

Electoral and Road Safety Amendment Bill 2023

Greens Amendments (Braddock)

Explanatory Statement Including Human Rights Compatibility

The Greens are introducing amendments to the *Electoral and Road Safety Legislation Amendment Bill 2023*, which respond to matters identified during the JACS committee inquiry. This document outlines those amendments and, as is necessary, makes commentary on their compatibility with Human Rights and the Australian Constitution's implied freedom of political communication. The themes of the amendments are as follows:

- Re-framing the ban on foreign donations;
- Allowing for further categories of prohibited donors;
- Removing proposed carve-outs for federal accounts; and
- Demerit points for stopping-related offence reforms;
- Removing proposed facilitation of online voting systems.

Discussion of these themes first requires a synopsis on compatibility with the Australian Constitution's implied freedom of political communication. The majority judgement of *McCloy v New South Wales* [2015]¹ confirmed that the purpose of the implied freedom exists to ensure that the people of the Commonwealth may exercise a free and informed choice as electors in accordance with the judgement of *Lange vs Australian Broadcasting Corporation* [1997], with relevant tests established in that case and modified in *Coleman v Power* [2004]. Restrictions upon the implied freedom need to essentially be compatible with maintaining the constitutionally prescribed system of representative government, and be assessed as suitable, necessary and adequate in their balance.

The tests are sufficiently similar to those described in section 28 of the *Human Rights Act* that they can be handled together in the explanations that follow.

Re-framing the ban on foreign donations.

The bill includes a definition of *foreign entity* for the purpose of banning donations from those foreign entities, for the legitimate purpose of limiting foreign interference in Australian democracy. In doing so, the bill takes a similar approach to that which was contained in the Commonwealth's *Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018*. It defines a foreign entity based on what it is not, rather than what it is. The definition of what is not a foreign entity is so broad-ranging as to have little to no practical effect in preventing foreign-controlled entities from interfering in political parties via the reciprocal influence of donations.

For example, the corporation Byte Dance (TikTok), which is incorporated in Australia, but which is wholly owned and controlled by people not resident in Australia is not considered a foreign entity. Neither is Huawei, Google, X (Twitter), Philip Morris, or Boeing. It is extremely simple for foreign entities to set up token subsidiary corporations in Australia, thereby sidestepping these restrictions in their entirety. There is also an argument that foreign embassies, having a principle place of operation in Australia, would be exempt. The bill's definition therefore makes the proposed ban almost entirely ineffectual.

¹ <https://eresources.hcourt.gov.au/showCase/2015/HCA/34>

This approach to banning foreign donations has previously been questioned when it was proposed at the federal level for the same reasons, including by constitutional law expert Anne Twomey who considered that it may constitute a technical violation of the implied freedom of political communication, precisely because the law would be ineffectual and thereby making any limitation that it imposes on the implied freedom non-proportionate to the legitimate objective.²

The need to ban foreign donations to political parties has been broadly accepted as a legitimate objective for the preservation of Australia's system of representative democracy, including by the ACT Government in tabling this bill. The question is what constitutes a proportional response that meaningfully achieves that objective.

New South Wales previously sought to ban donations from persons not on the electoral roll, but this was found by the High Court in *Unions NSW vs NSW* [2013]³ to be a violation of the implied freedom as it did not demonstrate the legitimate aim which related to the legislated response. From this, in combination with judgements identified earlier, the observation can be drawn that a more mature and legitimate attempt at banning donations from foreign entities needs to focus on what it wants to achieve, while also recognising and protecting the implied rights of individuals and organisations that have a legitimate purpose for engaging in Australia's system of representative democracy.

The amendment is to substitute the definition of a foreign entity to one based on residency and majority beneficial ownership. A foreign entity is proposed to be defined as an individual who is not a citizen or permanent resident or an organisation which is majority beneficially owned or controlled by an individual or group of individuals who are not citizens or permanent residents.

The concept of a beneficial ownership is similar to that used in financial laws, where the concept is well understood and utilised for the purpose of tracking foreign investment and money laundering. These are the concepts through which people excluded from investing in Australia by other means, such as diplomatic sanctions, are identified despite what a web of subsidiary and shadow companies registered in tax havens might conceal. A company which conceals their beneficial ownership and misleads a political party about their eligibility to donate to that party would expose themselves to charges of fraud.

This is proposed utilising the following logic:

- A person who is an Australian Citizen or a Permanent Resident in Australia has a legitimate stake in Australia's system of representative democracy. This is definitively their home.
- An organisation which is majority controlled by Australian Citizens and Permanent Residents likewise has a legitimate stake in Australia's system of representative democracy and should not be constrained in political communication.
- A person or organisation which does not meet these criteria either does not have or is yet to obtain such a stake in Australia's system of representative democracy. Until such time as they secure that status, the balance of probabilities indicates that the 'legitimate presence' in Australia of such persons and organisations who are making donations of political influence is to extract value from Australia rather than to contribute to Australia.⁴ It is reasonable to constrain the political communication of such entities.
- For the avoidance of doubt:

² See reporting: <https://www.sbs.com.au/news/article/donations-ban-constitutionally-invalid/y0swgsqvd>

³ <https://eresources.hcourt.gov.au/showCase/2013/HCA/58> See judgement paragraphs 44-60.

⁴ For a supporting submission, see for example inquiry submission 006 by Arnold, Rooney and Mikus-Fletcher.

- It can be recognised that this interpretation would constrain refugees, asylum seekers and other stateless persons from making donations to political parties. However, people in these circumstances generally face significant social upheaval and lack the financial resources to be able to afford making legitimate political donations. Those who do have the financial resources to make political donations typically come to Australia with other intentions.
- The Greens believe that there should be straightforward and expedited pathways to permanent residency for those seeking asylum, so that they remain in limbo and outside our system of representative democracy for as little time as possible. The Greens oppose the “temporary protection” system.

Nothing in the bill or these amendments prevents people or organisations from otherwise engaging in political debate in Australia on their merits. Only the ability to make donations is constrained in the provisions being proposed, and only on those whose stake in Australia’s system of representative democracy is greatly limited by their absence of citizenship or permanent residency.

Including a definition of foreign entity, amended as such, will ensure that the legitimate objective of limiting inappropriate foreign influence in our democratic systems via financial inducements is met, while also ensuring that the legislated response is appropriately proportionate to that objective.

Allowing for additional categories of prohibited donors

In addition to adjusting the definition of a foreign entity, the amendments reorganise the proposed new section on donations from foreign entities to instead become a section on donations from *prohibited entities*. What is a prohibited entity is then defined as including foreign entities, but also defence entities, fossil fuel entities, and nicotine entities, and includes the close associates of these prohibited entities which are incorporated.

A defence entity is defined as an entity that holds, or has held, a contract with the Commonwealth for the provision of equipment intended for military end-use or for advice in relation to the operations, exercises or other activities of the defence force, including advice on procurement of the afore-mentioned equipment. This definition is intended to capture the concept described in vernacular as the “military-industrial complex” – a section of private sector manufacturers and advice organisations who are entrenched with military functions. There are very significant commercial benefits that can be derived from securing defence contracts and the perpetuation of military activities. Seeking favourable contractor selection via the principle of reciprocal favours is a source of corruption around which defence entities pose a distinct vulnerability. As Canberra has a major defence industry presence, that risk is more elevated here than in other parts of Australia.

A fossil fuel entity is defined as a company that extracts, mines, processes or refines fossil fuels for energy purposes. The fossil fuel industry is the main source of global heating, and the UN Environment Programme has made it clear that global fossil fuel production must start declining immediately and steeply to be consistent with limiting long-term warming to 1.5°C.⁵ Despite this, governments around the world, including in Australia, continue to facilitate the opening of new fossil fuel energy projects, seemingly in reciprocation for the substantial donations that they receive from project proponents. The fossil fuel industry has had a significant corrupting influence on politics, with Australia no exception, so banning political donations from these sources is a justified and worthwhile exercise.

⁵ UNEP Production Gap Report: <https://productiongap.org/2021report/#2021downloads>

A nicotine entity is defined as an entity that manufactures or advertises products containing nicotine. This would include tobacco products, vaping products, and nicotine replacement therapies. The tobacco industry has an extensive history of interfering in the ability of nations to make laws and regulations which benefit the health of their people, including as represented in their determination to challenge Australia’s cigarette plain packaging scheme. It is therefore reasonable to limit the influence of this industry on political decision-making in Australia. They inherently benefit from Australians being addicted to nicotine, be it from the continued sale of tobacco products to Australians, vaping alternatives, or their subsequent need for nicotine replacement therapies in which they have interests.⁶ The definition is intended to capture all those organisations who advocate for the supply of nicotine. This would include any retailer which displays advertisements for nicotine products, including nicotine replacement therapies, but is not intended to affect those organisations who sell products behind the counter including most pharmacies.

A close associate of an incorporated prohibited entity is defined in a similar manner as for property developers. Covering only those prohibited entities which are incorporated, a close associate includes other organisations which act on behalf of the prohibited entity, have a controlling interest in or by the prohibited entity, and their beneficial owners and immediate families. As a part of this definition, the concept of close associates is intended to capture the web of controlling owners, subsidiaries, and lobbyists who act for these organisations which have a corrupting influence on politics. In terms of individuals, it is only intended to capture officers and beneficial owners with at least a 20% stake rather than minor shareholders.

Consistent with the same principles applied for banning donations from property developers and from foreign entities, it is a legitimate aim in defence of Australia’s system of representative democracy which is sufficiently proportionate and targeted to be compatible with maintaining the implied freedom of political communication. The same reasoning can be applied for a justified limit on the freedom of speech identified in the Human Rights Act.

Removing proposed carve-outs for federal accounts

Sections 64 and 65 of the bill seek to implement provisions which create exceptions for the ban on donations by property developers where the donation is made to a *federal account*. The same exception is also introduced as a part of the ban on foreign donations in section 69 of the bill. The amendments are to omit the creation of these exceptions.

Understanding the purpose of these provisions in the Bill requires discussing the history of Commonwealth legislation governing the same. The provisions appear designed to create compatibility with the *Commonwealth Electoral Act* as amended by the *Electoral Legislation Amendment (Miscellaneous Measures) Act 2020*. The explanatory memorandum of this Commonwealth Act, available in its revised state online⁷, describes its intent as seeking to “clarify the relationship between federal and state and territory electoral donation and disclosure laws following the High Court decision in *Spence v Queensland* [2019] HCA 15⁸”. In this case, the High Court found that laws introduced in Queensland which restricted the ability of donors to give funds for federal purposes and gift recipients to deploy funds for federal purposes were valid and that the provisions of the time under Section 302CA of the Commonwealth Electoral Act, themselves

⁶ See <https://tobaccotactics.org/article/tobacco-company-investments-in-pharmaceutical-nrt-products/>

⁷ https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s1260

⁸ The judgement is available at <https://eresources.hcourt.gov.au/downloadPdf/2019/HCA/15>

introduced in 2018 in an attempt to over-ride the Queensland law, were wholly invalid as it went beyond the Commonwealth's powers.

It is worth noting that, at the time, the Attorney General of the ACT intervened in the case to support the Queensland Government's position that their laws were valid. The ACT Government has previously argued, and had this argument validated, that it is entirely appropriate for States & Territories to have laws prohibiting donations from property developers, including where this impacts incidentally on matters related to federal elections.

The implication of this High Court case was that, in the absence of Commonwealth legislation which is properly and legitimately constructed to provide for a Commonwealth defence of matters related only to federal elections, there is no barrier to States and Territories legislating to constrain donations within their jurisdiction where this is compatible with the implied freedom of political communication, including where it incidentally impacts on federal elections. The purpose of the *Electoral Legislation Amendment (Miscellaneous Measures) Act 2020* was for the Commonwealth to correct for its invalid overreach as identified in the High Court judgement, to reimpose exceptions to State & Territory laws for federal purposes that were within its appropriate jurisdiction to issue an overriding law.

The construction of the Commonwealth law is that it operates "despite any State or Territory electoral law". As such, **compatibility between the laws of the Territory and the Commonwealth is not required**. For federal purposes, the federal law will take precedence, and for all other purposes the Territory law will prevail.

The federal laws permitting donations from property developers are wrong and should be repealed. Political parties do not plan for Federal and Territory elections in isolation of each other. Allowing the receipt of donations from property developers into a Federal election account still allows a party to free up other funds for direction to Territory campaign or administrative purposes. The overall resources available to the party are still increased, and the corrupting influence on Territory politics is not avoided.

In a future where these provisions may be repealed, the ACT's laws should be able to automatically operate as intended – to ban donations from prohibited entities. Supporting the bill's creation of these exceptions for federal purposes effectively endorses an undermining of our ban by the Commonwealth and this is not in the Territory's interests.

Demerit points for stopping-related offence reforms.

The amendments propose to impose one demerit point for each identified offence, rather than a financial penalty elevated by \$50 compared to what would normally apply in the absence of advertising or electoral matter being displayed. This is predicated on the understanding that when it comes to commercial and political advertising, fines can sit comfortably within the cost of doing business and do not serve as a meaningful disincentive to breaking the law.

The Scrutiny Committee in its 32nd report identified that the bill's proposal to introduce higher penalties associated with stopping-related offences where advertising or electoral material is displayed may limit the freedom of expression protected by section 16 of the *Human Rights Act*. Using the same arguments, it could be seen as risking a violation of the Constitution's implied freedom of political communication. This observation may equally be made of these amendments to add demerit points to the same suite of traffic offences, but with a different assessment of proportionality.

The imposition of elevated penalties is reasonable, because it supports the legitimate objective of managing the safe operation of advertising activities within our transit systems. Regulating advertising within the transit system has benefits which makes such limitations of freedom of expression reasonable, be it under the Human Rights Act or as per the Australian Constitution's implied freedom of political communication. Regulating advertising can reduce driver & rider distraction, a problem which has previously been recognised as a contributing cause of traffic accidents. This principle is the same as that understood to be used in the development of the bill.

At a base level, the imposition of demerit points has very little if any bearing on the system of representative government. Even where demerit points may be accumulating, it does not impact an individual's right to vote or be informed in elections. Furthermore, the advertising activity itself is not prohibited, but merely regulated in a manner which allows for a level playing field. The imposition of enhanced penalties for stopping-related violations while displaying advertising or electoral matter is *suitable* and *necessary* for reasons already identified by the Government – a regime of proportionate penalties is necessary to promote adherence to the traffic regulations, which are designed to ensure the proper and safe functioning of the transit system in a manner which protects and advances the rights to life, protection of children, and freedom of movement. A large range of liberties are restricted on our roads in the interests of advancing these aims, and this already includes restrictions on roadside advertising as implemented by the moveable signs code and the ban on billboard advertising, neither of which have been challenged as a limitation on human rights or the implied freedom of political communication.

The remaining question for both the bill and these amendments is regarding the severity of the penalty, and if it is proportionate, or *adequate in its balance* to achieve the above objectives. The amendments are based on the understanding that where the display of advertising and electoral matter is concerned, there exists a financial incentive for the deliberate violation of the traffic regulations related to stopping – so much so, that fines can be factored in as a cost of doing business, making the fines less effective at fulfilling their purpose in these circumstances. Concerningly, where stopping-related violations are seen to be being made deliberately by advertisers⁹, it also allows the perception that such violations are permissible in the eyes of the government, which can undermine broader adherence to the traffic regulations and thereby present a threat to public safety. This is a risk present in the Canberra operating environment.

We are dealing with professional violations that are motivated by commercial or political gain. A more meaningful penalty than fines is therefore required to genuinely disincentive behaviours which undermine the proper functioning of the transit system and the community's confidence in the legislature's ability to maintain this. Slightly larger fines will be ineffective, as the costs can be factored in and passed on to the customers of the advertiser or established as a part of a political campaign budget.

The application of demerit points would create a useful mechanism for company drivers to refuse instructions to park illegally and claim compensation from their employers where they are directed to do so to their detriment. The business model would quickly recognise that such wilful disrespect of the road rules is not acceptable and adapt accordingly. The safe operation of advertising activities within our transit system conducted consistent with the traffic regulations is the legitimate objective

⁹ See, for example <http://www.bigimpactadvertising.com.au/portfolio/mobill-billboard/> (accessed 25/09/23) in which Big Impact Outdoor Media markets itself showing inappropriately-stopped vehicles on the dividing strip of Commonwealth Avenue, which appear to be a violation of Section 197(1) of the *Road Transport (Road Rules) Regulation 2017*.

of these amendments, for which the imposition of demerit points becomes the proportionate response necessary to achieve that objective.

Removing proposed facilitation of online voting systems

The amendments are to omit the provisions which relate to allowing online voting systems by overseas electors.

Evidence provided by academics and systems experts have identified that there is no jurisdiction in the world that has been capable of developing an online voting system as would provide the standard of security and auditability required for public confidence in government elections.¹⁰ This is not for want of trying. The New South Wales Government has been struggling with such a system, and it would be naïve to assume that the ACT can do better. Relevant experts almost universally argue against these systems being contemplated. As the evidence before the committee inquiry into this bill makes clear, the Electoral Commission has very limited expertise in the field of online voting and cannot be relied upon to make a sound judgement on whether a proposed online system would be sufficiently secure to meet the required standards.

Of particular note are the hazards of votes being altered between their submission by the voter and their receipt by the electronic voting system. By their very nature, online systems are incapable of being configured to produce a voter-verifiable paper record of their vote without preserving the anonymity of that vote, and online systems are the most vulnerable to interference via remote hacking.

There is also the risk that, if an online voting system is established and subsequently withdrawn late in the campaign period, that voters who were expecting to use the online system may find themselves with insufficient time remaining to draw on other methods of international voting, such as by postal vote or potentially lengthy travel to an Australian embassy. This can have the effect of limiting the voter franchise rather than expanding it, absent alternative provisions.

While such a system might be welcome in exceptional circumstances, such as the COVID-19 pandemic's impact on the flow of international mail, it is hazardous to present it as a consolidated part of our electoral system for bad actors to plan around. Asking the Electoral Commission to contemplate this for ordinary circumstances represents a waste of government resources.

¹⁰ See inquiry submissions 007 by Conway, Teague and Wilson-Brown, and 004 by Haines.

Notes on individual amendments

1. Clause 4: 'Foreign' entities is substituted with 'prohibited' entities, thereby accommodating the expansion of the ban on donations to defence, nicotine and fossil fuel entities.
2. Clause 32: The proposed new section 136H is omitted so as not to facilitate online voting
3. Clause 40: Reference to the proposed new section 136H on online voting is removed, consistent with that section being omitted from the bill at clause 32. The references to the new section 136I on telephone voting for the visually impaired is retained.
4. Clause 43: The word 'overseas' is omitted from the title of new section 160A, recognising that telephone voting is also to be available domestically, and that online voting for overseas voters is to not be permitted.
5. Clause 43: In the proposed 160A(6), reference to the proposed new section 136H(5) on online voting is removed, consistent with that section being omitted from the bill at clause 32. The references to the new section 136I on telephone voting for the visually impaired is retained.
6. Clause 44: Reference to the proposed new section 136H on online voting is removed, consistent with that section being omitted from the bill at clause 32. The references to the new section 136I on telephone voting for the visually impaired is retained.
7. Clause 45: the entire clause is omitted, consistent with the intent to not facilitate online voting.
8. Clause 46: the entire clause is omitted, consistent with the intent to not facilitate online voting.
9. Clause 48: the entire clause is omitted, consistent with the intent to not facilitate online voting.
10. Clause 64: Proposed new clause 222A(1)(c) is omitted so as to not provide exceptions for 'federal accounts' with respect to property developer donations in ACT law.
11. Clause 65: The entire clause is omitted, because a definition of 'federal account' is no longer required.
12. Clause 69: The heading for the new division 14.4B is renamed as 'gifts from prohibited entities', thereby accommodating the expansion of the ban on donations to defence, nicotine and fossil fuel entities.
13. Clause 69: Paragraph 222L(1)(c) is removed so as to not provide exceptions for 'federal accounts' with respect to property developer donations in ACT law. It is replaced with an exemption for defence entities who have not held a defence contract in the last seven years.
14. Clause 69: Paragraph 222L(2) concerning the definition of a federal account is removed as it is no longer required and is substituted with a reference to the definition of a defence entity, to support updates made in the previous point.
15. Clause 69: The proposed new section 222M on the definition of a foreign entity is substituted with a much broader set of definitions pertaining to prohibited entities. This includes:

- a. Close associate: this is defined any person who is an officer or beneficial owner of an incorporated prohibited entity and their related body corporates and stapled entities, and their domestic partners. It also captures lobbyists for incorporated prohibited entities, and other persons or bodies as may be prescribed by regulation. The definition is very similar to that used to describe the close associates of property developers.
 - b. Gift: this is defined as per current legislation.
 - c. Political entity: this is defined as per current legislation.
 - d. Prohibited entity: this is defined as a list of other entities and is the principal means of determining whether an entity is included in bans from making political donations, other than with regard to property developers which are maintained in their own section of the legislation due to the complexity of how the ban intersects with historic involvement with development applications. The list includes defence entities, foreign entities, fossil fuel entities, and nicotine entities.
 - e. Beneficially owned: this operates in conjunction with the proposed definition of foreign entities, which identifies an entity as being a foreign entity where it is beneficially owned by an individual or individuals who ultimately own more than 50% of the entity or otherwise control it. The concept of beneficial ownership is also used when considering the flow of international finance, including by AUSTRAC for money laundering investigations and compliance with international sanctions. The term is applied when defining foreign entities and close associates.
 - f. Defence entity: this is defined as an entity that holds, or has held within the last 7 years, a contract with the Commonwealth for the provision of equipment intended for military end-use or for strategic advice on military operations and procurement.
 - g. Foreign entity: this is defined as an individual who is not an Australian Citizen or permanent resident, or a company which is beneficially owned by an individual or individuals who are not Australian Citizens or permanent residents (see above).
 - h. Fossil fuel entity: this is defined as a company that mines, extracts or manufactures products fossil fuels for energy purposes.
 - i. Lobbyist: this is defined as an entity that is listed on the register of lobbyists of any Australian jurisdiction. Note that this is only relevant when considering the lobbyists of prohibited entities.
 - j. Nicotine entity: this is defined as an entity that manufactures or advertises products containing nicotine.
 - k. Officer: this is defined in accordance with the Corporations Act.
 - l. Permanent resident: this refers to the Commonwealth's *Australian Citizenship Act 2007*, section 5.
 - m. Voting power: this is defined in accordance with the Corporations Act.
16. Clause 69: the heading for section 222N is substituted to refer to prohibited entities rather than just foreign entities.

17. Clause 69: the content for section 222N(1)(a) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
18. Clause 69: the heading for section 222O is substituted to refer to prohibited entities rather than just foreign entities.
19. Clause 69: the content for section 222O(1) is substituted to refer to prohibited entities rather than just foreign entities.
20. Clause 69: the content for section 222O(1A) is updated to introduce an offence for the close associates of prohibited entities making donations, utilising the same assessment as applies for property developers.
21. Clause 69: the content for section 222O(2)(b) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
22. Clause 69: the content for section 222O(2)(c) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
23. Clause 69: the content for section 222O(3)(a) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
24. Clause 69: the content for section 222O(3)(c) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
25. Clause 69: the heading for section 222P is substituted to refer to prohibited entities rather than just foreign entities.
26. Clause 69: the content for section 222P(1) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
27. Clause 69: the first example in section 222P(1)(c) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
28. Clause 69: the second example in section 222P(1)(c) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
29. Clause 69: the heading for section 222Q is substituted to refer to prohibited entities rather than just foreign entities.
30. Clause 69: the content for section 222Q(1)(a) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
31. Clause 69: the first and second examples in section 222Q(2) are updated to refer to prohibited entities and their close associates rather than just foreign entities.
32. Clause 69: the third example in section 222Q(2) is updated to refer to prohibited entities and their close associates rather than just foreign entities.
33. Clause 89: The schedule of fines in the Road Transport (Offences) Regulation 2005 is updated to include one demerit point for each offence in the case where advertising or electoral matter is displayed in or on the vehicle.
34. Consequential amendment 1.11: A dictionary definition of close associate is inserted with reference to that used for property developers and prohibited entities.

35. Consequential amendment 1.15: The dictionary definition of foreign entity is removed, as this is now captured as a part of the definition of prohibited entities, and is replaced with just the definition of free facilities use.
36. Consequential amendment 1.16: Within the dictionary definition of a *gift*, the reference to foreign entities is replaced with that of prohibited entities.
37. Consequential amendment 1.18: Within the dictionary definition of a *political entity*, the reference to foreign entities is replaced with that of prohibited entities.
38. Consequential amendment 1.19: A dictionary definition of prohibited entity is added.