

# Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019

Amendments during consideration in detail to be moved by  
The Honourable the Minister for Local Government, Minister for Racing  
and Minister for Multicultural Affairs

**1 Clause 7 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))**

Page 20, line 11 to page 41, line 30—

*omit.*

**2 Clause 8 (Amendment of s 178 (What this division is about))**

Page 41, line 31 to page 42, line 2—

*omit.*

**3 After clause 11**

Page 43, after line 14—

*insert—*

**11A Amendment of s 252 (Regulation-making power)**

(1) Section 252(2)(h), 'or its committees'—

*omit, insert—*

, its committees or other meetings of  
councillors (including informal meetings at  
which councillors discuss council matters)

(2) Section 252(2)—

*insert—*

(ha) empowering the council to make and  
adopt a policy about meetings  
mentioned in paragraph (h), other than  
meetings of the council or its  
committees; or

(3) Section 252(2)—

*insert—*

(j) matters relating to discretionary funds.

(4) Section 252(2)(ha) to (j)—

*renumber* as section 252(2)(i) to (k).

**4 Clause 12 (Insertion of new ch 8, pt 10)**

Page 46, line 23 to page 47, line 33—

*omit.*

**5 Clause 13 (Amendment of sch 1 (Serious integrity offences and integrity offences))**

Page 48, line 3 to entry for s 177W(2) after line 7—

*omit.*

**6 Clause 13 (Amendment of sch 1 (Serious integrity offences and integrity offences))**

Page 48, after line 10, entry for 195(1)(b)—

*omit.*

**7 Clause 14 (Amendment of sch 2 (Dictionary))**

Page 49, line 2 to page 50, line 24—

*omit.*

**8 Clause 14 (Amendment of sch 2 (Dictionary))**

Page 50, after line 24—

*insert—*

(2A) Schedule 2—

*insert—*

*discretionary funds* see section 106(2).

**9 Clause 14 (Amendment of sch 2 (Dictionary))**

Page 51, lines 6 to 13—

*omit, insert—*

- (h) under the Planning Act, chapter 3, part 3, division 2 on a development application that includes a variation request under that Act if the application proposes to—
  - (i) vary the category of development or category of assessment of development; or
  - (ii) vary the assessment benchmarks or criteria for accepted development that would apply to development; or
  - (iii) facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the council's local government infrastructure plan; or
- (i) under the Planning Act, chapter 3, part 5, division 2, subdivision 2 on a change application under that Act that includes a change to a variation approval if the application is being assessed under section 82 of that Act and the application proposes to—
  - (i) further vary the category of development or category of assessment of development; or
  - (ii) further vary the assessment benchmarks or criteria for accepted development that would apply to development; or

- (iii) facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the council's local government infrastructure plan.

*Note—*

Change application assessments for minor changes under the Planning Act, section 81 are not subject to paragraph (i).

**10 Clause 16 (Amendment of s 5 (Relationship with Local Government Act))**

Page 52, lines 10 and 11, ‘, and particular conduct of council employees’—

*omit.*

**11 Clause 33 (Amendment of s 177T (Duty to report another councillor's prescribed conflict of interest or declarable conflict of interest))**

Page 58, lines 7 to 17—

*omit.*

**12 Clause 41 (Insertion of new ch 8, pt 10, div 3)**

Page 60, lines 22 and 25, ‘3’—

*omit, insert—*

**2**

**13 Clause 45 (Amendment of s 162 (When a councillor's office becomes vacant))**

Page 67, lines 3 to 5—

*omit, insert—*

(1) Section 162—

*insert—*

(ca) ceases to be a councillor under section 174; or

(2) Section 162(ca) to (g)—  
*renumber* as section 162(d) to (h).

**14 Clause 48 (Insertion of new s 173AA)**

Page 69, lines 1 to 29—  
*omit.*

**15 Clause 49 (Amendment of s 173B (Obligation of councillor to correct register of interests))**

Page 69, line 30 to page 70, line 10—  
*omit.*

**16 Clause 50 (Insertion of new s 174)**

Page 70, line 11 to page 71, line 6—  
*omit.*

**17 After clause 50**

Page 71, after line 6—  
*insert—*

**50A Insertion of new ss 174 and 175**

Chapter 6, part 2, division 5—  
*insert—*

**174 Failure to give particular returns under Local Government Electoral Act 2011**

(1) If a person who is elected as a councillor fails to give a summary return within the required period or a longer period allowed by the Minister, the person ceases to be a councillor on the day immediately after the required

period or the longer period ends.

*Note—*

In particular circumstances, the required period may be taken to be extended—see section 175.

- (2) However, subsections (3) to (5) apply if—
- (a) under the *Local Government Electoral Act 2011*, an agent was required to give the summary return for—
    - (i) a group of candidates of which the person was a member; or
    - (ii) a political party that endorsed the candidature of the person; and
  - (b) the agent fails to give the summary return within the required period.
- (3) As soon as practicable after the date of the notice given to the person under the *Local Government Electoral Act 2011*, section 130C that the agent has failed to give the summary return, the person must give the Minister a notice stating that—
- (a) the agent failed to give the summary return within the required period; and
  - (b) the person intends to give the return under subsection (4).
- (4) The person must give the summary return within—
- (a) 30 days after the date of the notice of the agent's failure; or
  - (b) a longer period allowed by the Minister.

*Note—*

In particular circumstances, the period mentioned in paragraph (a) may be taken to be extended—see section 175.

- (5) The person ceases to be a councillor if the

person does not comply with subsection (4).

(6) In this section—

***required period***, for a summary return, means the period within which the summary return must be given under the *Local Government Electoral Act 2011*.

***summary return*** means a return required to be given under the following provisions of the *Local Government Electoral Act 2011*—

- (a) section 117(4);
- (b) section 118(4);
- (c) section 120(7);
- (d) section 125(2).

### **175 Extension of time for giving summary return**

- (1) For section 174(1) or (4), a person who is elected as a councillor may make a written request to the Minister to allow a longer period for giving a summary return.
- (2) The request must be made before the following period (the ***relevant period***) ends—
  - (a) for section 174(1), the required period;
  - (b) for section 174(4), the period mentioned in section 174(4)(a).
- (3) If, when the relevant period ends, the Minister has not decided the request, the relevant period is taken to be extended until the date of the notice of the Minister's decision on the request.
- (4) In this section—

***required period*** see section 174(6).

*summary return* see section 174(6).

**18 Clause 51 (Insertion of new s 177Y)**

Page 71, lines 7 to 25—

*omit.*

**19 Clause 53 (Amendment of sch 1 (Serious integrity offences and integrity offences))**

Page 72, lines 3 to 5—

*omit.*

**20 Clause 54 (Amendment of sch 2 (Dictionary))**

Page 72, lines 9 to 12—

*omit.*

**21 Clause 56 (Replacement of ch 2, pt 2, hdg (Divisions of local government areas))**

Page 72, line 20 to page 73, line 4—

*omit.*

**22 Clause 57 (Amendment of s 15 (Division of local government areas))**

Page 73, lines 5 to 29—

*omit.*

**23 Clause 58 (Amendment of s 16 (Review of divisions of local government areas))**

Page 74, lines 1 to 11—

*omit.*



**24 Clause 59 (Amendment of s 17 (What this part is about))**

Page 74, lines 12 to 15—

*omit.*

**25 Clause 70 (Replacement of ch 5A, hdg (Councillor conduct))**

Page 80, lines 19 to 26—

*omit.*

**26 Clause 71 (Amendment of s 150B (Overview of chapter))**

Page 81, lines 2 to 17—

*omit.*

**27 Clause 72 (Amendment of s 150C (Definitions for chapter))**

Page 82, lines 1 to 3—

*omit.*

**28 Clause 73 (Amendment of ch 5A, pt 2, hdg (Conduct at local government meetings))**

Page 82, lines 4 to 8—

*omit.*

**29 Before clause 74**

Page 82, before line 9—

*insert—*

**73A Amendment of s 150I (Chairperson may deal with unsuitable meeting conduct)**

Section 150I(3), after ‘the meeting’—

*insert—*

or, if minutes are not required for the meeting, in another way prescribed by regulation

**30 Clause 74 (Amendment of s 150L (What is *misconduct*))**

Page 82, lines 12 and 13, ‘150EW(2)’ to ‘171(3)’—  
*omit, insert—*

170(3), 171(3) or 175G

**31 Clause 77 (Amendment of ch 5A, pt 3, div 4, hdg (Investigation of councillor conduct))**

Page 83, lines 4 to 9—

*omit.*

**32 Clause 79 (Insertion of new s 150TA)**

Page 83, line 18 to page 84, line 9—

*omit.*

**33 Clause 80 (Amendment of s 150V (Investigative powers))**

Page 84, lines 10 to 13—

*omit.*

**34 Clause 93 (Amendment of s 150AY (Functions of investigators))**

Page 89, lines 14 to 16—

*omit.*

**35 Clause 93 (Amendment of s 150AY (Functions of investigators))**

Page 89, line 22 to page 90, line 1—

*omit.*

**36 Clause 94 (Amendment of s 150CH (Power to require information))**

Page 90, lines 2 to 5—

*omit.*

**37 Clause 95 (Amendment of s 150CJ (Power to require attendance))**

Page 90, lines 6 to 9—

*omit.*

**38 Clause 96 (Amendment of s 150CK (Notice about confidentiality))**

Page 90, lines 11 to 14—

*omit.*

**39 Clause 97 (Amendment of s 150CN (Compensation))**

Page 91, lines 2 to 5—

*omit.*

**40 Clause 98 (Amendment of s 150CU (Functions))**

Page 91, lines 6 to 24—

*omit.*

**41 Clause 99 (Amendment of s 150DB (Conflict of interest))**

Page 91, line 25 to page 92, line 1—

*omit.*

**42 Clause 106 (Insertion of new ch 5B)**

Page 93, line 16 to page 115, line 16—

*omit.*

**43 Clause 111 (Omission of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in local government matters))**

Page 117, lines 9 to 12—

*omit.*

**44 Clause 112 (Amendment of s 182E (When suspension of councillor ends))**

Page 117, line 17—

*omit, insert—*

section 175K

**45 After clause 119**

Page 119, after line 27—

*insert—*

**119A Amendment of s 270 (Regulation-making power)**

(1) Section 270(2)(i), 'or its committees'—

*omit, insert—*

, its committees or other meetings of councillors (including informal meetings at which councillors discuss local government matters)

(2) Section 270(2)—

*insert—*

(ia) empowering a local government to make and adopt a policy about meetings mentioned in paragraph (i),

other than meetings of the local  
government or its committees; or

(3) Section 270(2)—

*insert—*

(1) matters relating to discretionary funds.

(4) Section 270(2)(ia) to (l)—

*renumber* as section 270(2)(j) to (m).

### **119B Amendment of s 316 (Definitions for pt 12)**

Section 316, definition *local government official*—

*insert—*

*Note—*

Section 150R(3) was renumbered as section 150R(4) by the *Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019*.

#### **46 Clause 120 (Insertion of new ch 9, pt 14)**

Page 122, line 27, ‘175Q(1)(a)’—

*omit, insert—*

175P(1)(a)

#### **47 Clause 120 (Insertion of new ch 9, pt 14)**

Page 123, line 5, ‘provisions’—

*omit, insert—*

**provision**

#### **48 Clause 120 (Insertion of new ch 9, pt 14)**

Page 123, line 14 to page 124, line 19—

*omit.*

**49 Clause 121 (Amendment of sch 1 (Serious integrity offences and integrity offences))**

Page 124, line 22 to page 125, before line 1, entry for s 150EZ(2)—

*omit.*

**50 Clause 121 (Amendment of sch 1 (Serious integrity offences and integrity offences))**

Page 125, after line 3, entry for 195(1)(b)—

*omit.*

**51 Clause 122 (Amendment of sch 4 (Dictionary))**

Page 125, line 5 to page 127, line 23—

*omit.*

**52 Clause 122 (Amendment of sch 4 (Dictionary))**

Page 127, after line 23—

*insert—*

(2A) Schedule 4—

*insert—*

*discretionary funds* see section 109(2).

**53 Clause 122 (Amendment of sch 4 (Dictionary))**

Page 128, lines 1 to 8—

*omit, insert—*

(h) under the Planning Act, chapter 3, part 3, division 2 on a development application that includes a variation request under that Act if the application proposes to—

- (i) vary the category of development or category of assessment of development; or
  - (ii) vary the assessment benchmarks or criteria for accepted development that would apply to development; or
  - (iii) facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan; or
- (i) under the Planning Act, chapter 3, part 5, division 2, subdivision 2 on a change application under that Act that includes a change to a variation approval if the application is being assessed under section 82 of that Act and the application proposes to—
- (i) further vary the category of development or category of assessment of development; or
  - (ii) further vary the assessment benchmarks or criteria for accepted development that would apply to development; or
  - (iii) facilitate development that would result in a greater demand on infrastructure than the demand anticipated in the local government's local government infrastructure plan.

*Note—*

Change application assessments for minor changes under the Planning Act, section 81 are not subject to paragraph (i).

**54 Clause 122 (Amendment of sch 4 (Dictionary))**

Page 128, after line 8—

*insert—*

- (4) Schedule 4, definition *senior executive employee—*

*omit, insert—*

*senior executive employee*, of a local government, means an employee of the local government—

- (a) who reports directly to the chief executive officer; and
- (b) whose position ordinarily would be considered to be a senior position in the local government's corporate structure.

**55 Clause 125 (Amendment of s 150C (Definitions for chapter))**

Page 129, lines 7 and 8—

*omit.*

**56 Clause 128 (Amendment of s 150L (What is *misconduct*))**

Page 130, line 15, ‘, 173(3) or 177T’—

*omit, insert—*

or 173(3)

**57 Clause 133 (Amendment of s 150AY (Functions of investigators))**

Page 131, lines 17 to 19—

*omit, insert—*

173A(2) or (3) or 173B(2)



**58 Clause 136 (Amendment of s 162 (When a councillor's office becomes vacant))**

Page 132, lines 17 and 18—

*omit, insert—*

(2) Section 162(1)(b) to (h)—

*renumber* as section 162(1)(a) to (g).

**59 Clause 140 (Amendment of sch 4 (Dictionary))**

Page 134, lines 8 to 15—

*omit.*

**60 After clause 141**

Page 135, after line 1—

*insert—*

**141A Replacement of ch 2, pt 2, hdg (Divisions of local government areas)**

Chapter 2, part 2, heading—

*omit, insert—*

**Part 2                      Councillors for  
divisions of local  
government areas**

**141B Amendment of s 15 (Division of local government areas)**

(1) Section 15, heading—

*omit, insert—*

**15 Number of councillors for divisions**

(2) Section 15(1), after 'electors'—

*insert—*

for each councillor elected, or to be elected,

for the division

- (3) Section 15(2), from ‘is the number’ to ‘plus’—

*omit, insert—*

for a councillor of a division is the number of electors that is worked out by dividing the total number of electors in the local government area (as nearly as can be found out) by the total number of councillors (other than the mayor) currently elected, or to be elected, for the local government, plus

- (4) Section 15(3)—

*omit, insert—*

- (3) When changing a division, including changing the number of councillors elected, or to be elected, for the division, the reasonable proportion of electors for a councillor of a division must be worked out as near as practicable to the time when the change is to happen.

### **141C Amendment of s 16 (Review of divisions of local government areas)**

- (1) Section 16, heading, ‘of local government areas’—

*omit, insert—*

**and councillors**

- (2) Section 16(a)—

*omit, insert—*

- (a) review whether each division of its local government area has a reasonable proportion of electors for each councillor elected for the division; and

**141D Amendment of s 17 (What this part is about)**

Section 17(2)(c), after ‘government’—

*insert—*

or divisions of a local government area

**61 Clause 143 (Amendment of s 150AY (Functions of investigators))**

Page 135, lines 5 to 11—

*omit.*

**62 Clause 144 (Insertion of new s 150FB)**

Page 135, line 12 to page 136, line 3—

*omit.*

**63 Clause 145 (Amendment of s 162 (When a councillor’s office becomes vacant))**

Page 136, lines 6 to 8—

*omit, insert—*

(1) Section 162(1)—

*insert—*

(ca) ceases to be a councillor under section 172; or

(2) Section 162(1)(ca) to (g)—

*renumber* as section 162(1)(d) to (h).

**64 Clause 148 (Insertion of new s 171AA)**

Page 138, line 4 to page 139, line 2—

*omit.*

**65 Clause 149 (Amendment of s 171B (Obligation of councillor to correct register of interests))**

Page 139, lines 3 to 15—

*omit.*

**66 Clause 150 (Insertion of new s 172)**

Page 139, line 16 to page 140, line 13—

*omit.*

**67 After clause 150**

Page 140, after line 13—

*insert—*

**150A Insertion of new ss 172 and 173**

Chapter 6, part 2, division 5—

*insert—*

**172 Failure to give particular returns under Local Government Electoral Act**

- (1) If a person who is elected as a councillor fails to give a summary return within the required period or a longer period allowed by the Minister, the person ceases to be a councillor on the day immediately after the required period or the longer period ends.

*Note—*

In particular circumstances, the required period may be taken to be extended—see section 173.

- (2) However, subsections (3) to (5) apply if—
- (a) under the Local Government Electoral Act, an agent was required to give the summary return for—
- (i) a group of candidates of which the person was a member; or

- (ii) a political party that endorsed the candidature of the person; and
- (b) the agent fails to give the summary return within the required period.
- (3) As soon as practicable after the date of the notice given to the person under the Local Government Electoral Act, section 130C that the agent has failed to give the summary return, the person must give the Minister a notice stating that—
  - (a) the agent failed to give the summary return within the required period; and
  - (b) the person intends to give the return under subsection (4).
- (4) The person must give the summary return within—
  - (a) 30 days after the date of the notice of the agent's failure; or
  - (b) a longer period allowed by the Minister.

*Note—*

In particular circumstances, the period mentioned in paragraph (a) may be taken to be extended—see section 173.

- (5) The person ceases to be a councillor if the person does not comply with subsection (4).
- (6) In this section—

***required period***, for a summary return, means the period within which the summary return must be given under the Local Government Electoral Act.

***summary return*** means a return required to be given under the following provisions of the Local Government Electoral Act—

- (a) section 117(4);

- (b) section 118(4);
- (c) section 120(7);
- (d) section 125(2).

### **173 Extension of time for giving summary return**

- (1) For section 172(1) or (4), a person who is elected as a councillor may make a written request to the Minister to allow a longer period for giving a summary return.
- (2) The request must be made before the following period (the *relevant period*) ends—
  - (a) for section 172(1), the required period;
  - (b) for section 172(4), the period mentioned in section 172(4)(a).
- (3) If, when the relevant periods ends, the Minister has not decided the request, the relevant period is taken to be extended until the date of the notice of the Minister’s decision.
- (4) In this section—
  - required period* see section 172(6).
  - summary return* see section 172(6).

**68 Clause 152 (Amendment of sch 1 (Serious integrity offences and integrity offences))**

Page 140, lines 22 to 24—  
*omit.*

**69 Clause 153 (Amendment of sch 4 (Dictionary))**

Page 141, lines 1 to 4—

*omit.*

**70 Clause 169 (Insertion of new s 52A)**

Page 151, line 13, ‘while it was suspended to have’—

*omit, insert—*

booth while it was suspended to

**71 Clause 170 (Replacement of s 53 (Adjournment of poll))**

Page 151, line 23, after ‘interrupted’—

*insert—*

or obstructed

**72 Clause 172 (Amendment of s 58 (Distribution of ballot paper and voters roll))**

Page 153, line 9, ‘paper’—

*omit, insert—*

**papers**

**73 Clause 172 (Amendment of s 58 (Distribution of ballot paper and voters roll))**

Page 153, after line 12—

*insert—*

(1AA) Without limiting subsection (1)(a), a ballot paper is available at a polling booth if a ballot paper can be reproduced at the polling booth under section 58A.

**74 Clause 175 (Amendment of s 69 (Who must complete a declaration envelope))**

Page 155, lines 1 to 3, ‘why the elector cannot make an ordinary vote at a polling booth’—

*omit.*

**75 Clause 192 (Amendment of s 179 (Giving of how-to-vote cards to electoral commission))**

Page 166, lines 7 to 10—

*omit, insert—*

- (1) Section 179(1), from ‘no later than 5p.m.’ to ‘for the election’—

*omit, insert—*

after the start of the election period and at least 7 business days before the how-to-vote card is to be distributed on a day when votes may be cast for the election

- (1A) Section 179(2), from ‘by 5p.m.’ to ‘for the election’—

*omit, insert—*

after the start of the election period and at least 7 business days before the how-to-vote card is to be distributed on a day when votes may be cast for the election

**76 Clause 192 (Amendment of s 179 (Giving of how-to-vote cards to electoral commission))**

Page 166, after line 12—

*insert—*

- (2A) Section 179—

*insert—*

- (2A) The electoral commission must, within 5 business days after receiving the things mentioned in subsection (1)(a) and (b) or (2)(a) and (b)—

(a) decide to accept or reject the how-to-vote card; and



- (b) inform the person who authorised the how-to-vote card of the decision.
- (2B) Section 179(5), from ‘no later than 5p.m.’ to ‘immediately before’—  
*omit, insert—*  
at least 2 business days before
- (2C) Section 179—  
*insert—*
- (5A) The electoral commission must, within 2 business days after receiving the things mentioned in subsection (5)(b)—
  - (a) decide to accept or reject the revised how-to-vote card; and
  - (b) inform the person who authorised the revised how-to-vote card of the decision; and
  - (c) if the revised how-to-vote card is rejected—give the person who authorised the revised how-to-vote card written reasons for the rejection.

**77 Clause 192 (Amendment of s 179 (Giving of how-to-vote cards to electoral commission))**

Page 166, lines 13 to 16—

*omit, insert—*

- (3) Section 179(6), from ‘Before’ to ‘accepted’—  
*omit, insert—*

As soon as practicable after the electoral commission accepts a how-to-vote card, the returning officer must ensure the

**78 Clause 196 (Amendment of s 195 (Offences about returns))**

Page 168, lines 4 to 10—

*omit.*

**79 Clause 199 (Insertion of new pt 11, div 4)**

Page 169, line 7, ‘State’—

*omit, insert—*

**Stage**

**80 Clause 204 (Amendment of s 40 (Disposal of deposits generally))**

Page 171, lines 3 to 6—

*omit.*

**81 Clause 205 (Amendment of s 41 (Record of membership in group of candidates))**

Page 171, lines 12 to 17—

*omit, insert—*

(2) Section 41(1)—

*omit, insert—*

(1) This section applies if 2 or more candidates propose to engage in group campaign activities for an election.

**82 Clause 205 (Amendment of s 41 (Record of membership in group of candidates))**

Page 172, lines 18 and 19—

*omit, insert—*

(6) Section 41—

*insert—*

(5) A candidate in an election may be a member of only 1 group of candidates for the election.

(6) Only 1 member of the group may be a candidate for election as mayor of a local government.

**83 Clause 209 (Amendment of s 65 (System of voting))**

Page 173, lines 24 to 27—

*omit.*

**84 Clause 214 (Amendment of s 83 (How electors must record a vote on a ballot paper—optional-preferential voting))**

Page 175, lines 1 to 15—

*omit.*

**85 Clause 215 (Amendment of s 86 (Formal and informal ballot papers—optional-preferential voting))**

Page 175, line 16 to page 176, line 12—

*omit.*

**86 Clause 216 (Amendment of s 92 (Preliminary counting of ordinary votes))**

Page 176, lines 13 to 17—

*omit.*

**87 Clause 217 (Amendment of s 95 (Official counting of votes))**

Page 176, lines 18 to 21—

*omit.*

**88 Clause 218 (Amendment of s 97 (Counting of votes for optional-preferential system))**

Page 176, line 22 to page 177, line 7—

*omit.*

**89 Clause 220 (Amendment of s 106 (Definitions for part))**

Page 179, line 13, before ‘*electoral expenditure*’—

*insert—*

*disclosure date,*

**90 Clause 220 (Amendment of s 106 (Definitions for part))**

Page 179, after line 17—

*insert—*

*disclosure deadline*, for a return, means the day or time prescribed by regulation for the giving of the return.

**91 Clause 220 (Amendment of s 106 (Definitions for part))**

Page 180, line 1, ‘section 121B(2)’—

*omit, insert—*

section 121A(2)

**92 Clause 220 (Amendment of s 106 (Definitions for part))**

Page 180, line 7, ‘endorsed for’—

*omit, insert—*

endorsed

**93 Clause 222 (Replacement of s 107 (Meaning of *gifts*))**

Page 182, lines 16 and 17, ‘or’—

*omit, insert—*

and

**94 Clause 222 (Replacement of s 107 (Meaning of *gifts*))**

Page 183, line 1, ‘include a’—

*omit, insert—*

include

**95 After clause 229**

Page 188, after line 7—

*insert—*

**229A Amendment of s 117 (Gifts to candidates)**

(1) Section 117(2), ‘date’—

*omit, insert—*

deadline

(2) Section 117(7), ‘under subsection (2)’—

*omit, insert—*

under subsection (4)

**229B Amendment of s 118 (Gifts to groups of candidates)**

(1) Section 118(2), ‘date’—

*omit, insert—*

deadline

(2) Section 118(7)—

*omit, insert—*

(7) If the electoral commission receives a return under subsection (4) from the agent of a group of candidates, any of whom are successful in an election, the electoral commission must give a copy of the return

to—

- (a) the chief executive officer of the local government for which the election was held; and
- (b) each successful candidate in the group.

**96 Clause 230 (Insertion of new s 118A)**

Page 189, line 6, ‘date’—

*omit, insert—*

deadline

**97 Clause 233 (Amendment of s 120 (Loans to candidates or groups of candidates))**

Page 190, lines 9 to 11—

*omit, insert—*

- (1) Section 120(2) and (4), ‘date’—

*omit, insert—*

deadline

- (2) Section 120(6)(b) to (e)—

*omit, insert—*

(b) state the relevant details for the loan.

- (3) Section 120—

*insert—*

- (9) Subsection (10) applies if the electoral commission receives a return under subsection (7) from—

(a) a candidate who is successful in an election; or

(b) the agent of a group of candidates, any of whom are successful in an election.

- (10) The electoral commission must give a copy of the return to—
- (a) the chief executive officer of the local government for which the election was held; and
  - (b) if the return is received from the agent for a group of candidates—each successful candidate in the group.

**98 Clause 235 (Insertion of new pt 6, div 3, sdiv 3)**

Page 191, line 30, after ‘first’—

*insert—*

gift or

**99 Clause 236 (Insertion of new pt 6, div 3, sdiv 4 hdg)**

Page 193, line 11, ‘section 121’—

*omit, insert—*

section 121C, as inserted by this Act

**100 Clause 238 (Replacement of pt 6, div 4 (Disclosure by third parties))**

Page 197, line 12, ‘date’—

*omit, insert—*

deadline

**101 Clause 238 (Replacement of pt 6, div 4 (Disclosure by third parties))**

Page 197, line 23, ‘expenditure; and’—

*omit, insert—*

expenditure.

**102 Clause 238 (Replacement of pt 6, div 4 (Disclosure by third parties))**

Page 197, lines 24 to 28—

*omit.*

**103 Clause 238 (Replacement of pt 6, div 4 (Disclosure by third parties))**

Page 198, lines 24 to 26, from ‘must state’—

*omit, insert—*

must—

- (a) state the total amount of electoral expenditure the election participant incurred during the disclosure period for the election; and
- (b) for a return for a candidate or group of candidates—be accompanied by a copy of a bank statement for the dedicated account of the candidate or group for the disclosure period for the election.

**104 Clause 238 (Replacement of pt 6, div 4 (Disclosure by third parties))**

Page 198, line 27, ‘electoral’—

*omit, insert—*

election

**105 Clause 238 (Replacement of pt 6, div 4 (Disclosure by third parties))**

Page 198, after line 29—

*insert—*

- (5) Subsection (6) applies if the electoral commission receives a return under subsection (2) from—



- (a) a candidate who is successful in the election; or
  - (b) the agent of a group of candidates, any of whom are successful in the election; or
  - (c) the agent for a registered political party that endorsed a candidate who is successful in the election.
- (6) The electoral commission must give a copy of the return to—
- (a) the chief executive officer of the local government for which the election was held; and
  - (b) if the return is received from the agent for a group of candidates or the agent for a registered political party that endorsed a candidate—each successful candidate in the group or endorsed by the party.

**106 Clause 238 (Replacement of pt 6, div 4 (Disclosure by third parties))**

Page 199, line 23, ‘date’—

*omit, insert*—

deadline

**107 Clause 240 (Amendment of s 128 (Register of gifts))**

Page 201, line 20—

*omit, insert*—

- (a) if the electoral commission is informed, by the person giving the return, that an individual identified in the return is a silent elector or an elector whose status is equivalent or similar to a silent elector under a law of the Commonwealth or another State—the address of the individual elector;

**108 Clause 240 (Amendment of s 128 (Register of gifts))**

Page 201, after line 20—

*insert—*

(ab) the street address, but not the suburb, town, city or other locality including the State, of each individual identified in the return;

**109 Clause 240 (Amendment of s 128 (Register of gifts))**

Page 201, line 22, ‘124(3)(d)’—

*omit, insert—*

125(3)(b)

**110 Clause 243 (Insertion of new s 130A)**

Page 202, lines 13 and 16, ‘130A’—

*omit, insert—*

**130B**

**111 Clause 243 (Insertion of new s 130A)**

Page 203, line 6, after ‘153’—

*insert—*

, 162, 172

**112 Clause 243 (Insertion of new s 130A)**

Page 203, line 7, after ‘153’—

*insert—*

, 162, 174

**113 Clause 243 (Insertion of new s 130A)**

Page 203, lines 14 and 15—

*omit.*

**114 Clause 243 (Insertion of new s 130A)**

Page 203, line 18—

*omit, insert—*

- (3) If the person to whom the notice must be given is the agent for a group of candidates or the agent for a registered political party that endorsed a candidate, the electoral commission must also give a copy of the notice to each candidate who is—
  - (a) a member of the group or endorsed by the party; and
  - (b) successful in the election.
- (4) In this section—

**115 After clause 243**

Page 203, after line 24—

*insert—*

**243A Insertion of new s 130C**

After section 130B, as inserted by this Act—

*insert—*

**130C Electoral commission must give notice about agent's failure to give return**

- (1) This section applies if—
  - (a) an agent for a group of candidates or an agent for a registered political party that endorsed a candidate—
    - (i) is required to give the electoral commission a summary return; and

- (ii) has not given the return to the electoral commission within the required period; and
  - (b) 1 or more of the candidates in the group or endorsed by the political party is elected as a councillor.
- (2) The electoral commission must, as soon as practicable after the end of the required period, give each successful candidate represented by the agent (each the ***councillor***) a notice stating—
  - (a) that the agent has failed to give the electoral commission the summary return within the required period; and
  - (b) that the councillor is required to give the return and the provision of division 3 or 4 under which the return is required to be given; and
  - (c) the following provisions, or a general outline of them, to the extent they are relevant to the requirement to give the return—
    - (i) the *City of Brisbane Act 2010*, section 174(3) and (4);
    - (ii) the *Local Government Act 2009*, section 172(3) and (4).
- (3) In this section—

***summary return*** means a return required to be given under the following provisions—

  - (a) section 117(4);
  - (b) section 118(4);
  - (c) section 120(7);
  - (d) section 125(2).

**116 Clause 244 (Amendment of s 131 (Inability to complete returns))**

Page 203, line 25 to page 204, line 12—

*omit.*

**117 Clause 246 (Insertion of new s 162A)**

Page 204, line 19 to page 205, line 14—

*omit.*

**118 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 209, line 5, ‘councillors’—

*omit, insert—*

**candidates—gifts**

**119 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 209, lines 6 to 12, from ‘who,’—

*omit, insert—*

who—

(a) immediately before the commencement,  
was not a candidate; and

(b) on the commencement, is a candidate.

**120 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 209, line 13, ‘candidate’—

*omit, insert—*

person

**121 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 209, lines 16 to 22—

*omit, insert—*

person must give a return under section 117(2) and (4), as in force immediately before the commencement, for the person's pre-commencement disclosure period.

(3A) For applying section 117—

- (a) a reference to a candidate is taken to be a reference to the person; and
- (b) a reference to relevant details is taken to be a reference to relevant details under section 109 as in force immediately before the commencement; and
- (c) a reference to the required period is taken to be a reference to the period starting on the commencement and ending 14 days after the commencement; and
- (d) a reference to the disclosure date is taken to be a reference to the day that is 14 days after the commencement; and
- (e) a reference to the disclosure period is taken to be a reference to the person's pre-commencement disclosure period; and
- (f) a reference to a gift is taken to be a reference to a gift under section 107 as in force immediately before the commencement; and
- (g) a reference to the value of a gift is taken to be a reference to the value of a gift under section 108 as in force immediately before the commencement.

**122 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 209, lines 23 to 26, from 'apply in'—

*omit, insert—*

apply—

- (a) to the person if, before the commencement, a disclosure period would not have started under section 114 or 115 as in force immediately before the commencement, as applied under subsection (6), definition *pre-commencement disclosure period*, paragraph (a); or
- (b) in relation to a gift that is the subject of a return given to the electoral commission under part 6 before the commencement.

**123 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 209, line 28, ‘candidate’—

*omit, insert—*

person

**124 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 209, after line 29—

*insert—*

- (6) In this section—

*pre-commencement disclosure period*, for a person who, on the commencement, is a candidate, means the period—

- (a) starting when the disclosure period would have started for the person under section 114 or 115 as in force immediately before the commencement—
  - (i) if the person were a candidate for those sections; and
  - (ii) as if a reference in those sections to an election were a reference to the election for which the person is, on the commencement, a candidate; and

- (b) ending immediately before the commencement.

**125 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 209, before line 30—

*insert—*

**217A Disclosure obligations for agent for group of candidates—gifts**

- (1) This section applies in relation to a person who—
  - (a) represents a group of persons who—
    - (i) immediately before the commencement, were not candidates; and
    - (ii) on the commencement, are candidates; and
    - (iii) after the commencement, give a record of membership of the group to the electoral commission under section 41; and
  - (b) is appointed as the agent for the group after the commencement.
- (2) For part 6, the disclosure period for the group is taken to start on the day the group gives the record of membership to the electoral commission.
- (3) Within 14 days after the appointment, the person must give a return under section 118(2) and (4), as in force immediately before the commencement, for the group's pre-commencement disclosure period.
- (4) For applying section 118—
  - (a) a reference to a group of candidates is taken to be a reference to the group of persons; and



- (b) a reference to a gift is taken to be a reference to a gift under section 107 as in force immediately before the commencement; and
  - (c) a reference to the disclosure date is taken to be a reference to the day that is 14 days after the appointment; and
  - (d) a reference to relevant details is taken to be a reference to relevant details under section 109 as in force immediately before the commencement; and
  - (e) a reference to the required period is taken to be a reference to the period starting on the appointment and ending 14 days after the appointment; and
  - (f) a reference to the disclosure period is taken to be a reference to the group's pre-commencement disclosure period; and
  - (g) a reference to the value of a gift is taken to be a reference to the value of a gift under section 108 as in force immediately before the commencement.
- (5) However, subsection (3) does not apply in relation to a gift that is the subject of a return given to the electoral commission under part 6 before the commencement.
- (6) Part 9, division 5 applies in relation to the person and to each member of the group as if—
- (a) a reference in the division to part 6 included a reference to this section; and
  - (b) a reference in the division to section 118 included a reference to this section.
- (7) In this section—
- pre-commencement disclosure period*, for a group of persons mentioned in subsection (1)(a), means the period—

- (a) starting when the disclosure period would have started for the group under section 116, as in force immediately before the commencement—
  - (i) if the persons in the group were a group of candidates for that section; and
  - (ii) as if a reference in that section to an election were a reference to the election for which the persons in the group are, on the commencement, candidates; and
- (b) ending immediately before the day the group gives the record of membership to the electoral commission.

### **217B Disclosure obligations for candidates—loans**

- (1) This section applies to a person who—
  - (a) immediately before the commencement, was not a candidate; and
  - (b) on the commencement, is a candidate.
- (2) For part 6, the disclosure period for the person is taken to start on the commencement.
- (3) Within 14 days after the commencement, the person must give a return under section 120(2) and (7), as in force immediately before the commencement, for the person's pre-commencement disclosure period.
- (4) For applying section 120—
  - (a) a reference to a candidate is taken to be a reference to the person; and
  - (b) a reference to the required period is taken to be a reference to the period starting on the commencement and ending 14 days after the commencement; and

- (c) a reference to the disclosure date is taken to be a reference to the day that is 14 days after the commencement; and
  - (d) a reference to the disclosure period is taken to be a reference to the person's pre-commencement disclosure period.
- (5) However, subsection (3) does not apply—
- (a) to the person if, before the commencement, a disclosure period would not have started under section 114 or 115 as in force immediately before the commencement, as applied under subsection (7), definition *pre-commencement disclosure period*, paragraph (a); or
  - (b) in relation to a loan that is the subject of a return given to the electoral commission under part 6 before the commencement.
- (6) Part 9, division 5 applies in relation to the person as if—
- (a) a reference in the division to part 6 included a reference to this section; and
  - (b) a reference in the division to section 120 included a reference to this section.
- (7) In this section—
- pre-commencement disclosure period*, for a person who, on the commencement, is a candidate, means the period—
- (a) starting when the disclosure period would have started for the person under section 114 or 115 as in force immediately before the commencement—
    - (i) if the person were a candidate for those sections; and
    - (ii) as if a reference in those sections to an election were a reference to the

election for which the person is, on the commencement, a candidate; and

- (b) ending immediately before the commencement.

### **217C Disclosure obligations for agent for group of candidates—loans**

- (1) This section applies in relation to a person who—
- (a) represents a group of persons who—
- (i) immediately before the commencement, were not candidates; and
- (ii) on the commencement, are candidates; and
- (iii) after the commencement, give a record of membership of the group to the electoral commission under section 41; and
- (b) is appointed as the agent for the group after the commencement.
- (2) For part 6, the disclosure period for the group is taken to start on the day the group gives the record of membership to the electoral commission.
- (3) Within 14 days after the appointment, the person must give a return under section 120(4) and (7), as in force immediately before the commencement, for the group's pre-commencement disclosure period.
- (4) For applying section 120—
- (a) a reference to a group of candidates is taken to be a reference to the group of persons; and
- (b) a reference to the required period is taken to be a reference to the period starting on the

- appointment and ending 14 days after the appointment; and
- (c) a reference to the disclosure date is taken to be a reference to the day that is 14 days after the appointment; and
  - (d) a reference to the disclosure period is taken to be a reference to the group's pre-commencement disclosure period.
- (5) However, subsection (3) does not apply in relation to a loan that is the subject of a return given to the electoral commission under part 6 before the commencement.
- (6) Part 9, division 5 applies in relation to the person and to each member of the group as if—
- (a) a reference in the division to part 6 included a reference to this section; and
  - (b) a reference in the division to section 120 included a reference to this section.
- (7) In this section—
- pre-commencement disclosure period*, for a group of persons mentioned in subsection (1)(a), means the period—
- (a) starting when the disclosure period would have started for the group under section 116, as in force immediately before the commencement—
    - (i) if the persons in the group were a group of candidates for that section; and
    - (ii) as if a reference in that section to an election were a reference to the election for which the persons in the group are, on the commencement, candidates; and

- (b) ending immediately before the day the group gives the record of membership to the electoral commission.

**126 Clause 251 (Insertion of new pt 11, div 4, sdiv 2)**

Page 210, after line 32—

*insert—*

**219 Election and elector information for election before commencement**

Elector information can be requested and given under section 101A in relation to the 2016 quadrennial election and any subsequent election.

**127 Clause 253 (Amendment of sch 2 (Dictionary))**

Page 217, after line 31—

*insert—*

*group of candidates* means members of a group for which a record of membership has been given to the electoral commission under section 41(2).

**128 Clause 253 (Amendment of sch 2 (Dictionary))**

Page 217, line 34 to page 218, line 1—

*omit, insert—*

*silent elector* means a person—

- (a) to whom the *Electoral Act 1992*, section 58(5) applies; or
- (b) whose address has been excluded from an electoral roll under an arrangement under the *Electoral Act 1992*, section 62 because of the *Commonwealth Electoral Act 1918* (Cwlth), section 104.

**129 Clause 253 (Amendment of sch 2 (Dictionary))**

Page 218, after line 14—

*insert—*

(3A) Schedule 2, as numbered by this Act, definition  
*disclosure date*, ‘*date*’—

*omit, insert—*

*deadline*

**130 Clause 253 (Amendment of sch 2 (Dictionary))**

Page 218, lines 15 to 26—

*omit.*

© State of Queensland 2019