

LEGISLATIVE COUNCIL
ELECTORAL AMENDMENT BILL 2025

(New Clause to be proposed in Committee by SARAH MANSFIELD)

NEW CLAUSE

1. Insert the following New Clause to follow clause 103—

'103A New section 217BA inserted

After section 217B of the Principal Act **insert—**

"217BA Political donations from property developers, building and construction industry entities, fossil fuel entities and others banned

- (1) It is unlawful for a prohibited donor to make a political donation or for a registered political party, a candidate at an election, a group, an elected member, a nominated entity, an associated entity or a third party campaigner to accept a political donation from a prohibited donor.
- (2) For the purposes of this section, a *prohibited donor* is—
 - (a) a property developer; or
 - (b) a building and construction industry entity; or
 - (c) a fossil fuel industry entity; or
 - (d) a tobacco industry entity; or
 - (e) a gambling industry entity; or
 - (f) a supermarket entity; or
 - (g) an estate agent; or
 - (h) a banking industry entity.
- (3) Each of the following is a *property developer* for the purposes of this section—
 - (a) an individual or a corporation if—
 - (i) the individual or corporation carries on a business mainly concerned with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit; and
 - (ii) in the course of that business—

- (A) 1 planning application has been made by or on behalf of the individual or corporation and is pending; or
 - (B) 3 or more planning applications made by or on behalf of the individual or corporation have been determined within the preceding 7 years;
- (b) a person who is a close associate of an individual or a corporation referred to in paragraph (a).
- (4) Any activity engaged in by an individual or a corporation for the dominant purpose of providing commercial premises at which the individual or corporation, or a related body corporate of the corporation, will carry on business is to be disregarded for the purpose of determining whether the individual or corporation is a property developer unless that business involves the sale or leasing of a substantial part of the premises.
- (5) In this section—

approved venue has the meaning given by section 1.3(1) of the **Gambling Regulation Act 2003**;

fossil fuel entity means—

- (a) an individual or a corporation that carries on a business mainly concerned with the mining, extraction or sale of a fossil fuel; or
- (b) a person who is a close associate of an individual or a corporation referred to in paragraph (a);

banking industry entity means—

- (a) a corporation that carries on a business as an ADI; or
- (b) a person who is a close associate of a corporation referred to in paragraph (a);

building and construction industry entity means—

- (a) an individual or a corporation that carries on a business in the building and construction industry (other than as a property developer); or
- (b) a person who is a close associate of an individual or a corporation referred to in paragraph (a);

close associate—

- (a) of a corporation means each of the following—
 - (i) a director or officer of the corporation or the spouse or domestic partner of such a director or officer;
 - (ii) a related body corporate of the corporation;
 - (iii) a person whose voting power in the corporation or a related body corporate of the corporation is greater

than 20% or the spouse or domestic partner of such a person;

- (iv) if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled security—the other stapled entity in relation to that stapled security;
 - (v) if the corporation is a trustee, manager or responsible entity in relation to a trust—a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust);
 - (vi) in relation to a corporation that is a property developer referred to in subsection (3)(a)—a person in a joint venture or partnership with the property developer in connection with a planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out;
- (b) of an individual means each of the following—
- (i) the spouse or domestic partner of the individual;
 - (ii) in relation to an individual who is a property developer referred to in subsection (3)(a)—a person in a joint venture or partnership with the property developer in connection with a planning application made by or on behalf of the property developer who is likely to obtain a financial gain if development that would be or is authorised by the application is authorised or carried out;

club has the meaning given by section 1.3(1) of the **Gambling Regulation Act 2003**;

club gaming machine entitlement has the meaning given by section 1.3(1) of the **Gambling Regulation Act 2003**;

club licence has the meaning given by section 1.3(1) of the **Gambling Regulation Act 2003**;

director has the meaning given by section 9 of the Corporations Act;

domestic partner of a person means—

- (a) a person who is in a registered relationship with a person;
- or

Note

A ***registered relationship*** is defined in subsection (6).

- (b) a person to whom the person is not married but with whom the person is living as a couple on a genuine domestic basis (irrespective of gender);

estate agent means—

- (a) a licensed estate agent or an agent's representative as defined by section 4(1) of the **Estate Agents Act 1980**; or
- (b) a person who holds a licence in another State or a Territory that is equivalent to an estate agent's licence under the **Estate Agents Act 1980**; or
- (c) a person who is a close associate of a person referred to in paragraph (a) or (b);

fossil fuel means any of the following substances—

- (a) coal;
- (b) petroleum;
- (c) methane gas;
- (d) any other hydrocarbon-based fuel derived from material formed in the geological past from the remains of living organisms;

fossil fuel industry entity means—

- (a) an individual or a corporation that carries on a business mainly concerned with the mining, extraction or sale of a fossil fuel; or
- (b) a person who is a close associate of an individual or a corporation referred to in paragraph (a);

gambling industry entity means—

- (a) a corporation engaged in a business undertaking that is mainly concerned with wagering, betting or other gambling (including the manufacture of gaming machines or other machines used primarily for that purpose); or
- (b) a person who is a close associate of a corporation referred to in paragraph (a); or
- (c) a club that holds, or on whose behalf another person holds, a club venue operator's licence or racing club licence club in respect of an approved venue to which a club gaming machine entitlement applies; or
- (d) a person who, for a club referred to in paragraph (c), is—
 - (i) the secretary of the club; or
 - (ii) a member of the governing body of the club; or
 - (iii) the spouse or domestic partner of the secretary or member of the governing body; or

- (iv) a close associate of the club; or
- (e) an individual or a corporation that holds a hotel venue operator's licence; or
- (f) an individual or a corporation that represents or promotes the interests of a person or persons referred to in paragraph (e), whether or not the individual or corporation also represents or promotes the interests of any other persons; or
- (f) a person who is a close associate of an individual or a corporation referred to in paragraph (e) or (f);

hotel venue operator's licence means a hotel venue operator's licence issued under Division 2 of Part 4 of Chapter 3 of the **Gambling Regulation Act 2003**;

officer has the meaning given by section 9 of the Corporations Act;

planning application means an application for a planning permit or a request for the amendment of a planning scheme under the **Planning and Environment Act 1987**;

racing club licence has the meaning given by section 1.3(1) of the **Gambling Regulation Act 2003**;

related body corporate has the meaning given by section 9 of the Corporations Act;

spouse of a person means a person to whom the person is married;

stapled entity means an entity the interests in which are traded along with the interests in another entity as stapled securities and (in the case of a stapled entity that is a trust) includes any trustee, manager or responsible entity in relation to the trust;

supermarket entity means—

- (a) an individual or a corporation that carries on a business under which a person sells to consumers bread, breakfast cereal, butter, eggs, flour, fresh fruit and vegetables, fresh milk, meat, rice, sugar and other packaged food or most of those groceries; or
- (b) a person who is a close associate of an individual or a corporation referred to in paragraph (a);

tobacco industry entity means—

- (a) a corporation engaged in a business undertaking that is mainly concerned with the manufacture or sale of tobacco products; or
- (b) a person who is a close associate of a corporation referred to in paragraph (a);

voting power has the meaning given by section 610 of the Corporations Act.

- (6) For the purposes of the definition of *domestic partner* in subsection (5)—
- (a) *registered relationship* has the same meaning as it has in the **Relationships Act 2008**; and
 - (b) in determining whether persons who are not in a registered relationship are domestic partners of each other, all of the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case."!