

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice

1 Clause 2 (Commencement)

Page 16, lines 8 to 22—

omit, insert—

- (1) Chapter 2 commences as follows—
 - (a) part 1A commences on assent;
 - (b) section 22, to the extent it inserts new part 11, division 5, commences on 1 January 2022;
 - (c) the following provisions commence on 1 July 2022—
 - (i) sections 19, 20 and 21;
 - (ii) section 22, to the extent it is not in force under paragraph (b);
 - (d) the remaining provisions of chapter 2, and schedule 1, commence on 1 August 2020, immediately after the commencement of the provisions of the *Electoral and Other Legislation Amendment Act 2019* that, under section 2 of that Act, commence on 1 August 2020.
- (2) Chapter 3 commences as follows—
 - (a) sections 57 and 58A commence on assent;
 - (b) the remaining provisions of chapter 3 commence on 1 August 2020.
- (3) Chapter 4 commences on a day to be fixed by proclamation.
- (4) Chapter 5 commences as follows—

- (a) the following provisions commence on assent—
 - (i) section 74;
 - (ii) section 77;
 - (iii) section 94;
 - (iv) sections 97 to 99;
 - (v) section 102;
 - (vi) section 103A;
 - (vii) section 105;
 - (viii) section 113B;
 - (ix) section 120;
 - (x) section 121A;
 - (xi) part 3;
- (b) the remaining provisions of chapter 5 commence on 12 October 2020.

2 Clause 4 (Amendment of s 2 (Definitions))

Page 17, line 11, after '*financial year*,'—
insert—

associated entity,

3 Clause 4 (Amendment of s 2 (Definitions))

Page 17, after line 17—
insert—

associated entity—

- (a) of a registered political party—see section 204(2) and (3); or
- (b) of a candidate in an election—see section 204A(2), (3) and (4).

4 Clause 4 (Amendment of s 2 (Definitions))

Page 17, after line 19—

insert—

bank statement, for part 11, see section 197.

campaign purpose, for incurring electoral expenditure, for part 11, see section 199A.

5 Clause 4 (Amendment of s 2 (Definitions))

Page 18, line 3, ‘participant’—

omit, insert—

registered political party or candidate

6 Clause 4 (Amendment of s 2 (Definitions))

Page 18, line 5, ‘an election participant’—

omit, insert—

a registered political party or candidate in an election

7 Clause 4 (Amendment of s 2 (Definitions))

Page 18, after line 7—

insert—

election material, for part 11, see section 197.

8 Clause 4 (Amendment of s 2 (Definitions))

Page 18, lines 20 and 21—

omit, insert—

participant, in an election—

(a) for part 11, generally—see section 197A; or

(b) for part 11, division 12A—see section 305.

9 Clause 4 (Amendment of s 2 (Definitions))

Page 18, after line 25—

insert—

prescribed matter, for part 11, division 12A, see section 305AA.

10 Clause 4 (Amendment of s 2 (Definitions))

Page 19, line 12, ‘person’s’—

omit, insert—

individual’s

11 Clause 4 (Amendment of s 2 (Definitions))

Page 19, line 15, ‘person’s’—

omit, insert—

individual’s

12 Clause 4 (Amendment of s 2 (Definitions))

Page 19, after line 24—

insert—

(5A) Section 2, definition *third party*, ‘, for part 11,’—
omit.

13 Clause 7 (Amendment of s 197 (Definitions))

Page 21, line 17, after ‘*financial year*,’—

insert—

associated entity,

14 Clause 7 (Amendment of s 197 (Definitions))

Page 21, after line 26—

insert—

associated entity—

- (a) of a registered political party—see section 204(2) and (3); or
- (b) of a candidate in an election—see section 204A(2), (3) and (4).

bank statement, for an account with a financial institution—

- (a) means a written record issued by the financial institution of all of the transactions carried out in relation to the account during a stated period; and
- (b) includes a written record of the transactions printed from an online banking facility provided by the financial institution.

campaign purpose, for incurring electoral expenditure, see section 199A.

15 Clause 7 (Amendment of s 197 (Definitions))

Page 21, line 31, ‘participant’—

omit, insert—

registered political party or candidate

16 Clause 7 (Amendment of s 197 (Definitions))

Page 22, line 2, ‘an election participant’—

omit, insert—

a registered political party or candidate in an election

17 Clause 7 (Amendment of s 197 (Definitions))

Page 22, after line 4—

insert—

election material means material produced as a result of incurring electoral expenditure, including, for example, an advertisement.

18 Clause 7 (Amendment of s 197 (Definitions))

Page 22, lines 22 to 25—

omit, insert—

participant, in an election—

- (a) generally—see section 197A; or
- (b) for division 12A—see section 305.

19 Clause 7 (Amendment of s 197 (Definitions))

Page 22, after line 29—

insert—

prescribed matter, for division 12A, see section 305AA.

20 Clause 8 (Insertion of new s 197A)

Page 24, line 23, ‘delivered’—

omit, insert—

supplied

21 Clause 9 (Insertion of new s 199)

Page 24, line 28, ‘s 199’—

omit, insert—

ss 199 and 199A

22 Clause 9 (Insertion of new s 199)

Page 24, line 32 to page 25, line 30—

omit, insert—

- (1) ***Electoral expenditure*** means expenditure of a kind mentioned in subsection (2) incurred for a campaign purpose.
- (2) For subsection (1), the kind of expenditure is—
 - (a) expenditure for designing, producing, printing, broadcasting or publishing material for an election, including, for example—
 - (i) an advertisement for broadcast on radio or television, at a cinema, or using the internet, email or SMS; and
 - (ii) material for publication in newspapers or magazines, on billboards, or as brochures, flyers, signs, how-to-vote cards or information sheets; and
 - (iii) material for distribution in letters; or
 - (b) expenditure for the cost of distributing material for an election, including, for example, the cost of postage, sending SMS messages or couriers; or
 - (c) expenditure for carrying out an opinion poll or research; or
 - (d) expenditure for contracted services related to an activity mentioned in paragraph (a), (b) or (c), including, for example, fees for consultants or the provision of data; or
 - (e) expenditure of another kind prescribed by regulation to be a kind of electoral expenditure.

23 Clause 9 (Insertion of new s 199)

Page 25, lines 32 and 33, ‘advertisement or other election’—
omit.

24 Clause 9 (Insertion of new s 199)

Page 26, lines 18 to 23—

omit, insert—

- (c) expenditure incurred employing staff for a campaign purpose; or
 - (d) expenditure of a kind prescribed by regulation not to be a kind of electoral expenditure.
- (5) Expenditure incurred by a third party is ***electoral expenditure*** if the dominant purpose for which the expenditure is incurred is a campaign purpose.
- (6) However, expenditure incurred by a third party is not ***electoral expenditure*** if the dominant purpose for which the expenditure is incurred is another purpose, even if the expenditure is also incurred for, or achieves, a campaign purpose.

Example of other purposes for incurring expenditure—

to educate or raise awareness about an issue of public policy

25 Clause 9 (Insertion of new s 199)

Page 26, line 24, '(6)'—

omit, insert—

(7)

26 Clause 9 (Insertion of new s 199)

Page 26, line 28, '(7)'—

omit, insert—

(8)

27 Clause 9 (Insertion of new s 199)

Page 27, line 7—

omit.

28 Clause 9 (Insertion of new s 199)

Page 27, after line 7—

insert—

199A Meaning of *campaign purpose*

- (1) Expenditure is incurred for a *campaign purpose* if the expenditure is incurred to—
 - (a) promote or oppose a political party in relation to an election; or
 - (b) promote or oppose the election of a candidate; or
 - (c) otherwise influence voting at an election.
- (2) Without limiting subsection (1), expenditure is incurred for a purpose mentioned in subsection (1)(a), (b) or (c) if material produced as a result of the expenditure does any of the following in relation to an election—
 - (a) expressly promotes or opposes—
 - (i) political parties or candidates who advocate, or do not advocate, a particular policy or issue; or
 - (ii) political parties or candidates who have, or do not have, a particular position on a policy or issue; or
 - (iii) candidates who express a particular opinion;
 - (b) expressly or impliedly comments—
 - (i) about a political party, elected member or candidate in the election; or
 - (ii) in relation to an electoral district;
 - (c) expresses a particular position on a policy, issue or opinion—

- (i) if the position is publicly associated with a political party or candidate; and
- (ii) whether or not, in expressing the position, the party or candidate is mentioned.

29 Clause 11 (Insertion of new ss 200A and 200B)

Page 28, lines 17 to 31—

omit, insert—

- (b) any of the following applies—
 - (i) the expenditure is incurred with the participant's authority or consent;
 - (ii) the participant accepts election material resulting from the expenditure;
 - (iii) another circumstance prescribed by regulation happens in relation to the expenditure; and
- (c) the person does not, within 7 days after the circumstances mentioned in paragraphs (a) and (b) happen—
 - (i) receive consideration, or adequate consideration, from the participant incurring the expenditure; or
 - (ii) invoice the participant for payment of the amount.

30 Clause 11 (Insertion of new ss 200A and 200B)

Page 29, after line 7—

insert—

- (3) A gift of electoral expenditure is made when subsection (1) applies to the expenditure, regardless of when the expenditure is incurred.

Notes—

- 1 See section 280A in relation to a participant in an election being taken to have incurred electoral expenditure gifted to the election participant.
- 2 See also section 281A in relation to electoral expenditure incurred by a participant in an election that benefits another election participant.

31 Clause 12 (Replacement of s 201 (Meaning of *gift*))

Page 30, lines 23 and 24—

omit, insert—

- (d) an amount transferred to an individual from funds the individual holds jointly with the individual's spouse; or
- (e) the provision of voluntary labour; or
- (f) the incidental or ancillary use of—

32 Clause 12 (Replacement of s 201 (Meaning of *gift*))

Page 31, lines 21 to 25—

omit, insert—

- (a) for a loan made on terms requiring the payment of interest at less than the official cash rate plus 3% a year—the loan had been made on terms requiring the payment of interest at least at the official cash rate plus 3% a year; or
- (b) for a loan for which interest payable is waived—the interest payable had not been waived; or
- (c) for a loan for which interest payments are not capitalised—the interest payments were capitalised.

33 Clause 13 (Insertion of new ss 201B and 201C)

Page 32, lines 7 to 10—

omit, insert—

- (b) if a regulation prescribes principles for deciding the value of the property—the value decided in accordance with the principles.

34 Clause 13 (Insertion of new ss 201B and 201C)

Page 32, lines 17 to 20—

omit, insert—

- (b) if a regulation prescribes principles for deciding the amount that would reasonably be charged for the service—the amount decided in accordance with the principles.

35 Clause 15 (Insertion of new s 204)

Page 34, line 25, ‘s 204’—

omit, insert—

ss 204 and 204A

36 Clause 15 (Insertion of new s 204)

Page 35, lines 1 to 13—

omit, insert—

204 Associated entity to be treated as part of registered political party

- (1) If a registered political party has an associated entity, divisions 3, 4, 6 and 9 apply as if—
 - (a) the party and the associated entity together constituted the party; and
 - (b) a reference to the party included a reference to the associated entity; and

- (c) a gift or loan made to or for the benefit of, or received by, the associated entity were a gift or loan made to or for the benefit of, or received by, the party; and
 - (d) the State campaign account of the party were the State campaign account of the associated entity; and
 - (e) electoral expenditure incurred by or for the associated entity were incurred by or for the party.
- (2) An entity is an *associated entity* of a registered political party if the entity—
- (a) is controlled by the party or a group of endorsed candidates of the party; or
 - (b) operates wholly, or to a significant extent, for the benefit of the party or a group of endorsed candidates of the party; or
 - (c) operates for the dominant purpose of—
 - (i) promoting the party in elections; or
 - (ii) promoting a group of endorsed candidates of the party in an election.
- (3) However, an *associated entity* of a registered political party does not include—
- (a) a candidate endorsed by the party for an election; or
 - (b) another political party that is a related political party of the party; or
 - (c) if the party is part of another entity—a federal or interstate branch or division of the other entity.
- (4) In this section—
- group of endorsed candidates*, of a registered political party, means 2 or more candidates endorsed by the party for an election.

204A Associated entity to be treated as part of candidate in election

- (1) If a candidate in an election has an associated entity, divisions 3, 4, 6 and 9 apply as if—
 - (a) the associated entity and the candidate together constituted the candidate; and
 - (b) a reference to the candidate included a reference to the associated entity; and
 - (c) a gift or loan made to or for the benefit of, or received by, the associated entity were a gift or loan made to or for the benefit of, or received by, the candidate; and
 - (d) the State campaign account of the candidate were the State campaign account of the associated entity; and
 - (e) electoral expenditure incurred by or for the associated entity were incurred by or for the candidate.
- (2) An entity is an *associated entity* of a candidate in an election if the entity—
 - (a) is controlled by the candidate in relation to the election; or
 - (b) operates wholly, or to a significant extent, for the benefit of the candidate in relation to the election; or
 - (c) operates for the dominant purpose of promoting the candidate in the election.
- (3) However, an *associated entity* of a candidate in an election does not include an entity if—
 - (a) the entity is an associated entity of a registered political party under section 204 because it—
 - (i) is controlled by a group of endorsed candidates of the party; or

- (ii) operates wholly or to a significant extent for the benefit of a group of endorsed candidates of the party; or
 - (iii) operates for the dominant purpose of promoting a group of endorsed candidates of the party; and
- (b) the candidate is 1 of the candidates in the group of endorsed candidates of the party.
- (4) Also, an *associated entity* of a candidate does not include an electoral committee mentioned in section 203.
- (5) In this section—
group of endorsed candidates, of a registered political party, see section 204(4).

37 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 40, lines 4 and 5, ‘as the person’s agent’—

omit, insert—

the person’s appointment as agent

38 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 40, line 14, after ‘has resigned’—

insert—

the person’s appointment

39 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 42, line 9—

omit, insert—

- (1) The agent of a participant in an election must take all reasonable steps to ensure the participant keeps a separate

40 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 43, lines 2 to 5—

omit, insert—

- (1) A person must not pay an amount into the State campaign account of a registered political party or candidate if the person knows, or ought reasonably to know, the amount is not an amount that may be paid into the account under subsection (2).

Maximum penalty—200 penalty units.

- (2) An amount may be paid into the State campaign account of a registered political party or candidate if the amount is—

41 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 43, line 7, ‘participant’—

omit, insert—

party or candidate

42 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 43, lines 8 and 9, ‘the participant’—

omit, insert—

, or for the benefit of, the party or candidate

43 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 43, lines 16 to 18—

omit, insert—

- (d) for the State campaign account of a candidate—an amount contributed by the candidate from the candidate’s own funds or funds held jointly with the candidate’s

spouse (other than an amount given to the spouse by a prohibited donor); or

44 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 43, line 19, 'participant'—

omit, insert—

party or candidate

45 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 43, line 24, 'participant'—

omit, insert—

party or candidate

46 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 43, line 30, 'participant'—

omit, insert—

party or candidate

47 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 44, lines 4 and 5—

omit, insert—

(i) for the State campaign account of a registered political party—

48 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 44, line 21, 'participant'—

omit, insert—

party or candidate

49 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 44, line 26 to page 45, line 1—

omit, insert—

- (3) A person does not commit an offence against subsection (1) if the person or another

50 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 45, after line 9—

insert—

prohibited donor see section 273(1).

51 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 47, lines 17 and 18, ‘an election participant’—

omit, insert—

a registered political party or candidate in an election

52 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 47, lines 21 and 22, ‘election participant’s State campaign account’—

omit, insert—

State campaign account of the party or candidate

53 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 48, lines 5 to 7—

omit, insert—

benefit of, a registered political party or candidate in an election.

- (2) The party or candidate, or a person acting with the authority of the party or candidate, must ensure a

record

54 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 48, line 28, ‘an election participant’—

omit, insert—

a registered political party or candidate in an election

55 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 49, lines 3 and 4, ‘election participant’s State campaign account’—

omit, insert—

State campaign account of the party or candidate

56 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 50, line 1, ‘happen’—

omit, insert—

happens

57 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 50, lines 6 to 9—

omit, insert—

(ii) incurs electoral expenditure for an election to the extent it becomes a third party that is required, under section 297, to be registered for the election.

58 Clause 17 (Replacement of pt 11, div 2 (Agents))

Page 50, line 14, ‘became’—

omit, insert—

becomes

59 Clause 18 (Amendment of s 222 (Interpretation))

Page 51, lines 1 to 4—

omit, insert—

- (1) For this division, electoral expenditure is taken to have been incurred for an election—
 - (a) if the expenditure is incurred for a campaign purpose that relates to the election; and
 - (b) whether or not the expenditure is incurred during the capped expenditure period for the election.

60 Clause 21 (Amendment of s 225 (Election funding amount))

Page 51, lines 18 and 19, ‘1 July 2020’—

omit, insert—

1 July 2022

61 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 54, lines 18 to 29—

omit, insert—

- (a) the total number of formal first preference votes given in the most recent general election to each candidate who—
 - (i) was endorsed for the election by the political party; and
 - (ii) polled at least 4% of the total number of formal first preference votes given in the candidate’s electoral district;

divided by—

- (b) the total number of relevant first preference votes at that general election.

62 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 55, lines 5 and 6—

omit, insert—

- (b) the total number of relevant first preference votes at that general election.

63 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 55, lines 14 and 15, ‘in the election’—

omit, insert—

given in the candidate’s electoral district

64 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 55, after line 18—

insert—

- (4) A vote is *given in a candidate’s electoral district* if the vote is given to—
 - (a) the candidate; or
 - (b) another candidate for election in the same electoral district in which the candidate is a candidate for election.

65 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 56, line 25, ‘which’—

omit, insert—

whom

66 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 57, lines 1 and 2—

omit, insert—

- (3) However, if a general election is held during a 6-month period and the writ for the election is not returned by the end of the period, the

67 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 59, line 13, after ‘election’—

insert—

(the *current election*)

68 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 59, line 22, after ‘for the’—

insert—

current

69 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 59, line 24 to page 60, line 5—

omit, insert—

- (2) The *donation cap period* for a registered political party is each period that—
 - (a) starts 30 days after the polling day for a general election; and
 - (b) ends 30 days after the polling day for the next general election.

70 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 60, line 6 to page 61, line 12—

omit.

71 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 61, line 16 to page 62, line 4—

omit, insert—

- (1) A gift or loan is a *political donation* if the gift or loan is—
 - (a) made to, or for the benefit of, a registered political party or candidate in an election; and
 - (b) accompanied by a donor statement.

72 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 62, line 6, ‘participant’—

omit, insert—

registered political party or candidate

73 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 62, line 13, ‘participant’—

omit, insert—

registered political party or candidate

74 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 62, line 15, ‘participant’—

omit, insert—

party or candidate

75 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 62, line 29 to page 63, line 6—

omit, insert—

- (d) state that the gift or loan is made with the intention that it is used for an electoral purpose; and

76 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 63, line 23 to page 64, line 3—

omit, insert—

252 Amount of *donation cap*

- (1) The *donation cap* for a registered political party is \$4,000.
- (2) The *donation cap* for a candidate in an election is \$6,000.
- (3) However, if the amount of a donation cap for a registered political party or candidate in an election has been adjusted under section 253, the *donation cap* for a registered political party or candidate is the amount most recently published as the donation cap by the commission under section 253(3).

77 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 64, lines 5 and 6, ‘an election participant’—

omit, insert—

a registered political party or candidate in an

election

78 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 64, line 28, ‘an election participant’—

omit, insert—

a registered political party or candidate in an election

79 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 66, line 23 to page 67, line 9—

omit.

80 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 67, line 10, ‘, 255 and 256’—

omit, insert—

and 255

81 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 67, line 12, ‘, 255 or 256’—

omit, insert—

or 255

82 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 67, line 23, ‘, 255 and 256’—

omit, insert—

and 255

83 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 68, lines 1 to 24—

omit, insert—

258 Requirement to notify donor about offence to exceed political donation cap

- (1) This section applies if a person (the *donor*) makes a political donation to, or for the benefit of—
 - (a) a registered political party; or
 - (b) a candidate in an election; or
 - (c) an associated entity of a registered political party or candidate in an election.
- (2) The party, candidate or associated entity, or a person acting with the authority of the party, candidate or associated entity, must, within 14 days after receiving the donation, give the donor a receipt that—
 - (a) states the names of the party, candidate or associated entity, and the donor; and
 - (b) acknowledges the receipt of the donation from the donor; and
 - (c) includes a statement, in the approved form, that summarises the circumstances in which it is an offence, under sections 254 and 255, for a person to make a political donation to, or for the benefit of—
 - (i) a registered political party; or
 - (ii) a candidate in an election; and
 - (d) for a receipt for a political donation made to, or for the benefit of, an associated entity—
 - (i) states the name of the registered political party or candidate of which it is an associated entity; and

- (ii) includes a statement, in the approved form, that summarises the effect of sections 204 and 204A in relation to the circumstances mentioned in paragraph (c).

Maximum penalty—20 penalty units.

- (3) A person does not commit an offence against subsection (2) if the person has a reasonable excuse.
- (4) This section applies despite sections 204 and 204A.

84 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 68, lines 25 and 26, ‘election participants’—
omit, insert—

registered political parties or candidates

85 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 68, line 29, ‘participant’—
omit, insert—

registered political party or candidate

86 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 68, line 31 to page 69, line 11—
omit, insert—

- (2) The registered political party or candidate, or a person acting with the authority of the party or candidate, must not accept the political donation if—

- (a) the amount or value of the donation, by itself, exceeds the donation cap of the party or candidate; or
- (b) both of the following apply—
 - (i) the amount or value of the donation exceeds the donation cap of the party or candidate when added to the other political donations made by the same donor to, or for the benefit of, the party or candidate during the donation cap period;

87 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 69, line 29, ‘exceeded’—

omit, insert—

exceeds

88 Clause 22 (Replacement of pt 11, div 5 (Policy development payments))

Page 70, lines 6 to 8—

omit, insert—

- (c) otherwise—the recipient.

89 After clause 24

Page 71, after line 25—

insert—

24A Amendment of s 261 (Disclosure by candidates of gifts)

Section 261(1)—

insert—

Notes—

- 1 Section 204A does not apply to an associated entity of a candidate in an election for this division.
- 2 See section 294 for the requirement for a return about a gift received by an associated entity of a candidate to be given to the commission.

90 Clause 25 (Amendment of s 262 (Loans to candidates))

Page 71, after line 29—

insert—

(1A) Section 262(1)—

insert—

Notes—

- 1 Section 204A does not apply to an associated entity of a candidate in an election for this division.
- 2 See section 294 for the requirement for a return about a loan received by an associated entity of a candidate to be given to the commission.

91 Clause 26 (Amendment of s 263 (Disclosure of gifts by third parties that incur expenditure for political purposes))

Page 72, lines 14 to 16—

omit, insert—

(3) Section 263(2), from ‘period that’—

omit, insert—

period if—

- (a) the value of the gift is equal to or more than the gift threshold amount; and

- (b) the third party uses the gift, or part of the gift with a value equal to or more than the gift threshold amount—
 - (i) to incur expenditure for a political purpose; or
 - (ii) to reimburse the third party for expenditure incurred for a political purpose.

92 Clause 29 (Replacement of pt 11, div 8, sdiv 3 (Loans from entities other than financial institutions))

Page 74, line 28, ‘the election’—

omit, insert—

an election

93 Clause 31 (Insertion of new pt 11, div 9)

Page 77, lines 2 to 24—

omit, insert—

280 Meaning of *capped expenditure period*

- (1) The *capped expenditure period*, for an election, starts—
 - (a) for an ordinary general election—on the first business day after the last Saturday in the preceding March; or
 - (b) for an extraordinary general election—
 - (i) if the capped expenditure period for an ordinary general election has started under paragraph (a)—the day that capped expenditure period started; or
 - (ii) otherwise—the day the writ for the election is issued; or
 - (c) for a by-election—the day the writ for the election is issued.

- (2) The *capped expenditure period*, for an election, ends at 6p.m. on the later of—
 - (a) the polling day for the election; or
 - (b) if the poll at a polling booth for an election is adjourned under section 99B(3) or 100(1)—the day the adjourned poll is held.
- (3) Subsection (2)(b) applies despite section 100(6).
- (4) In this section—

preceding March, in relation to an ordinary general election, means the March that occurs in the same calendar year as the normal polling day for the general election.

280A Election participant is taken to have incurred gifted electoral expenditure

- (1) If electoral expenditure incurred by a person is gifted to a participant in an election, the election participant is taken to have incurred the electoral expenditure.

Note—

Section 200B provides for when electoral expenditure incurred by a person is gifted to a participant in an election.

- (2) Section 281 applies for determining when gifted electoral expenditure is incurred.

94 Clause 31 (Insertion of new pt 11, div 9)

Page 77, line 28, ‘delivered’—

omit, insert—

supplied

95 Clause 31 (Insertion of new pt 11, div 9)

Page 78, lines 6 and 7, ‘material containing election matter’—

omit, insert—

election material

96 Clause 31 (Insertion of new pt 11, div 9)

Page 78, after line 10—

insert—

- (3) Subsection (4) applies if—
 - (a) electoral expenditure is incurred to obtain goods; and
 - (b) the goods are obtained for the dominant purpose of being used for a campaign purpose in relation to 1 or more elections; and
 - (c) the goods are supplied before the capped expenditure period starts.
- (4) Despite subsection (1), the electoral expenditure is taken to have been incurred when the goods are first used for a campaign purpose during a capped expenditure period, regardless of when the amount of the expenditure is invoiced or paid.
- (5) For this section, the electoral expenditure incurred to obtain goods includes electoral expenditure incurred to design, produce, print or distribute the goods.

97 Clause 31 (Insertion of new pt 11, div 9)

Page 83, lines 21 to 26—

omit, insert—

Maximum penalty—1,500 penalty units or 10 years imprisonment.

98 Clause 31 (Insertion of new pt 11, div 9)

Page 83, after line 30—

insert—

(3) An offence against subsection (1) is a crime.

99 Clause 31 (Insertion of new pt 11, div 9)

Page 84, line 2, ‘\$1,000’—

omit, insert—

\$6,000

100 Clause 31 (Insertion of new pt 11, div 9)

Page 84, line 10, ‘\$1,000’—

omit, insert—

\$6,000

101 Clause 31 (Insertion of new pt 11, div 9)

Page 84, line 13, ‘\$1,000’—

omit, insert—

\$6,000

102 Clause 31 (Insertion of new pt 11, div 9)

Page 84, line 24, ‘\$1,000’—

omit, insert—

\$6,000

103 Clause 31 (Insertion of new pt 11, div 9)

Page 84, lines 28 and 29, from ‘A person’ to ‘election participant’—

omit, insert—

A participant in an election, or a person acting with the participant's authority, who incurs electoral expenditure

104 Clause 34 (Replacement of s 283 (Returns of electoral expenditure))

Page 88, lines 2 and 3—

omit, insert—

- (c) an associated entity of a registered political party or candidate in the election;
- (d) a registered third party for the election;
- (e) another third party if, under section 297, the

105 Clause 34 (Replacement of s 283 (Returns of electoral expenditure))

Page 88, lines 15 to 24—

omit, insert—

- (3) Also, the return must be accompanied by a copy of each bank statement for the election participant's State campaign account—
 - (a) for the period that—
 - (i) starts when the capped expenditure period for the election starts; and
 - (ii) ends on the day before the return is given to commission; and
 - (b) for an earlier period that includes a transaction related to an item of electoral expenditure incurred for the election.
- (4) For subsection (2), a reference to electoral expenditure incurred by or for an electoral participant includes electoral expenditure that is taken to have been incurred by the participant under section 281K or 281L.

106 Clause 34 (Replacement of s 283 (Returns of electoral expenditure))

Page 88, line 25, '(4)'—

omit, insert—

(5)

107 Clause 34 (Replacement of s 283 (Returns of electoral expenditure))

Page 88, line 29, '(5)'—

omit, insert—

(6)

108 Clause 34 (Replacement of s 283 (Returns of electoral expenditure))

Page 88, after line 32—

insert—

(7) For this section—

- (a) a reference to a participant in an election includes a reference to an associated entity of a registered political party or candidate in the election; and
- (b) a reference to the agent of a participant in an election includes a reference to the financial controller of an associated entity of a party or candidate.

109 Clause 35 (Amendment of s 284 (Returns by broadcasters))

Page 89, line 5, 'broadcast'—

omit, insert—

broadcasts

110 Clause 35 (Amendment of s 284 (Returns by broadcasters))

Page 89, lines 11 to 13—

omit, insert—

- (b) even if the broadcaster is outside Queensland when the advertisement is broadcast.

111 Clause 36 (Amendment of s 285 (Returns by publishers))

Page 90, line 6, ‘published’—

omit, insert—

publishes

112 Clause 36 (Amendment of s 285 (Returns by publishers))

Page 90, lines 12 to 14—

omit, insert—

- (b) even if the publisher is outside Queensland when the advertisement is published.

113 Clause 38 (Amendment of s 290 (Returns by registered political parties))

Page 91, after line 13—

insert—

(3A) Section 290(1)—

insert—

Notes—

- 1 Section 204 does not apply to an associated entity of a registered political party for this division.
- 2 See section 294 for the requirement for a return about a gift or loan received by an

associated entity of a registered political party
to be given to the commission.

114 Clause 38 (Amendment of s 290 (Returns by registered political parties))

Page 91, after line 18—

insert—

(5) Section 290—

insert—

(5) A return under subsection (4) must be accompanied by a copy of each bank statement for the registered political party's State campaign account that relates to any part of the reporting period.

115 Clause 42 (Replacement of s 294 (Returns by associated entities))

Page 93, line 6, 'entities'—

omit, insert—

entity of registered political party or candidate

116 Clause 42 (Replacement of s 294 (Returns by associated entities))

Page 93, line 11, after 'associated entity'—

insert—

of a registered political party or candidate in an election

117 Clause 42 (Replacement of s 294 (Returns by associated entities))

Page 93, lines 26 to 28—

omit, insert—

(c) for a return about a loan—state the information required to be kept under section 272(3) about the loan; and

118 Clause 42 (Replacement of s 294 (Returns by associated entities))

Page 93, line 29, after ‘day,’—

insert—

or the time,

119 Clause 42 (Replacement of s 294 (Returns by associated entities))

Page 94, line 10, after ‘associated entity’—

insert—

of a registered political party or candidate in an election

120 Clause 42 (Replacement of s 294 (Returns by associated entities))

Page 94, line 21, after ‘associated entity’—

insert—

of a registered political party or candidate in an election

121 Clause 42 (Replacement of s 294 (Returns by associated entities))

Page 94, line 32, after ‘associated entity’—

insert—

of a registered political party or candidate in an election

122 Clause 43 (Insertion of new pt 11, divs 12 and 12A)

Page 95, line 1, ‘divs 12 and 12A’—

omit, insert—

divs 12–12B

123 Clause 43 (Insertion of new pt 11, divs 12 and 12A)

Page 95, line 11, ‘\$1,000’—

omit, insert—

\$6,000

124 Clause 43 (Insertion of new pt 11, divs 12 and 12A)

Page 95, lines 14 and 15, ‘omits to do an act required’—

omit, insert—

fails to register for an election

125 Clause 43 (Insertion of new pt 11, divs 12 and 12A)

Page 95, after line 15—

insert—

Note—

A third party that is not registered for an election commits an offence if it incurs electoral expenditure of more than \$6,000 during the capped expenditure period for the election. See section 281H.

126 Clause 43 (Insertion of new pt 11, divs 12 and 12A)

Page 99, line 16 to page 101, line 20—

omit, insert—

305 Definitions for division

participant, in an election, includes an associated entity of a registered political party or candidate in an election.

prescribed matter, in relation to a participant in an election, see section 305AA.

305AA Meaning of *prescribed matter*

- (1) Each of the following is a *prescribed matter* in relation to a participant in an election, other than a third party—
 - (a) a political donation made to, or for the benefit of, the participant;
 - (b) a gift or loan that is not a political donation made to, or for the benefit of, the participant;
 - (c) a gift, loan or political donation made by the election participant to another participant in the election;
 - (d) electoral expenditure incurred by the election participant or with the participant's authority;
 - (e) without limiting paragraph (a), (b), (c) or (d), a return given, or required to be given, by or for the election participant under division 7, 10 or 11 and the matters required to be stated in the return;
 - (f) for a registered third party or candidate in the election—
 - (i) a claim made by the party or candidate under division 4 and the matters required to be stated in the claim; or
 - (ii) an amount of policy development funding paid to the party or candidate under division 5; or
 - (iii) an application for reconsideration of a decision made under section 245; or
 - (iv) an amount paid into or from the party's or candidate's State campaign account;

- (g) another matter prescribed by regulation to be a prescribed matter in relation to the election participant.
- (2) Also, each of the following is a *prescribed matter* in relation to a third party for an election—
- (a) a gift made to, or for the benefit of, the third party about which the third party is required to give the commission a return under section 263;
 - (b) electoral expenditure incurred by the third party, or with the third party's authority, during the capped expenditure period for the election;
 - (c) without limiting paragraph (a) or (b), a return given, or required to be given, by or for the third party under division 7 or 10 and the matters required to be stated in the return;
 - (d) for a registered third party for the election— an amount paid from the third party's State campaign account;
 - (e) another matter prescribed by regulation to be a prescribed matter in relation to a third party for the election.

305AB Records to be kept by election participants

- (1) A participant in an election must make, or ensure a person authorised by the participant makes, a record about each prescribed matter that—
- (a) includes the information necessary to demonstrate, to the greatest extent practicable, the election participant complied with this part in relation to the prescribed matter; and

- (b) without limiting paragraph (a), includes the information prescribed by regulation to be information to be included in the record; and
- (c) complies with section 305C.

Maximum penalty—20 penalty units.

- (2) For subsection (1), it does not matter whether or not a return about a prescribed matter is required to be given to the commission under this part.

305AC Records to be kept by agents of participants in elections

The agent of a participant in an election must make a record about the agent's compliance with section 306B that—

- (a) includes the information necessary to demonstrate, to the greatest extent practicable, each step taken by the agent to comply with section 306B; and
- (b) without limiting paragraph (a), includes the information prescribed by regulation to be information to be included in the record; and
- (c) complies with section 305C.

Maximum penalty—20 penalty units.

127 Clause 43 (Insertion of new pt 11, divs 12 and 12A)

Page 102, line 23, 'or'—

omit, insert—

section

128 Clause 43 (Insertion of new pt 11, divs 12 and 12A)

Page 102, line 28 to page 103, line 20—

omit, insert—

305C Requirements for records

A record under section 305AB or 305AC must—

- (a) be in English; and
- (b) be accurate; and
- (c) be made in—
 - (i) paper or electronic form; or
 - (ii) another form approved by the commission by notice published on the commission's website; and
- (d) be made in a way that allows it to be—
 - (i) conveniently and properly investigated or examined by an authorised officer under this part; and
 - (ii) readily given, under this part, to an auditor appointed to conduct an audit under section 319A.

305D Record must be kept for 5 years

- (1) This section applies to—
 - (a) a person who makes a record that the person is required to make under this division; and
 - (b) for a record made by or for a participant in an election under this division—a person to whom the record is transferred, by or with the authority of the participant, in the ordinary course of the participant's business or administration.
- (2) The person must keep the record, unless the person has a reasonable excuse—
 - (a) for 5 years after the day the record is made; and
 - (b) in a way that allows the record to be—

- (i) conveniently and properly investigated or examined by an authorised officer under this part; and
- (ii) readily given, under this part, to an auditor appointed to conduct an audit under section 319A.

Maximum penalty—20 penalty units.

129 Clause 43 (Insertion of new pt 11, divs 12 and 12A)

Page 103, after line 24—

insert—

Division 12B Registers to be kept

305F Register of non-monetary gifts

- (1) A participant in an election must keep an up-to-date register, that complies with this section, of non-monetary gifts.

Maximum penalty—20 penalty units.

- (2) The register must contain a record about each non-monetary gift made to, or for the benefit of, the election participant that—
 - (a) includes the particulars prescribed by regulation; and
 - (b) for a register kept by an election participant other than a third party—states whether the gift was a political donation made or received in contravention of section 259.
- (3) Subsection (2) applies to a non-monetary gift made to, or for the benefit of, a third party only if the third party is required to give the commission a return about the gift under section 263.
- (4) In this section—

non-monetary gift means a gift of property other

than money.

participant, in an election, includes an associated entity of a registered political party or candidate in an election.

305G Register of members and affiliates of registered political parties

- (1) A registered political party must keep an up-to-date register, that complies with this section, of subscribed members and affiliates.

Maximum penalty—20 penalty units.

- (2) The register must contain a record that includes the particulars prescribed by regulation about each person who is—

(a) a subscribed member of the registered political party; or

(b) a current affiliate of the party.

- (3) A person is a *current affiliate* of a registered political party if—

(a) the person has paid an amount to the party for a period of affiliation with the party, other than as a subscribed member; and

(b) the period of affiliation has not ended.

130 Clause 44 (Insertion of new ss 306A and 306B)

Page 104, line 31, after ‘the candidate’—

insert—

or member

131 Clause 44 (Insertion of new ss 306A and 306B)

Page 105, lines 14 to 24—

omit, insert—

306B Agent's obligation to ensure compliance

- (1) The agent of a participant in an election must take all reasonable steps to—
 - (a) inform the participant, and each person the participant authorises to act for the participant under divisions 3, 4, 6 and 9, about the obligations that apply to the participant and person under divisions 3, 4, 6 and 9; and
 - (b) establish and maintain appropriate systems to support the participant and person to comply with the obligations.

Maximum penalty—100 penalty units.

- (2) If a registered political party or candidate in an election has an associated entity, the agent of the party or candidate must take all reasonable steps to—
 - (a) inform the associated entity, and each person the associated entity authorises to act for it under divisions 3, 4, 6 and 9, about the obligations that apply to the associated entity and person under divisions 3, 4, 6 and 9; and
 - (b) establish and maintain appropriate systems to support the associated entity and person to comply with the obligations.

Maximum penalty—100 penalty units.

- (3) In deciding whether steps taken by the agent of an election participant to do a thing mentioned in subsection (1) or (2) are reasonable, a court must consider—
 - (a) for a participant that is a registered political party or third party or an associated entity of a registered political party or candidate—

- (i) the number of members and employees of the political party, third party or associated entity; and
 - (ii) the number of people authorised to act for the political party, candidate or associated entity; and
 - (b) the amount or value of the political donations received by or for the benefit of the participant and an associated entity of the participant; and
 - (c) the amount of electoral expenditure incurred, or expected to be incurred, by the participant and an associated entity of the participant.
- (4) A reference in subsection (2) or (3) to an associated entity of a candidate in an election includes a reference to an electoral committee mentioned in section 203(1) that is associated with the candidate under that section.

132 Clause 46 (Insertion of new ss 307AA and 307AB)

Page 106, line 10, ‘or (2)’—

omit.

133 Clause 46 (Insertion of new ss 307AA and 307AB)

Page 106, line 18—

omit.

134 Clause 46 (Insertion of new ss 307AA and 307AB)

Page 107, line 10, after ‘donation is’—

insert—

made or

135 Clause 46 (Insertion of new ss 307AA and 307AB)

Page 107, line 15, before ‘accepting’—

insert—

making or

136 After clause 49

Page 109, after line 22—

insert—

49A Amendment of s 310 (Audit certificates)

(1) Section 310(1)—

omit, insert—

(1) This section applies if a person is required to give the commission—

(a) a return about electoral expenditure incurred by a registered political party under section 283; or

(b) a return about amounts received, paid and outstanding under section 290(4) or 294(4).

(2) Section 310(2)(a), from ‘accounts and documents’ to ‘directly or indirectly’—

omit, insert—

records related

49B Amendment of s 311 (Auditor to give notice of contravention)

(1) Section 311(1), ‘for this part’—

omit, insert—

mentioned in section 310(2)

(2) Section 311(1), ‘by a registered political party or candidate’—

omit.

137 Clause 50 (Amendment of s 316 (Publishing of returns))

Page 109, lines 24 to 27—

omit, insert—

(1) Section 316(3)—

insert—

(c) details of an election participant's State campaign account;

(d) information prescribed by regulation as information not to be published.

(2) Section 316—

insert—

(5) The commission must not publish a copy, or part of a copy, of a bank statement that accompanied a return mentioned in subsection (1).

138 After clause 50

Page 109, after line 27—

insert—

50A Insertion of new pt 11, div 13A

Part 11—

insert—

Division 13A Audits

319A Commission may appoint auditor

(1) The commission may, by instrument, appoint an auditor to conduct an audit of a participant in an election under this division.

- (2) An auditor may be appointed to audit any of the following matters—
 - (a) a claim for election funding made under division 4 by a participant in an election;
 - (b) a return given to the commission under division 7, 10 or 11 by a participant in an election;
 - (c) the State campaign account of a participant in an election;
 - (d) the compliance of a participant in an election with this part generally.
- (3) The commission may appoint an auditor to conduct an audit whether or not the commission suspects the election participant has contravened a provision of this part.

319B Participant in election must assist appointed auditor

- (1) This section applies if an auditor is appointed under section 319A to conduct an audit of a participant in an election.
- (2) The election participant must give the auditor the assistance the auditor reasonably requires to conduct the audit.
Maximum penalty—200 penalty units.
- (3) Without limiting subsection (2), the election participant must give the auditor—
 - (a) full and free access, at all reasonable times, to all accounts, records and documents reasonably required by the auditor that—
 - (i) are owned by, or in the custody or under the control of, the election participant; and

- (ii) relate, directly or indirectly, to a matter being audited; and
 - (b) other information, or an explanation, the auditor reasonably requires about a matter being audited.
- (4) For subsection (3), a matter being audited includes—
 - (a) for an audit about a claim for election funding under division 4—a matter required to be stated in the claim; or
 - (b) for an audit about a return given under division 7, 10 or 11—a matter required to be stated in the return; or
 - (c) for an audit of a State campaign account—a transaction on the State campaign account carried out, or required to be carried out, under this part.
- (5) In this section—

reasonably requires means requires on grounds that are reasonable in the circumstances.

319C Audit report

- (1) An auditor who conducts an audit of a participant in an election under this division must prepare a report about the audit.
- (2) The report—
 - (a) must state whether, in the appointed auditor's opinion—
 - (i) the matters audited were truthful and accurate; and

- (ii) the election participant has, or may have, contravened a provision of this part; and
 - (b) may suggest ways the practices or systems the election participant uses to manage its financial affairs may be improved to assist the participant's compliance with this part.
- (3) The auditor must give a copy of the report to—
 - (a) the commission; and
 - (b) the election participant.

50B Amendment of s 321 (Appointment and qualifications)

Section 321(1)—

insert—

- (ba) other persons who are auditors;

50C Amendment of s 384 (Evidentiary provisions)

- (1) Section 384(2) and (3), 'or an authorised officer'—

omit, insert—

, an authorised officer or an appointed auditor

- (2) Section 384—

insert—

- (5) In this section—

appointed auditor means an auditor appointed under section 319A to conduct an audit of a participant in an election.

139 Clause 51 (Insertion of new s 388A)

Page 110, line 1, ‘s 388A’—

omit, insert—

ss 388A and 388B

140 Clause 51 (Insertion of new s 388A)

Page 111, after line 16—

insert—

**388B Commission must not publish information
about political party membership**

- (1) The commission must not publish, or otherwise make available for public inspection, information about the membership of a political party.
- (2) For subsection (1), it does not matter how the information came to be in the possession or control of the commission.

141 Clause 52 (Insertion of new pt 13, div 11)

Page 113, lines 9 to 18—

omit, insert—

439 Candidates for 2020 election

An individual who has announced or otherwise indicated the individual’s intention to be a candidate in a 2020 election is a candidate even if the announcement or indication occurred before the commencement.

Note—

See schedule 1, amended definition *candidate*, paragraph (b)(ii) or (iii).

142 Clause 52 (Insertion of new pt 13, div 11)

Page 113, line 25—

omit, insert—

after the commencement; or

(c) is a participant in another election (a ***pre-July 2022 election***) held—

(i) after the 2020 general election; and

(ii) before 1 July 2022.

143 Clause 52 (Insertion of new pt 13, div 11)

Page 114, line 4, after ‘2020 election’—

insert—

or pre-July 2022 election

144 Clause 52 (Insertion of new pt 13, div 11)

Page 114, line 6, after ‘2020 election’—

insert—

or pre-July 2022 election

145 Clause 52 (Insertion of new pt 13, div 11)

Page 114, lines 7 to 26—

omit, insert—

**440A Amounts that may be paid into State
campaign accounts**

(1) This section applies in relation to—

(a) an entity that, immediately before the start date, is a registered political party; and

(b) an entity that—

(i) immediately before 1 August 2020, was an associated entity of a registered political party; and

- (ii) is, and has continued to be since 1 August 2020, an associated entity of a registered political party.
- (2) Despite new section 216, the following amounts may be paid into a State campaign account of the registered political party—
 - (a) for the party—
 - (i) money held by the party on the start date; and
 - (ii) proceeds from the disposal of property, or a return on an investment, held by the party before the start date; and
 - (iii) if, after the start date, the party used the proceeds or return on investment mentioned in subparagraph (ii) to purchase property or make an investment—proceeds from the disposal of the property or a return on the investment;
 - (b) for the associated entity of the party—
 - (i) money held by the associated entity of the party before 1 August 2020; and
 - (ii) proceeds from the disposal of property, or a return on an investment, held by the associated entity of the party before 1 August 2020; and
 - (iii) if, after 1 August 2020, the associated entity of the party used the proceeds or return on investment mentioned in subparagraph (ii) to purchase property or make an investment—proceeds from the disposal of the property or a return on the investment.
- (3) In this section—

start date means the later of the following days—

- (a) 1 July 2022;
- (b) if a general election is held during June 2022—the day that is 30 days after the polling day for the election.

146 Clause 52 (Insertion of new pt 13, div 11)

Page 114, line 28, '(1)'—
omit.

147 Clause 52 (Insertion of new pt 13, div 11)

Page 115, lines 3 to 13—
omit.

148 Clause 52 (Insertion of new pt 13, div 11)

Page 115, line 15, '2019–2020'—
omit, insert—

2020–2021

149 Clause 52 (Insertion of new pt 13, div 11)

Page 115, lines 18 and 19, '2019–2020'—
omit, insert—

2020–2021

150 Clause 52 (Insertion of new pt 13, div 11)

Page 115, line 25, '31 July 2020'—
omit, insert—

31 January 2022

151 Clause 52 (Insertion of new pt 13, div 11)

Page 115, lines 28 and 29, ‘31 July 2020’—

omit, insert—

31 January 2022

152 Clause 52 (Insertion of new pt 13, div 11)

Page 116, line 4 to page 117, line 7—

omit, insert—

(4) Despite the *Acts Interpretation Act 1954*, section 20, the registered political party is no longer entitled, under previous part 11, division 5, to be paid—

(a) the instalment of the policy development payment for the 2020–2021 financial year that would have been payable to the party on or before 31 July 2022; or

(b) a policy development payment for the financial year that starts on 1 July 2021.

(5) In this section—

2020–2021 financial year means the financial year that starts on 1 July 2020.

443 Commencement of caps on political donations

(1) Subsection (2) applies for a candidate in—

(a) the first general election to be held after 1 July 2022; or

(b) a by-election held after 1 July 2022 and before the general election mentioned in paragraph (a).

(2) Despite section 247, the donation cap period for the candidate for the election—

(a) starts on the latest of the following days—

- (i) 1 July 2022;
 - (ii) if a general election is held during June 2022—the day that is 30 days after the polling day for the general election;
 - (iii) if the candidate is a candidate in a by-election held during June 2022—the day that is 30 days after the polling day for the by-election; and
 - (b) ends 30 days after the polling day for the election.
- (3) Despite section 247, the first donation cap period for a registered political party—
- (a) starts on the later of the following days—
 - (i) 1 July 2022;
 - (ii) if a general election is held during June 2022—the day that is 30 days after the polling day for the general election; and
 - (b) ends 30 days after the polling day for the next general election.

444 Electoral expenditure for 2020 election—caps

- (1) Despite new section 280, the capped expenditure period for the 2020 general election starts on 1 August 2020.
- (2) New section 199 applies to expenditure incurred before the commencement as if the expenditure were incurred after the commencement.
- (3) New section 281 applies to electoral expenditure, whether the expenditure was incurred before or after the commencement.
- (4) However, new section 281 does not apply to electoral expenditure incurred to obtain goods that are first used for a campaign purpose during

the capped expenditure period for the 2020 general election unless a contract for the supply of the goods was entered into on or after 17 June 2020.

- (5) New section 281A applies to electoral expenditure incurred for a campaign purpose for the 2020 general election, whether or not an event mentioned in new section 281A(3) happened before or after the commencement.

445 Records required to be kept by election participants

- (1) For new part 11, division 12A, until the start date—
- (a) an amount paid into the State campaign account of a registered political party or candidate in an election is taken not to be a prescribed matter for the party or candidate; and
 - (b) a political donation does not include a political donation within the meaning of new section 250.

- (2) In this section—

start date means the latest of the following days—

- (a) 1 July 2022;
- (b) if a general election is held during June 2022—the day that is 30 days after the polling day for the election;
- (c) for a candidate in a by-election held during June 2022—the day that is 30 days after the polling day for the by-election.

445A Register of non-monetary gifts—application of requirement related to political donations

The requirement mentioned in new section

305F(2)(b) does not apply to a registered political party or candidate in an election until the first donation cap period for the party or candidate starts under section 443.

153 After clause 53

Page 117, after line 26—

insert—

**Part 1A Amendment of
Electoral and Other
Legislation
Amendment Act 2019**

53A Act amended

This part amends the *Electoral and Other Legislation Amendment Act 2019*.

53B Amendment of s 2 (Commencement)

(1) Section 2, ‘This Act’—

omit, insert—

Subject to subsection (2), this Act

(2) Section 2—

insert—

(2) The provisions of this Act that are not in force commence on 1 August 2020.

154 Chapter 3, heading (Amendments relating to signage at State elections)

Page 119, line 5, ‘at’—

omit, insert—

and other matters for

155 Clause 58 (Insertion of new pt 10, div 2A)

Page 119, after line 17—

insert—

designated area, for a pre-poll voting office or ordinary polling booth, means the following areas—

- (a) the area within 100m of the building within which the voting compartments for the voting office or polling booth are located;
- (b) if the building is located in grounds—the area within 100m of each designated entrance to the grounds.

156 Clause 58 (Insertion of new pt 10, div 2A)

Page 121, line 15 to page 122, line 10—

omit, insert—

185C Meaning of *restricted signage area* for pre-poll polling booth or ordinary polling booth

- (1) The *restricted signage area* for a pre-poll voting office or ordinary polling booth is—
 - (a) the building, or part of the building, in which the voting compartments for the voting office or polling booth are, or are to be, located (the *polling premises*); and
 - (b) the area within 100m of the polling premises; and
 - (c) if the polling premises are located in grounds and the commission has designated entrances to the grounds under section 185D—
 - (i) the area in the grounds; and

- (ii) the area on a boundary fence or another structure or feature that marks the boundary of the grounds; and
 - (iii) the area within 100m of each designated entrance to the grounds.
- (2) However, the *restricted signage area* for a pre-poll voting office or ordinary polling booth does not include premises in the area mentioned in subsection (1)(b) or (c) that are—
 - (a) used as a residence; or
 - (b) used by a candidate in the election or registered political party as an office; or
 - (c) other premises lawfully occupied—
 - (i) by a person other than the commission, a candidate in the election or a registered political party; and
 - (ii) for a purpose that is not related to the polling premises being used for the election.
- (3) If the polling premises are located in grounds, or are part of larger premises, the reference to other premises in subsection (2)(c)—
 - (a) includes premises located in the same grounds as the polling premises, or that are part of the same larger premises as the polling premises, that are lawfully occupied—
 - (i) by a person other than the owner of the grounds or larger premises; and
 - (ii) under an arrangement with the owner of the grounds or larger premises; and
 - (b) does not include any part of the same grounds, or same larger premises, that are not occupied in the way mentioned in paragraph (a).

157 Clause 58 (Insertion of new pt 10, div 2A)

Page 124, line 10 to page 125, line 19—

omit, insert—

- office or polling booth; or
- (iii) a third party; and
- (c) 1 of the maximum number of signs that, under section 185G, may be displayed in each designated area by or for the candidate, political party or third party.
- (3) For subsection (2), a sign displayed by an associated entity of a registered political party or candidate in an election is taken to be displayed for the party or candidate.
- (4) If a member of the commission’s staff considers a sign is displayed in contravention of subsection (1), the staff member may remove the sign.

185G Maximum number of signs that may be displayed

- (1) For section 185F(2)(c), the maximum number of election signs that may be displayed by or for a candidate in an election, registered political party or third party is—
 - (a) 2 small signs in each designated area at a pre-poll voting office; and
 - (b) in each designated area at an ordinary polling booth—
 - (i) for signs displayed by or for a candidate or political party—6 signs, comprised only of large signs (a maximum of 4) and small signs; or
 - (ii) for signs displayed by or for a third party—4 signs, comprised only of large signs (a maximum of 2) and small signs.

- (2) However—
- (a) a candidate endorsed for election by a registered political party may display the maximum number of signs mentioned in subsection (1) less the number of signs displayed by or for the party; and
 - (b) a registered political party that has endorsed a candidate for election may display the maximum number of signs mentioned in subsection (1) less the number of signs displayed by or for the candidate.
- (3) For this section, an A-frame sign is taken to be 1 sign—
- (a) even though a sign may be displayed on each side of the A-frame sign; and
 - (b) whether the same election sign, or different election signs, are displayed on the 2 sides of the A-frame sign.
- (4) In this section—
- large sign** means a sign that is no larger than 1,830mm by 1,220mm.
- small sign** means a sign that is no larger than 900mm by 600mm.

158 Clause 58 (Insertion of new pt 10, div 2A)

Page 125, line 20, ‘185G’—

omit, insert—

185H

159 Clause 58 (Insertion of new pt 10, div 2A)

Page 125, lines 22 to 26—

omit, insert—

- (1) This section applies—

- (a) for a place used as a pre-poll voting office and an ordinary polling booth for an election—during the period that—
 - (i) starts when pre-poll voting for the election ends at the pre-poll voting office; and
 - (ii) ends at 5a.m. on the polling day for the election.
- (b) for another ordinary polling booth for the election—during the period that—
 - (i) starts when the election period starts; and
 - (ii) ends at 5a.m. on the polling day for the election.

160 Clause 58 (Insertion of new pt 10, div 2A)

Page 125, line 28, ‘area around’—

omit, insert—

restricted signage area of

161 Clause 58 (Insertion of new pt 10, div 2A)

Page 126, lines 2 to 17—

omit, insert—

- (3) If a member of the commission’s staff considers a sign is displayed, or another thing is situated, in contravention of subsection (2), the staff member may remove the sign or other thing.
- (4) For subsection (1)(a)(i), pre-poll voting for an election ends at a pre-poll voting office when the voting hours end for the pre-poll voting office on the last day electors are allowed to make a vote for the election at the pre-poll voting office before the polling day for the election.

(5) In this section—

restricted signage area, for an ordinary polling booth located in grounds—

(a) includes—

(i) the area in the grounds; and

(ii) the area on a boundary fence or another structure or feature that marks the boundary of the grounds; but

(b) does not include the area mentioned in section 185C(1)(c).

162 After clause 58

Page 126, after line 17—

insert—

58A Insertion of new pt 12B

After part 12A—

insert—

Part 12B **2020 general election**

392K Purpose of part

(1) The purpose of this part is to facilitate the holding of the 2020 general election in a way that helps minimise serious risks to the health and safety of persons caused by the COVID-19 emergency.

(2) In this section—

COVID-19 emergency means—

(a) the declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19 declared

on 29 January 2020 as extended and further extended under that Act; or

- (b) another declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19.

392L Application of part

This part applies—

- (a) in relation to the 2020 general election; and
- (b) despite any other provision of this Act about the holding of a general election.

392M Definitions for part

In this part—

2020 general election means the next ordinary general election to be held after the commencement.

postal vote means a declaration vote made by an elector, using a ballot paper and declaration envelope sent to the elector, and posted or sent to the commission or a returning officer.

392N Cut-off days

- (1) This section applies in relation to the writ for the 2020 general election.
- (2) The cut-off day for electoral rolls stated in the writ may be a day earlier than the day stated in section 84(1)(b).
- (3) The cut-off day for the nomination of candidates stated in the writ may be a day earlier than the day stated in section 84(1)(c).

392O Procedure for voting

- (1) A regulation may declare that, despite section 107, any of the following electors must vote in the 2020 general election by postal vote—
 - (a) all electors;
 - (b) electors in a stated electoral district;
 - (c) electors of a stated class;
 - (d) electors in a stated electoral district of a stated class.
- (2) The regulation may—
 - (a) provide for the commission posting, delivering or otherwise sending a ballot paper and declaration envelope to each elector to whom the declaration applies; and
 - (b) permit electors to whom the declaration applies to vote in the 2020 general election other than by postal vote, including, for example—
 - (i) by making an electronically assisted vote; or
 - (ii) voting in another stated way approved by the commission.
- (3) A regulation made under this section applies in relation to voting in the 2020 general election despite any other provision of this part.

392P Pre-poll ordinary voting

An elector may make a pre-poll ordinary vote for the 2020 general election, by following the procedures set out in section 112, during the period—

- (a) beginning 12 days before the polling day for the election; and
- (b) ending at 6p.m. on the day before the polling day for the election.

392Q Making a declaration vote using posted voting papers

- (1) The commission may, by notice published on the commission's website, fix a time and day by which an elector may make a postal vote request under section 119 for the 2020 general election that—
 - (a) is earlier or later than the time and day mentioned in section 119(2)(b); but
 - (b) before the polling day for the election.
- (2) For the 2020 general election, section 119 applies as if a reference in section 119(2)(b) to 7p.m. on the day that is 12 days before the polling day for the election were a reference to the time and day fixed under subsection (1).

392R Electoral visitor voting

- (1) This section applies if the commission is satisfied, for the 2020 general election, that it would pose a risk to the health and safety of an issuing officer to visit, under section 120—
 - (a) a particular elector who has given a request to vote as an electoral visitor voter under section 120; or
 - (b) any elector; or
 - (c) electors in a particular electoral district or of a particular class.
- (2) The commission or a returning officer may

direct issuing officers not to visit the particular elector, any elector or electors in the particular electoral district or of the particular class.

- (3) Section 120 applies to issuing officers subject to the direction.
- (4) The commission or returning officer must, to the extent practicable, have an issuing officer make alternative arrangements to enable an elector affected by the direction to vote in the 2020 general election.

392S Electronically assisted voting

- (1) This section applies if the commission is satisfied that, having regard to the purpose of this part, it would be in the public interest to allow electors of a class not mentioned in section 121A to make an electronically assisted vote in the 2020 general election.
- (2) The commission may, by notice published on the commission's website, declare that electors of the class may make an electronically assisted vote in the 2020 general election.
- (3) An elector of a class declared under subsection (2) may make an electronically assisted vote in the 2020 general election.
- (4) For the 2020 general election, the commission's procedures under section 121B apply in relation to electors of a class declared under subsection (2).
- (5) The commission may make procedures about electors making electronically assisted votes in the 2020 general election.
- (6) The procedures—

- (a) must be published on the commission's website; and
 - (b) take effect when they are published on the commission's website.
- (7) If the commission makes procedures under subsection (5)—
 - (a) the procedures apply in relation to electors who may make an electronically assisted vote for the election under section 121A or subsection (3); and
 - (b) if there is any inconsistency between the procedures under subsection (5) and the procedures under section 121B, the procedures under subsection (5) prevail to the extent of the inconsistency; and
 - (c) for the 2020 general election, a reference in this Act or another document to procedures approved under section 121B(3) is taken to include a reference to the procedures in effect under subsection (6).

392T Distribution or display of how-to-vote cards or other election material

- (1) This section applies if the commission is satisfied that, having regard to the purpose of this part, it would be in the public interest to regulate, limit or prohibit the distribution or display of how-to-vote cards or other election material at a polling booth for the 2020 general election.
- (2) The commission may give a direction—
 - (a) about how, where or when how-to-vote cards may be distributed or displayed

- at a polling booth for the 2020 general election; or
- (b) prohibiting the distribution or display of how-to-vote cards or other election material at a polling booth for the 2020 general election; or
 - (c) prohibiting a person from canvassing for votes in or near polling booths; or
 - (d) permitting the display of political statements at a place mentioned in section 190(1).
- (3) The direction must be published on the commission's website.
- (4) A person must not contravene the direction, unless the person has a reasonable excuse.
- Maximum penalty—10 penalty units.
- (5) Section 190 does not apply to the display of a political statement permitted under the direction.

392U Directions about candidates or scrutineers at particular places

- (1) The commission may give a direction for the 2020 general election—
- (a) regulating the number of scrutineers each candidate may have at a polling booth or another place where a scrutineer is entitled to be present under this Act; or
 - (b) prohibiting a candidate or scrutineer from being present at a polling booth or another place whether the candidate or scrutineer would otherwise be entitled to be present under this Act.

Example of another place—

a place where votes for the 2020 general election are to be counted

Example of a direction that may be given under paragraph (b)—

a direction prohibiting a scrutineer from accompanying an issuing officer under section 109

- (2) However, the commission may give a direction under subsection (1) only if the commission is satisfied that, having regard to the purpose of this part, it would be in the public interest to give the direction.
- (3) The direction must be published on the commission's website.
- (4) A person must not contravene the direction, unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (5) The direction applies despite section 104 or any other provision of this Act that allows a candidate or scrutineer to be present at a polling booth or another place.
- (6) Section 189(d) does not apply to the extent a scrutineer is prevented from entering a polling place under the direction.

392V Direction about movement of candidates or scrutineers

- (1) A returning officer or member of the commissioner's staff in charge of a polling booth may give a direction for the 2020 general election under this section if satisfied that, having regard to the purpose of this part, it would be in the public interest to give the direction.
- (2) The direction may be given to a candidate or

scrutineer at a place (a *relevant place*) that is a polling booth or another place at which the candidate or scrutineer is entitled to be present under this Act.

- (3) The direction may be about—
 - (a) the movement of a candidate or scrutineer at a relevant place; or
 - (b) an area in a relevant place in which the candidate or scrutineer may or may not be; or
 - (c) the maximum number of scrutineers who may be in a particular area in a relevant place.
- (4) A candidate or scrutineer must comply with the direction, unless the candidate or scrutineer has a reasonable excuse.

Maximum penalty—20 penalty units.

- (5) A candidate or scrutineer does not commit an offence against subsection (4) unless the person giving the direction has warned the candidate or scrutineer that it is an offence not to comply with the direction unless the candidate or scrutineer has a reasonable excuse.

392W Counting of votes

- (1) A returning officer may direct a member of the commission's staff to carry out the counting of votes for the 2020 general election at a stated place.
- (2) Votes may be counted at the place stated in the direction, despite any procedures approved under section 130A or any other provision of this Act relating to the counting of votes at a polling booth or another place.

- (3) A returning officer may arrange for the counting of votes for the 2020 general election to be filmed by a member of the commission's staff.

392X Restriction on directions

- (1) This section applies in relation to a provision of this part authorising the commission, a returning officer or a member of the commission's staff to give a direction.
- (2) The commission, returning officer or member must not give a direction under the provision—
 - (a) of a kind prescribed by regulation under section 392Y as a kind of direction that may not be given under the provision; or
 - (b) in circumstances prescribed by regulation under section 392Y as circumstances in which a direction may not be given under the provision.

392Y Regulation about 2020 general election

A regulation may make provision about a matter to facilitate the holding of the 2020 general election in the way stated in section 392K, including, for example, by providing for any of the following—

- (a) a matter about voting in the election by postal vote other than as provided under section 392O, including—
 - (i) permitting electors of a class not mentioned in section 119(1) to make a postal vote; and

- (ii) the availability and distribution of how-to-vote cards for electors making postal votes;
- (b) the commission, a returning officer or a member of the commission's staff who has a stated function in relation to the election to give a direction about any matter necessary to facilitate the holding of the election in the way stated in section 392K;
- (c) a matter about directions that may be given under a provision of this part or the regulation, including—
 - (i) a kind of direction that may not be given under the provision; and
 - (ii) circumstances in which a direction may not be given under the provision;
- (d) the commission to make procedures for the application of a provision of this part or the regulation for the 2020 general election.

392Z Matters about regulation under this part

- (1) This section applies to a regulation made under this part.
- (2) The regulation may—
 - (a) prescribe an offence against the regulation and fix a maximum penalty of 20 penalty units for the offence; and
 - (b) other than for an offence mentioned in paragraph (a), have retrospective operation to a day not earlier than the commencement; and

- (c) be inconsistent with this Act, including, for example, by modifying the application of part 7 in relation to the 2020 general election, to the extent necessary to achieve the purpose of this part.
- (3) The Minister may recommend to the Governor in Council the making of a regulation under this part only if the Minister is satisfied the regulation is necessary to achieve the purpose of this part.
- (4) Also, the Minister must consult with the commission before recommending to the Governor in Council the making of a regulation under section 392O.
- (5) The regulation must declare that it is made under this part.

392ZA Expiry

This part, and each regulation made under this part, expire 1 year after the name of each candidate elected in the 2020 general election is published in the gazette under section 132(2).

163 Before clause 59

Page 126, before line 18—

insert—

58B Insertion of new s 449

Part 13, division 11, as inserted by this Act—

insert—

449 Application of offences relating to signage at polling booths to pending elections

New part 10, division 2A does not apply in

relation to a polling booth for an election if the writ for the election was issued before 1 August 2020.

164 Clause 78 (Amendment of s 170 (Giving directions to council staff))

Page 138, lines 5 to 14—

omit, insert—

(2) Section 170(2)—

omit, insert—

(2) However, a direction under subsection (1)—

(a) must not be given if it is inconsistent with a resolution, or a document adopted by resolution, of the council; and

(b) must not be given to the chief executive officer if it relates to—

(i) the appointment of a council employee under section 193(3); or

(ii) disciplinary action by the chief executive officer in relation to a council employee under section 194 or a councillor advisor; and

(c) must not be given to the chief executive officer or a senior executive employee if it would result in the chief executive officer or senior executive employee contravening a provision of an Act.

(3) No councillor, including the mayor, may give a direction to any other council employee except in accordance with guidelines made under section 171A about the provision of administrative support to councillors.

Note—

Contravention of subsection (3) is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor under that Act. See the Local Government Act, sections 150L(1)(c)(v), 150AQ and 150AR.

165 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 140, line 3, 'In'—

omit, insert—

Without limiting when a person participates in a decision, in

166 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 140, after line 5—

insert—

(aa) if the councillor or other person is wholly or partly responsible for making the decision—
considering or discussing the matter to which the decision relates before the decision is made; and

167 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 140, lines 19 to 21, from 'to,' to '; or'—

omit, insert—

to—

(i) making a planning scheme that applies to the whole of Brisbane; or

- (ii) amending a planning scheme, if the amendment applies to the whole of Brisbane; or

168 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 140, line 23, after 'adoption'—

insert—

or amendment

169 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 141, lines 2 and 3, from 'public' to 'accident'—

omit.

170 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 141, after line 15—

insert—

- (2A) In addition, this division does not apply in relation to a councillor's conflict of interest in a matter if the councillor, close associate or related party of the councillor, or the donor mentioned in section 177D(1)(a) or 177E(1)(a) stands to gain a benefit or suffer a loss in relation to the matter that is no greater than the benefit or loss that a significant proportion of persons in Brisbane stand to gain or lose.

171 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 142, lines 11 to 13, from 'or loans' to 'subsection (2)'—

omit, insert—

, loans or sponsored travel or accommodation benefits under section 177E given by the donor to the councillor, or a close associate of the councillor, during the councillor's relevant term

172 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 142, lines 24 to 27, from 'loan' to '; and'—

omit, insert—

loan to a group of candidates for an election when the councillor is a member of the group, or a political party that endorses the councillor for an election; and

173 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 143, lines 7 to 11—

omit, insert—

(2A) Subsection (3) applies for gifts or loans given by a donor—

- (a) to a group of candidates when the councillor is a member of the group; or
- (b) to a political party that endorses the councillor.

(3) For working out the total gifts or loans given by the donor for subsection (1)(c), the amount of each gift or loan given to the group or political party must first be divided by—

- (a) for a group of candidates for an election— the total number of candidates in the group stated in the record of the membership of the group under the *Local Government Electoral Act 2011*, section 41; or

- (b) for a political party endorsing the candidate for an election—the total number of candidates endorsed by the political party in Queensland on the nomination day for the election under the *Local Government Electoral Act 2011*.

174 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors’ personal interests in council matters))

Page 143, lines 28 and 29, ‘sponsored travel or accommodation benefits given’—

omit, insert—

gifts, loans or sponsored travel or accommodation benefits given by the donor

175 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors’ personal interests in council matters))

Page 143, after line 31—

insert—

- (1A) Section 177D(2A) and (3) applies for working out the total gifts or loans given by the donor for subsection (1)(c).

176 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors’ personal interests in council matters))

Page 145, after line 18—

insert—

- (aa) a person who is being considered for appointment as chief executive officer is a close associate of the councillor and the matter is or relates to the appointment of the person; or

177 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 150, line 32 to page 151, line 3—

omit.

178 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 151, lines 6 to 18—

omit, insert—

councillor, receives a gift, loan or sponsored travel or accommodation benefit from an entity, if—

- (i) the gift, loan or benefit is given in circumstances that would constitute a prescribed conflict of interest under section 177D or 177E if the total gifts, loans and benefits given by the entity totalled \$2,000 or more; and
- (ii) the total gifts, loans and benefits given by the entity to the councillor or related party total less than \$500 during the councillor's relevant term; or

179 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 151, after line 34—

insert—

- (2A) Section 177D(2A) and (3) applies for working out, under subsection (1)(e)(ii), the total gifts, loans and sponsored travel or accommodation benefits given by the entity as if a reference in that section to a donor were a reference to the entity.

180 Clause 81 (Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters))

Page 159, lines 11 and 12, 'deferring the matter to a later meeting under subsection (2)'—

omit, insert—

making a decision under subsection (2)(b) or (c)

181 Clause 85 (Insertion of new ch 6, pt 4, div 2A)

Page 166, lines 5 and 6, 'The council may, by resolution, allow a councillor to'—

omit, insert—

A councillor may

182 Clause 85 (Insertion of new ch 6, pt 4, div 2A)

Page 166, lines 14 and 15—

omit, insert—

(2) However, the councillor must not—

(a) appoint a close associate of the councillor as a councillor advisor; or

(b) appoint more than the number of councillor advisors prescribed under section 194C(1)(a).

183 Clause 85 (Insertion of new ch 6, pt 4, div 2A)

Page 167, after line 5—

insert—

Note—

A person who is appointed as a councillor advisor may carry out or assist in an activity mentioned in paragraph (a) other than in the person's capacity as a councillor advisor.

184 Clause 85 (Insertion of new ch 6, pt 4, div 2A)

Page 167, lines 10 to 15—

omit.

185 Clause 85 (Insertion of new ch 6, pt 4, div 2A)

Page 168, after line 2—

insert—

194C Regulation may prescribe particular matters relating to councillor advisors

- (1) A regulation may—
 - (a) prescribe the maximum number of councillor advisors each councillor may appoint; and
 - (b) limit the functions and key responsibilities that may be provided for in a councillor advisor's contract of employment.
- (2) Before recommending to the Governor in Council the making of a regulation under subsection (1)(a), the Minister must ask the remuneration commission for its recommendation about the proposed regulation.
- (3) The Minister must have regard to the recommendation of the remuneration commission in recommending the making of the regulation to the Governor in Council.
- (4) The maximum number of councillor advisors prescribed under subsection (1)(a)—
 - (a) is the number of full-time equivalent councillor advisors a councillor may appoint; and
 - (b) does not prevent a councillor appointing more than 1 part-time councillor advisor to perform the role of 1 full-time councillor advisor.

(5) In this section—

remuneration commission see the Local Government Act, section 176.

186 Clause 91 (Insertion of new ch 8, pt 11)

Page 181, after line 23—

insert—

297 Remuneration commission’s recommendation not required for initial regulation

Section 194C(2) and (3) does not apply to the regulation first made after the commencement under section 194C(1)(a).

298 Application of s 198A for councillors

- (1) This section applies if, on the commencement, a councillor has an interest mentioned in section 198A(1).
- (2) Despite section 198A(2), the councillor must comply with section 198A in relation to the interest within 30 days after the commencement.

187 After clause 96

Page 185, after line 15—

insert—

96A Amendment of s 104 (Financial management systems)

Section 104(5)(a)(i), ‘5-year’—

omit.

188 Clause 101 (Amendment of s 150L (What is *misconduct*))

Page 187, line 25, ‘170(2)’—

omit, insert—

170(3)

189 After clause 103

Page 188, after line 19—

insert—

103A Insertion of new s 150DSA

After section 150DS—

insert—

**150DSA Protection and immunity for members
in performing particular functions**

In performing a function of the conduct tribunal under chapter 5A, part 3, division 6 or chapter 7, part 1, a member of the tribunal has the same protection and immunity as a Supreme Court judge performing a judicial function.

190 Clause 104 (Insertion of new ch 5B)

Page 189, line 9, ‘In’—

omit, insert—

Without limiting when a person participates in a decision, in

191 Clause 104 (Insertion of new ch 5B)

Page 189, after line 12—

insert—

(aa) if the councillor or other person is wholly or partly responsible for making the decision—
considering or discussing the matter to which the decision relates before the decision is made; and

192 Clause 104 (Insertion of new ch 5B)

Page 189, lines 27 to 29, from ‘to,’ to ‘; or’—

omit, insert—

to—

- (i) making a planning scheme that applies to the whole of the local government area; or
- (ii) amending a planning scheme, if the amendment applies to the whole of the local government area; or

193 Clause 104 (Insertion of new ch 5B)

Page 190, line 2, after ‘adoption’—

insert—

or amendment

194 Clause 104 (Insertion of new ch 5B)

Page 190, lines 10 and 11, from ‘public’ to ‘accident’—

omit.

195 Clause 104 (Insertion of new ch 5B)

Page 190, after line 24—

insert—

- (2A) In addition, this chapter does not apply in relation to a councillor’s conflict of interest in a matter if the councillor, close associate or related party of the councillor, or the donor mentioned in section 150EG(1)(a) or 150EH(1)(a) stands to gain a benefit or suffer a loss in relation to the matter that is no greater than the benefit or loss that a significant proportion of persons in the local government area stand to gain or lose.

196 Clause 104 (Insertion of new ch 5B)

Page 191, lines 16 to 18, from ‘or loans’ to ‘subsection (2)’—
omit, insert—

, loans or sponsored travel or accommodation benefits under section 150EH given by the donor to the councillor, or a close associate of the councillor, during the councillor’s relevant term

197 Clause 104 (Insertion of new ch 5B)

Page 191, line 28 to page 192, line 2, from ‘loan’ to ‘; and’—
omit, insert—

loan to a group of candidates for an election when the councillor is a member of the group, or a political party that endorses the councillor for an election; and

198 Clause 104 (Insertion of new ch 5B)

Page 192, lines 13 to 17—
omit, insert—

(2A) Subsection (3) applies for gifts or loans given by a donor—

- (a) to a group of candidates when the councillor is a member of the group; or
- (b) to a political party that endorses the councillor.

(3) For working out the total gifts or loans given by the donor for subsection (1)(a), the amount of each gift or loan given to the group or political party must first be divided by—

- (a) for a group of candidates for an election— the total number of candidates in the group stated in the record of the membership of the

group under the *Local Government Electoral Act 2011*, section 41; or

- (b) for a political party endorsing the candidate for an election—the total number of candidates endorsed by the political party in Queensland on the nomination day for the election under the *Local Government Electoral Act 2011*.

199 Clause 104 (Insertion of new ch 5B)

Page 193, lines 3 and 4, ‘sponsored travel or accommodation benefits given’—

omit, insert—

gifts, loans or sponsored travel or accommodation benefits given by the donor

200 Clause 104 (Insertion of new ch 5B)

Page 193, after line 6—

insert—

- (1A) Section 150EG(2A) and (3) applies for working out the total gifts or loans given by the donor for subsection (1)(c).

201 Clause 104 (Insertion of new ch 5B)

Page 194, after line 26—

insert—

- (aa) a person who is being considered for appointment as the chief executive officer of the local government is a close associate of the councillor and the matter is or relates to the appointment of the person; or

202 Clause 104 (Insertion of new ch 5B)

Page 200, lines 6 to 11—

omit.

203 Clause 104 (Insertion of new ch 5B)

Page 200, lines 14 to 26—

omit, insert—

councillor, receives a gift, loan or sponsored travel or accommodation benefit from an entity, if—

- (i) the gift, loan or benefit is given in circumstances that would constitute a prescribed conflict of interest under section 150EG or 150EH if the total gifts, loans and benefits given by the entity totalled \$2,000 or more; and
- (ii) the total gifts, loans and benefits given by the entity to the councillor or related party total less than \$500 during the councillor's relevant term; or

204 Clause 104 (Insertion of new ch 5B)

Page 201, after line 7—

insert—

- (2A) Section 150EG(2A) and (3) applies for working out, under subsection (1)(e)(ii), the total gifts, loans and benefits given by the entity as if a reference in that section to a donor were a reference to the entity.

205 Clause 104 (Insertion of new ch 5B)

Page 208, lines 26 to 28, 'or deferring the matter to a later meeting under subsection (2)'—

omit, insert—

or making a decision under subsection (2)(b) or
(c)

206 Clause 106 (Replacement of s 161 (What this division is about))

Page 214, lines 18 to 26—

omit, insert—

106 Amendment of s 161 (What this division is about)

(1) Section 161(2)—

omit, insert—

(2) The way in which a vacancy is to be filled depends on whether the office becomes vacant during the beginning, middle or end of the local government's term.

(2) Section 161(4) and (5)—

omit, insert—

(4) The *middle* of the local government's term is the period of 24 months that—

(a) starts on the first anniversary of the last quadrennial elections; and

(b) ends on the day before the third anniversary of the last quadrennial elections.

(5) The *final part* of the local government's term is the period that—

(a) starts on the third anniversary of the last quadrennial elections; and

(b) ends on the day before the next quadrennial elections are held.

207 Clause 109 (Replacement of s 166 (Filling a vacancy in the office of another councillor))

Page 216, lines 1 to 11—

omit, insert—

166 Filling vacancy in office of mayor or other councillor

A vacancy in the office of a mayor or other councillor must be filled by—

- (a) if the vacancy is to be filled during the beginning of the local government's term—following the procedure under section 166A; or
- (b) if the vacancy is to be filled during the middle of the local government's term—a by-election; or
- (c) if the vacancy is to be filled during the final part of the local government's term—following the procedure under section 166B.

208 Clause 109 (Replacement of s 166 (Filling a vacancy in the office of another councillor))

Page 216, line 12, 'other vacancies in office of councillor'—

omit, insert—

vacancies during beginning of local government's term

209 Clause 109 (Replacement of s 166 (Filling a vacancy in the office of another councillor))

Page 216, lines 14 to 16, from 'a councillor' to '36 months'—

omit, insert—

a mayor or other councillor (each the *former councillor*) during the beginning

210 Clause 109 (Replacement of s 166 (Filling a vacancy in the office of another councillor))

Page 218, line 13, after ‘of a’—

insert—

mayor or other

211 Clause 109 (Replacement of s 166 (Filling a vacancy in the office of another councillor))

Page 218, line 16, after ‘former’—

insert—

mayor or other

212 Clause 109 (Replacement of s 166 (Filling a vacancy in the office of another councillor))

Page 218, line 21, after ‘former’—

insert—

mayor or other

213 Clause 109 (Replacement of s 166 (Filling a vacancy in the office of another councillor))

Page 218, lines 28 and 29, ‘vacancy in office of mayor or other councillor’—

omit, insert—

vacancies

214 Clause 109 (Replacement of s 166 (Filling a vacancy in the office of another councillor))

Page 220, lines 8 to 14—

omit.

215 Clause 110 (Amendment of s 170 (Giving directions to local government staff))

Page 220, after line 16—

insert—

(1) Section 170(2)—

omit, insert—

(2) However, a direction under subsection (1) must not be given if—

- (a) it is inconsistent with a resolution, or a document adopted by resolution, of the local government; or
- (b) it relates to the appointment of a local government employee under section 196(3); or
- (c) it relates to disciplinary action by the chief executive officer in relation to a local government employee under section 197 or a councillor advisor; or
- (d) it would result in the chief executive officer contravening a provision of an Act.

216 Clause 110 (Amendment of s 170 (Giving directions to local government staff))

Page 220, line 17, before ‘Section’—

insert—

(2)

217 After clause 113

Page 221, after line 25—

insert—

113A Amendment of s 177 (Functions)

Section 177(d)—

omit, insert—

- (d) to consider and make recommendations to the Minister about the following matters relating to councillor advisors—
 - (i) whether or not to prescribe a local government under section 197D(1)(a);
 - (ii) the number of councillor advisors each councillor of a local government may appoint;
 - (iii) the number of councillor advisors a councillor of the council under the *City of Brisbane Act 2010* may appoint; and
- (e) another function relating to the remuneration of councillors directed, in writing, by the Minister.

113B Amendment of s 181 (Qualifications to be commissioner)

Section 181(2)(i)—

omit.

218 Clause 115 (Insertion of new ch 6, pt 5, div 2A)

Page 222, lines 9 and 10, ‘by regulation may, by resolution, allow a councillor to appoint’—

omit, insert—

under section 197D(1)(a) may, by resolution, allow a councillor to appoint

219 Clause 115 (Insertion of new ch 6, pt 5, div 2A)

Page 222, after line 17—

insert—

- (1A) The resolution must state the number of councillor advisors, up to the maximum prescribed under section 197D(1)(b) for the local government, that the councillor may appoint.

220 Clause 115 (Insertion of new ch 6, pt 5, div 2A)

Page 223, after line 12—

insert—

Note—

A person who is appointed as a councillor advisor may carry out or assist in an activity mentioned in paragraph (a) other than in the person's capacity as a councillor advisor.

221 Clause 115 (Insertion of new ch 6, pt 5, div 2A)

Page 223, lines 17 to 22—

omit.

222 Clause 115 (Insertion of new ch 6, pt 5, div 2A)

Page 224, after line 23—

insert—

197D Regulation may prescribe particular matters relating to councillor advisors

- (1) A regulation may—
- (a) prescribe a local government as a local government to which section 197A(1) applies; and
 - (b) prescribe the maximum number of councillor advisors each councillor may appoint; and

- (c) limit the functions and key responsibilities that may be provided for in a councillor advisor's contract of employment.
- (2) Before recommending to the Governor in Council the making of a regulation under subsection (1)(a) or (b), the Minister must ask the remuneration commission for its recommendation about the proposed regulation.
- (3) The Minister must have regard to the recommendation of the remuneration commission in recommending the making of the regulation to the Governor in Council.
- (4) The maximum number of councillor advisors prescribed under subsection (1)(b)—
 - (a) is the number of full-time equivalent councillor advisors a councillor may appoint; and
 - (b) does not prevent a councillor appointing more than 1 part-time councillor advisor to perform the role of 1 full-time councillor advisor.

223 After clause 121

Page 236, after line 8—

insert—

121A Amendment of s 235 (Administrators who act honestly and without negligence are protected from liability)

Section 235(8), 'another law or Act'—

omit, insert—

this Act or another Act or law

224 After clause 122

Page 236, after line 14—

insert—

122A Amendment of s 247 (Local government references in this Act)

Section 247(1), after paragraph (a)—

insert—

- (aa) a reference to a councillor advisor is a reference to a councillor advisor appointed by the mayor or another councillor of the local government; and

225 Clause 123 (Insertion of new ch 9, pt 15)

Page 236, after line 24—

insert—

332A Existing vacancies in office of mayor or other councillor

- (1) This section applies if—
- (a) before the commencement, the office of a mayor or other councillor became vacant; and
- (b) on the commencement, the vacancy has not been filled.
- (2) Chapter 6, part 2, division 3 applies in relation to filling the vacancy as if the *Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019*, had not commenced.

226 Clause 123 (Insertion of new ch 9, pt 15)

Page 238, after line 5—

insert—

335 Remuneration commission's recommendation not required for initial regulation

Section 197D(2) and (3) does not apply to the

regulation first made after the commencement under section 197D(1)(a) or (b).

336 Application of s 201A for councillors

- (1) This section applies if, on the commencement, a councillor has an interest mentioned in section 201A(1).
- (2) Despite section 201A(2), the councillor must comply with section 201A in relation to the interest within 30 days after the commencement.

227 Clause 125 (Amendment of sch 4 (Dictionary))

Page 238, line 17 to page 239, line 1, from ‘*beginning*’ to ‘*middle*’—

omit, insert—

conflict of interest, local government meeting, material personal interest

228 Clause 125 (Amendment of sch 4 (Dictionary))

Page 240, line 23—

omit.

229 Long title

Long title, after ‘*Electoral Act 1992,*’—

insert—

the Electoral and Other Legislation Amendment Act 2019,

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