

Mr. M. J. S. Mackenzie.

CORRUPT PRACTICES PREVENTION ACT 1881 AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend "The Corrupt Practices Prevention Act, 1881," and limit the Cost of Parliamentary Elections. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Corrupt Practices Prevention Act 1881 Amendment Act, 1893." Short Title.

2. In this Act, if not inconsistent with the context,— Interpretation.
"The said Act" means "The Corrupt Practices Prevention Act, 1881."

3. (1.) Except as permitted by or in pursuance of the said Act or this Act, no payment and no advance or deposit shall be made by any agent on behalf of the candidate, or by any other person, at any time, whether before, during, or after such election, in respect of the conduct or management of such election, or otherwise, than by or through the candidate himself. No payment for election expenses to be made except by the candidate.

(2.) All money provided by any person other than the candidate for any expenses incurred on account of or in respect of the conduct or management of an election, whether as gift, loan, advance, or deposit, shall be paid to the candidate, and not otherwise.

(3.) Any person who makes any payment, advance, or deposit in contravention of this section, or pays in contravention of this section any money so provided as aforesaid, shall be guilty of an illegal practice.

(4.) Provided that this section shall not be deemed to apply to any sum disbursed by any person out of his own moneys for any small expense legally incurred by himself, if such sum is not repaid to him.

Periods for sending
in claims and
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4. (1.) Every payment made in respect of any expenses incurred on account of or in respect of the conduct or management of an election shall, except when less than twenty shillings, be vouched for by a bill stating the particulars and by a receipt.

(2.) Every claim against a candidate at an election, or against any agent of the candidate, in respect of any expenses incurred on account of or in respect of the management or conduct of such election, which is not sent in to the candidate within the time limited in this Act shall be barred, and shall not be paid; and, subject to such exception as may be allowed in pursuance of this Act, any person who pays a claim in contravention of this enactment shall be guilty of an illegal practice. 5 10

(3.) Except as by this Act permitted, the time limited by this Act for sending in claims shall be fourteen days after the day on which the candidate returned is declared elected. 15

(4.) All expenses incurred by or on behalf of a candidate at an election, which are incurred on account of or in respect of the conduct or management of such election, shall be paid within the time limited by this Act and not otherwise, and subject to such exception as may be allowed in pursuance of this Act. Any person who makes a payment in contravention of this provision shall be guilty of an illegal practice. 20

(5.) Except as in this Act permitted, the time limited by this Act for the payment of such expenses as aforesaid shall be twenty-eight days after the day on which the candidate returned is declared elected. 25

(6.) When an Election Court reports that any payment made by an agent of the candidate in contravention of this section was made without the sanction or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under the said Act or this Act by reason only of such payment having been made in contravention of this section. 30

(7.) If the candidate, in the case of a claim sent in to him within the time limited in this Act, disputes it, or refuses or fails to pay it within the said period of twenty-eight days, such claim shall be deemed to be a disputed claim. 35

(8.) The claimant may, if he thinks fit, bring an action for a disputed claim in any competent Court; and any sum paid by the candidate in pursuance of the judgment or order of such Court shall be deemed to be paid within the time limited by this Act, and to be an exception from the provisions of this Act. 40

(9.) On cause shown to the satisfaction of the Supreme Court, such Court may, on application by the claimant or by the candidate, give leave for the payment by the candidate of a disputed claim, or of a claim for any such expenses as aforesaid, although sent in after the time in the section mentioned for sending in claims. Any sum specified in the order giving such leave may be paid by the candidate; and when paid in pursuance of such leave shall be deemed to be paid within the time limited by this Act. 45

5. (1.) Within thirty-five days after the day on which the candidate returned at an election is declared elected, every candidate at that election shall transmit to the Returning Officer a true return 50

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(in this Act referred to as "the return"), in the form set forth in the *First Schedule* to this Act, or to the like effect, containing—

- (a.) A statement of all payments made by the candidate, together with all bills and receipts for such payments;
- 5 (b.) A statement in detail of the amount of personal expenses (if any) paid by the candidate;
- (c.) A statement of all disputed claims;
- 10 (d.) A statement of all money, securities, and equivalents of money received from any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with a statement of the name of every person from whom the same may have been received.

(2.) The return so transmitted to the Returning Officer shall be accompanied by a declaration made by the candidate before a Justice of the Peace, in the form in the *Second Schedule* to this Act.

(3.) If such return and declaration are not transmitted to the Returning Officer before the expiration of the time limited for the purpose by this Act the candidate shall not after the expiration of such time sit or vote in the House of Representatives until either such return and declarations have been transmitted, or until the date of the allowance of an authorised excuse as in this Act mentioned for the failure to transmit the same; and if he sits or votes in contravention of this enactment he shall forfeit *one hundred* pounds for every day on which he so sits or votes to any person who sues for the same.

(4.) If without such authorised excuse as in this Act mentioned a candidate fails to comply with the requirements of this section, he shall be guilty of an illegal practice.

30 (5.) If any candidate knowingly makes the declaration required by this section falsely, or, after the making of such declaration, makes any payment or does any act which by such declaration he has declared that he will not make or do, he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to 35 the punishment for wilful and corrupt perjury; such offence shall also be deemed to be a corrupt practice within the meaning of the said Act and this Act.

(6.) Where the candidate is out of the colony on the day when the poll takes place the return of expenses and declaration shall be 40 transmitted by the candidate to the Returning Officer within fourteen days after the candidate's arrival in the colony.

6. (1.) Where the return and declaration respecting election expenses of a candidate at an election have not been transmitted as required by this Act, or, being transmitted, contain some error or false 45 statement, then, if the candidate applies to the Supreme Court or an Election Court, and shows that the failure to transmit such return and declaration, or either of them, or any part thereof, or any error or false statement therein, has arisen by reason of the illness of the candidate, or through inadvertence, or from any reasonable cause of a like nature, and not by reason of any want of good faith on the part 50 of the candidate, the Court may, after notice of the application being advertised as the Court shall direct, and on production of such

Authorised excuse for non-compliance may be allowed by Court.

evidence of the good faith of the application and otherwise as the Court shall require, make such order for allowing an authorised excuse for the failure to transmit such return and declaration, or for an error or false statement in such return or declaration, as to the Court seems just.

(2.) Such order may make the allowance conditional upon the making of the return and declaration within an extended time or in a modified form, and upon the compliance with such other terms as to the Court seem best calculated for carrying into effect the object of this Act; and an order allowing an authorised excuse shall relieve the candidate from any liability or consequence under this Act in respect of the matter excused by the order if the candidate duly complies with the terms and conditions (if any) subject to which the allowance is made.

(3.) The date of the order, or, if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is for the purposes of this Act the date of the allowance of the excuse.

Return and declaration to be open for public inspection for two years.

7. The Returning Officer shall keep such return and declaration in his office, or at some other convenient place to be appointed by the Colonial Secretary, for a period of two years next after they are received by the Returning Officer, and during that period such return and declaration shall be open to inspection by any person on payment of a fee of one shilling. At the expiration of such period of two years the Returning Officer shall cause the said return and declaration to be destroyed, or, if the candidate so require, shall return the same to the candidate.

Limit of election expenses.

8. The total expenses of a candidate at an election, exclusive of the expenses of advertising in newspapers and of rent of rooms for public meetings, shall in no case exceed the sum of one hundred pounds; and if any candidate shall directly or indirectly pay for or on account of the expenses incurred on account of or in respect of the conduct or management of an election a sum or sums which in the aggregate exceed the sum permitted by this section the candidate, and every person knowingly aiding or abetting him in such payment or payments, shall be guilty of a corrupt practice within the meaning of the said Act and this Act.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

RETURN OF EXPENSES.

I, A.B., a candidate at the election for the Electoral District of _____, held in the month of _____, do make the following return respecting election expenses incurred by me, or on my behalf, at the election:—

1.—RECEIPTS.

[Here set out the name and description of every person, club, society, or association from whom or which any money, securities, or equivalent of money was received by the candidate or by any other person or persons on his behalf, or for the purpose of being used in the interest of such candidate at such election, each amount received to be stated separately.]

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2.—EXPENDITURE.

[The name and description of every person to whom any sum was paid, and the reason for which it was paid, must be here set out separately. Sums paid for printing, advertising, postage, telegrams, hire of rooms, &c., must be set out separately, and under separate headings.]

In addition to the above I am aware of the following disputed, and unpaid claims:—

[Here set out particulars of disputed claims, if any.]

SECOND SCHEDULE.

FORM OF DECLARATION TO ACCOMPANY RETURN OF EXPENSES.

I, _____, having been a candidate at the election for the Electoral District of _____, held in the month of _____, do hereby solemnly and sincerely declare,—

1. That I have examined the return of election expenses about to be transmitted by me herewith to the Returning Officer at the said election, a copy of which is now shown to me and marked _____, and to the best of my knowledge, information, and belief that return is correct.

2. That, except as appears by that return, I have not—and to the best of my knowledge, information, and belief no person, club, society, or association has on my behalf—made any payment, or given, promised, or offered any payment, reward, office, employment, or valuable consideration, or incurred any liability, on account of or in respect of the conduct or management of the said election or in any way relating thereto.

3. That I will not hereafter, except so far as I may be expressly permitted by a Court of law, make or be a party to the making or giving of any payment, reward, office, employment, or valuable consideration for the purpose of defraying any expenses on account of or in respect of the conduct or management of the said election or in any way relating thereto, or provide or be a party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act of the General Assembly of New Zealand intituled "The Corrupt Practices Prevention Act 1881 Amendment Act, 1893."

[Signature of declarant] A.B.

Signed and declared by the above-named declarant on the _____ day of _____ before me, C.D., a Justice of the Peace in and for the Colouy of New Zealand.