

<b>RECOMMENDATION</b>	<b>SOURCE</b>	<b>STATUS</b>	<b>RECOMMENDATION</b>	<b>SOURCE</b>	<b>STATUS</b>
1. That the JSCEM specifies the breadth of coverage of disclosure believed necessary under the Electoral Act, from which the existing legislation can be reviewed and, as necessary, redrafted.	AEC Submission of 03 August 2001	JSCEM has yet to report on this recommendation			
2. That, where an arrangement has been entered into which has the effect of reducing or negating a disclosure obligation under Part XX, disclosure is to be made as if that arrangement had not been entered into.	AEC Submission of 03 August 2001	JSCEM has yet to report on this recommendation			
3. That all those involved in an arrangement found to have been contrived to avoid disclosure should be subject to a financial penalty sufficient to act as a deterrent to engaging in such arrangements.	AEC Submission of 03 August 2001	JSCEM has yet to report on this recommendation			
4. That where a receipt of \$1,500 or more has been omitted from a disclosure return of a political party, associated entity, donor to a political party, candidate or Senate group, or the details of a receipt included on such a disclosure return do not clearly identify the true source and value of those funds, then a sum equivalent to that receipt should be forfeited to the Commonwealth.	AEC Submission of 03 August 2001	JSCEM has yet to report on this recommendation			
5. That where an outstanding debt of \$1,500 or more has been omitted from a disclosure return or the details of that debt included on such a disclosure return do not clearly identify the true source and value of the debt, then a sum equivalent to that debt should be forfeited to the Commonwealth.	AEC Submission of 03 August 2001	JSCEM has yet to report on this recommendation			

<p>6. That section 318 be amended to strengthen the test for an agent to be allowed to lodge an incomplete disclosure return by specifying certain minimum steps required to have been taken before they can be considered to be unable to obtain all necessary particulars. These steps should not, however, be considered an exhaustive test as to what should be considered reasonable attempts. Such steps must have been taken before the due date for lodgement of the return. The section should contain a penalty provision for deliberate inaction or the provision of inaccurate information.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM has yet to report on this recommendation</p>				
<p>7. That the Electoral Act be amended to require that a political party be deregistered for continued failure (two or more years running) to lodge an annual return or a properly completed annual return.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM has yet to report on this recommendation</p>	<p>7. The failure by the agent of a political party to lodge a disclosure return within 12 months of its due date be grounds for de-registration of that party.</p>	<p>FAD 1996 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>	<p>21 w X C a w tc</p>
<p>8. That all entities and groupings whose membership or existence is significantly linked to or dependent upon the existence of a registered political party be treated as associated entities for disclosure purposes.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM has yet to report on this recommendation</p>				

<p>9. That the term 'benefit' currently used in the definition of 'associated entity' be further clarified by inserting the following interpretation: that 'benefit' include instances where the benefit is enjoyed by members of a registered political party on the basis of that membership.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM has yet to report on this recommendation</p>
<p>10. That the cumulative thresholds outlawing the acceptance of anonymous donations apply irrespective of the source of the gift.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM has yet to report on this recommendation</p>
<p>11. That donations received from outside Australia either be either prohibited, or forfeited to the Commonwealth where the true original source of that donation is not disclosed through the lodgement of disclosure returns by those foreign persons and/or organisations.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM has yet to report on this recommendation</p>
<p>12. That debts and loans sourced from outside Australia or owed to an entity outside Australia either be prohibited, or forfeited to the Commonwealth where the true original source is not fully disclosed by the political party or associated entity under that commitment.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM has yet to report on this recommendation</p>
<p>13. That entities that operate through 'shell' political parties be required to assume full disclosure responsibilities under the Electoral Act such that the true source of funds used by that party are made public.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM has yet to report on this recommendation</p>

<p>14. that the amount to be forfeited to the Commonwealth where a sum deemed to be illegal under the disclosure provisions has been received, be increased to double the value of the sum received.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM yet to report on this recommendation</p>				
<p>15. That the suspension of party registration activity under section 127 of the Electoral Act cover the period from the issue of the writ for an election until polling day in that election.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM yet to report on this recommendation</p>	<p>18. The suspension of all party registration activity during the period of the issue of a writ be amended so that only the Australian Electoral Commission's decision with regard to the registration, de-registration and changes to the Register of Political Parties other than to Registered Officer and Deputy Registered Officer details, is suspended.</p>	<p>FAD 1996 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>	<p>2 th ct aj Re pe w n di</p>
<p>16. That section 129 of the Electoral Act be amended to require that the AEC will refuse an application for registration if the proposed name of the party is the same as, or so closely resembles as to cause confusion, the name of a recognised (as defined) organisation where that organisation has advised the AEC that it does not agree to the use of the name by the party.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM yet to report on this recommendation</p>				

17. That section 129 of the Electoral Act be amended to require that the AEC will refuse an application for registration if the proposed name of the party contains the name of a person.	AEC Submission of 03 August 2001	JSCEM yet to report on this recommendation			
18. That paragraph 123(3)(b) be amended to require that members must be correctly enrolled.	AEC Submission of 03 August 2001	JSCEM yet to report on this recommendation	23. That the criterion for membership of a political party be amended to 'currently enrolled on the electoral roll'.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation (see also recommendation 18 of AEC submission of 3/8/2001 to JSCEM FAD inquiry)
19. That section 126 of the Electoral Act be amended to require that copies of the membership application forms for the 500 members supporting the application for registration be provided with the application, and that the membership application forms meet certain minimum requirements (the form could be included in Schedule 1 of the Electoral Act).	AEC Submission of 03 August 2001	JSCEM yet to report on this recommendation			
20. That the Electoral Act be amended to require that a party agent is to be appointed by the registered officer.	AEC Submission of 03 August 2001	JSCEM yet to report on this recommendation			

<p>21. That section 126 of the Electoral Act be amended to require that certain member details are to be included in the list of members supplied to the AEC, not just names. Details to include current residential address, date of birth, contact phone number. The list should also be exempted from public access for privacy reasons.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM yet to report on this recommendation</p>
<p>22. That the Electoral Act be amended to clearly set out minimum requirements for a party's constitution, such as it must:</p> <ul style="list-style-type: none"> <li>§ be written;</li> <li>§ include the aims of the party (one of which must be the endorsement of candidates to contest federal elections);</li> <li>§ set out the requirements to become a member, maintain membership and cease membership;</li> <li>§ set out the process for selection of officer-holders, including registered officer and party agent, the Executive and any committees;</li> <li>§ detail the party structure;</li> <li>§ detail the procedure for amending the constitution;</li> <li>§ detail the procedures for winding up the party.</li> </ul>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM yet to report on this recommendation</p>

<p>23. That the Electoral Act be amended to provide that a person who is serving a sentence of one year or longer for any offence against the law of the Commonwealth or of a State or Territory is ineligible to be chosen as, or to continue to hold the position of, registered officer, deputy registered officer or party agent.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM yet to report on this recommendation</p>
<p>24. That section 131 be amended to require that applicant/s must reply to a notice issued under that section within two months of receipt of the notice. Failure to reply to such a notice will be treated as a withdrawal of the application. Applicants may respond to such a notice advising that they wish to withdraw the application.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM yet to report on this recommendation</p>
<p>25. That the Electoral Act be amended to remove "related party" status.</p>	<p>AEC Submission of 03 August 2001</p>	<p>JSCEM yet to report on this recommendation</p>
<p>1. That the transactions of a political party undertaken on its behalf by another organisation be disclosed either by: § disclosure of the transactions by the political party in its annual return; or § disclosure by the service entity in an annual return.</p>	<p>AEC Submission of 17 October 2000</p>	<p>JSCEM yet to report on this recommendation</p>

2. That all payments at fundraisers be deemed by the Electoral Act to be donations.	AEC Submission of 17 October 2000	JSCEM yet to report on this recommendation
3. That donation limits not be imposed.	AEC Submission of 17 October 2000	JSCEM yet to report on this recommendation
1. Require disclosure by donors who have made donations of \$1,000 or more to Senate groups the members of which have not all been endorsed by the one registered political party and disclosure by those donors of any donations they received of \$1,000 or more which they used, in whole or in part, to incur expenditure for a political purpose.	FAD 1998 Post Election Report	JSCEM yet to report on this recommendation
2. Amend the requirement for a third party to lodge a return of donations received to instances where those donations were used in whole or in part on electoral expenditure or donations made which are required to be disclosed by the third party for that same election.	FAD 1998 Post Election Report	JSCEM yet to report on this recommendation

<p>3. Abolish the requirement for broadcasters and publishers to lodge disclosure returns following an election or referendum</p>	<p>FAD 1998 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>	<p>13. That consideration be given to the efficacy of continuing the requirement for broadcasters and publishers to furnish returns.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation. (see also recommendation 3 of FAD 1998 post election report)</p>
<p>4. The party agent or, in the absence of a registered party agent those persons who currently form or last formed the party's Executive Committee, be required to lodge an annual return within 16 weeks of the date of deregistration of the party covering the period from 1 July until the date of deregistration. The financial controller of an associated entity should be required to lodge a return covering the period up to the deregistration of the political party that it was associated with, or the period up to when the associated entity ceases operations, as the case may be.</p>	<p>FAD 1998 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>			
<p>5. Persons who fail to make or maintain such records as enables them to comply with the disclosure provisions of the Act be subject to the same penalty provisions as apply to persons who fail to retain records.</p>	<p>FAD 1998 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>			

<p>6. The definition of an associated entity be clarified by inserting the following interpretations into the Act:</p> <ul style="list-style-type: none"> <li>· 'controlled' to include the right of a party to appoint a majority of directors or trustees;</li> <li>· 'to a significant extent' to mean the receipt by a political party of more than 50% of the distributed funds, entitlements or benefits enjoyed and/or services provided by the associated entity in a financial year; and</li> <li>· 'benefit' to include the receipt of favourable, non-commercial terms and instances where the party ultimately enjoys the benefit.</li> </ul>	<p>FAD 1998 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>
<p>7. The prohibition on the receipt of an 'anonymous donation' be extended to associated entities on the same basis as for those made to registered political parties.</p>	<p>FAD 1998 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>
<p>8. The payment of a guarantee to be deemed to be a gift for the purposes of the disclosure provisions of the Commonwealth Electoral Act.</p>	<p>FAD 1998 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>
<p>9. Raise the threshold at which donors to political parties are required to disclose gifts received and used by them, either in whole or in part, to fund their gifts to a registered political party from \$1,000 or more to \$1,500 or more to maintain a consistent value at which the Act deems disclosure necessary.</p>	<p>FAD 1998 Post Election Report</p>	<p>JSCEM yet to report on this recommendation</p>

10. The threshold at which donors to political parties are required to disclose gifts received of \$1,000 or more (or \$1,500 or more if the above recommendation is accepted) to include two or more gifts from the same source which together exceed that threshold.	FAD 1998 Post Election Report	JSCEM yet to report on this recommendation			
12. Contingent debts be treated identically to current debts for disclosure purposes.	FAD 1998 Post Election Report	JSCEM yet to report on this recommendation			
14. The definition of a member of a political party be expanded to include the requirements for a person to have: · been formally accepted as a member according to the party's written rules; · joined the party or renewed their membership within the previous 12 months; and · paid a minimum annual membership fee of \$5.00	FAD 1998 Post Election Report	JSCEM 98 election report recommendation 50 – not supported in Govt. response			
16. The Act provide the Australian Electoral Commission with the power to set standard, minimum rules which would apply to registered political parties where the party's own constitution is silent or unclear.	FAD 1998 Post Election Report	JSCEM yet to report on this recommendation			
2. Candidates and Senate groups be allowed to appoint agents up to 6:00 pm on polling eve.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation	1. That the legislation be amended to enable candidates to appoint agents up to polling eve.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation. (see also recommendation 2 of FAD 1996 post election report)

3. The threshold for disclosure of donations to candidates be raised to \$1,000.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
4. The threshold for disclosure of electoral expenditure by third parties be raised to \$1,000.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
5. In their annual returns, political parties be required to identify donations separately from other receipts.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
6. Political party annual returns be accompanied by a report from an accredited auditor.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
8. The threshold for recovering 'anonymous donations' to registered political parties, candidates and Senate groups be the same as the disclosure thresholds.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
9. The definition of an 'anonymous donation' be revised from the name or address not being known at the time of receipt to not being known at the time of disclosure.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
12. That a person can only hold one appointment as a Registered Officer at any one time.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation

15 **. The procedures for the de-registration of a party originally registered as a parliamentary party and the review of that decision be the same as currently exist for a non-parliamentary party.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
16. Require that the secretary of the party be one of the three party members to submit an application for the de-registration of a non-parliamentary party.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
17. All de-registration decisions of the Australian Electoral Commission should be included as reviewable decisions under the Commonwealth Electoral Act.	FAD 1996 Post Election Report	JSCEM yet to report on this recommendation
2. That consideration be given to deleting the requirement for separate Senate group returns and consequently for an agent for the group. Information previously required to be furnished in the group return to be included in the return of the candidate who accepted the donation or incurred the expenditure.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation. (N.B. recommendation relates to unendorsed Senate groups)
3. That the requirement to appoint an agent in section 288 relates to registered political parties.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
4. That the register be re-named Register of Agents of Registered Political Parties.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation

5. That it be mandatory for a registered political party and each State and Territory branch to have an appointment of agent in force at all times.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
6. That the first nomination of agent be made with the application to register the party.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
7. That the Act provide for a penalty for failure by a registered political party to have an appointment of agent in effect.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
8. That, where a determination has been made to remove a party from the Register of Political Parties any agents listed for that party and its State/Territory branches in the Register of Party Agents be deleted from the register.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
9. That the Act be amended to require a person accepting appointment as an agent of a registered party (or a State/Territory branch) to be a member of that party.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
10. That consideration be given to providing a definition in the Act which removes the ambiguity from the phrase 'by or on behalf of the party'.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation

<p>11. That Section 304(2) be amended by requiring the commencement date of the disclosure period be set out in a candidate's Return of Details of Gifts Received.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation</p>
<p>14. That consideration be given to amending Section 305 to provide that the due date for 'third' party (eg donors) returns is some time after the due date for candidate returns. They are currently due on the same date and different due dates would bring these returns into line with the due dates for annual returns.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation</p>
<p>15. That consideration be given to repealing the remainder of Section 305A (as amended by Commonwealth Electoral Amendment Act 1995).</p>	<p>FAD 1993 Post Election Report</p>	<p>In the time that has passed since this recommendation was made it has become clear that there is a public expectation that this level of disclosure be retained. However, it is still the case that there are issues relating to the administration and interpretation of the section that need to be clarified. The AEC therefore now recommends that section 305A be revised to clarify who is meant to be captured by paragraph 305A(1)(c), extend the due date for lodgement of returns and clarify where donations to endorsed candidates should be reported.</p>

<p>16. That a discretionary power be provided in the Act which would enable those advertisements which are clearly using the election as an advertising gimmick to be discounted by the Australian Electoral Commission for the purposes of Section 309(4).</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation. Legal advice obtained subsequent to this recommendation being made indicates that this issue still needs to be clarified.</p>
<p>17. That consideration be given to raising of the expenditure threshold for reporting of electoral expenditure by 'third parties'.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation</p>
<p>18. That persons required to furnish returns under Part XX be required to make and maintain such records as are necessary to enable them to comply with the disclosure requirements of the Act.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation</p>
<p>19. That the requirement to retain records be amended to at least 3 years after the due date for furnishing of the return or lodging the claim to which the records refer.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation</p>
<p>20. That consideration be given to the most appropriate agency for undertaking investigations of apparent offences against Part XX and to provision of the resources required.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation Now further suggest that consideration be given to the AEC being able to apply an 'administrative' penalty (as it can in relation to failure to vote under section 245).</p>

<p>22. That it be mandatory for the registered officer, deputy registered officers and party agent to be bona fide members of the party on whose behalf they hold the office.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation</p>
<p>24. That the legislation be amended to require any party seeking registration (other than a parliamentary party) to provide a list detailing the names and residential addresses of all its members. The amendment should provide that officers of the Commission treat membership lists as confidential, to be used only for ascertaining the applicant party's eligibility and returned to the party as soon as the period for objection to the Commission's determination of the application has passed.</p>	<p>FAD 1993 Post Election Report</p>	<p>First part of this recommendation no longer applicable as legislative amendment to CEA passed [Commonwealth Electoral Amendment Act (No.1) 2000] JSCEM has not commented on second part of this recommendation</p>
<p>25. That, along with the application to register and copy of the constitution, applicants for party registration be required to acknowledge the obligations registration imposes.</p>	<p>FAD 1993 Post Election Report</p>	<p>JSCEM has not commented on this recommendation</p>
<p>27. That the legislation provide for provision of a membership list to enable the Commission to carry out its statutory obligation to ensure that only eligible parties remain in the Register of Political Parties and that membership lists be treated in the same manner as those provided with an application for registration.</p>	<p>FAD 1993 Post Election Report</p>	<p>No longer applicable as legislative amendment essentially covering this recommendation contained in Electoral and Referendum Act 2001. However, the JSCEM has not commented on the confidentiality aspect of this recommendation.</p>

29. That the de-registration provisions have the same advertising requirements, objection procedures and periods as applications for registration.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
30. That decisions made in relation to an application under section 135 be reviewable.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
31. That procedures for notification, advertising and review under Section 137 be made consistent with Sections 132 and 135.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
32. That an application for review of a decision made under Part XI must be made within a reasonable time after the decision was made, such as 28 days after notice of the decision was given.	FAD 1993 Post Election Report	JSCEM has not commented on this recommendation
33. That there should be pecuniary penalties attaching to any fraud or misrepresentation in relation to any section of the party registration provisions.	FAD 1993 Post Election Report	Possibly now covered by Division 137 of Criminal Code Act 1995