

Hon. Mr. Seddon.

CORRUPT PRACTICES PREVENTION AMENDMENT.

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A BILL INTITULLED

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

BE IT ENACTED by the General Assembly of New Zealand in 5 Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Corrupt Practices Prevention Amendment Act, 1895," and it shall be read with "The Corrupt Practices Prevention Act, 1881" (hereinafter called "the 10 principal Act").

2. In this Act, if not inconsistent with the context,—

The terms "payment," "advance," "deposit," "expenses," and "sum," are used in relation to the conduct or management of the election.

15 3. (1.) Except as permitted by the principal Act, or this Act,—
(a.) 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 the election, otherwise than by or through the candidate himself:

No payment for election expenses to be made except by the candidate.

(b.) All money provided by any person other than the candidate for any expenses incurred, whether as gift, loan, advance, or deposit, shall be paid to the candidate, and not otherwise.

20 25 (2.) Every person who commits a breach of any of the provisions of this section is guilty of an illegal practice:

Payments to be vouched by bill.

Periods for sending in claims and payment of election expenses.

Election not void if payment without sanction of candidate.

Procedure when claim disputed.

Court may grant leave to pay claim after time limited.

Return and declaration respecting election expenses.

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.

4. Every payment made in respect of any expenses incurred shall, except when less than twenty shillings, be vouched for by a bill stating the particulars and by a receipt. 5

5. Subject to such exceptions as are permitted by this Act, it is hereby declared as follows :—

- (1.) Every claim against a candidate, or against any agent of the candidate, in respect of any expenses incurred, which is 10 not sent in to the candidate within the time limited by this Act shall be barred, and shall not be paid.
- (2.) The time limited by this Act for sending in such claims is twenty-one days after the day on which the candidate returned is declared elected. 15
- (3.) All expenses incurred by or on behalf of a candidate shall be paid within the time limited by this Act and not otherwise.
- (4.) The time limited by this Act for the payment of such expenses as aforesaid is thirty days after the day on which 20 the candidate returned is declared elected.
- (5.) Every person who makes any payment in breach of any of the provisions of this section is guilty of an illegal practice.

6. When an Election Court reports that any payment made by 25 an agent of the candidate in breach of the *last preceding* section was made without the sanction, knowledge, or connivance of such candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under the principal Act or this Act by reason only of such payment having been made in breach of such 30 section.

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 thirty days, such claim shall be deemed to be a disputed claim, and the following provisions shall 35 apply :—

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

8. (1.) On cause shown to the satisfaction of a Magistrate's Court, such Court may, on application by the claimant or by the candidate, grant leave to the candidate to pay a disputed claim, or to pay a claim for any such expenses as aforesaid, although sent in after 45 the time hereinbefore limited for sending in claims.

(2.) Any sum specified in the order granting such leave may be paid by the candidate, and when so paid shall be deemed to be paid within the time limited by this Act.

9. (1.) Within forty days after the day on which the candidate 50 returned at an election is declared elected, every candidate at that election shall transmit to the Returning Officer a true return (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;
- (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, with a statement of the name of every person from whom the same has been received.

10 (2.) Such return shall be accompanied by a statutory declaration made by the candidate in the form in the *Second Schedule* to this Act.

15 (3.) If such return and declaration are not duly transmitted within the time aforesaid, the candidate shall not thereafter sit or vote in the House of Representatives until either such return and declarations have been transmitted or he obtains an authorised excuse as hereinafter provided.

20 (4.) Every candidate who so sits or votes in breach of any of the provisions of this section shall forfeit fifty pounds for every day on which he so sits or votes, to any person who sues for the same.

25 (5.) Every candidate who, without such authorised excuse, fails to comply with the requirements of this section is guilty of an illegal practice.

30 10. Every candidate who knowingly makes the aforesaid declaration falsely, or, after making such declaration, makes any payment or does any act which by such declaration he has declared that he will not make or do, shall be deemed to have been guilty of a corrupt practice.

Candidate making false declaration guilty of corrupt practice.

35 11. Where the candidate is out of the colony on the day when the poll takes place, the aforesaid return and declaration shall be transmitted by him to the Returning Officer within twenty-one days after the candidate's arrival in the colony.

Return when candidate out of colony.

40 12. Where the aforesaid return and declaration have not been transmitted as required by this Act, or, being transmitted, contain some error or misstatement, the following provisions shall apply:—

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

45 (1.) The candidate may apply to a Magistrate's Court or an Election Court for an authorised excuse, on the ground that the failure to transmit, or the error, or misstatement, as the case may be, has arisen by reason of illness, inadvertence, or any reasonable cause of a like nature, and not by reason of any want of good faith;

50 (2.) The Court, if satisfied of the candidate's good faith and the sufficiency of the grounds on which the application is based, may, by order, grant the applicant an authorised excuse for the failure to transmit such return and declaration, or for such error or misstatement;

(3.) Such order may make such grant conditional upon the prescribed return and declaration being made and transmitted within an extended time, or in a modified form, and upon

such other terms as to the Court seem best calculated for carrying into effect the object of this Act;

(4.) An order granting an authorised excuse shall relieve the candidate from any liability 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 order is made;

(5.) The date of the order, or, if conditions and terms are imposed, the date at which the applicant fully complies with them, is for the purposes of this Act the date of the authorised excuse.

Return and declaration to be open for public inspection for twelve months.

13. 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 twelve months 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 twelve months the Returning Officer shall cause the said return and declaration to be destroyed.

Limit of election expenses.

14. (1.) The total expenses of a candidate, exclusive of the expenses of advertising in newspapers and of rent of rooms for public meetings, shall in no case exceed the sum of pounds.

(2.) Every candidate or person who directly or indirectly pays, or knowingly aids and abets any person in paying, for or on account of such expenses, sums which in the aggregate exceed the sum of pounds is guilty of a corrupt practice.

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 , hereby 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 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.]

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.

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 Amendment Act, 1895."

[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 Colony of New Zealand.

By Authority: SAMUEL COSTALL, Government Printer, Wellington.—1895.