

Electoral and Other Legislation Amendment Bill 2015

Amendments during consideration in detail to be moved by

The Honourable the Attorney-General and Minister for Justice and
Minister for Training and Skills

1 Clause 15 (Replacement of s 264 (Gifts to candidates etc.))

Page 15, lines 24 and 25, from ‘inform’ to ‘the gift’—

omit, insert—

give the third party who gave the gift notice

2 Clause 16 (Amendment of s 265 (Gifts to political parties))

Page 16, lines 1 to 3—

omit, insert—

- (1) This section applies to an entity that makes a gift, or made a gift before the commencement, to a registered political party (the *recipient party*) in a reporting period.

3 Clause 16 (Amendment of s 265 (Gifts to political parties))

Page 16, line 14, after ‘makes’—

insert—

or made

4 Clause 16 (Amendment of s 265 (Gifts to political parties))

Page 17, lines 23 to 29—

omit, insert—

- (12) Subsections (13) to (15) apply to a registered political party that receives, or received before the commencement, a gift from an entity in relation to which a return is required under this section.
- (13) If the gift is received after the commencement, the registered political party must, as soon as practicable after receiving the gift, give the entity notice that the entity is required to give a return under this section.

Maximum penalty—20 penalty units.

- (14) If the gift was received before the commencement, the registered political party must, within 4 weeks after the commencement—
 - (a) give the entity notice that the entity is required to give a return under this section; and
 - (b) give the commission a copy of the notice.

Maximum penalty—20 penalty units.

- (15) However, the registered political party does not commit an offence against subsection (14) if—
 - (a) the party can not give the entity notice under subsection (14)(a) because the party has not kept records about the gift or the entity that made the gift; and
 - (b) the party's failure to keep the records is not an offence against section 307(2)(b).

5 Clause 18 (Insertion of new pt 11, div 7, sdiv 3)

Page 21, lines 6 and 7, from 'inform' to 'the gift'—

omit, insert—

give the entity that made the gift notice

6 Clause 22 (Replacement of s 290 (Annual returns by registered political parties))

Page 23, line 5, after ‘receives’—

insert—

, or received before the
commencement,

7 Clause 22 (Replacement of s 290 (Annual returns by registered political parties))

Page 23, line 9, after ‘receives’—

insert—

, or received before the
commencement,

8 Clause 22 (Replacement of s 290 (Annual returns by registered political parties))

Page 23, line 25, ‘is’—

omit, insert—

was

9 Clause 22 (Replacement of s 290 (Annual returns by registered political parties))

Page 24, line 9, after ‘period’—

insert—

, including amounts received before the
commencement

10 Clause 22 (Replacement of s 290 (Annual returns by registered political parties))

Page 24, line 11, after ‘period’—

insert—

, including amounts paid before the commencement

11 Clause 22 (Replacement of s 290 (Annual returns by registered political parties))

Page 24, line 14, after ‘entities’—

insert—

, including debts incurred before the commencement

12 Clause 25 (Replacement of ss 293 and 294)

Page 26, lines 4 and 5—

omit, insert—

- (a) the entity receives a gift, or received a gift before the commencement, during a reporting period; and

13 Clause 25 (Replacement of ss 293 and 294)

Page 26, lines 8 and 9—

omit, insert—

- (c) when the entity received the gift, the entity was an associated entity.

14 Clause 25 (Replacement of ss 293 and 294)

Page 26, line 18, ‘is’—

omit, insert—

was

15 Clause 25 (Replacement of ss 293 and 294)

Page 26, lines 25 and 26, from ‘is’ to ‘period’—

omit, insert—

was an associated entity at any time during a reporting period, including before the commencement

16 Clause 25 (Replacement of ss 293 and 294)

Page 26, line 32, ‘financial year’—

omit, insert—

reporting period, including amounts received before the commencement

17 Clause 25 (Replacement of ss 293 and 294)

Page 27, line 2, after ‘period’—

insert—

, including amounts paid before the commencement

18 Clause 25 (Replacement of ss 293 and 294)

Page 27, line 8, after ‘entities’—

insert—

, including debts incurred before the commencement

19 Clause 26 (Insertion of new pt 11, div 12)

Page 30, after line 6—

insert—

298A Failure to notify third party of requirement under s 298(5)

- (1) This section applies to a candidate in a relevant election who, before the commencement, received from a third party a gift in relation to which a return is required under section 298(5).
- (2) The candidate must, within 4 weeks after the commencement—
 - (a) give the third party notice that the third party is required, under section 298(5), to give a return in relation to the gift; and
 - (b) give the commission a copy of the notice.

Maximum penalty—20 penalty units.

- (3) However, the candidate does not commit an offence against subsection (2) if—
 - (a) the candidate can not give the third party notice under subsection (2)(a) because the candidate has not kept records about the gift or the entity that made the gift; and
 - (b) the candidate's failure to keep the records is not an offence against section 307(2)(b).

20 Clause 26 (Insertion of new pt 11, div 12)

Page 31, after line 4—

insert—

299A Failure to notify entity of requirement under s 299(2)

- (1) This section applies to a registered political party that, before the commencement, received from an entity a gift in relation to

which a return is required under section 299(2).

- (2) The registered political party must, within 4 weeks after the commencement—
 - (a) give the entity notice that the entity is required, under section 299(2), to give a return in relation to the gift; and
 - (b) give the commission a copy of the notice.

Maximum penalty—20 penalty units.

- (3) However, the registered political party does not commit an offence against subsection (2) if—
 - (a) the party can not give the entity notice under subsection (2)(a) because the party has not kept records about the gift or the entity that made the gift; and
 - (b) the party's failure to keep the records is not an offence against section 307(2)(b).

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