:

(a) the third-party campaigner receives a prohibited contribution, or the benefit of a prohibited

Hon Dr Brad Pettitt: To move —

61/138 Page 280, line 28 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

62/138 Page 280, line 30 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

63/138 Page 281, line 7 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

64/138 Page 281, line 18 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

65/138 Page 281, line 22 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

66/138 Page 281, line 29 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

67/138 Page 281, line 33 — To delete the line and insert:

prohibited contribution, or the benefit of a prohibited

Hon Dr Brad Pettitt: To move —

68/138 Page 282, line 2 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

69/138 Page 282, line 5 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

70/138 Page 282, line 8 — To delete “foreign” and insert:

prohibited

Hon Dr Brad Pettitt: To move —

71/138 Page 283, line 1 — To delete “foreign” and insert:

prohibited

Clause 180**Hon Ben Dawkins:** To move —

12/180 Page 350, after line 22 — To insert:

- (3) If, immediately before commencement day, a person is enrolled under section 17(4a), the person is taken to be enrolled as an elector for the district in respect of which the person is enrolled immediately before commencement day.

Hon Ben Dawkins: To move —

13/180 Page 351, after line 5 — To insert:

229A. Unenrolled persons under 18 years of age do not contravene s. 45(1) for 21 days beginning on commencement day

- (1) This section applies to a person who, immediately before commencement day —
 - (a) has attained 16 years of age but has not attained 18 years of age; and
 - (b) has not been enrolled under section 17(4a) as in force before commencement day.
- (2) For the purposes of section 45(1), the person is taken to have become entitled to become enrolled on commencement day.

Hon Ben Dawkins: To move —

21/180 Page 351, after line 15 — To insert:

230A. Registration of particular unincorporated political parties for 1 year beginning on commencement day

- (1) In this section —

incorporated association has the meaning given in the *Associations Incorporation Act 2015* section 3;

transition period means the period of 1 year beginning on commencement day.
- (2) Subsection (3) applies if —
 - (a) an application (a *registration application*) for the registration of a political party is made before commencement day; and
 - (b) the political party for which the application is made is not an incorporated association; and
 - (c) the application has not been decided before commencement day.
- (3) Despite section 62J(1A), the registration application must not, during the transition period, be refused under that section only because the political party is not an incorporated association.
- (4) Subsection (5) applies to —
 - (a) a political party to which subsection (3) applies that is registered after commencement day; and

- (b) a political party that, on commencement day, is a registered political party and is not an incorporated association.
- (5) Despite section 62L(2)(b), the political party's registration must not, during the transition period, be cancelled under section 62L(2) only because the political party is not an incorporated association.

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

81/180 Page 352, after line 11 — To insert:

- (2A) For the purposes of sections 175LM, 175LN and 175U(1) and this section, the first participation day of a person who is, on commencement day, an elected member is the day on which the elected member was nominated for election at the most recent election for which they were a candidate.

Parliamentary Secretary to the Minister for Electoral Affairs: To move —

82/180 Page 352, after line 31 — To insert:

- (aa) the responsible person for the political entity complies with section 175LM(2) by the end of the period of 5 business days after commencement day; or

