

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
SUPPLEMENTARY BUDGET ESTIMATES 2015-16

Finance Portfolio
20 October 2015

Department/Agency: Australian Electoral Commission

Outcome/Program: General

Topic: Statutory period for payments to candidates or Members of Parliament

Senator: Rhiannon

Question reference number: F14

Type of question: Hansard Proof, F&PA Committee, Page 52, 20 October 2015

Date set by the committee for the return of answer: Friday, 4 December 2015

Number of pages: 1

Question:

Senator RHIANNON: With regard to the three year cut-off, how long has that been in the legislation?

Mr Rogers: Mr Pirani might have the answer to that.

Mr Pirani: I am looking at the index at the back to see when it was amended. It looks as though it has been there since the original funding and disclosure was inserted in 1983. I will take that on notice if I am mistaken, but looking at the end notes in the Electoral Act, it appears it was inserted in 1983.

Answer:

Subsection 315(11) of the *Commonwealth Electoral Act 1918* (Electoral Act) provides for a three year limitation period for the commencement of a prosecution in respect of a failure to comply with the disclosure requirements contained in section 315. As the offences in section 315 of the Electoral Act have penalties of \$10,000, \$5,000 and \$1,000, such offences are summary offences that would otherwise be covered by section 15B(1)(b) of the *Crimes Act 1914* which has a 12 month limitation period.

Subsection 315(11) was inserted in the Electoral Act by section 23 of the *Political Broadcasts and Political Disclosures Act 1991* (Act No. 203 of 1991).