



Western Australia

# **Electoral Amendment Act 2024**



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Western Australia

# Electoral Amendment Act 2024

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No. 24 of 2024

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**An Act to amend the *Electoral Act 1907*.**

[Assented to 27 June 2024]

The Parliament of Western Australia enacts as follows:

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**1. Short title**

This is the *Electoral Amendment Act 2024*.

**2. Commencement**

This Act comes into operation as follows —

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

**3. Act amended**

This Act amends the *Electoral Act 1907*.

**4. Part 6 heading amended**

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

**political contributions,**

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

Delete sections 175MA and 175MB and insert:

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

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

- (b) the amount or value of which is, in combination with all previous political contributions received by the political entity from the same person in the same financial year, more than the specified amount.
- (2) The responsible person for the political entity must lodge a notice with the Electoral Commissioner by —
  - (a) if the political contribution is received during the capped expenditure period for an election — the end of the next business day after the day on which the political entity receives the political contribution; or
  - (b) otherwise — the end of the period of 7 days after the day on which the political entity receives the political contribution.
- (3) The notice must be in writing and state that the political entity has received a political contribution —
  - (a) the amount or value of which is more than the specified amount; or
  - (b) the amount or value of which is, in combination with all previous political contributions received by the political entity from the same person in the same financial year, more than the specified amount.
- (4) The notice must also state the relevant details of —
  - (a) the political contribution; and
  - (b) each political contribution, from the same person in the same financial year, for which the responsible person has not previously lodged a notice with the Electoral Commissioner.

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

Note for this section:

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

**6. Section 175MC amended**

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

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

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

- (a) delete “contained in a notice under section 175MA(1) or 175MB(2) or (4)”;
- (b) after paragraph (a) insert:

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

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

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

175MA

- (b) after “address” insert:

(including their postcode)

**7. Section 175N amended**

In section 175N(3):

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

combined

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

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

**8. Section 175NA amended**

In section 175NA(2):

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

combined

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

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

**9. Section 175R amended**

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

(1AA) In this section —

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

- (a) an amount equal to the amount or value of the political contribution is transferred to the State; or
- (b) the political contribution is returned to the donor or another person acting on behalf of the donor; or
- (c) an amount equal to the amount or value of the political contribution is returned to the donor or another person acting on behalf of the donor;

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

**relevant political entity** means —

- (a) a political party; or
- (b) an associated entity; or
- (c) a candidate in an election; or
- (d) a group in an election; or
- (e) a third-party campaigner.

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

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

- (b) at the time the political contribution is made —
  - (i) the name and address of the donor are given to the recipient; and
  - (ii) the recipient has no grounds to believe that the name and address given are not the true name and address of the donor.
- (1A) A reference in this section to a relevant political entity, or a person acting on behalf of a relevant political entity, receiving a political contribution is, if the relevant political entity is a group in an election, a reference to a person included in the group, or a person acting on behalf of a person included in the group, receiving a political contribution.
- (1B) A reference in this section to a relevant political entity, or a person acting on behalf of a relevant political entity, receiving a political contribution to or for the benefit of the relevant political entity is, if the relevant political entity is a third-party campaigner, a reference to the third-party campaigner or a person acting on its behalf receiving a political contribution for the purpose of the incurring of expenditure for a political purpose.
- (2) In section 175R(3):
  - (a) delete “subsection (1) — ” and insert:

this section —
  - (b) delete paragraph (c).
- (3) Delete section 175R(4) and (5) and insert:
  - (4) The responsible person for a relevant political entity must, unless the responsible person has a reasonable

excuse, ensure that neither of the following receives a political contribution if it is unlawful for either of the following to receive the political contribution under subsection (1) —

- (a) the relevant political entity;
- (b) a person acting on behalf of the relevant political entity.

Penalty for this subsection:

- (a) if the relevant political entity is a political party and the responsible person is the agent of the political party — a fine of \$36 000; or
- (b) otherwise — a fine of \$24 000.

- (4A) The responsible person for a relevant political entity does not commit an offence under subsection (4) if the responsible person, or another person acting on behalf of the responsible person, takes all reasonable steps to ensure that acceptable action is taken in relation to the political contribution by the end of the period of 7 days after the day on which the political contribution is received.
- (5) An amount equal to the amount or value of a political contribution received by a person is payable by the person to the State if —
  - (a) it is unlawful for the person to receive the political contribution under subsection (1); and
  - (b) acceptable action is not taken in relation to the political contribution by the end of the period of 7 days after the day on which the political contribution is received.

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

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

**10. Section 175T amended**

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

175MA.

**11. Section 175ZC amended**

- (1) After section 175ZC(4)(a) insert:

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

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

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