

# **Electoral Reform and Accountability Amendment Bill 2011**

## **Explanatory Notes for Amendments to be moved during consideration in detail by the Honourable Paul Lucas MP**

### **Title of the Bill**

Electoral Reform and Accountability Amendment Bill 2011

### **Objectives of the Amendments**

The objectives of the amendments are to effect changes of a technical drafting nature, to remove redundant provisions and definitions and to clarify the operation of new provisions.

The amendments are also intended to ensure that authorised officers assisting the Electoral Commission of Queensland in compliance matters have appropriate powers of entry; provide for the appointment of agents for unregistered third parties; clarify the operation of the definition *political donation* in respect of gifts in kind; and provide for a transitional provision in relation to applicable expenditure caps.

### **Achievement of the Objectives**

The objectives are achieved by way of amendments to the Bill.

### **Alternative Ways of Achieving Policy Objectives**

There is no alternative way of achieving the policy objectives other than to amend the Bill.

### **Estimated Cost for Government Implementation**

There is no cost associated with these amendments.

## **Consistency with Fundamental Legislative Principles**

There is no breach of fundamental legislative principles of the *Legislative Standards Act 1992*.

## **Consultation**

The amendments have not been the subject of consultation

## **Notes on Provisions**

### Amendment of Clause 2 (Commencement)

Amendment 1 provides for Act to commence on assent.

### Amendment of Clause 4 (Amendment of s3 (Definitions))

Amendment 2 omits an unnecessary definition.

Amendment 3 omits an unnecessary definition.

Amendment 4 omits an unnecessary definition.

Amendment 5 omits an unnecessary definition.

### After clause 14

Amendment 6 removes a redundant Part.

### Clause 15 (Insertion of new Part 9A)

Amendment 7 to the definition of agent is consequential on amendment 16

### Clause 15 (Insertion of new pt 9A)

Amendment 8 provides that a person can only be an auditor under the Act if he or she is not, and has not ever been, a member of a political party.

Amendment 9 clarifies that the *capped expenditure period* for a by-election ends at 6.00 pm on polling day.

Amendment 10 omits an unnecessary definition.

Amendment 11 omits an unnecessary definition.

Amendment 12 omits an unnecessary definition.

Amendment 13 clarifies that a gift does not include a payment under division 5.

Amendment 14 corrects a clause heading.

Amendment 15 corrects subdivision references new section 177AF.

Amendment 16 provides for the appointment of agents by unregistered third parties and for who is the agent if no appointment is in place.

Amendments 17-21 are consequential on providing for an unregistered third party to appoint an agent under amendment 16.

Amendment 22 is consequential on amendment 23.

Amendment 23 provides that a registered political party may give notice that it does not wish to receive administrative funding under this Act.

Amendment 24 removes an incorrect reference to an elected member as being “endorsed”.

Amendment 25 corrects a cross-reference.

Amendment 26 clarifies the operation of the definition *political donation* in respect of gifts in kind.

Amendments 27-29 omit redundant provisions.

Amendment 30 is consequential on amendment 10.

Amendment 31 corrects a heading.

Amendment 32 replaces the use of an incorrect term.

Amendments 33- 35 are consequential on amendment 10.

Amendment 36 ensures that new section 177IC applies in relation to electoral expenditure for the capped expenditure period.

Amendment 37 ensures that new section 177ID applies in relation to electoral expenditure for the capped expenditure period.

Amendments 38-39 ensure that new section 177IE applies in relation to electoral expenditure for the capped expenditure period and provides for the section to apply for an agent for a candidate.

Amendment 40 ensures that new section 177IF applies in relation to electoral expenditure for the capped expenditure period and provides for the section to apply for an agent for a registered third party.

Amendment 41 ensures that new section 177IG applies in relation to electoral expenditure for the capped expenditure period and provides for the section to apply for an agent for a third party.

Amendment 42 is an amendment of a technical drafting nature replacing a reference to “conviction” with “contravention”.

Amendments 43, 45 and 47 replace incorrect references in new section 177JA to “for an election” with the correct references to “for the capped expenditure period”.

Amendments 44, 46 and 48 are consequential upon amendments 43, 45 and 47.

Amendment 49 provides that new section 177JA(3) does not apply if the electoral expenditure for the capped expenditure period for the election incurred by or with the authority of the registered third party is \$200 or less.

Amendment 50 is an amendment of a technical drafting nature replacing a reference to “conviction” with “contravention”.

Amendment 51 expands the circumstances in which an authorised officer may enter a place to a place of business at which the authorised officer reasonably suspects a document issued to a person under this part or required to be kept by a person under this part are kept if the place is open for carrying on the business or otherwise open for entry. For this provision, a place of business includes an office or other place at which a political party, elected member, candidate or third party carries out political or administrative activities but does not include a part of a place where a person resides.

Amendment 52 is consequential on amendment 51

Clause 17 (Insertion of new pt 11, div 5)

Amendment 53 omits an unnecessary definition.

Amendment 54 is a transitional provision for applicable expenditure caps under section 177AI(1) that would apply in the event of an election being called during the financial year in which the section commences.