

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

*Legislative Assembly Chamber,
Brisbane,*

The Clerk of the Parliament.

2 May 2023

In the name and on behalf of the King, I assent to this Bill.

H Bouskell
*Government House,
Brisbane,*

2 May 2023



Queensland

**No. 8 of 2023
A BILL for**

An Act to amend the City of Brisbane Act 2010, the Local Government Act 2009, the Local Government Electoral Act 2011, the Residential Tenancies and Rooming Accommodation Act 2008 and the Residential Tenancies and Rooming Accommodation Regulation 2009 for particular purposes



Queensland

Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Bill 2023

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2023

A Bill

for

An Act to amend the *City of Brisbane Act 2010*, the *Local Government Act 2009*, the *Local Government Electoral Act 2011*, the *Residential Tenancies and Rooming Accommodation Act 2008* and the *Residential Tenancies and Rooming Accommodation Regulation 2009* for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023*.

2 Commencement

- (1) This Act, other than parts 4A and 4B, commences on a day to be fixed by proclamation.
- (2) Parts 4A and 4B commence on 1 July 2023.

Part 2 Amendment of City of Brisbane Act 2010

3 Act amended

This part amends the *City of Brisbane Act 2010*.

Note—

See also the amendments in schedule 1.

4 Amendment of s 174 (Failure to give particular returns under Local Government Electoral Act 2011)

- (1) Section 174(2)(a)—

omit, insert—

- (a) under the *Local Government Electoral Act 2011*, an agent was required to give the summary return for—

- (i) the person; or
 - (ii) a group of candidates of which the person was a member; or
 - (iii) a political party that endorsed the candidature of the person; and
- (2) Section 174(6), definition *summary return*, paragraph (c)—
omit, insert—
 - (c) section 120(6);

5 Insertion of new ch 8, pt 12

Chapter 8—

insert—

Part 12

Transitional provision for Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023

299 Application of s 174—elections held on or after introduction day and before 2024 quadrennial election

- (1) This section applies in relation to an election under the *Local Government Electoral Act 2011* held on or after the introduction day and before the 2024 quadrennial election.
- (2) Section 174 as in force immediately before the commencement applies in relation to the election as if the amending Act had not been enacted.
- (3) In this section—

2024 quadrennial election means the quadrennial

election to be held in 2024.

amending Act means the *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023*.

introduction day means the day the Bill for the amending Act was introduced into the Legislative Assembly.

6 Amendment of sch 1 (Serious integrity offences and integrity offences)

- (1) Schedule 1, part 1, under heading ‘Electoral Act’, after ‘donations’—

insert—

or electoral expenditure

- (2) Schedule 1, part 1, under heading ‘Local Government Electoral Act’—

insert—

112B(5) Application to unincorporated bodies

circumstance—the provision contravened is section 123N(2)

123N(2) Compliance with expenditure cap generally

- (3) Schedule 1, part 1, under heading ‘Local Government Electoral Act’, entry for section 194B(1), after ‘donations’—

insert—

or electoral expenditure

- (4) Schedule 1, part 2, under heading ‘Local Government Electoral Act’—

insert—

- 112B(5) Application to unincorporated bodies
circumstance—the provision contravened is section
123O(2)
- 116G(1) or (2) Agent’s obligation to ensure compliance
- 123O(2) Compliance with expenditure cap—unregistered third
party
- 127AA(7) Requirement for registered political party to operate
dedicated account
- 127AB(7) Requirement for relevant third party to operate dedicated
account
- 127V(2) Participant in election must assist appointed auditor
- 135E(2) Auditor preparing audit certificate to give notice of
contravention

Part 3 Amendment of Local Government Act 2009

7 Act amended

This part amends the *Local Government Act 2009*.

Note—

See also the amendments in schedule 1.

8 Amendment of s 20 (Implementation)

Section 20(3)(a), ‘election; or’—

omit, insert—

election, including, for example, matters in
relation to expenditure caps and disclosure of
gifts, loans and electoral expenditure under the
following provisions of the Local Government

Electoral Act—

- (i) part 4, division 2, subdivision 3;
- (ii) part 6;
- (iii) part 9, division 5; or

9 Amendment of s 172 (Failure to give particular returns under Local Government Electoral Act)

(1) Section 172(2)(a)—

omit, insert—

(a) under the Local Government Electoral Act, an agent was required to give the summary return for—

- (i) the person; or
- (ii) a group of candidates of which the person was a member; or
- (iii) a political party that endorsed the candidature of the person; and

(2) Section 172(6), definition *summary return*, paragraph (c)—

omit, insert—

(c) section 120(6);

10 Insertion of new ch 9, pt 17

Chapter 9—

insert—

Part 17

**Transitional provision
for Local Government
Electoral and Other
Legislation
(Expenditure Caps)
Amendment Act 2023**

342 Application of s 172—elections held on or after introduction day and before 2024 quadrennial election

- (1) This section applies in relation to an election under the Local Government Electoral Act held on or after the introduction day and before the 2024 quadrennial election.
- (2) Section 172 as in force immediately before the commencement applies in relation to the election as if the amending Act had not been enacted.
- (3) In this section—

2024 quadrennial election means the quadrennial election to be held in 2024.

amending Act means the *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023*.

introduction day means the day the Bill for the amending Act was introduced into the Legislative Assembly.

11 Amendment of sch 1 (Serious integrity offences and integrity offences)

- (1) Schedule 1, part 1, under heading ‘Electoral Act’, after ‘donations’—

insert—

or electoral expenditure

- (2) Schedule 1, part 1, under heading ‘Local Government Electoral Act’—

insert—

112B(5) Application to unincorporated bodies
circumstance—the provision contravened is section
123N(2)

- 123N(2) Compliance with expenditure cap generally
- (3) Schedule 1, part 1, under heading ‘Local Government Electoral Act’, entry for section 194B(1), after ‘donations’—
insert—
or electoral expenditure
- (4) Schedule 1, part 2, under heading ‘Local Government Electoral Act’—
insert—
- 112B(5) Application to unincorporated bodies
circumstance—the provision contravened is section 123O(2)
- 116G(1) or (2) Agent’s obligation to ensure compliance
- 123O(2) Compliance with expenditure cap—unregistered third party
- 127AA(7) Requirement for registered political party to operate dedicated account
- 127AB(7) Requirement for relevant third party to operate dedicated account
- 127V(2) Participant in election must assist appointed auditor
- 135E(2) Auditor preparing audit certificate to give notice of contravention

Part 4 **Amendment of Local Government Electoral Act 2011**

12 Act amended

This part amends the *Local Government Electoral Act 2011*.

Note—

See also the amendments in schedule 1.

13 Amendment of s 3 (Purposes of Act)

Section 3(a)—

omit, insert—

- (a) ensure and reinforce the transparent and equitable conduct of elections of councillors of Queensland's local governments, including, for example, by minimising the risk of unequal participation in the electoral process and ensuring a fair opportunity to participate in the electoral process; and

14 Amendment of s 27 (Making and certification of nomination)

- (1) Section 27(5), 'properly nominated'—

omit, insert—

properly nominated

- (2) Section 27(5)—

insert—

- (ba) section 31(3) does not apply to the nomination; and

- (3) Section 27(5)(ba) to (d)—

renumber as section 27(5)(c) to (e).

15 Insertion of new s 31

After section 30—

insert—

31 Withdrawal of endorsement of candidate

- (1) This section applies if—
- (a) a registered political party nominates a person as a candidate for an election under section 27(1)(a); and
 - (b) before the election, the party withdraws the party's endorsement of the person as a candidate for the election.

Note—

See section 135A for the requirement for a registered political party to notify the commission about—

- (a) the party's endorsement of a person as a candidate for an election; or
 - (b) changes to the endorsement.
- (2) The registered officer of the registered political party must notify the electoral commission, in the approved form, of the withdrawal of the endorsement.

Maximum penalty—40 penalty units.

- (3) If the notification is given to the electoral commission before noon on the nomination day for the election, the nomination of the person is of no effect.
- (4) If the notification is given to the electoral commission on or after noon on the nomination day for the election—
- (a) the nomination of the person is not affected; and
 - (b) a ballot paper is taken to comply with section 55 even if the name, or an abbreviation of the name, of the registered political party is printed adjacent to the candidate's name on the ballot paper.
- (5) As soon as practicable after the electoral commission receives the notification, the

electoral commission must give the candidate a notice that states—

- (a) the contents of the notification; and
- (b) when the electoral commission received the notification; and
- (c) if subsection (3) or (4) applies in relation to the notification—the effect of the subsection.

16 Replacement of pt 4, div 2, sdiv 3 (Membership and agents for group of candidates)

Part 4, division 2, subdivision 3—

omit, insert—

Subdivision 3 Creation and membership of groups of candidates

41 Purpose of subdivision

The purpose of this subdivision is—

- (a) to allow candidates to engage in group campaign activities for a particular election by being members of a group of candidates for that election; and
- (b) to treat the group, for certain purposes, as if it were a person.

42 Creation of group of candidates

- (1) If 2 or more candidates in an election propose to engage in group campaign activities for the election, the candidates may—
 - (a) form a group for the purposes of this Act for the election; and

- (b) give the electoral commission written notice of the membership of the group.
- (2) As soon as practicable after the electoral commission receives the notice, the electoral commission must publish a copy of the notice from which information required under subsection (5)(d) and (e) has been deleted—
 - (a) on the electoral commission’s website; and
 - (b) in other ways the electoral commission considers appropriate.
- (3) The group becomes a ***group of candidates*** for the election when the electoral commission publishes the notice on the electoral commission’s website under subsection (2).

Note—

See also sections 43(3) and 43A(3).

- (4) The notice may only be given during the period that—
 - (a) starts—
 - (i) if the most recent election in relation to the local government’s area was a quadrennial election—30 days after the polling day for the quadrennial election; or
 - (ii) otherwise—the day after the polling day for the most recent election in relation to the local government’s area; and
 - (b) ends immediately before the polling day for the election.
- (5) The notice must—
 - (a) be in the approved form; and
 - (b) state the name of the proposed group of candidates; and

- (c) state the name of each candidate who will be a member of the group of candidates; and
- (d) be signed by each candidate who will be a member of the group of candidates; and
- (e) include information about the account with a financial institution the proposed group of candidates intends to use as its account for section 127; and
- (f) be accompanied by written notice under section 116C(1)(c) of the appointment of a person as the agent of the proposed group of candidates.

43 Changing membership of group of candidates

- (1) A group of candidates for an election may—
 - (a) change the membership of the group at any time before the polling day for the election; and
 - (b) by its agent, give the electoral commission written notice of the proposed change to the membership of the group.
- (2) As soon as practicable after the electoral commission receives the notice, the electoral commission must publish a copy of the notice from which information required under subsection (5)(f) has been deleted—
 - (a) on the electoral commission’s website; and
 - (b) in other ways the electoral commission considers appropriate.
- (3) Despite section 42(3), when the electoral commission publishes the notice on the electoral commission’s website under subsection (2)—
 - (a) the change to the membership of the group of candidates takes effect; and

- (b) the group is taken to be comprised of the candidates in accordance with the change to the membership of the group as stated in the notice.
- (4) The change to the membership of the group of candidates must not result in only 1 candidate being a member of the group.
- (5) The notice must—
 - (a) be in the approved form; and
 - (b) state the name of the group of candidates and, if the name is proposed to change, the proposed name; and
 - (c) state the name of each candidate who is a member of the group when the notice is given; and
 - (d) if a candidate proposes to become a member of the group—state the name of each candidate who proposes to become a member; and
 - (e) if a candidate proposes to no longer be a member of the group—state the name of each candidate who proposes to no longer be a member; and
 - (f) be signed by each candidate mentioned in paragraphs (c) and (d).

43A Winding up group of candidates

- (1) The members of a group of candidates for an election may—
 - (a) wind up the group at any time before the polling day for the election; and
 - (b) by its agent, give the electoral commission written notice of the proposed winding up.
- (2) As soon as practicable after the electoral

commission receives the notice, the electoral commission must publish a copy of the notice from which information required under subsection (4)(d) has been deleted—

- (a) on the electoral commission’s website; and
 - (b) in other ways the electoral commission considers appropriate.
- (3) Despite sections 42(3) and 43(3), when the electoral commission publishes the notice on the electoral commission’s website under subsection (2), the group of candidates stops being a group of candidates for the election.
- (4) The notice must—
- (a) be in the approved form; and
 - (b) state the name of the group of candidates; and
 - (c) state the name of each candidate who is a member of the group when the notice is given; and
 - (d) be signed by each candidate mentioned in paragraph (c).

43B Requirements for membership of group of candidates

- (1) A candidate in an election may be a member of a group of candidates only if—
- (a) for a quadrennial election for a local government—each other candidate who is a member of the group is a candidate in the quadrennial election for the same local government; and
 - (b) the candidate is not a member of another group of candidates for the election; and

- (c) the candidate is not endorsed, within the meaning of section 109G, by a registered political party for the election.
- (2) Also, only 1 member of a group of candidates may be a candidate for election as mayor of a local government.
- (3) This section applies despite sections 42 and 43.

43C Application of Act to groups of candidates

- (1) Part 6 and part 9, division 5 apply in relation to a group of candidates as if it were a person.
- (2) An obligation or liability that, apart from this subsection, would be imposed under part 6 or part 9, division 5 on a group of candidates, is imposed on each member of the group, but may be discharged by any of the members of the group.
- (3) An amount that, apart from this subsection, would be payable under part 6 or part 9, division 5 by a group of candidates is jointly and severally payable by the members of the group.
- (4) An offence against a provision of part 6 or part 9, division 5 that, apart from this subsection, would be committed by a group of candidates is taken to have been committed by each member of the group who—
 - (a) authorised or permitted the conduct that would have constituted the offence; or
 - (b) was, directly or indirectly, knowingly concerned in the conduct that would have constituted the offence.

Maximum penalty—the penalty for a contravention of the provision by an individual.

- (5) This section does not affect the liability, under the Criminal Code, chapter 2, of any person, whether

or not the person is a member of a group of candidates, for an offence against part 6 or part 9, division 5.

- (6) A reference in part 6 to a gift or loan made, expenditure incurred or something else done by a person includes a reference to a gift or loan made, expenditure incurred or other thing done by a person acting—
 - (a) on behalf of a group of candidates; and
 - (b) under the group's actual or apparent authority.
- (7) Also, a reference in part 6 to a gift or loan made to a person includes a reference to the gift or loan being made for the benefit of the members of a group of candidates.

43D Validation of ballot paper

- (1) This section applies if a notice in relation to a group of candidates for an election is given to the electoral commission under section 42, 43 or 43A after noon on the nomination day for the election.
- (2) A ballot paper is taken to comply with section 55 whether or not the name of the group of candidates is printed adjacent to a candidate's name on the ballot paper.

43E Application of return provisions—candidate stops being member of group of candidates

- (1) This section applies if—
 - (a) a candidate stops being a member of a group of candidates, for an election, because a change to the membership of the group takes effect under section 43(3); and

- (b) the group has not been wound up under section 43A.
- (2) Sections 118(4) and (7), 120(6), (8) and (9) and 125 apply in relation to the group of candidates as if—
 - (a) a reference in section 118(4) to a member of a group of candidates receiving a gift, or not receiving any gifts, included a reference to the candidate mentioned in subsection (1)(a) receiving a gift, or not receiving any gifts, when the candidate was a member of the group; and
 - (b) a reference in section 118(7) or 120(8) or (9) to a member of a group of candidates included a reference to the candidate mentioned in subsection (1)(a); and
 - (c) a reference in section 120(6) to a group of candidates receiving a loan, or not receiving any loans, included a reference to the candidate mentioned in subsection (1)(a) receiving a loan, or not receiving any loans, when the candidate was a member of the group; and
 - (d) a reference in section 125 to electoral expenditure incurred, or not incurred, by a group of candidates included a reference to electoral expenditure incurred, or not incurred, by the candidate mentioned in subsection (1)(a) when the candidate was a member of the group.

43F Application of return provisions—group of candidates that has been wound up

- (1) This section applies if a group of candidates for an election is wound up under section 43A (a *former group*).

- (2) Sections 118(4) and (7), 120(6), (8) and (9) and 125 apply in relation to the former group as if—
- (a) a reference in the sections to a group of candidates were a reference to the former group; and
 - (b) a reference in the sections to the disclosure period for a group of candidates were a reference to the disclosure period that applied in relation to the former group before it was wound up; and
 - (c) a reference in section 118(4) to a member of a group of candidates receiving a gift, or not receiving any gifts, were a reference to a candidate who was a member of the former group receiving a gift, or not receiving any gifts, when the candidate was a member of the former group; and
 - (d) a reference in section 118(7) or 120(8) or (9) to a member of a group of candidates were a reference to a candidate who was a member of the former group at any time before the former group was wound up; and
 - (e) a reference in section 120(6) to a group of candidates receiving a loan, or not receiving any loans, included a reference to a candidate who was a member of the former group receiving a loan, or not receiving any loans, when the candidate was a member of the former group; and
 - (f) a reference in section 125 to electoral expenditure incurred, or not incurred, by a group of candidates were a reference to electoral expenditure incurred, or not incurred—
 - (i) by the former group; or

- (ii) by a candidate who was a member of the former group when the candidate was a member of the former group; and
 - (g) a reference in section 125 to the dedicated account of a group of candidates were a reference to the account that was the dedicated account of the former group before the group was wound up.
- (3) Also, section 127(5) to (8) applies in relation to the former group as if—
 - (a) a reference in the provision to a group of candidates were a reference to the former group; and
 - (b) a reference in the provision to a member of a group of candidates were a reference to a candidate who was a member of the former group immediately before it was wound up; and
 - (c) a reference in the provision to the disclosure period for a group of candidates were a reference to the disclosure period that applied in relation to the former group before it was wound up.

17 Amendment of s 106 (Definitions for part)

- (1) Section 106, definitions *disclosure period* and *electoral expenditure*—
omit.
- (2) Section 106—
insert—

agent means an agent of any of the following who is appointed under division 2 for an election—

- (a) a registered political party that endorses a candidate in the election;

- (b) a candidate in the election;
- (c) a group of candidates for the election;
- (d) a third party for the election.

associated entity—

- (a) of a registered political party that endorses a candidate in an election—see section 112C(2) and (3); or
- (b) of a candidate in an election—see section 112D(2), (3), (4) and (5); or
- (c) of a group of candidates for an election—see section 112E(2) and (3).

auditor means an individual who—

- (a) has the qualifications or experience prescribed by regulation for this definition; and
- (b) is not, and has never been, a member of a political party.

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.

broadcaster means—

- (a) the Australian Broadcasting Corporation continued in existence under the *Australian Broadcasting Corporation Act 1983* (Cwlth), section 5; or
- (b) the Special Broadcasting Service Corporation continued in existence under

the *Special Broadcasting Service Act 1991* (Cwlth), section 5; or

- (c) the holder of a licence under the *Broadcasting Services Act 1992* (Cwlth); or
- (d) the provider of a broadcasting service under a class licence under the *Broadcasting Services Act 1992* (Cwlth).

campaign purpose, for incurring electoral expenditure, see section 109B.

capped expenditure period, for an election, see section 123A.

disclosure period, for an election—

- (a) for a candidate in the election—see section 106A(1); or
- (b) for a registered political party that endorses a candidate in the election—see section 106A(3); or
- (c) for a group of candidates for the election—see section 106A(4); or
- (d) for a third party for the election—see section 106A(5); or
- (e) for an associated entity of a registered political party that endorses a candidate in the election or of a candidate in the election or a group of candidates for the election—see section 106A(6).

electoral expenditure see section 109A.

endorsed, in relation to a candidate by a registered political party, see section 109G.

financial controller, of an associated entity of a registered political party that endorses a candidate in an election or of a candidate in an election or a group of candidates for an election, means—

- (a) if the entity is a corporation, including a corporation that is the trustee of a trust—the secretary of the corporation; or
- (b) if the entity is the trustee of a trust but is not a corporation—the trustee; or
- (c) otherwise—the person responsible for keeping the financial records of the entity.

gifted, for an amount of electoral expenditure incurred, see section 109C(1).

individual candidate see section 106AA.

participant, in an election, see section 106AB.

registered, for a third party in relation to an election, means registered under division 5A for the election.

register of agents means the register kept under section 116D.

register of third parties, for an election, means the register kept under section 127E(1) for the election.

related political party has the meaning given by section 112A.

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

relevant third party, for an election, means—

- (a) a registered third party for the election; or
- (b) another third party that is required, under section 127D, to be registered for the election.

reporting period means each of the following periods in a year—

- (a) the period that starts on 1 January and ends on 30 June in the year;

- (b) the period that starts on 1 July and ends on 31 December in the year.

sponsorship arrangement see section 107B.

- (3) Section 106, definition *loan*, after ‘other than by’—
insert—

a financial institution or

- (4) Section 106, definition *third party*, paragraph (a)—
omit, insert—

- (a) a registered political party that endorses a candidate in the election; or

- (aa) a candidate in the election; or

- (ab) a group of candidates for the election; or

- (ac) an associated entity of an entity mentioned in paragraph (a), (b) or (c); or

- (5) Section 106, definition *third party*, paragraphs (aa) to (c)—
renumber as paragraphs (b) to (f).

18 Insertion of new ss 106AA and 106AB

After section 106—

insert—

106AA When candidate is *individual candidate*

- (1) A candidate in an election is an ***individual candidate*** for any part of the capped expenditure period for the election during which the candidate—

- (a) is not a member of a group of candidates for the election; and

- (b) is not endorsed by a registered political party for the election.

- (2) Without limiting subsection (1), a candidate in an

election may be an individual candidate during 1 or more parts, but not all, of the capped expenditure period for the election.

106AB Meaning of *participant* in an election

For this part, each of the following is a *participant* in an election—

- (a) a candidate in the election;
- (b) a group of candidates for the election;
- (c) a registered political party that endorses a candidate in the election;
- (d) a registered third party for the election;
- (e) a third party that—
 - (i) is not registered for the election; and
 - (ii) incurs electoral expenditure for the election.

19 Amendment of s 106A (Meaning of *disclosure period*)

- (1) Section 106A(3)—

omit, insert—

- (3) The *disclosure period* for an election, for a registered political party that endorses a candidate in the election, is the period that—
- (a) starts—
 - (i) if the party endorsed a candidate in a by-election or fresh election held after the last quadrennial election—30 days after the polling day for the last by-election or fresh election in which the party endorsed a candidate; or
 - (ii) if subparagraph (i) does not apply and the party endorsed a candidate in the

- last quadrennial election—30 days after the polling day for the last quadrennial election; or
 - (iii) otherwise—on the day the party first incurs electoral expenditure for the election; and
 - (b) ends 30 days after the polling day for the election.
- (3A) The ***disclosure period*** for an election, for a group of candidates for the election, is the period that—
- (a) starts—
 - (i) if the most recent election was not a quadrennial election and the group of candidates was also a group of candidates for the most recent election—30 days after the polling day for the last election; or
 - (ii) otherwise—30 days after the polling day for the last quadrennial election; and
 - (b) ends 30 days after the polling day for the election.
- (3B) The ***disclosure period*** for an election, for a third party for the election, is the period that—
- (a) for sections 118A and 118B—
 - (i) starts 30 days after the polling day for the last quadrennial election; and
 - (ii) ends 30 days after the polling day for the election; or
 - (b) for sections 125B and 125C—
 - (i) starts on the day the capped expenditure period for the election starts; and

- (ii) ends 30 days after the polling day for the election; or
 - (c) for section 127AB—
 - (i) starts on the day the third party is registered, or was first required under section 127D to have been registered, for the election; and
 - (ii) ends 30 days after the polling day for the election.
- (3C) The ***disclosure period*** for an election, for an associated entity of a registered political party that endorses a candidate in the election or of a candidate in the election or a group of candidates for the election, is the period that—
- (a) starts on the earlier of the following days—
 - (i) the day the associated entity first incurs electoral expenditure for the election;
 - (ii) the day the capped expenditure period for the elections starts; and
 - (b) ends 30 days after the polling day for the election.
- (2) Section 106A(4), ‘subsection (1) or (3)’—
omit, insert—
this section
- (3) Section 106A(3A) to (4)—
renumber as section 106A(4) to (7).

20 Replacement of s 107 (Meaning of *gift*)

Section 107—

omit, insert—

107 Meaning of *gift*

- (1) A *gift* made by a person to another person is the disposition of property, or provision of a service, by the person to the other person, for no consideration or inadequate consideration.

- (2) Also, a *gift* includes—

- (a) an amount of electoral expenditure a person gifted to a participant in an election; and

Note—

For when an amount of electoral expenditure incurred by a person is gifted to a participant in an election, see section 109C.

- (b) an amount, other than the amount of a loan, paid to or for the benefit of, or an amount of electoral expenditure gifted to, a registered political party that endorses a candidate in an election by—

- (i) if the party is a part of another entity—a federal or interstate branch or division of the other entity; or

- (ii) a related political party of the party; and

- (c) in relation to a loan made by a person to another person—

- (i) an amount of uncharged interest on the loan; or

- (ii) an amount forgiven on the loan; and

- (d) the part of a fundraising contribution made by a person to another person that exceeds \$200; and

- (e) an amount paid, or service provided, by a person to a registered political party that endorses a candidate in an election under a sponsorship arrangement.

- (3) A *gift* does not include—
- (a) the disposition of property under a will; or
 - (b) a fundraising contribution of \$200 or less, or the first \$200 of a fundraising contribution that exceeds \$200; or
 - (c) the following amounts paid to a political party—
 - (i) an amount for a person’s subscription for membership of the party;
 - (ii) an amount for a person’s affiliation with the party, other than an amount paid under a sponsorship arrangement mentioned in subsection (2)(e);
 - (iii) an amount that is a compulsory levy imposed on councillors by the party under its constitution; or
 - (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—
 - (i) a volunteer’s vehicle or equipment; or
 - (ii) a vehicle or equipment that is ordinarily available for the personal use of a volunteer.
- (4) A reference in this part to a gift does not include a reference to a gift made by a person to an individual (the *recipient*) if, when the gift is made—
- (a) it is made in a private capacity for the recipient’s personal use; and
 - (b) the recipient does not intend to use the gift for an electoral purpose.

- (5) However, if a gift, or part of a gift, mentioned in subsection (4) is used for an electoral purpose—
 - (a) the gift, or that part of the gift, is a gift for this part; and
 - (b) the recipient is taken to accept the gift, or that part of the gift, at the time it is used for an electoral purpose.
- (6) If the recipient is a councillor, a reference in subsection (4) or (5) to using a gift for an ***electoral purpose*** includes using the gift directly or indirectly for the recipient's duties as a councillor.
- (7) In this section—
uncharged interest, on a loan, means an amount that would have been payable on the loan if—
 - (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 a rate that is 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.

21 **Amendment of s 107A (Meaning of *fundraising contribution*)**

- (1) Section 107A(1), before 'venture'—
insert—

or other
- (2) Section 107A—

insert—

- (4) A ***fundraising contribution*** does not include an amount relating to the venture or function that is paid under a sponsorship arrangement.

22 Insertion of new s 107B

After section 107A—

insert—

107B Meaning of *sponsorship arrangement*

- (1) A ***sponsorship arrangement***, between a person (the ***sponsor***) and a registered political party that endorses a candidate in an election, is an arrangement—
- (a) that establishes a relationship of sponsorship, approval or association between the sponsor and the party, whether or not for commercial gain; or
 - (b) that confers a right on the sponsor to associate the sponsor, or the sponsor's goods or services, with—
 - (i) the party; or
 - (ii) a fundraising or other venture or event; or
 - (iii) a program or event associated with a venture or event mentioned in subparagraph (ii).
- (2) It does not matter whether or not the sponsor is entitled, under the arrangement—
- (a) to be acknowledged as a sponsor; or
 - (b) to advertising or marketing rights; or
 - (c) to supply the sponsor's goods or services; or

- (d) to another benefit, including, for example, entry to a particular event or function.

23 Replacement of s 108 (Meaning of *value* of gifts)

Section 108—

omit, insert—

108 Meaning of *value* of gift

- (1) The *value* of a gift is the amount stated in, or worked out under, this section.
- (2) The value of a gift of money is the amount of money given.
- (3) The value of a gift of property other than money is—
 - (a) the market value of the property; or
 - (b) if a regulation prescribes principles under which the value of the property is to be decided—the value decided under the principles.
- (4) The value of a gift of the provision of a service is—
 - (a) the amount that would reasonably be charged for providing the service if the service were provided on a commercial basis; or
 - (b) if a regulation prescribes principles under which the amount that would reasonably be charged for providing the service is to be decided—the amount decided under the principles.
- (5) The value of a gift of an amount of electoral expenditure incurred is the amount of the expenditure.
- (6) The value of a gift that is a fundraising

contribution is the gross amount of the contribution, regardless of the value of anything received in consideration for the contribution.

- (7) The value of a gift provided by a person to a registered political party that endorses a candidate in an election under a sponsorship arrangement is worked out—

- (a) as the amount paid, or value of the service provided, under the arrangement; and

Note—

See subsection (4) for working out the value of a service provided.

- (b) regardless of the value of the goods, services or other benefits provided to the person under the arrangement.

- (8) The value of a gift of an amount of uncharged interest on a loan is the amount of interest that would have been payable on the loan if interest on the loan were calculated annually, as simple interest, and at the official cash rate for the day the loan was made plus 3% a year, less any amount of interest paid on the loan.

- (9) The value of a gift of an amount forgiven on a loan is the total amount the debtor is no longer required to pay under the loan because the amount has been forgiven, including, for example, amounts of principal, interest, fees or other charges, whether or not—

- (a) the loan is legally enforceable; and

- (b) the forgiveness of the amount is legally enforceable.

- (10) If consideration is given for a gift made, other than a gift mentioned in subsection (6) or (7), the value of the gift is reduced by the amount or value of the consideration given.

(11) In this section—

uncharged interest, on a loan, see section 107(7).

24 Insertion of new ss 109A–109G

After section 109—

insert—

109A Meaning of *electoral expenditure*

- (1) *Electoral expenditure* is 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.
- (3) For subsection (2)(a) and (b), it does not matter whether section 177 applies to the material.
- (4) However, *electoral expenditure* does not include—
 - (a) expenditure incurred substantially for or related to the election of—
 - (i) members of the Parliament of the State or another State or the Commonwealth; or
 - (ii) councillors (however described) of a local government of another State; or
 - (b) expenditure on factual advertising about a matter that relates mainly to the administration of a registered political party that endorses a candidate in an election, including, for example, a meeting of a branch, division or committee of the party—
 - (i) for an organisational purpose; or
 - (ii) to select a candidate to nominate for election; or
 - (c) expenditure on 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 for an election 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 for an election 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

- (7) Also, ***electoral expenditure*** incurred by or for a councillor of a local government does not include expenditure of a kind for which the councillor is entitled to receive an allowance or entitlement.
- (8) An amount of electoral expenditure is inclusive of GST.
- (9) In this section—

allowance or entitlement, for a councillor of a local government, means an allowance or entitlement the councillor is entitled to under the local government's expenses reimbursement policy.

expenses reimbursement policy, in relation to a local government, means a policy—

- (a) that the local government is required to adopt under the *Local Government Act 2009* or the *City of Brisbane Act 2010*; and
- (b) about the payment of expenses incurred or to be incurred by, and the provision of facilities to, councillors of the local government relating to the discharge of their duties and responsibilities as councillors.

109B Meaning of *campaign purpose*

- (1) Expenditure is incurred for a ***campaign purpose*** if the expenditure is incurred—

- (a) to promote or oppose a political party or group of candidates in relation to an election; or
 - (b) to promote or oppose the election of a candidate; or
 - (c) to 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, candidates or groups of candidates who advocate, or do not advocate, a particular policy or issue; or
 - (ii) political parties, candidates or groups of 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, a candidate in the election or a group of candidates for the election; or
 - (ii) in relation to a local government's area or a division of a local government's area;
 - (c) expresses a particular position on a policy, issue or opinion—
 - (i) if the position is publicly associated with a political party, candidate or group of candidates; and

- (ii) whether or not, in expressing the position, the party, candidate or group is mentioned.

109C Meaning of *gifted* for electoral expenditure

- (1) An amount of electoral expenditure incurred by a person is ***gifted*** to a participant in an election if—
 - (a) the expenditure benefits the participant; and
 - (b) any of the following applies—
 - (i) the expenditure is incurred with the authority or consent of the participant;
 - (ii) relevant material resulting from the expenditure is accepted by the participant;
 - (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.
- (2) If an amount of electoral expenditure mentioned in subsection (1) (the ***total amount***) is incurred under an arrangement between 2 or more participants in the election, the amount gifted to any 1 of the participants is the amount equal to the total amount divided by the number of participants who are parties to the arrangement.
- (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 also section 109E for when electoral expenditure is incurred generally.
- 2 See also section 123U in relation to electoral expenditure incurred by a participant in an election that benefits another participant in the election.

109D Participant taken to have incurred gifted electoral expenditure

- (1) If electoral expenditure incurred by a person is gifted to a participant in an election, the participant is taken to have incurred the electoral expenditure.
- (2) Section 109E applies for determining when gifted electoral expenditure is incurred.

109E When electoral expenditure is incurred generally

- (1) For this part, electoral expenditure is incurred when the goods or services for which the expenditure is incurred are supplied or provided, regardless of when the amount of the expenditure is invoiced or paid.
- (2) Without limiting subsection (1)—
 - (a) expenditure on advertising is incurred when the advertisement is first broadcast or published; and
 - (b) expenditure on the production and distribution of relevant material is incurred when the material is first distributed; and
 - (c) expenditure of another kind is incurred at the time prescribed by regulation.
- (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 for an election 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 the capped expenditure period for an election, 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.

109F When electoral expenditure is incurred for particular purposes

- (1) This section applies in relation to incurring electoral expenditure for the purpose of working out when—
 - (a) a person becomes a candidate in an election; or
 - (b) a registered political party has endorsed a candidate in an election; or
 - (c) another entity becomes a participant in an election; or
 - (d) a disclosure period under section 106A starts.
- (2) Despite section 109E, the electoral expenditure is taken to be incurred when a transaction to incur the expenditure is entered into, regardless of

when—

- (a) the amount of the expenditure is invoiced or paid; or
 - (b) the obligation to pay for the expenditure arises; or
 - (c) the goods or services for which the expenditure is incurred are supplied or provided.
- (3) However, this section does not affect the operation of section 109E in relation to the electoral expenditure for any other purpose under this part.

109G When candidate is *endorsed* by registered political party

For this part, a candidate is *endorsed* by a registered political party for an election if—

- (a) any of the following has happened—
 - (i) the party has publicly announced the party's intention to endorse the candidate in the election;
 - (ii) the party has started to incur electoral expenditure for the benefit of the candidate for the election;
 - (iii) the party has otherwise endorsed the candidate in the election under the party's constitution; and
- (b) the registered officer of the party has not given notice under section 31 or 135A of the withdrawal of the endorsement.

25 Amendment of s 111 (Agents and campaign committees)

Section 111, heading—

omit, insert—

111 Persons acting on behalf of candidates and groups of candidates

26 Replacement of ss 112–112B

Sections 112 to 112B—

omit, insert—

112 Related corporations

For this part—

- (a) corporations that are related to each other are taken to be the same person; and
- (b) the question whether a corporation is related to another corporation must be decided in the same way as the question whether a corporation is related to another corporation is decided under the Corporations Act.

112A Related political parties

For this part, 2 political parties are related political parties if—

- (a) 1 is a part of the other; or
- (b) both are parts of the same political party.

112B Application to unincorporated bodies

- (1) This section applies in relation to any of the following entities that are unincorporated bodies—
 - (a) a registered political party;
 - (b) a third party;
 - (c) an associated entity of—

- (i) a registered political party that endorses a candidate in an election; or
 - (ii) a candidate in an election; or
 - (iii) a group of candidates for an election.
- (2) This part, and part 9, division 5, apply in relation to the unincorporated body as if it were a person.
- (3) An obligation or liability that, apart from this subsection, would be imposed under this part or part 9, division 5 on the unincorporated body, is imposed on each member of the executive committee (however described) of the body, but may be discharged by any of the members of the executive committee.
- (4) An amount that, apart from this subsection, would be payable under this part or part 9, division 5 by the unincorporated body is jointly and severally payable by the members of the executive committee (however described) of the body.
- (5) An offence against a provision of this part or part 9, division 5 that, apart from this subsection, would be committed by the unincorporated body is taken to have been committed by each member of the executive committee (however described) of the body who—
 - (a) authorised or permitted the conduct that would have constituted the offence; or
 - (b) was, directly or indirectly, knowingly concerned in the conduct that would have constituted the offence.

Maximum penalty—the penalty for a contravention of the provision by an individual.

- (6) This section does not affect the liability, under the Criminal Code, chapter 2, of any person, whether or not the person is a member of the executive committee (however described) of the

unincorporated body, for an offence against this part or part 9, division 5.

- (7) A reference in this part to a gift or loan made, expenditure incurred or something else done by a person includes a reference to a gift or loan made, expenditure incurred or other thing done by a person acting—
 - (a) on behalf of the unincorporated body; and
 - (b) under the body's actual or apparent authority.
- (8) Also, a reference in this part to a gift or loan made to a person includes a reference to the gift or loan being made for the benefit of the members of the unincorporated body.

112C Associated entity to be treated as part of registered political party

- (1) If a registered political party that endorses a candidate in an election has an associated entity, divisions 4 and 5 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) the dedicated account of the party were the dedicated account of the associated entity; and
 - (d) electoral expenditure incurred by or for the associated entity were incurred by or for the party.

Note—

See also sections 118AA, 120A, 124 and 125A about disclosure obligations imposed on the associated entity.

- (2) An entity is an *associated entity* of a registered

political party that endorses a candidate in an election if the entity—

- (a) is controlled by the party or endorsed candidates of the party; or
 - (b) operates wholly, or to a significant extent, for the benefit of the party or endorsed candidates of the party; or
 - (c) operates for the dominant purpose of—
 - (i) promoting the party in elections; or
 - (ii) promoting endorsed candidates of the party in an election.
- (3) However, an *associated entity* of a registered political party that endorses a candidate in an election does not include—
- (a) a candidate endorsed by the party for the 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—
- endorsed candidates*, of a registered political party that endorses a candidate in an election, means 2 or more candidates endorsed by the party for the election.

112D Associated entity to be treated as part of candidate

- (1) If a candidate in an election has an associated entity, divisions 4 and 5 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 dedicated account of the candidate were the dedicated account of the associated entity; and
- (e) electoral expenditure incurred by or for the associated entity were incurred by or for the candidate.

Note—

See also sections 118AA, 120A, 124, 125A and 125G about disclosure obligations imposed on the associated entity.

- (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 that endorses a candidate in the election under section 112C because the entity—
 - (i) is controlled by endorsed candidates of the party; or

- (ii) operates wholly or to a significant extent for the benefit of endorsed candidates of the party; or
 - (iii) operates for the dominant purpose of promoting endorsed candidates of the party; and
- (b) the candidate is 1 of the candidates endorsed by the party for the election.
- (4) Also, an *associated entity* of a candidate in an election does not include an entity if—
 - (a) the entity is an associated entity of a group of candidates under section 112E because the entity—
 - (i) is controlled by the group; or
 - (ii) operates wholly or to a significant extent for the benefit of the group; or
 - (iii) operates for the dominant purpose of promoting the group; and
 - (b) the candidate is a member of the group.
- (5) Further, an *associated entity* of a candidate in an election does not include—
 - (a) for a candidate who is endorsed by a registered political party for the election—another candidate who is endorsed by the registered political party; or
 - (b) for a candidate who is a member of a group of candidates for the election—another candidate who is a member of the group; or
 - (c) a committee formed to help the candidate's election campaign in the election.
- (6) In this section—
endorsed candidates, of a registered political party that endorses a candidate in an election, see

section 112C(4).

**112E Associated entity to be treated as part of
group of candidates**

- (1) If a group of candidates for an election has an associated entity, divisions 4 and 5 apply as if—
 - (a) the associated entity and the group together constituted the group; and
 - (b) a reference to the group 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 group; and
 - (d) the dedicated account of the group were the dedicated account of the associated entity; and
 - (e) electoral expenditure incurred by or for the associated entity were incurred by or for the group.

Note—

See also sections 118AA, 120A, 124, 125A and 125G about disclosure obligations imposed on the associated entity.

- (2) An entity is an ***associated entity*** of a group of candidates for an election if the entity—
 - (a) is controlled by the group in relation to the election; or
 - (b) operates wholly, or to a significant extent, for the benefit of the group in relation to the election; or
 - (c) operates for the dominant purpose of promoting the group in the election.
- (3) However, an ***associated entity*** of a group of

candidates for an election does not include—

- (a) a candidate who is a member of the group;
or
- (b) a committee formed to help the election
campaign of members of the group in the
election.

27 Amendment of s 113A (Meaning of *political donation*)

- (1) Section 113A(1)(a)(ii) and (iii)—

omit, insert—

- (ii) a candidate in an election; or
- (iii) a group of candidates for an election;

- (2) Section 113A(1)(c), ‘other than a financial institution’—

omit.

- (3) Section 113A(2) and (3)—

omit.

- (4) Section 113A(4), ‘section 107(4)(b)’—

omit, insert—

section 107(3)(b)

- (5) Section 113A(5), ‘section 107(4)(c)’—

omit, insert—

section 107(3)(c)

- (6) Section 113A(6)—

omit.

- (7) Section 113A(4) and (5)—

renumber as section 113A(2) and (3).

28 Insertion of new pt 6, div 2

Part 6—

insert—

Division 2 Agents

114 Agent of registered political party

- (1) A registered political party that endorses a candidate in an election must appoint a person to be the agent of the party, for this part, for the election.
- (2) The registered political party must appoint a person as the party's agent for an election under subsection (1) as soon as practicable after the party becomes a participant in the election by endorsing a candidate in the election.

115 Agent of candidate

- (1) A candidate in an election may appoint a person to be the agent of the candidate, for this part, for the election.
- (2) During any period for which no appointment is in effect under subsection (1), the candidate is taken to be the candidate's own agent for this part for the election.

116 Agent of group of candidates

A group of candidates for an election must appoint a person to be the agent of the group, for this part, for the election.

Note—

See also section 42(5)(f).

116A Agent of registered third party

- (1) A registered third party for an election who is not an individual must appoint a person to be the

agent of the third party, for this part, for the election.

Note—

See also section 127F(2)(c).

- (2) A registered third party for an election who is an individual may appoint a person to be the agent of the third party, for this part, for the election.
- (3) During any period for which no appointment is in effect under subsection (2), the third party is taken to be the third party's own agent for this part for the election.

116B Agent of unregistered third party

- (1) A third party that is not registered for an election may appoint a person to be the third party's agent, for this part, for the election.
- (2) If the third party is an individual, during any period for which no appointment is in effect under subsection (1), the third party is taken to be the third party's own agent for this part for the election.

116C Requirements for registration

- (1) The appointment of a person as an agent has no effect unless—
 - (a) the person is an adult; and
 - (b) the person has—
 - (i) consented to the appointment in writing; and
 - (ii) signed a declaration that the person is eligible for appointment; and
 - (c) the electoral commission is given written notice of the appointment that—

- (i) states the person's name and address;
and
 - (ii) includes or is accompanied by the
consent and declaration mentioned in
paragraph (b); and
 - (iii) for the appointment of an agent of a
group of candidates—is signed by each
candidate who is a member of the
group; and
- (d) the person's name is included in the register
of agents.
- (2) A person is not eligible to be appointed, or to hold
office, as an agent for this part if the person has
been convicted of an offence against section
43C(4), this part or part 9, division 5.

116D Register of agents

- (1) The electoral commission must keep a register
called the register of agents.

Note—

See section 135B for the requirement to make
information from the register available for public
inspection.

- (2) The register of agents must include the name and
address of each person appointed as the agent of
the following, for this part, for an election—
 - (a) a registered political party that endorses a
candidate in the election;
 - (b) a candidate in the election;
 - (c) a group of candidates for the election;
 - (d) a third party for the election.
- (3) The register of agents may be kept in the way, and
in the form, the electoral commission considers
appropriate.

- (4) An entry in the register of agents about a person appointed as the agent of an entity mentioned in subsection (2), for this part, for an election, is evidence that the person is the agent of the entity for the election.

116E Registration of agent

- (1) The appointment of a person as an agent, for this part, for an election—
 - (a) takes effect when the person's name is entered in the register of agents; and
 - (b) continues until the person's obligations as an agent under this part for the election end, unless the appointment ends sooner under subsection (2).

Note—

A person's obligations as a candidate's agent under this part may end after the election to which the appointment relates, whether or not the candidate is elected at the election.

- (2) The appointment of a person as an agent, for this part, for an election, ends when—
 - (a) the person resigns the person's appointment as agent; or
 - (b) the entity that appointed the person revokes the person's appointment; or
 - (c) the person dies; or
 - (d) the person is convicted of an offence against section 43C(4), this part or part 9, division 5.
- (3) A person's name must not be removed from the register of agents unless—

- (a) the person gives the electoral commission written notice that the person has resigned the person's appointment as agent; or
 - (b) the entity that appointed the person gives the electoral commission written notice that the person's appointment has been revoked; or
 - (c) the person dies; or
 - (d) the person is convicted of an offence against section 43C(4), this part or part 9, division 5; or
 - (e) if the entity that appointed the person is a registered political party or registered third party—the entity's registration is cancelled.
- (4) If a person's appointment as the agent of an entity ends under subsection (2), the entity must, within 28 days after the person's appointment ends, give the electoral commission—
 - (a) a written notice that states—
 - (i) the person's appointment has ended; and
 - (ii) the day the appointment ended; and
 - (iii) the reason the appointment ended; and
 - (b) if the entity is required to have an agent under this division—a written notice under section 116C(1)(c) of the appointment of another person as the entity's agent.
- (5) A written notice given to the electoral commission under subsection (3)(b) by a group of candidates must be signed by each candidate who is a member of the group.

116F Responsibility for action in absence of agent

- (1) This section applies if—

- (a) a provision of this part imposes an obligation on the agent of—
 - (i) a registered political party that endorses a candidate in an election; or
 - (ii) a group of candidates for an election; or
 - (iii) a third party who is not an individual, whether or not the third party is registered for an election; and
 - (b) the entity does not have an agent for this part for the election.
- (2) For a registered political party or a third party, each member of the executive committee (however described) of the registered political party or third party is responsible for complying with the obligation as if the provision applied to the member of the committee.
 - (3) For a group of candidates, each member of the group is responsible for complying with the obligation as if the provision applied to the member of the group.

116G Agent's obligation to ensure compliance

- (1) The agent of a participant in an election must take all reasonable steps—
 - (a) to inform the participant, and each person the participant authorises to act for the participant under divisions 4 and 5, about the obligations that apply to the participant and person under divisions 4 and 5; and
 - (b) to establish and maintain appropriate systems to support the participant and person to comply with the obligations.

Maximum penalty—100 penalty units.

- (2) If a participant in an election has an associated entity, the agent of the participant must take all reasonable steps—
- (a) to inform the associated entity, and each person the associated entity authorises to act for it under divisions 4 and 5, about the obligations that apply to the associated entity and person under divisions 4 and 5; and
 - (b) to 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 a participant in an election to do a thing mentioned in subsection (1) or (2) are reasonable, a court must consider the amount of electoral expenditure incurred, or expected to be incurred, by—
- (a) the participant; and
 - (b) if the participant has an associated entity—the associated entity.
- (4) Subsection (5) applies in relation to the agent of—
- (a) a registered political party that endorses a candidate in an election; or
 - (b) a third party for an election; or
 - (c) any of the following participants that has an associated entity—
 - (i) a registered political party that endorses a candidate in an election;
 - (ii) a candidate in an election;
 - (iii) a group of candidates for an election.
- (5) In deciding whether steps taken by the agent of the participant to do a thing mentioned in

subsection (1) or (2) are reasonable, a court must consider—

- (a) the number of members and employees of the registered political party, third party or associated entity; and
- (b) the number of people authorised to act for the registered political party, candidate, group of candidates or associated entity.

Note—

See section 127O about keeping records.

29 Amendment of s 117 (Gifts to candidates)

- (1) Section 117(2), before ‘candidate’—

insert—

agent of the

- (2) Section 117(4), ‘candidate must’—

omit, insert—

agent of a candidate in an election must

- (3) Section 117(6)—

omit, insert—

- (6) The agent of a candidate need not comply with subsection (4) if—

- (a) the agent gives the electoral commission a return, in the approved form, before the candidate makes the declaration of office under the *Local Government Act 2009*, section 169 or the *City of Brisbane Act 2010*, section 169 and the return states—

- (i) the candidate does not expect to receive gifts during the candidate’s disclosure period for the election after the return is given; and

- (ii) the agent will give returns under this section if gifts are received during the candidate's disclosure period for the election after the return is given; and
 - (b) the candidate does not receive gifts during the candidate's disclosure period for the election after the return is given.
- (4) Section 117(7), after 'from'—
insert—
the agent of
- (5) Section 117(8), after 'apply'—
insert—
in relation

30 Amendment of s 118 (Gifts to groups of candidates)

- (1) Section 118(3)(b)(i), 'forming'—
omit, insert—
who are members of
- (2) Section 118(4), after 'agent'—
insert—
of a group of candidates
- (3) Section 118(4)—
insert—
Note—
See also section 43E in relation to candidates who have stopped being members of a group of candidates and section 43F in relation to groups of candidates that have been wound up.
- (4) Section 118(6), 'with this section'—
omit, insert—
with subsection (4)

- (5) Section 118(6)(a), after ‘section 169’—

insert—

or the *City of Brisbane Act 2010*, section 169

- (6) Section 118(7)—

omit, insert—

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

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

31 Insertion of new s 118AA

After section 118—

insert—

118AA Gifts to associated entities of candidates or groups of candidates

- (1) Subsection (2) applies if—
- (a) an entity receives a gift—
 - (i) during a reporting period; and
 - (ii) when the entity is an associated entity of a candidate in an election or a group of candidates for an election; and
 - (b) the value of the gift is equal to or more than \$500.
- (2) The financial controller of the associated entity must give the electoral commission a return about

the gift on or before the disclosure deadline for the return.

- (3) Each return must—
 - (a) be in the approved form; and
 - (b) state the relevant details for the gift.
- (4) For subsection (1), the value of a gift is taken to include the value of all other gifts previously given to the associated entity by the same entity during the reporting period.

32 Amendment of s 118A (Gifts to third parties to enable political expenditure)

Section 118A(6), definition *political expenditure*—
omit, insert—

political expenditure, for an election, means expenditure that is comprised of—

- (a) electoral expenditure; or
- (b) a gift made to or for the benefit of—
 - (i) a registered political party that endorses a candidate in the election; or
 - (ii) a candidate in the election; or
 - (iii) a group of candidates for the election, a member of the group or a person acting on behalf of the group; or
- (c) a gift made to another person on the understanding that the person, or another person, uses the gift (directly or indirectly) to incur expenditure mentioned in paragraph (a) or (b).

33 Insertion of new s 118B

After section 118A—

insert—

118B Gifts made by third parties

- (1) This section applies if a third party for an election, during the third party's disclosure period for the election, makes a gift of a value equal to or more than \$500—
 - (a) to or for the benefit of—
 - (i) a registered political party that endorses a candidate in the election; or
 - (ii) a candidate in the election; or
 - (iii) a group of candidates for the election, a member of the group or a person acting on behalf of the group; or
 - (b) to another person on the understanding that the person, or another person, uses the gift (directly or indirectly)—
 - (i) to incur electoral expenditure; or
 - (ii) to make a gift to or for the benefit of a person mentioned in paragraph (a)(i), (ii) or (iii).
- (2) The third party must give the electoral commission a return about the gift on or before the disclosure deadline for the return.
- (3) Each return must—
 - (a) be in the approved form; and
 - (b) state—
 - (i) the value of the gift; and
 - (ii) when the gift was made; and
 - (iii) the name of the entity to whom, or for whose benefit, the gift was made; and

- (iv) if the third party is not the source of the gift, the relevant details for the gift mentioned in section 109(2).
- (4) Also, the third party must give the electoral commission a return, in the approved form, within the required period for the election about the total value of the gifts made by the third party during the third party's disclosure period for the election.
- (5) For subsection (1), a gift made by the third party for 2 or more elections is taken to have been made by the third party for each of the elections.
- (6) Also, for subsection (1), the value of a gift is taken to include the value of all other gifts previously made by the third party during the third party's disclosure period for the election to or for the benefit of the same entity.

34 Insertion of new ss 119A and 119B

After section 119—

insert—

119A How subdivision applies to gifts that are returned within 6 weeks

- (1) Subject to subsection (2), this subdivision does not apply to a gift that is returned in full within 6 weeks after its receipt.
- (2) If the gift is returned in full within 6 weeks after its receipt, any return under this subdivision that includes the value of the gift must also include a statement to the effect that the gift was returned.

119B How subdivision applies to particular gifts used for electoral purposes

- (1) This section applies in relation to a gift, to the extent section 107(5) applies to the gift.

Note—

Section 107(5) deals with a gift made in a private capacity for the recipient's personal use if the gift, or part of the gift, is later used for an electoral purpose.

- (2) The person who made the gift is not required to comply with a requirement under this subdivision to give the electoral commission a return about the gift.
- (3) A return about the gift given under this subdivision by the person who received the gift must state—
 - (a) that, when the gift was made—
 - (i) it was made in a private capacity for the recipient's private use; and
 - (ii) the recipient did not intend to use the gift for an electoral purpose; and
 - (b) the gift was used for the electoral purpose; and
 - (c) the day on which the gift was used for the electoral purpose.
- (4) In this section—
electoral purpose see section 107(6).

35 Amendment of s 120 (Loans to candidates or groups of candidates)

- (1) Section 120(2), before 'candidate'—
insert—
agent of the
- (2) Section 120(4), 'agent for'—
omit, insert—
agent of
- (3) Section 120(5)—

omit.

- (4) Section 120(7), ‘candidate or agent’—

omit, insert—

agent of a candidate in an election or group of
candidates for an election

- (5) Section 120(7)—

insert—

Note—

See also section 43E in relation to candidates who have
stopped being members of a group of candidates and
section 43F in relation to groups of candidates that have
been wound up.

- (6) Section 120(9)—

omit, insert—

- (9) Subsection (9) applies if the electoral commission
receives a return under subsection (6) from—

- (a) the agent of a candidate who is successful in
the election; or
- (b) the agent of a group of candidates, any of
whose members are successful in the
election.

- (7) Section 120(10)(b)—

omit, insert—

- (b) if the return is received from the agent of a
group of candidates—each successful
candidate who is a member of the group.

- (8) Section 120(6) to (10)—

renumber as section 120(5) to (9).

36 Insertion of new s 120A

After section 120—

insert—

120A Loans to associated entities of candidates or groups of candidates

- (1) This section applies if an entity—
 - (a) receives a loan—
 - (i) during a reporting period; and
 - (ii) when the entity is an associated entity of a candidate in an election or a group of candidates for an election; and
 - (b) the amount of the loan is equal to or more than \$500.
- (2) The financial controller of the associated entity must give the electoral commission a return about the loan on or before the disclosure deadline for the return.
- (3) Each return must—
 - (a) be in the approved form; and
 - (b) state the relevant details for the loan.
- (4) For subsection (1), the amount of a loan is taken to include the amount of all other loans previously given to the associated entity by the same entity during the reporting period.

37 Amendment of s 121 (Particular loans not to be received)

- (1) Section 121(1) and (2), ‘, other than a financial institution,’—
omit.
- (2) Section 121(3)(b), ‘other than a financial institution’—
omit.

38 Amendment of s 121B (Donor must disclose source of gift or loan)

Section 121B(1)(a)—

omit, insert—

- (a) makes a gift of a value of \$500 or more, or a loan of \$500 or more, to—
 - (i) a registered political party that endorses a candidate in an election; or
 - (ii) a candidate in an election; or
 - (iii) a group of candidates for an election; or
 - (iv) an associated entity of a registered political party that endorses a candidate in an election or of a candidate in an election or a group of candidates for an election; or

39 Amendment of s 121C (Recovery of prohibited gifts or loans)

- (1) Section 121C(2), before paragraph (a)—

insert—

- (aa) if the recipient is a candidate—the candidate or the candidate’s agent; or

- (2) Section 121C(2)(aa) to (b)—

renumber as section 121C(2)(a) to (c).

40 Replacement of ss 122 and 122A

Sections 122 and 122A—

omit, insert—

122 Requirement to notify the public about disclosure obligations

- (1) This section applies if any of the following persons are required, under this division, to give the electoral commission a return about a gift or loan—
 - (a) the agent of a candidate in an election;
 - (b) the agent of a group of candidates for an election;
 - (c) the financial controller of an associated entity of a candidate in an election or a group of candidates for an election;
 - (d) a third party for an election to whom section 118A applies for the election.
- (2) The person must take reasonable steps to notify the public that the person is required—
 - (a) to give the return to the electoral commission; and
 - (b) to state the relevant details for the gift or loan in the return.

Examples of reasonable steps—

- publishing a notice on a website
- including a notice in a brochure distributed in the local government area or division of a local government area for which a candidate has been nominated for election

Maximum penalty—1 penalty unit.

- (3) A notification under subsection (2) must include a fair summary of the provisions under which the requirement arises.

122A Requirement to notify third party of obligation to give return under s 118B

- (1) This section applies if—

- (a) a gift is made to or for the benefit of a candidate or group of candidates that is—
 - (i) of a value equal to or more than \$500; and
 - (ii) comprised of a gift mentioned in section 118B(1) made by a third party for an election; or
 - (b) a gift mentioned in section 118A(1)(a) is made to or for the benefit of a third party for the election by another third party for the election.
- (2) Within 7 business days after the gift is received by the recipient, the agent of the candidate or group of candidates, or the third party to or for whose benefit the gift was made, must give the third party who made the gift a notice that states the third party may be required, under section 118B, to give a return about the gift.

Maximum penalty—20 penalty units.

41 Replacement of pt 6, div 4

Part 6, division 4—

omit, insert—

Division 4 Caps on electoral expenditure

Subdivision 1 Preliminary

123 Definitions for division

In this division—

expenditure cap, for an election, in relation to a participant in the election, see section 123B.

maximum amount, for an election, means the amount worked out by using the following formula and rounding the result to the nearest \$10 (rounding one-half upwards)—

$$M = (A \times B) + (C \times D)$$

where—

A is the amount of an individual candidate's expenditure cap for the election under section 123D.

B is—

- (a) if the office of mayor is to be filled in the election—1; or
- (b) otherwise—0.

C is the amount of an individual candidate's expenditure cap for the election under section 123E.

D is the total number of vacant offices of councillors, other than mayor, to be filled in the election.

M is the maximum amount for the election.

number of enrolled electors, for an election, see section 123S(1).

relevant day, for an election, see section 123S(3) and (4).

123A Meaning of *capped expenditure period*

- (1) The ***capped expenditure period***, for an election, starts—
 - (a) for a quadrennial election—on the first business day after the last Saturday in August that occurs in the year immediately before the year in which the quadrennial election must be held under section 23(1); or

- (b) for a by-election—on the day notice of the day of the by-election is published on the electoral commission’s website under section 24(3); or
 - (c) for a fresh election—
 - (i) if, when notice of the election is published on the electoral commission’s website under section 25(1), the capped expenditure period for a quadrennial election has started under paragraph (a) or subsection (2)—on the day the capped expenditure period started; or
 - (ii) otherwise—on the day notice of the election is published on the electoral commission’s website under section 25(1).
- (2) However, if before the day mentioned in subsection (1)(a) for a quadrennial election a regulation fixes a day for the quadrennial election under section 23(3), the ***capped expenditure period*** for the quadrennial election starts on a day prescribed by regulation for this subsection.
- (3) 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 52A(3) or 53(1)—the day the adjourned poll is held.
- (4) Subsection (3)(b) applies despite section 53(6).

123B Expenditure caps for participants

A participant’s ***expenditure cap*** for an election is the amount mentioned in subdivision 2, 3, 4 or 5 for the participant for the election.

123C How expenditure caps apply in local government areas and divisions

- (1) This section provides for how an expenditure cap for an election applies or is worked out for this division in relation to a participant in the election other than a third party that is not registered for the election.
- (2) If the election is a quadrennial election, an expenditure cap for the election applies, and is worked out, separately for each local government area.

Example—

A registered political party endorses 2 candidates, X and Y, in local government A and 1 candidate, Z, in local government B for a quadrennial election. An expenditure cap would apply and be worked out for the party and candidates X and Y in relation to local government A for the election. Also, an expenditure cap would apply and be worked out for the party and candidate Z in relation to local government B for the election.

- (3) If the election is a fresh election, an expenditure cap for the election applies separately for each local government area.
- (4) If the election is a by-election to fill a vacancy in the office of mayor of a local government, an expenditure cap for the election applies for the local government's area.
- (5) If the election is a by-election to fill a vacancy in the office of a councillor (other than mayor), an expenditure cap for the election applies separately for each local government area or, for a local government area that is divided, each division of the area.
- (6) An expenditure cap that applies for 1 local government area or a division of a local government area under this section can not be aggregated with an expenditure cap that applies

for another local government area or division.

Subdivision 2 Amount of expenditure cap—individual candidates

123D Individual candidates for mayor

- (1) This section applies for an individual candidate for election as mayor of a local government.
- (2) If the local government is the Brisbane City Council, the individual candidate's expenditure cap for the election is \$1.3m.
- (3) For a local government other than the Brisbane City Council, the individual candidate's expenditure cap for the election is—
 - (a) if the number of enrolled electors for the election is not more than 30,000—\$30,000; or
 - (b) if the number of enrolled electors for the election is more than 30,000 but not more than 150,000—the amount worked out by—
 - (i) multiplying the number of enrolled electors for the election by \$1; and
 - (ii) rounding the result to the nearest \$10 (rounding one-half upwards); or
 - (c) if the number of enrolled electors for the election is more than 150,000 but not more than 200,000—the amount worked out by using the following formula and rounding the result to the nearest \$10 (rounding one-half upwards)—

$$E = A + (B \times (C - D))$$

where—

A is \$150,000.

B is \$0.50.

C is the number of enrolled electors for the election.

D is 150,000.

E is the expenditure cap; or

- (d) if the number of enrolled electors for the election is more than 200,000—the amount worked out by using the following formula and rounding the result to the nearest \$10 (rounding one-half upwards)—

$$E = F + (G \times (H - I))$$

where—

E is the expenditure cap.

F is \$175,000.

G is \$0.25.

H is the number of enrolled electors for the election.

I is 200,000.

- (4) However, if a monetary amount stated in subsection (2) or (3) has been adjusted under section 123Q, the monetary amount is the amount most recently published by the electoral commission under section 123Q(6).

123E Individual candidates for councillor (other than mayor)

- (1) This section applies for an individual candidate for election as a councillor, other than mayor, of a local government.

- (2) If the local government is the Brisbane City Council, the individual candidate's expenditure cap for the election is \$55,000.
- (3) For a local government other than the Brisbane City Council, the individual candidate's expenditure cap for the election is—
 - (a) if the number of enrolled electors for the election is 20,000 or less—\$15,000; or
 - (b) if the number of enrolled electors for the election is more than 20,000 but less than 40,000—the amount worked out by—
 - (i) multiplying the number of enrolled electors for the election by \$0.75; and
 - (ii) rounding the result to the nearest \$10 (rounding one-half upwards); or
 - (c) if the number of enrolled electors for the election is 40,000 or more—\$30,000.
- (4) However, if a monetary amount stated in subsection (2) or (3) has been adjusted under section 123Q, the monetary amount is the amount most recently published by the electoral commission under section 123Q(6).

Subdivision 3 Amount of expenditure cap—registered political parties and endorsed candidates

123F Amount of expenditure cap—general

- (1) This section applies to—
 - (a) a registered political party that endorses 1 or more candidates in an election; and

- (b) each candidate who is, at any time during the capped expenditure period for the election, endorsed by the party for the election (each an *endorsed candidate*).
- (2) The expenditure cap for the registered political party, and each endorsed candidate, for the election is the sum of the individual capped amounts for each of the endorsed candidates, up to the maximum amount for the election.
- (3) The expenditure cap under this section is shared by the registered political party and each endorsed candidate.
- (4) In this section—
individual capped amount, for a candidate endorsed by a registered political party for an election, means the amount that would be the candidate's expenditure cap under subdivision 2 if the candidate were an individual candidate.

123G New endorsement of candidate

- (1) This section applies if, during the capped expenditure period for an election, a person becomes a candidate who is endorsed by a registered political party for the election.
- (2) For this division, electoral expenditure previously incurred by the person during the capped expenditure period is taken to have been incurred by the person as a candidate endorsed by the registered political party for the election.
- (3) This section applies subject to sections 123H(3) and 123K(3).

123H Ending of endorsement of candidate

- (1) This section applies if, during the capped expenditure period for an election, a candidate

who is endorsed by a registered political party (the **relevant party**) for the election stops being endorsed by the party for the election.

Examples—

- the relevant party withdraws its endorsement of the candidate
 - the candidate withdraws their agreement to the candidate's nomination under section 30
- (2) The ending of the endorsement by the relevant party of the previously endorsed candidate for the election is the **relevant event**.
- (3) For this division, electoral expenditure that was incurred by the previously endorsed candidate during the capped expenditure period before the relevant event occurred is taken to have been incurred by the relevant party.
- (4) Despite section 123F, the expenditure cap for the relevant party, and each continuing candidate, for the election is the amount worked out by using the following formula and rounding the result to the nearest \$10 (rounding one-half upwards)—

$$E = A - B$$

where—

A is the greater of—

- (a) the amount of the expenditure cap under section 123F for the relevant party, and each candidate who was endorsed by the party, for the election immediately before the relevant event occurred; or
- (b) the amount that would have been the expenditure cap mentioned in paragraph (a) if the maximum amount for the election had not applied.

B is the amount of the previously endorsed candidate's expenditure cap as an individual

candidate for the election under subsection (7).

E is the expenditure cap.

- (5) However, the expenditure cap for the relevant party, and each continuing candidate for the election, can not be more than the maximum amount for the election.
- (6) The expenditure cap under subsection (4) is shared by the relevant party and each continuing candidate.
- (7) Despite subdivision 2, the previously endorsed candidate's expenditure cap as an individual candidate for the election is the amount worked out by using the following formula and rounding the result to the nearest \$10 (rounding one-half upwards)—

$$B = C - \frac{C}{D} \times F$$

where—

B is the expenditure cap.

C is the amount that would otherwise be the candidate's expenditure cap for the election under subdivision 2.

D is the greater of—

- (a) the amount of the expenditure cap under section 123F for the relevant party, and each candidate who was endorsed by the party, for the election immediately before the relevant event occurred; or
- (b) the amount that would have been the expenditure cap mentioned in paragraph (a) if the maximum amount for the election had not applied.

F is the amount of the electoral expenditure incurred, by the relevant party and each candidate

who was endorsed by the party, during the capped expenditure period for the election before the relevant event occurred.

(8) In this section—

continuing candidate, in relation to the relevant party, means a candidate who is endorsed by the party for the election immediately after the relevant event occurs.

Subdivision 4 Amount of expenditure cap—groups of candidates and members of groups

123I Amount of expenditure cap—general

(1) This section applies to—

- (a) a group of candidates for an election; and
- (b) each candidate who is, at any time during the capped expenditure period for the election, a member of the group (each a *group member*).

(2) The expenditure cap for the group of candidates, and each group member, for the election is the sum of the individual capped amounts for each of the group members, up to the maximum amount for the election.

(3) The expenditure cap under this section is shared by the group members.

(4) In this section—

individual capped amount, for a member of a group of candidates for an election, means the amount that would be the member's expenditure cap under subdivision 2 if the member were an individual candidate.

123J Addition of group member

- (1) This section applies if, during the capped expenditure period for an election, a person becomes a candidate who is a member of a group of candidates under section 42 or 43.
- (2) For this division, electoral expenditure previously incurred by the person during the capped expenditure period is taken to have been incurred by the person as a member of the group of candidates for the election.
- (3) This section applies subject to sections 123H(3) and 123K(3).

123K Removal of group member

- (1) This section applies if, during the capped expenditure period for an election, a candidate who is a member of a group of candidates for the election stops being a member of the group for the election under section 43 or 43A.
- (2) The removal of the candidate (the *previous group member*) from the group of candidates for the election is the *relevant event*.
- (3) For this division, electoral expenditure that was incurred by the previous group member during the capped expenditure period before the relevant event occurred is taken to have been incurred by the group of candidates.
- (4) Despite section 123I, the expenditure cap for the group of candidates, and each continuing group member, for the election is the amount worked out by using the following formula and rounding the result to the nearest \$10 (rounding one-half upwards)—

$$E = A - B$$

where—

A is the greater of—

- (a) the amount of the expenditure cap under section 123I for the group of candidates, and each candidate who was a member of the group, for the election immediately before the relevant event occurred; or
- (b) the amount that would have been the expenditure cap mentioned in paragraph (a) if the maximum amount for the election had not applied.

B is the amount of the previous group member's expenditure cap as an individual candidate for the election under subsection (7).

E is the expenditure cap.

- (5) However, the expenditure cap for the group of candidates, and each continuing group member, for the election can not be more than the maximum amount for the election.
- (6) The expenditure cap under subsection (4) is shared by the continuing group members.
- (7) Despite subdivision 2, the previous group member's expenditure cap as an individual candidate for the election is the amount worked out by using the following formula and rounding the result to the nearest \$10 (rounding one-half upwards)—

$$B = C - \frac{C}{D} \times F$$

where—

B is the expenditure cap.

C is the amount that would otherwise be the candidate's expenditure cap for the election under subdivision 2.

D is the greater of—

- (a) the amount of the expenditure cap under section 123I for the group of candidates, and each candidate who was a member of the group, for the election immediately before the relevant event occurred; or
- (b) the amount that would have been the expenditure cap mentioned in paragraph (a) if the maximum amount for the election had not applied.

F is the amount of the electoral expenditure incurred, by the group of candidates and each candidate who was a member of the group, during the capped expenditure period for the election before the relevant event occurred.

- (8) In this section—

continuing group member, in relation to a group of candidates mentioned in subsection (1), means a candidate who is a member of the group of candidates after the relevant event occurs.

Subdivision 5 Amount of expenditure cap—third parties

123L Registered third parties

- (1) This section applies for a registered third party for an election.
- (2) The registered third party's expenditure cap for the election is—
 - (a) for a quadrennial election or fresh election—the amount equal to an individual candidate's expenditure cap for the election under section 123D; or

- (b) for a by-election—the amount equal to an individual candidate’s expenditure cap for the election under subdivision 2.

123M Unregistered third parties

- (1) This section applies for a third party for an election that is not registered for the election.
- (2) The third party’s expenditure cap for the election is \$6,000.

Subdivision 6 Compliance with expenditure caps

123N Compliance with expenditure cap generally

- (1) This section applies to the following participants in an election—
 - (a) a candidate in the election;
 - (b) each member of a group of candidates for the election;
 - (c) a registered political party that endorses a candidate in the election;
 - (d) a registered third party for the election.
- (2) The participant, or a person acting with the participant’s authority, must not incur electoral expenditure during the capped expenditure period for the election if—
 - (a) the amount of the expenditure, by itself, exceeds the participant’s expenditure cap for the election; or
 - (b) both of the following apply—
 - (i) the amount of the expenditure exceeds the participant’s expenditure cap when

added to other relevant electoral expenditure for the election;

- (ii) the participant or person knows, or ought reasonably to know, the amount would result in the cap being exceeded.

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

- (3) An offence against subsection (2) is a crime.
- (4) This section applies subject to section 123T(4).
- (5) In this section—

other relevant electoral expenditure, in relation to a participant in an election mentioned in subsection (1), means—

- (a) other electoral expenditure incurred for the election by the participant, or with the participant's authority, during the capped expenditure period for the election; or
- (b) if the participant's expenditure cap for the election is shared under subdivision 3 or 4—other electoral expenditure incurred for the election by another participant with whom the expenditure cap is shared, or with the other participant's authority, during the capped expenditure period for the election.

1230 Compliance with expenditure cap—unregistered third party

- (1) This section applies to a third party for an election that is not registered for the election.
- (2) The third party, or a person acting with the third party's authority, must not incur electoral expenditure during the capped expenditure period for the election if—

- (a) the amount of the expenditure, by itself, exceeds the third party's expenditure cap for the election; or
- (b) both of the following apply—
 - (i) the amount of the expenditure exceeds the third party's expenditure cap when added to other electoral expenditure incurred for the election by the third party, or with the third party's authority, during the capped expenditure period for the election;
 - (ii) the third party or person knows, or ought reasonably to know, the amount would result in the cap being exceeded.

Maximum penalty—the greater of the following amounts—

- (a) the amount that is equal to twice the amount by which the electoral expenditure exceeded the third party's expenditure cap for the election;
- (b) 200 penalty units.

123P Recovery of unlawful electoral expenditure

- (1) This section applies if a participant in an election, or a person acting with the participant's authority, incurs unlawful electoral expenditure for the election.
- (2) The amount that is twice the amount of the unlawful electoral expenditure is payable to the State.
- (3) The amount may be recovered by the State as a debt due to the State from—
 - (a) if the unlawful electoral expenditure was incurred by or with the authority of a

- registered political party that endorsed a candidate in the election and is not a corporation—the party’s agent; or
- (b) if the unlawful electoral expenditure was incurred by or with the authority of a candidate—the candidate or the candidate’s agent; or
 - (c) if the unlawful electoral expenditure was incurred by or with the authority of a group of candidates—the group’s agent; or
 - (d) if the unlawful electoral expenditure was incurred by or with the authority of a third party that is not a corporation—the third party’s agent; or
 - (e) if the unlawful electoral expenditure was incurred by or with the authority of another participant—the participant.
- (4) The imposition of liability to pay an amount to the State under this section—
- (a) is not a punishment or sentence for an offence against section 123N or 123O or any other offence; and
 - (b) is not a matter to which a court may have regard in sentencing an offender for an offence against section 123N or 123O or any other offence.
- (5) In this section—
- unlawful electoral expenditure***, for an election, in relation to a participant in the election, means electoral expenditure incurred for the election in contravention of section 123N or 123O, to the extent the expenditure exceeds the participant’s expenditure cap for the election as mentioned in the section.

Subdivision 7 Other provisions about expenditure caps

123Q Adjustment of expenditure caps

- (1) This section applies to a monetary amount stated in section 123D(2) or (3) or 123E(2) or (3) (a *relevant factor*), including a monetary amount stated in the section that has been adjusted by the operation of this section.
- (2) However, a monetary amount stated in section 123D or 123E for the purpose of rounding is not a relevant factor.
- (3) A relevant factor—
 - (a) is adjusted under this section 30 days after the polling day for each quadrennial election (the *recent quadrennial election*); and
 - (b) as adjusted under this section, applies for each election that is held until the relevant factor is next adjusted under this section.
- (4) A relevant factor is adjusted to the amount worked out by using the following formula and rounding the result as provided under subsection (5)—

$$A = B \times \frac{C}{D}$$

where—

A is the relevant factor as adjusted.

B is the amount of the relevant factor that applied immediately before its adjustment.

C is the CPI number published for the last quarter that ended before the polling day for the recent quadrennial election.

D is the CPI number for the last quarter that ended

before the polling day for the quadrennial election last held before the recent quadrennial election.

(5) For subsection (4), the result must be rounded as follows—

(a) for a relevant factor mentioned in section 123D(2) or (3)(a), (c), definition *A* or (d), definition *F* or 123E(2) or (3)(a) or (c)—to the nearest \$10 (rounding one-half upwards);

(b) for another relevant factor—to the nearest cent (rounding one-half upwards).

(6) As soon as practicable after a relevant factor is adjusted under this section, the electoral commission must publish the amount of the relevant factor as adjusted on the electoral commission's website.

(7) In this section—

CPI means the all groups consumer price index for Brisbane published by the Australian Bureau of Statistics.

quarter means the following periods in a year—

(a) 1 January to 31 March;

(b) 1 April to 30 June;

(c) 1 July to 30 September;

(d) 1 October to 31 December.

123R Electoral commission must give notice of expenditure caps

(1) For an election, the electoral commission must publish a notice, on the electoral commission's website, that states—

(a) the amount of an expenditure cap for an individual candidate for the election; and

- (b) the amount of an expenditure cap for a registered third party for the election; and
 - (c) a general outline of expenditure caps for other participants in the election.
- (2) The electoral commission must publish the notice—
 - (a) for a quadrennial election—as soon as practicable after the relevant day for the election but no later than the day before the capped expenditure period for the election starts; or
 - (b) for a by-election—on the day notice of the day of the by-election is published on the electoral commission’s website under section 24(3); or
 - (c) for a fresh election—on the day notice of the election is published on the electoral commission’s website under section 25(1).
- (3) Also, as soon as practicable after the returning officer has certified the nomination of a person for an election under section 27(3)(a), the electoral commission must give the person a written notice that states—
 - (a) the amount of the person’s expenditure cap as if the person were an individual candidate for the election; and
 - (b) a general outline of expenditure caps for participants who are not individual candidates, including how the caps adjust during the capped expenditure period for the election under this division.

123S Electoral commission to decide number of enrolled electors for election

- (1) The *number of enrolled electors*, for an election,

is the number of persons decided by the electoral commission under this section to be the number of enrolled electors for the election.

(2) The number decided by the electoral commission under subsection (1) must be—

(a) for an election of the mayor of a local government—the number of persons enrolled on an electoral roll for an electoral district, or part of an electoral district, included in the local government’s area as at the relevant day for the election; or

(b) for an election for a councillor (other than mayor) of a local government whose local government area is undivided—the number of persons enrolled on an electoral roll for an electoral district, or part of an electoral district, included in the local government’s area as at the relevant day for the election; or

(c) for an election for a councillor (other than mayor) of a division of a local government’s area—

(i) if the election is a quadrennial election or fresh election—the number of persons worked out by using the following formula and rounding the result to the nearest whole number (rounding one-half upwards)—

$$A = \frac{B}{C} \times D$$

where—

A is the number of persons.

B is the number of persons enrolled on an electoral roll for an electoral district, or part of an electoral district, included

in the local government's area as at the relevant day for the election.

C is the total number of councillors to be elected for the election for the local government's area.

D is the number of councillors to be elected for the division of the local government's area; or

- (ii) if the election is a by-election—the number of persons enrolled on an electoral roll for an electoral district, or part of an electoral district, included in the division of the local government's area as at the relevant day for the election.

(3) The **relevant day**, for an election, is—

- (a) for a quadrennial election—1 July in the year immediately before the year in which the quadrennial election must be held under section 23(1); or
- (b) for a by-election—the first day of the month in which notice of the day of the by-election is published on the electoral commission's website under section 24(3); or
- (c) for a fresh election—
 - (i) if, when notice of the election is published under section 25(1), the capped expenditure period for a quadrennial election has started—the day the capped expenditure period started; or
 - (ii) otherwise—the first day of the month in which notice of the election is published on the electoral commission's website under section 25(1).

- (4) However, if the capped expenditure period for a quadrennial election starts on a day prescribed by regulation under section 123A(2), the ***relevant day*** for the quadrennial election is a day prescribed by regulation for this subsection.
- (5) The electoral commission must publish notice of the number of enrolled electors for an election on the electoral commission's website—
 - (a) for a quadrennial election—as soon as practicable after the relevant day for the election but no later than the day before the capped expenditure period for the election starts; or
 - (b) for a by-election—on the day notice of the day of the election is published on the electoral commission's website under section 24(3); or
 - (c) for a fresh election—on the day notice of the election is published on the electoral commission's website under section 25(1).
- (6) This section does not apply in relation to an election for the Brisbane City Council.

123T Electoral expenditure incurred by particular councillors

- (1) This section applies if—
 - (a) a councillor of a local government was endorsed by a registered political party for the election for which the councillor was elected; and
 - (b) the councillor—
 - (i) announces or otherwise publicly indicates the councillor's intention not to be a candidate in an election for a

local government before the
nomination day for the election; or

- (ii) does not become a candidate for an election for a local government when the prescribed information for nominations is published on the electoral commission's website under section 32.
- (2) For section 123N, electoral expenditure incurred by or for the councillor during the capped expenditure period for the election mentioned in subsection (1)(b) is taken to have been incurred by or for the registered political party.
 - (3) However, subsection (2) applies only to electoral expenditure incurred by or for the councillor during any part of the capped expenditure period for the election for the local government for which—
 - (a) the councillor is a member of the registered political party; and
 - (b) the party endorses a candidate in the election for the local government.
 - (4) The registered political party, a candidate endorsed by the party for the election or a person acting with the authority of the party or candidate does not commit an offence against section 123N if—
 - (a) the party, candidate or person incurs electoral expenditure for the election; and
 - (b) the expenditure exceeds the party's expenditure cap for the election, including any expenditure cap that is shared under subdivision 3, because it is added to aggregated expenditure for the party; and

- (c) the party, candidate or person did not know, and could not reasonably have known, about the aggregated expenditure being incurred.

- (5) In this section—

aggregated expenditure, for a registered political party, means electoral expenditure taken to have been incurred by or for the party under subsection (2).

123U Electoral expenditure incurred for another participant

- (1) This section applies if a participant in an election (the ***first election participant***) incurs electoral expenditure that benefits another participant in the election (the ***recipient***).
- (2) For this division, if the first election participant gifts the electoral expenditure to the recipient, the electoral expenditure is incurred by the first election participant.
- (3) However, for this division, the recipient is taken to have incurred the electoral expenditure if—
 - (a) any of the following apply—
 - (i) the expenditure is incurred with the recipient's authority or consent;
 - (ii) the recipient accepts relevant material resulting from the expenditure;
 - (iii) another circumstance prescribed by regulation happens in relation to the expenditure being incurred; and
 - (b) the first election participant invoices the recipient for payment for the amount of the expenditure.
- (4) This section applies despite section 109D(1).

Note—

See section 109E for when electoral expenditure is incurred.

123V Electoral expenditure incurred by registered political party or third party for quadrennial election

- (1) This section applies in relation to electoral expenditure incurred, for a quadrennial election, by—
 - (a) a registered political party that endorses a candidate in the election; or
 - (b) a registered third party for the election.
- (2) Subsection (3) applies if the electoral expenditure is for advertising or other relevant material that—
 - (a) is communicated to electors in a local government's area; and
 - (b) is not mainly communicated to electors outside the local government's area.
- (3) The electoral expenditure is taken to be incurred by the registered political party or registered third party for the quadrennial election for the local government.
- (4) Subsection (5) applies if the electoral expenditure is for advertising or other relevant material that—
 - (a) is communicated to electors in more than 1 local government area; and
 - (b) is not mainly communicated to electors in any 1 local government area.
- (5) The electoral expenditure is taken to be incurred by the registered political party or registered third party—

- (a) in relation to a registered political party—for the quadrennial election for each local government—
 - (i) in whose area the advertising or other relevant material is communicated; and
 - (ii) for which the party endorsed a candidate; or
 - (b) in relation to a registered third party—for the quadrennial election for each local government in whose area the advertising or other relevant material is communicated.
- (6) If the electoral expenditure is for carrying out an opinion poll or research mainly in relation to 1 local government's area, the electoral expenditure is taken to be incurred by the registered political party or registered third party for the quadrennial election for the local government.
- (7) Subsection (8) applies if the electoral expenditure is for carrying out an opinion poll or research—
 - (a) in relation to more than 1 local government area; and
 - (b) that is not mainly in relation to any 1 local government area.
- (8) The electoral expenditure is taken to be incurred by the registered political party or registered third party—
 - (a) in relation to a registered political party—for the quadrennial election for each local government—
 - (i) in relation to whose area the opinion poll or research is carried out; and
 - (ii) for which the party endorsed a candidate; or

- (b) in relation to a registered third party—for the quadrennial election for each local government in relation to whose area the opinion poll or research is carried out.

Division 4A Disclosure of electoral expenditure

124 Expenditure returns—candidates, groups of candidates, registered political parties and associated entities

- (1) This section applies if any of the following entities incur electoral expenditure in relation to an election, during the entity's disclosure period for the election, that totals \$500 or more—
 - (a) a candidate in the election;
 - (b) a group of candidates for the election, a member of the group or another person acting on behalf of the group;
 - (c) a registered political party that endorses a candidate in the election;
 - (d) an associated entity of—
 - (i) a registered political party that endorses a candidate in the election; or
 - (ii) a candidate in the election; or
 - (iii) a group of candidates for the election.
- (2) A return for each amount of electoral expenditure incurred by the entity must be given to the electoral commission by—
 - (a) for electoral expenditure incurred by a candidate—the agent of the candidate; or

- (b) for electoral expenditure incurred by or on behalf of a group of candidates—the agent of the group; or
 - (c) for electoral expenditure incurred by a registered political party that endorses a candidate in the election—the agent of the party; or
 - (d) for electoral expenditure incurred by an associated entity—the financial controller of the entity.
- (3) The return must—
 - (a) be in the approved form; and
 - (b) be given to the electoral commission by the disclosure deadline for the return; and
 - (c) state the following—
 - (i) the name and business address of the person who supplied the goods or service to which the electoral expenditure relates;
 - (ii) a description of the goods or service;
 - (iii) the amount of the expenditure;
 - (iv) when the expenditure was incurred;
 - (v) the purpose for incurring the expenditure.
- (4) For this section, an amount of electoral expenditure incurred by an entity for 2 or more elections is taken to have been incurred by the entity for each of the elections.
- (5) For subsection (2)(c), a reference to electoral expenditure incurred by a registered political party that endorses a candidate in the election includes electoral expenditure that is taken to have been incurred by the party under section 123T.

125 Summary expenditure returns—candidates, groups of candidates and registered political parties

- (1) This section applies to the agent of any of the following participants in an election—
 - (a) a candidate in the election;
 - (b) a group of candidates for the election;
 - (c) a registered political party that endorsed a candidate in the election.
- (2) The agent of the participant must give the electoral commission a return about the total amount of electoral expenditure incurred by the participant, or a person acting with the participant's authority, during the participant's disclosure period for the election.

Note—

A return by a registered political party that endorsed a candidate in an election must be accompanied by a certificate from an auditor. See section 135D.

- (3) The return must—
 - (a) be in the approved form; and
 - (b) be given to the electoral commission within the required period for the election.
- (4) Also, the return must be accompanied by a copy of each bank statement for the participant's dedicated 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 the electoral commission; and
 - (b) for an earlier period that includes a transaction related to electoral expenditure

incurred during the participant's disclosure period for the election.

- (5) If the participant did not incur electoral expenditure during the participant's disclosure period for the election, the return must state that fact.
- (6) For subsection (2), a reference to electoral expenditure incurred by a participant, or a person acting with the participant's authority, includes electoral expenditure that is taken to have been incurred by the participant under section 123T.
- (7) Subsection (8) applies if the electoral commission receives a return under subsection (2) from—
 - (a) the agent of a candidate who is successful in the election; or
 - (b) the agent of a group of candidates, any of whose members are successful in the election; or
 - (c) the agent of a registered political party that endorsed a candidate who is successful in the election.
- (8) The electoral commission must give a copy of the return to—
 - (a) the chief executive officer of the local government for which the election was held; and
 - (b) if the return was received from the agent of a group of candidates for the election, or the agent of a registered political party that endorsed a candidate in the election—each successful candidate who is a member of the group or endorsed by the party.
- (9) For this section, it does not matter whether electoral expenditure for an election is incurred during the capped expenditure period for the

election.

125A Summary expenditure returns—associated entities

- (1) This section applies to the financial controller of an associated entity of—
 - (a) a registered political party that endorsed a candidate in an election; or
 - (b) a candidate in an election; or
 - (c) a group of candidates for an election.
- (2) The financial controller must give the electoral commission a return about the total amount of electoral expenditure incurred by the associated entity, or a person acting with the associated entity's authority, during the associated entity's disclosure period for the election.
- (3) The return must—
 - (a) be in the approved form; and
 - (b) be given to the electoral commission within the required period for the election.
- (4) Also, the return must be accompanied by a copy of each bank statement for the dedicated account of the registered political party, candidate or group of candidates for which the associated entity is an associated entity—
 - (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 the electoral commission; and
 - (b) for an earlier period that includes a transaction related to electoral expenditure

incurred during the associated entity's disclosure period for the election.

- (5) If the associated entity did not incur electoral expenditure during the associated entity's disclosure period for the election, the return must state that fact.
- (6) For this section, it does not matter whether electoral expenditure for an election is incurred during the capped expenditure period for the election.

125B Expenditure returns—relevant third parties

- (1) This section applies if a relevant third party for an election incurs electoral expenditure, during the third party's disclosure period for the election, that totals \$500 or more.
- (2) The agent of the relevant third party must give the electoral commission a return for each amount of electoral expenditure incurred by the third party during the third party's disclosure period for the election.
- (3) The return must—
 - (a) be in the approved form; and
 - (b) be given to the electoral commission by the disclosure deadline for the return; and
 - (c) state the following—
 - (i) the name and business address of the person who supplied the goods or service to which the electoral expenditure relates;
 - (ii) a description of the goods or service;
 - (iii) the amount of the expenditure;
 - (iv) when the expenditure was incurred;

- (v) the purpose for incurring the expenditure;
 - (vi) if the expenditure was incurred to benefit, support or oppose a particular candidate, group of candidates or political party in the election—that fact and the name of the candidate, group or party;
 - (vii) if the expenditure was incurred to support or oppose a particular issue in the election—that fact and a description of the issue.
- (4) For this section, an amount of electoral expenditure incurred by the relevant third party for 2 or more elections is taken to have been incurred by the third party for each of the elections.

125C Summary expenditure returns—relevant third parties

- (1) This section applies to the agent of a relevant third party for an election.
- (2) The agent of the relevant third party must give the electoral commission a return about the total amount of electoral expenditure incurred by the third party during the third party's disclosure period for the election.
- (3) The return must—
 - (a) be in the approved form; and
 - (b) be given to the electoral commission within the required period for the election.
- (4) Also, the return must be accompanied by a copy of each bank statement for the relevant third party's dedicated 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 the electoral commission; and
- (b) for an earlier period that includes a transaction related to electoral expenditure incurred during the third party's disclosure period for the election.
- (5) If the relevant third party did not incur electoral expenditure during the third party's disclosure period for the election, the return must state that fact.
- (6) For this section, an amount of electoral expenditure incurred by the relevant third party for 2 or more elections is taken to have been incurred by the third party for each of the elections.
- (7) For this section, it does not matter whether electoral expenditure for an election is incurred during the capped expenditure period for the election.

125D Summary expenditure returns—broadcasters

- (1) This section applies to a broadcaster—
 - (a) who broadcasts an advertisement relating to an election—
 - (i) with the authority of a participant in the election; and
 - (ii) during the capped expenditure period for the election; and
 - (b) even if the broadcaster is outside Queensland when the advertisement is broadcast.
- (2) The broadcaster must, within 8 weeks after the

polling day for the election, give the electoral commission a return, in the approved form, stating particulars of the advertisement, being particulars—

- (a) identifying the broadcasting service as part of which the advertisement was broadcast; and
 - (b) identifying the person at whose request the advertisement was broadcast; and
 - (c) identifying the participant in the election with whose authority the advertisement was broadcast; and
 - (d) stating the date on which, and the times between which, the advertisement was broadcast; and
 - (e) showing whether or not, on each occasion when the advertisement was broadcast, a charge was made by the broadcaster for the broadcasting of the advertisement and, if a charge was made, stating the amount of the charge.
- (3) If, in a return under subsection (2), the amount of a charge is specified by a broadcaster in relation to an advertisement, the broadcaster must, in the return, state whether or not the charge is a charge at less than normal commercial rates having regard to the length of the advertisement and the day on which, and the times between which, the advertisement was broadcast.
- (4) A broadcaster who is required to make a return under this section for an advertisement must keep the record made for the relevant provision for at least 1 month starting on the day on which the return is given to the electoral commission.
- (5) Subsection (4) applies in addition to the requirements of the relevant provision for the

retention of the record.

(6) In this section—

relevant provision means—

- (a) in relation to the Australian Broadcasting Corporation—the *Australian Broadcasting Corporation Act 1983* (Cwlth), section 79B; or
- (b) in relation to the Special Broadcasting Service—the *Special Broadcasting Service Act 1991* (Cwlth), section 70B; or
- (c) in relation to another broadcaster—the *Broadcasting Services Act 1992* (Cwlth), schedule 2, section 5.

125E Summary expenditure returns—publishers

- (1) This section applies to the publisher of a journal—
 - (a) who publishes an advertisement relating to an election—
 - (i) with the authority of a participant in the election; and
 - (ii) during the capped expenditure period for the election; and
 - (b) even if the publisher is outside Queensland when the advertisement is published.
- (2) The publisher must, within 8 weeks after the polling day for the election, give the electoral commission a return, in the approved form, stating particulars of the advertisement, being particulars—
 - (a) identifying the journal in which the advertisement was published; and

- (b) identifying the person at whose request the advertisement was published; and
 - (c) identifying the participant in the election with whose authority the advertisement was published; and
 - (d) stating the date on which the advertisement was published; and
 - (e) identifying the page in the journal on which the advertisement was published and the space in the journal occupied by the advertisement; and
 - (f) showing whether or not a charge was made by the publisher for the publication of the advertisement and, if a charge was made, stating the amount of the charge.
- (3) If, in a return under subsection (2), the amount of a charge is specified by a publisher in relation to an advertisement, the publisher must, in the return, state whether or not the charge was a charge at less than normal commercial rates having regard to the space in the journal occupied by the advertisement and the nature of the journal.
- (4) A publisher is not required to give a return under subsection (2) in relation to an election if the total amount of the charges made by the publisher for the publication of the following advertisements does not exceed \$1,000—
- (a) the advertisement mentioned in the subsection;
 - (b) any other advertisement relating to an election that took place on the same day as the election to which the return relates.
- (5) In this section—
- journal* means a newspaper, magazine or other periodical, whether published for sale or for

distribution without charge.

Division 4B Particular returns by associated entities of candidates and groups of candidates

125F How division applies to gifts that are returned within 6 weeks

- (1) Subject to subsection (2), this division does not apply to a gift that is returned in full within 6 weeks after its receipt.
- (2) If the gift is returned in full within 6 weeks after its receipt, any return under this division that includes the value of the gift must also include a statement to the effect that the gift was returned.

125G Disclosure of amounts by associated entities

- (1) This section applies if, at any time during a reporting period, an entity was an associated entity of—
 - (a) a candidate in an election; or
 - (b) a group of candidates for an election.
- (2) The financial controller of the associated entity must, within 8 weeks after the end of the reporting period, give the electoral commission a return in the approved form stating—
 - (a) the total amount received by or for the associated entity from anyone during the reporting period; and
 - (b) the total amount paid by or for the associated entity to anyone during the reporting period; and

- (c) if the entity is an associated entity of a candidate or of a group of candidates at the end of the reporting period—the total amount outstanding, at the end of the reporting period, of all debts incurred by or for the entity to anyone; and
- (d) any other information prescribed by regulation.

Note—

A return under this section must be accompanied by a certificate from an auditor. See section 135D.

- (3) If the total of all amounts received from a particular entity during a reporting period is equal to or more than \$500, a return under subsection (2) must also state—
 - (a) the total amount received; and
 - (b) if all or part of the total was a gift—the relevant details for the gift; and
 - (c) if all or part of the total was an amount borrowed from a financial institution—the name of the financial institution from which the amount was borrowed; and
 - (d) if all or part of the total was a loan from an entity—the relevant details for the loan.
- (4) If the total of all amounts paid to a particular entity during a reporting period is equal to or more than \$500, a return under subsection (2) must also state the following—
 - (a) the total amount paid;
 - (b) if the total was paid to an unincorporated association—
 - (i) the name of the association; and

- (ii) the names and addresses of the members of the executive committee (however described) of the association;
- (c) if the total was paid to a trust fund or foundation—
 - (i) the names and addresses of the trustees of the fund or the foundation; or
 - (ii) the title or other description of the trust fund or the name of the foundation;
- (d) if the total was paid to another entity—the name and address of the entity.
- (5) In calculating the total under subsection (3) or (4), an amount paid under a contract of employment or an award stating terms and conditions of employment need not be counted.
- (6) Subsection (7) applies if any amount required to be disclosed under subsection (2)(b) for a reporting period—
 - (a) was paid by the associated entity to, or for, 1 or more registered political parties; and
 - (b) was paid out of funds generated from the capital of the associated entity.
- (7) The return must also state the following details about each person who contributed to the capital at any time—
 - (a) the name and address of the person;
 - (b) the total amount of the person's contributions to the capital, up to the end of the reporting period to which the return relates.
- (8) A reference in subsection (2)(a) or (b) to an amount received or paid does not include an amount received or paid when the entity was not an associated entity of a candidate in an election

or group of candidates for an election.

- (9) Subsection (7) does not apply to contributions that have been set out in a previous return under subsection (2).
- (10) In this section—
amount includes the value of a gift, loan or bequest.

42 Amendment of s 126 (Requirement for candidate to operate dedicated account)

- (1) Section 126(3) and (4), ‘on behalf’—
omit, insert—
acting with the authority
- (2) Section 126(4), ‘for the conduct of the candidate’s election campaign’—
omit, insert—
for electoral expenditure incurred by the candidate
- (3) Section 126(9), from ‘paid out’—
omit, insert—
paid out by—
(a) a registered political party that endorsed the candidate for the election; or
(b) a group of candidates for the election of which the candidate is a member.

43 Amendment of s 127 (Requirement for group of candidates to operate dedicated account)

- (1) Section 127(3) and (4), ‘on behalf’—
omit, insert—
acting with the authority

- (2) Section 127(4), ‘for the conduct of the group’s election campaign’—

omit, insert—

for electoral expenditure incurred by the group

44 Insertion of new ss 127AA and 127AB

After section 127—

insert—

127AA Requirement for registered political party to operate dedicated account

- (1) This section applies to a registered political party that endorses a candidate in an election.
- (2) The registered political party must operate an account with a financial institution if the party pays an amount mentioned in subsection (3).
- (3) All amounts paid by the registered political party, or a person acting with the authority of the party, during the party’s disclosure period for the election for electoral expenditure incurred by the party must be paid—
 - (a) out of the account; and
 - (b) in a way permitted under section 127A.
- (4) The account must not, during the registered political party’s disclosure period for the election, be used for paying an amount other than an amount under subsection (3).
- (5) If an amount remains in the account at the end of the registered political party’s disclosure period for the election, the amount or part of the amount may—
 - (a) be kept in the account for incurring electoral expenditure for another election; or
 - (b) be paid to the party; or

- (c) be paid to a charity nominated by the party.
 - (6) An amount mentioned in subsection (5) must not be dealt with other than under that subsection.
 - (7) The registered political party must take all reasonable steps to ensure the requirements of subsections (2) to (6) are complied with.
- Maximum penalty for subsection (7)—100 penalty units.

127AB Requirement for relevant third party to operate dedicated account

- (1) This section applies to a relevant third party.
- (2) The relevant third party must operate an account with a financial institution if the third party pays an amount mentioned in subsection (3).
- (3) All amounts paid by the relevant third party, or a person acting with the authority of the third party, during the third party's disclosure period for the election for electoral expenditure incurred by the third party must be paid—
 - (a) out of the account; and
 - (b) in a way permitted under section 127A.
- (4) The account must not, during the relevant third party's disclosure period for the election, be used for paying an amount other than an amount under subsection (3).
- (5) If an amount remains in the account at the end of the relevant third party's disclosure period for the election, the amount or part of the amount may—
 - (a) be kept in the account for incurring electoral expenditure for another election; or
 - (b) be paid to a charity nominated by the third party.

- (6) An amount mentioned in subsection (5) must not be dealt with other than under that subsection.
- (7) The relevant third party must take all reasonable steps to ensure the requirements of subsections (2) to (6) are complied with.

Maximum penalty for subsection (7)—100 penalty units.

45 Amendment of s 127A (Permitted ways to pay amounts from dedicated account)

Section 127A(1) and (2), ‘or 127(4)’—

omit, insert—

, 127(4), 127AA(3) or 127AB(3)

46 Replacement of s 127B (Payment of campaign expenses by credit card prohibited)

Section 127B—

omit, insert—

127B Payment of amount of electoral expenditure by credit card prohibited

- (1) A person to whom section 126(8), 127(8), 127AA(7) or 127AB(7) applies must not—
 - (a) use a credit card to pay an amount of electoral expenditure incurred by, or with the authority of, a candidate, group of candidates, registered political party or relevant third party; or
 - (b) pay an amount out of the dedicated account of a candidate, group of candidates, registered political party or relevant third party to pay a charge incurred using a credit card.

Maximum penalty—100 penalty units.

- (2) For subsection (1)(b), it does not matter whether or not the charge incurred was for an amount of electoral expenditure incurred by, or with the authority of, a candidate, group of candidates, registered political party or relevant third party.
- (3) This section does not limit section 126, 127, 127AA, 127AB or 127A.

127BA Notice of dedicated account

- (1) This section applies if—
 - (a) an entity becomes a participant in an election, including because any of the following events happen—
 - (i) a registered political party endorses a candidate in the election;
 - (ii) a person becomes a candidate in the election;
 - (iii) a third party is registered for the election;
 - (iv) a third party incurs electoral expenditure for the election to the extent the third party is required, under section 127D, to be registered for the election; or
 - (b) 2 or more candidates become a group of candidates under section 42(3).
- (2) The agent of the participant must give the electoral commission a notice, in the approved form, about the participant's dedicated account for the election within 5 business days after the event happens, unless the agent has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) If a required detail of a participant's dedicated

account changes, the agent of the participant must give the electoral commission a notice about the change, in the approved form, within 5 business days after the change happens, unless the agent has a reasonable excuse.

Maximum penalty—20 penalty units.

(4) However, the agent of a candidate need not comply with subsection (2) in relation to an election if—

- (a) notice of the candidate's dedicated account for a previous election was given under this section; and
- (b) the same account is the candidate's dedicated account for the election to which subsection (2) applies; and
- (c) none of the required details of the account have changed since the notice was given.

(5) Also, the agent of a candidate or group of candidates need not comply with subsection (2) if—

- (a) for the agent of a candidate—
 - (i) the candidate becomes a participant because the candidate's nomination as a candidate for the election was certified by the returning officer under section 27(3)(a); and
 - (ii) the candidate's nomination included information about the candidate's dedicated account; or
- (b) for the agent of a group of candidates—the notice of the membership of the group given under section 42 included information about the group's dedicated account.

(6) In this section—

required detail, of a dedicated account, means a detail about the account required to be stated in the approved form mentioned in subsection (2).

47 Insertion of new pt 6, divs 5A–5C

Part 6—

insert—

Division 5A Registration of third parties

127D Requirement for registration

- (1) A third party must be registered under this part for an election if the electoral expenditure incurred by, or with the authority of, the third party during the capped expenditure period for the election exceeds \$6,000.
- (2) To remove any doubt, it is declared that a third party does not commit an offence against this Act or another Act only because the third party fails to register for an election under subsection (1).

Note—

Under section 123O, 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.

127E Register of third parties

- (1) The electoral commission must, for each election, keep a register of the third parties registered under this part for the election.
- (2) The register—
 - (a) is called the register of third parties for the election for which the register is kept; and

- (b) must be kept up to date; and
- (c) may be kept in the way, and in the form, the electoral commission considers appropriate.

Note—

See section 135B for the requirement to make information on the register available for public inspection.

127F Application for registration

- (1) A third party that intends to incur electoral expenditure for an election may apply to the electoral commission for registration for the election.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) include the details prescribed by regulation for the application; and
 - (c) if the third party is not an individual—be accompanied by a notice mentioned in section 116C(1)(c) of the appointment of a person as the third party’s agent; and
 - (d) be made to the electoral commission before the polling day for the election.

127G Deciding application

- (1) The electoral commission must decide to approve or refuse the application as soon as practicable after receiving it.
- (2) The electoral commission must refuse the application if it was not made before the day required under section 127F(2)(d).
- (3) Otherwise, the electoral commission may refuse the application only if it is incomplete or

incorrect.

127H Registration

- (1) This section applies if the electoral commission decides to approve the application.
- (2) As soon as practicable after making the decision, the electoral commission must—
 - (a) enter the details about the third party stated in the application in the register of third parties kept for the election; and
 - (b) give the third party written notice that the third party has been registered for the election.

127I Decision to refuse application

- (1) If the electoral commission decides to refuse the application, the electoral commission must give the third party written notice of the decision as soon as practicable after making the decision.
- (2) The notice must state—
 - (a) the electoral commission has decided to refuse the application; and
 - (b) the reason for the refusal; and
 - (c) if the reason for the refusal is the application is incomplete or incorrect—that the third party may—
 - (i) amend the application in the way stated in the notice; and
 - (ii) resubmit the application to the electoral commission within 30 days after receiving the notice.
- (3) An application that is amended and resubmitted to the electoral commission as stated in the notice

under subsection (2)(c) is taken to have been made on the day the original application was made.

127J Obligation to notify electoral commission of change to details

- (1) If a relevant detail about a registered third party changes, the agent of the third party must give the electoral commission notice about the change, in the approved form, within 30 days after the change happens.

Maximum penalty—20 penalty units.

- (2) A person does not commit an offence against subsection (1) if the person has a reasonable excuse.

- (3) In this section—

relevant detail, about a registered third party, means—

- (a) a detail about the third party stated in the third party's application for registration for an election; or
- (b) if a detail mentioned in paragraph (a) has been the subject of a notice under subsection (1)—the changed detail as stated in the notice.

127K Cancellation of registration

- (1) The agent of a registered third party may ask the electoral commission, in writing, to cancel the third party's registration for an election.
- (2) The electoral commission must cancel the registered third party's registration for the election if the electoral commission is satisfied that the obligations that apply to the third party for

the election under this part have ended.

- (3) If the electoral commission cancels the registration, the electoral commission must—
 - (a) record the cancellation and the day of the cancellation in the register of third parties for the election; and
 - (b) give the third party notice about the cancellation.
- (4) The cancellation takes effect on—
 - (a) the day the third party receives the notice; or
 - (b) if a later day is stated in the notice—the stated day.
- (5) If the electoral commission refuses to cancel the registration, the electoral commission must give the registered third party a notice stating the electoral commission's decision and reasons for the decision.

Division 5B Records to be kept

127L Definitions for division

In this division—

prescribed matter, in relation to a relevant entity for an election, see section 127M.

relevant entity, for an election, means—

- (a) a participant in the election; or
- (b) an associated entity of—
 - (i) a registered political party that endorses a candidate in the election; or
 - (ii) a candidate in the election; or
 - (iii) a group of candidates for the election.

127M Meaning of *prescribed matter*

- (1) Each of the following is a *prescribed matter* in relation to a relevant entity for an election, other than a third party for the election—
 - (a) a gift or loan made to, or for the benefit of, the relevant entity;
 - (b) a gift or loan made by the relevant entity to another relevant entity for the election;
 - (c) electoral expenditure incurred by the relevant entity or with the relevant entity's authority;
 - (d) without limiting paragraph (a), (b) or (c), a return given, or required to be given, by or for the relevant entity under division 3, 4A or 4B and the matters required to be stated in the return;
 - (e) for a relevant entity that is a candidate in the election or a group of candidates for the election—an amount paid into or from the relevant entity's dedicated account;
 - (f) for a relevant entity that is a registered political party that endorses a candidate in the election—an amount paid from the relevant entity's dedicated account;
 - (g) another matter prescribed by regulation to be a prescribed matter in relation to the relevant entity.
- (2) Also, each of the following is a *prescribed matter* in relation to a relevant entity that is a third party for an election—
 - (a) a gift made to the third party about which the third party is required to give the electoral commission a return under section 118A;

- (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 3 or 4A and the matters required to be stated in the return;
- (d) if the third party is required to operate a dedicated account under section 127AB for the election—an amount paid from the third party's dedicated account;
- (e) another matter prescribed by regulation to be a prescribed matter in relation to the third party.

127N Records to be kept by relevant entities

- (1) A relevant entity for an election must ensure a record about each prescribed matter is made that—
 - (a) includes the information necessary to demonstrate, to the greatest extent practicable, the relevant entity's compliance with this part and part 9, division 5 in relation to the prescribed matter; and
 - (b) without limiting paragraph (a), includes the information required by regulation to be included in the record; and
 - (c) complies with section 127R.

Maximum penalty—20 penalty units.

- (2) A relevant entity may transfer a record made by or for the relevant entity under subsection (1) to another person in the ordinary course of the relevant entity's business or administration.

- (3) If a relevant entity transfers a record under subsection (2), the relevant entity must—
- (a) make a record about the transfer that includes—
 - (i) details sufficient to identify the record transferred, including the date it was made; and
 - (ii) the name and contact details of the person to whom the record is transferred; and
 - (iii) the date the record is transferred; and
 - (b) tell the person to whom the record is transferred about the person's obligations under section 127S in relation to the record.

Maximum penalty—20 penalty units.

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

127O Records to be kept by agents of participants

The agent of a participant in an election must make a record about the agent's compliance with section 116G that—

- (a) includes the information necessary to demonstrate, to the greatest extent practicable, each step taken by the agent to comply with section 116G; and
- (b) without limiting paragraph (a), includes the information required by regulation to be included in the record; and
- (c) complies with section 127R.

Maximum penalty—20 penalty units.

127P Records to be kept about advertisements or other relevant material

- (1) This section applies if—
 - (a) electoral expenditure is incurred to print, publish or broadcast an advertisement or other relevant material; and
 - (b) a person is required to give the electoral commission a return about the expenditure under section 125, 125A or 125C in relation to an election.
- (2) The person must make a record, that complies with subsection (3) and section 127R, about the printing, publishing or broadcast of the advertisement or other relevant material.

Maximum penalty—20 penalty units.

- (3) The record must—
 - (a) be accompanied by a copy of the advertisement or other relevant material; and
 - (b) contain—
 - (i) a description of the audience to which the advertisement or other relevant material was distributed, published or broadcast; and
 - (ii) other details about the advertisement or other relevant material, or its distribution, publication or broadcast, required by regulation; and
 - (iii) if the election is for all of a local government's area—the name of the local government; and
 - (iv) if the election is for a division of a local government's area—the name of the division.

127Q Records to be kept by broadcasters or publishers

- (1) This section applies to—
 - (a) a broadcaster who is required to give the electoral commission a return under section 125D; or
 - (b) a publisher who is required to give the electoral commission a return under section 125E.
- (2) The broadcaster or publisher must make a record, that complies with section 127R, about the return and the matters required to be stated in the return.

Maximum penalty—20 penalty units.

127R Requirements for records

A record required to be made under this division 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 electoral commission by notice published on the electoral commission's website; and
- (d) be made 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) for a record made by or for a participant—readily given, under this part, to an auditor appointed to conduct an audit under section 127U.

127S Records must be kept for 5 years

- (1) This section applies to—
 - (a) a person required to make a record under this division other than section 127N; and
 - (b) a person required to make a record under section 127N(1), unless the person has transferred the record under section 127N(2); and
 - (c) a person to whom a record has been transferred under section 127N(2); and
 - (d) a person required to make a record under section 127N(3).
- (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) for a record made by or for a participant—readily given, under this part, to an auditor appointed to conduct an audit under section 127U.

Maximum penalty—20 penalty units.

127T Division does not limit other record-keeping provisions

This division does not limit another provision of this Act about making or keeping a record.

Division 5C Audits

127U Electoral commission may appoint auditor

- (1) The electoral 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 stated in the instrument of appointment—
 - (a) a return given to the electoral commission under division 3 or 4A by a participant in an election;
 - (b) the dedicated account of a participant in an election;
 - (c) the compliance of a participant in an election with this part generally or part 9, division 5.
- (3) The electoral commission may appoint an auditor to conduct an audit under subsection (1) whether or not the electoral commission suspects the participant has contravened a provision of this part or part 9, division 5.

127V Participant in election must assist appointed auditor

- (1) This section applies if an auditor is appointed under section 127U to conduct an audit of a participant in an election.
- (2) The 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 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 in the possession, or under the control, of the 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 return given under division 3 or 4A—a matter required to be stated in the return; or
 - (b) for an audit of a dedicated account—a transaction on the dedicated 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.

127W 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 auditor's opinion—
 - (i) the participant has been truthful and accurate in relation to the matters audited; and

- (ii) the participant has, or may have, contravened a provision of this part or part 9, division 5; and
 - (b) may suggest ways the practices or systems used by the participant to manage its financial affairs may be improved to assist the participant's compliance with this part or part 9, division 5.
- (3) The auditor must give a copy of the report to—
 - (a) the electoral commission; and
 - (b) the participant.

48 Amendment of s 128 (Electoral commission must publish returns and other documents)

- (1) Section 128(3)(b), 'section 125(3)(b)'—

omit, insert—

section 125(4), 125A(4) or 125C(4)

- (2) Section 128(3)—

insert—

(ba) the details of a participant's dedicated account;

- (3) Section 128(3)(ab) to (c)—

renumber as section 128(3)(b) to (e).

49 Amendment of s 130A (Functions and powers of authorised officers etc.)

Section 130A(4)—

omit.

50 Replacement of s 130B (Electoral commission must give reminder notice about requirement for return)

Section 130B—

omit, insert—

130B Electoral commission must give reminder notice about requirement for return

- (1) This section applies if—
 - (a) a person is required to give the electoral commission any of the following returns (each a *relevant return*)—
 - (i) an advertising return in relation to an election; or
 - (ii) a periodic return in relation to a reporting period; or
 - (iii) a summary return in relation to an election; and
 - (b) the person has not given the relevant return to the electoral commission by the reminder day for the return.
- (2) As soon as practicable after the reminder day for the relevant return, the electoral commission must give the person a written notice that states—
 - (a) the person is required to give the return; and
 - (b) the provision under which the return is required to be given; and
 - (c) the following provisions, or a general outline of them, to the extent they are relevant to the requirement to give the return—
 - (i) the *Local Government Act 2009*, sections 153, 162, 172 and 175K and the *City of Brisbane Act 2010*, sections 153, 162, 174 and 186B;

- (ii) section 117;
 - (iii) section 118;
 - (iv) section 118A;
 - (v) section 118B;
 - (vi) section 120;
 - (vii) section 125;
 - (viii) section 125A;
 - (ix) section 125C;
 - (x) section 125D;
 - (xi) section 125E;
 - (xii) section 125G;
 - (xiii) section 195;
 - (xiv) section 197.
- (3) If the person to whom the notice must be given is the agent of a candidate who is successful in the election, the electoral commission must also give a copy of the notice to the candidate.
- (4) Also, if the person to whom the notice must be given is the agent of a group of candidates for the election, or the agent of a registered political party that endorsed a candidate in the election, the electoral commission must also give a copy of the notice to each candidate who is—
- (a) a member of the group or endorsed by the party; and
 - (b) successful in the election.
- (5) In this section—
- advertising return***, in relation to an election, means a return required to be given under the following provisions in relation to the election—
- (a) section 125D(2);

(b) section 125E(2).

periodic return, in relation to a reporting period, means a return required to be given under section 125G(2) in relation to the period.

reminder day, for a relevant return, means—

- (a) for an advertising return in relation to an election—the day that is 5 weeks after the polling day for the election or, if no poll is conducted for the election, the day a poll would have been conducted if it were required; or
- (b) for a periodic return in relation to a reporting period—the day that is 5 weeks after the end of the reporting period; or
- (c) for a summary return in relation to an election—the day that is 10 weeks after the polling day for the election or, if no poll is conducted for the election, the day a poll would have been conducted if it were required.

summary return, in relation to an election, means a return required to be given under the following provisions in relation to the election—

- (a) section 117(4);
- (b) section 118(4);
- (c) section 118A(4);
- (d) section 118B(4);
- (e) section 120(6);
- (f) section 125(2);
- (g) section 125A(2);
- (h) section 125C(2).

51 Amendment of s 130C (Electoral commission must give notice about agent's failure to give return)

(1) Section 130C(1)—

omit, insert—

(1) This section applies if—

(a) an agent of a candidate in an election, group of candidates for an election or registered political party that endorsed a candidate in an election—

(i) is required to give the electoral commission a summary return in relation to the election; and

(ii) has not given the return to the electoral commission within the required period for the election; and

(b) the candidate, or 1 or more of the candidates in the group or endorsed by the party, is elected as a councillor.

(2) Section 130C(2)(b), 'or 4'—

omit, insert—

or 4A

(3) Section 130C(3), definition *summary return*—

omit, insert—

summary return, in relation to an election, means a return required to be given under the following provisions in relation to the election—

(a) section 117(4);

(b) section 118(4);

(c) section 120(6);

(d) section 125(2).

52 Insertion of new ss 135–135E

After section 134—

insert—

135 Associated entity to give notice of financial controller

- (1) As soon as practicable after an entity becomes an associated entity of a registered political party that endorses a candidate in an election or of a candidate in an election or a group of candidates for an election, the associated entity must give the electoral commission written notice of the name of the financial controller of the entity.
- (2) An associated entity of a registered political party that endorses a candidate in an election or of a candidate in an election or a group of candidates for an election must give the electoral commission written notice of any change to the name of the financial controller of the entity as soon as practicable after the change happens.

135A Registered political party must notify endorsement of candidate

- (1) This section applies if any of the following events happen—
 - (a) a registered political party endorses a person to be a candidate in an election;
 - (b) if a registered political party notifies the electoral commission under this section about the endorsement of a person to be a candidate in an election—the party’s endorsement of the person changes before the polling day for the election;
 - (c) a councillor who was endorsed by a registered political party for the election for

which the councillor was elected stops being a member of the party.

- (2) The registered officer of the registered political party must give the electoral commission written notice, in the approved form, about the event (an *event notice*) within 7 days after the event happens.

Maximum penalty—40 penalty units.

- (3) As soon as practicable after the electoral commission receives the event notice, the electoral commission must give the candidate or councillor a written notice that states—

- (a) the contents of the event notice; and
- (b) when the electoral commission received the event notice.

- (4) If a change mentioned in subsection (1)(b) is the withdrawal of a registered political party's endorsement of a person as a candidate for an election, a notice given by the party under section 31 about the withdrawal is taken to be an event notice given about the change under this section.

Note—

Section 31 requires a registered political party to notify the electoral commission about the withdrawal of the party's endorsement of a candidate nominated by the party for election.

- (5) The electoral commission may publish an event notice on the electoral commission's website.

135B Register of agents and register of third parties to be available for public inspection

- (1) This section applies if the electoral commission is required to keep a register of agents or register of third parties for an election under this part.
- (2) The electoral commission must make information

from the register available for public inspection including by publishing the information on the electoral commission's website.

(3) However, the electoral commission must not make the following information available for public inspection under subsection (2)—

- (a) if the electoral commission is informed that an individual identified in the information is a silent elector or enrolled on the electoral roll of the Commonwealth or another State with status equivalent or similar to a silent elector—the address of the individual;
- (b) the street address, but not the suburb, town, city or other locality, including the State, of another individual;
- (c) an individual's date of birth;
- (d) an individual's contact details, including, for example, a telephone number or email address, unless the individual has consented to the contact details being made public;
- (e) the details of a bank account of an entity, including a participant's dedicated account.

(4) In this section—

information, from a register, includes—

- (a) a copy of a document included in the register; and
- (b) personal information about an individual.

personal information see the *Information Privacy Act 2009*, section 12.

135C Electoral commission must not publish information about political party membership

(1) The electoral 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 electoral commission.

135D Audit certificates to accompany particular returns

- (1) This section applies if a person is required to give the electoral commission—
 - (a) a return about electoral expenditure incurred by a registered political party that endorsed a candidate in an election under section 125; or
 - (b) a return about amounts received, paid and outstanding under section 125G.
- (2) The return must be accompanied by a certificate from an auditor stating—
 - (a) that the auditor was given full and free access at all reasonable times to the records related to a matter required to be disclosed in the return; and
 - (b) the auditor examined the records mentioned in paragraph (a) that the auditor considered material for giving the certificate; and
 - (c) the auditor received all the information and explanations the auditor asked for in relation to any matter required to be stated in the certificate, subject to any qualifications stated in the certificate; and
 - (d) the auditor has no reason to think any statement in the declaration is not correct.
- (3) The electoral commission may waive compliance with the requirement to give an audit certificate if the electoral commission considers the cost of

compliance with the requirement would be unreasonable.

- (4) A return required to be accompanied by a certificate from an auditor is taken not to have been given as required under this part if the return is not accompanied by the certificate.

135E Auditor preparing audit certificate to give notice of contravention

- (1) This section applies if, in carrying out an audit to prepare an audit certificate mentioned in section 135D(2), an auditor becomes aware of a matter that the auditor considers is reasonably likely to constitute a contravention of this part or part 9, division 5.
- (2) The auditor must, within 7 days after becoming aware of the matter, give the electoral commission written notice of the matter.

Maximum penalty—100 penalty units.

53 Amendment of s 183 (Engaging in group campaign activities)

- (1) Section 183(1), after ‘relates to’—

insert—

either

- (2) Section 183(1)(a)—

omit, insert—

- (a) candidates who are members of the same group of candidates for the election; or

- (3) Section 183(1)(b), before ‘political’—

insert—

registered

(4) Section 183(2), examples, after the second dot point—

insert—

- a candidate gifting an amount of electoral expenditure incurred by the candidate to another candidate

54 Amendment of s 194B (Schemes to circumvent prohibition on particular political donations)

(1) Section 194B, heading, after ‘donations’—

insert—

or electoral expenditure

(2) Section 194B(1)—

omit, insert—

- (1) A person must not knowingly participate, directly or indirectly, in a scheme to circumvent—
- (a) a prohibition under part 6, division 1A about political donations; or
 - (b) a prohibition under part 6 or this division related to incurring electoral expenditure.

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

55 Amendment of s 195A (False or misleading information about gift)

(1) Section 195A(1), ‘election participants’—

omit, insert—

entities

(2) Section 195A(1)(c), after ‘party’—

insert—

that endorses a candidate in an election

(3) Section 195A(1)(d) and (e)—

omit, insert—

(d) an associated entity of—

(i) a registered political party that endorses a candidate in an election; or

(ii) a candidate in an election; or

(iii) a group of candidates for an election;

(e) a third party to which section 118A or 118B applies for an election.

56 Omission of s 196 (Records to be kept)

Section 196—

omit.

57 Insertion of new pt 11, div 6

Part 11—

insert—

Division 6

Transitional provisions for Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023

221 Definitions for division

In this division—

2024 quadrennial election means the quadrennial election to be held in 2024.

amending Act means the *Local Government*

Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023.

former, for a provision of this Act, means the provision as in force from time to time before the commencement.

new, for a provision of this Act, means the provision as in force from the commencement.

post-commencement election means the 2024 quadrennial election and any subsequent election.

222 Elections held after introduction day and before 2024 quadrennial election

- (1) This section applies in relation to an election held on or after the introduction day and before the 2024 quadrennial election.
- (2) This Act as in force immediately before the commencement applies in relation to the election as if the amending Act had not been enacted.
- (3) Without limiting subsection (2)—
 - (a) section 128 as in force immediately before the commencement applies to the electoral commission in relation to publishing a record about a return for the election; and
 - (b) section 130B as in force immediately before the commencement applies to the electoral commission in relation to giving a notice about a summary return under that section for the election.
- (4) In this section—

introduction day means the day the Bill for the amending Act was introduced into the Legislative Assembly.

223 Continuation of existing groups of candidates for 2024 quadrennial election

- (1) This section applies if, before the commencement, a group of 2 or more candidates gave the electoral commission a record of the membership of the group under former section 41(2) for the 2024 quadrennial election.
- (2) The record is taken to be a notice of the membership of the group given to the electoral commission under new section 42 for the 2024 quadrennial election.
- (3) If, before the commencement, the electoral commission published the record on the electoral commission's website under former section 41(4), the record is taken to be published on the electoral commission's website under new section 42(2).
- (4) If, but for subsection (2), the group would not be eligible under new section 43B to give notice of the membership of the group under new section 42—
 - (a) on the relevant day—
 - (i) subsection (2) stops applying to the record; and
 - (ii) the group stops being a group of candidates for the 2024 quadrennial election; and
 - (b) the electoral commission must remove the record from the electoral commission's website as soon as practicable after the relevant day; and
 - (c) new section 43A applies to the group as if the group had been wound up under new section 43A on the relevant day.
- (5) In this section—

relevant day means the day that is 14 days after the commencement.

224 Gifts

- (1) An amount forgiven on a loan mentioned in new section 107(2)(c)(ii) is a gift if the amount is forgiven after the commencement, even if the loan was made before the commencement.
- (2) An amount or service mentioned in new section 107(2)(e) is a gift if the amount was paid, or service was provided, under a sponsorship arrangement after the commencement, even if the sponsorship arrangement was entered into before the commencement.
- (3) New section 107(5) does not apply to a gift, or part of a gift, mentioned in new section 107(4) that was made before the commencement.
- (4) New section 119A applies in relation to a gift returned after the commencement whether the gift was received before or after the commencement.

225 Electoral expenditure

- (1) New section 109E applies to electoral expenditure whether the expenditure was incurred before or after the commencement.
- (2) New section 123U applies to electoral expenditure incurred whether an event mentioned in new section 123U(3) happened before or after the commencement.

226 Agents and register of group agents

- (1) The register of group agents for the 2024 quadrennial election is taken to form part of the register of agents kept under new section 116D

for the election.

- (2) A person recorded in the register of group agents for the 2024 quadrennial election as the agent of a group of candidates for the election is taken to have been appointed as the agent of the group for new part 6 for the election.
- (3) However, subsection (2) does not apply if the person has been convicted of an offence against former part 6 or former part 9, division 5.
- (4) Subsection (2) does not limit new section 116E(2).
- (5) In this section—

register of group agents means the register kept under section 43(1) as in force immediately before the commencement.

227 Existing disclosure obligations for post-commencement elections

- (1) This section applies if—
 - (a) before the commencement, an entity was required under a former return provision to give the electoral commission a return for the 2024 quadrennial election by the disclosure deadline for the return; and
 - (b) immediately before the commencement—
 - (i) the entity had not given the return under the former return provision; and
 - (ii) the disclosure deadline for the return under the former return provision had not passed.
- (2) Part 6 as in force immediately before the commencement continues to apply in relation to the return as if the amending Act had not been enacted.

- (3) In this section—

former return provision means former section 117(2), 118(2), 118A(2), 120(2) or (4), 124(2) or 125A(2).

228 Summary returns for post-commencement elections under new ss 117 and 120

- (1) This section applies to a return required to be given in relation to a participant in a post-commencement election under new section 117(4) or 120(6) if the participant's disclosure period for the election includes a period before the commencement.
- (2) The return must include gifts or loans received during all of the disclosure period for the election, including any part of the period that occurred before the commencement.
- (3) A reference in new section 117(4) to a gift received during the participant's disclosure period for the election is, to the extent the period occurred before the commencement, taken to be a reference to a gift within the meaning of former section 107.

229 Disclosure period for post-commencement elections for particular third parties under new s 118A

- (1) This section applies to an entity if—
 - (a) before the commencement, the entity was not a third party for a post-commencement election under former section 106; and
 - (b) on the commencement, the entity is a third party for the post-commencement election under new section 106.
- (2) For new section 118A, the entity's disclosure

period for the post-commencement election does not include any part of the period occurring before the commencement.

- (3) This section applies despite new section 106A.

230 Disclosure period for post-commencement elections for third parties under new s 118B

- (1) For new section 118B, a third party's disclosure period for a post-commencement election does not include any part of the period occurring before the commencement.
- (2) This section applies despite new section 106A.

231 First reporting period for new ss 118AA, 120A and 125G

For new sections 118AA, 120A and 125G, the first reporting period is the period—

- (a) starting on the day of the commencement; and
- (b) ending on the following day—
- (i) if the day mentioned in paragraph (a) is before 30 June in a year—30 June in the year;
- (ii) otherwise—31 December in the year.

232 Summary expenditure returns for post-commencement elections under new ss 125 and 125A

- (1) This section applies to a return required to be given in relation to a participant in a post-commencement election under new section 125(2) or 125A(2) if the participant's disclosure period for the election includes a period before the commencement.

- (2) The return must include electoral expenditure incurred during all of the disclosure period for the election, including any part of the period that occurred before the commencement.
- (3) A reference in new sections 125 and 125A to electoral expenditure incurred during the participant's disclosure period for the election is, to the extent the period occurred before the commencement, taken to be a reference to electoral expenditure within the meaning of former section 123.

233 Summary expenditure returns for particular third parties for post-commencement elections under former s 125A

- (1) This section applies to an entity if, immediately before the commencement—
 - (a) the entity was a third party under former section 106 for a post-commencement election; and
 - (b) former section 125A applied to the entity for the election.
- (2) Within 14 days after the commencement, the entity must give a return under former section 125A(4) for the entity's pre-commencement disclosure period for the post-commencement election.
- (3) For applying former section 125A(4)—
 - (a) a reference to a third party is taken to be a reference to the entity; and
 - (b) a reference to the disclosure period is taken to be a reference to the entity's pre-commencement disclosure period for the post-commencement election; and

- (c) a reference to the required period is taken to be a reference to the period starting on the day of the commencement and ending 14 days after the commencement.
- (4) New part 9, division 5 applies in relation to the entity as if a reference in the division to part 6 included a reference to this section.
- (5) In this section—
 - pre-commencement disclosure period*, for an entity for a post-commencement election, means the period—
 - (a) starting when the disclosure period mentioned in former section 125A would have started for the entity for the post-commencement election; and
 - (b) ending immediately before the commencement.

234 Disclosure period for dedicated accounts under new ss 127AA and 127AB

- (1) For new sections 127AA and 127AB, the disclosure period for a registered political party that endorses a candidate in a post-commencement election or a relevant third party for a post-commencement election does not include any part of the period occurring before the commencement.
- (2) This section applies despite new section 106A.

235 Notice of dedicated account under new s 127BA

- (1) This section applies if, immediately before the commencement—

- (a) a registered political party had endorsed a candidate for the 2024 quadrennial election; or
 - (b) a person was a candidate for the 2024 quadrennial election.
- (2) New section 127BA applies in relation to the registered political party or candidate as if the party or candidate became a participant in the 2024 quadrennial election on the commencement.
- (3) However, despite new section 127BA(2), the notice under that provision must be given within 14 days after the commencement.
- (4) For applying new section 127BA(4), a reference in that provision to a notice given under new section 127BA is taken to be a reference to a nomination containing information about a candidate's account for a previous election given to the returning officer under former section 27(2) for the previous election.

236 Notice of endorsement of candidates under new s 135A

- (1) This section applies in relation to a registered political party if, immediately before the commencement, a candidate in a post-commencement election was endorsed by the party.
- (2) New section 135A(2) applies in relation to the registered political party as if the endorsement of the candidate in the post-commencement election happened on the commencement.
- (3) However, despite new section 135A(2), an event notice under that subsection must be given within 14 days after the commencement.
- (4) In this section—

endorsed, in relation to a candidate by a registered political party, has the meaning given by new section 109G.

237 Existing records under former s 196

Former section 196 continues to apply in relation to a record that, immediately before the commencement, was required to be kept under that section as if the amending Act had not been enacted.

58 Amendment of sch 2 (Dictionary)

- (1) Schedule 2, definitions *agent*, *associated entity*, *dedicated account*, *disclosure period*, *electoral expenditure*, *gift* and *group of candidates*—

omit.

- (2) Schedule 2—

insert—

agent see section 106.

associated entity—

- (a) of a registered political party that endorses a candidate in an election—see section 112C(2) and (3); or
- (b) of a candidate in an election—see section 112D(2), (3), (4) and (5); or
- (c) of a group of candidates for an election—see section 112E(2) and (3).

auditor, for part 6, see section 106.

authorised officer means a person who holds office under the *Electoral Act 1992*, part 11, division 14, as an authorised officer.

bank statement, for an account with a financial

institution, for part 6, see section 106.

broadcaster, for part 6, see section 106.

campaign purpose, for incurring electoral expenditure, for part 6, see section 109B.

capped expenditure period, for an election, for part 6, see section 123A.

dedicated account, of a participant in an election, means the account the participant must operate under section 126(2), 127(2), 127AA(2) or 127AB(2) for the election.

disclosure period, for an election, for part 6—

- (a) for a candidate in the election—see section 106A(1); or
- (b) for a registered political party that endorses a candidate in the election—see section 106A(3); or
- (c) for a group of candidates for the election—see section 106A(4); or
- (d) for a third party for the election—see section 106A(5); or
- (e) for an associated entity of a registered political party that endorses a candidate in the election or of a candidate in the election or a group of candidates for the election—see section 106A(6).

electoral expenditure see section 109A.

electoral purpose means a purpose that relates to an election.

endorsed, in relation to a candidate by a registered political party, for part 6, see section 109G.

expenditure cap, for an election, in relation to a participant in the election, for part 6, division 4, see section 123B.

financial controller, of an associated entity of a registered political party that endorses a candidate in an election, or of a candidate in an election or a group of candidates for an election, for part 6, see section 106.

gift see section 107.

gifted, for an amount of electoral expenditure incurred, for part 6, see section 109C(1).

group of candidates, for an election, see section 42(3).

individual candidate, for part 6, see section 106AA.

maximum amount, for an election, for part 6, division 4, see section 123.

number of enrolled electors, for an election, for part 6, division 4, see section 123S(1).

official cash rate means the Reserve Bank of Australia's cash rate target.

participant, in relation to an election, see section 106AB.

prescribed matter, in relation to a relevant entity for an election, for part 6, division 5B, see section 127M.

registered, for a third party in relation to an election, for part 6, see section 106.

register of agents, for part 6, see 106.

register of third parties, for an election, for part 6, see section 106.

related political party, for part 6, see section 106.

relevant day, for an election, for part 6, division 4, see section 123S(3) and (4).

relevant entity, for an election, for part 6, division 5B, see section 127L.

relevant material, for part 6, see section 106.

relevant third party, for an election, for part 6, see section 106.

reporting period, for part 6, see section 106.

sponsorship arrangement, for part 6, see section 107B.

- (3) Schedule 2, definition *person acting on behalf of a candidate*, ‘section 106’—

omit, insert—

section 111(1)

- (4) Schedule 2, definition *person acting on behalf of a group of candidates*, ‘section 106’—

omit, insert—

section 111(2)

Part 4A Amendment of Residential Tenancies and Rooming Accommodation Act 2008

58A Act amended

This part amends the *Residential Tenancies and Rooming Accommodation Act 2008*.

58B Amendment of s 91 (Rent increases)

- (1) Section 91(4)—

omit, insert—

- (4) The day stated in the notice must not be earlier than the later of the following—

- (a) 2 months after the day the notice is given to the tenant;

- (b) the end of the minimum period before the rent may be increased under section 93.
- (2) Section 91(6), after paragraph (a)—
insert—
 - (aa) the increased rent is not payable before the end of the minimum period before the rent may be increased under section 93; and
- (3) Section 91(6)(aa) and (b)—
renumber as section 91(6)(b) and (c).

58C Amendment of s 93 (Minimum period before rent can be increased)

- (1) Section 93(1) to (5)—
omit, insert—
 - (1) A lessor or lessor’s agent must not increase the rent payable by a tenant under a residential tenancy agreement less than 12 months after—
 - (a) the day of the last increase for the agreement; or
 - (b) if there has not been an increase for the agreement, the first day the tenant was required to pay rent under the agreement.

Maximum penalty—20 penalty units.

- (2) If at least 1 tenant’s right to occupy the same premises is continued across 2 or more residential tenancy agreements, subsection (1) applies as if the agreements were a single residential tenancy agreement.
- (3) For subsection (1), it does not matter whether or not the lessor or agent who increases the rent is the same person as the lessor or agent who last increased the rent.
- (4) Nothing in this section prevents the lessor or

agent from giving notice of an increase in rent within the 12 months mentioned in subsection (1) provided the increase does not take effect until the end of the 12 months.

(2) Section 93(6)—

renumber as section 93(5).

(3) Section 93—

insert—

(6) In this section—

increase includes purportedly increase.

58D Amendment of s 105 (Rent increases)

(1) Section 105(2)(b), ‘, not earlier than 4 weeks after the day the notice is given,’—

omit.

(2) Section 105—

insert—

(2A) The day stated in the notice must not be earlier than the later of the following—

(a) 4 weeks after the day the notice is given to the resident;

(b) the end of the minimum period before the rent may be increased under section 105B.

(3) Section 105(4), after paragraph (a)—

insert—

(aa) the increased rent is not payable before the end of the minimum period before the rent may be increased under section 105B; and

(4) Section 105(4)(aa) and (b)—

renumber as section 105(4)(b) and (c).

58E Insertion of new s 105B

After section 105A—

insert—

105B Minimum period before rent can be increased

- (1) A provider or provider's agent must not increase the rent payable by a resident under a rooming accommodation agreement less than 12 months after—
 - (a) the day of the last increase for the agreement; or
 - (b) if there has not been an increase for the agreement, the first day the resident was required to pay rent under the agreement.

Maximum penalty—20 penalty units.

- (2) If at least 1 resident's right to occupy the same room is continued across 2 or more rooming accommodation agreements, subsection (1) applies as if the agreements were a single rooming accommodation agreement.
- (3) For subsection (1), it does not matter whether or not the provider or agent who increases the rent is the same person as the provider or agent who last increased the rent.
- (4) Nothing in this section prevents a provider or agent from giving notice of an increase in rent within the 12 months mentioned in subsection (1) provided the increase does not take effect until the end of the 12 months.
- (5) In this section—
increase includes purportedly increase.

58F Amendment of s 154 (Increase in rental bond)

Section 154(a)—

insert—

Note—

See sections 91 and 105 for the requirements to be met before rent may be increased.

58G Amendment of s 277 (Ending of residential tenancy agreements)

Section 277(b) and (c), ‘before’—

omit, insert—

after

58H Insertion of new ch 14, pt 7

Chapter 14—

insert—

Part 7

**Transitional provisions
for Local Government
Electoral and Other
Legislation
(Expenditure Caps)
Amendment Act 2023**

575 Limit on frequency of rental increases applies to all agreements from 1 July 2023

- (1) Sections 91 and 93 as amended by the 2023 amendment Act apply to all residential tenancy agreements in effect after 30 June 2023 regardless of when the agreements started.

Note—

If a term of a residential tenancy agreement is inconsistent with section 91 or 93, as amended, the section prevails and the term is void to the extent of the inconsistency. See section 54.

- (2) Section 105 as amended by the 2023 amendment Act, and section 105B inserted by the 2023 amendment Act, apply to all rooming accommodation agreements in effect after 30 June 2023 regardless of when the agreement started.

Note—

If a term of a rooming accommodation agreement is inconsistent with section 105 or 105B, as amended, the section prevails and the term is void to the extent of the inconsistency. See section 76.

- (3) In this section—

2023 amendment Act means the *Local Government Electoral and Other Legislation (Expenditure Caps) Amendment Act 2023*.

576 Amendment of section 277

- (1) The replacement of section 277 by the 2021 amendment Act, and the amendment of section 277 by the 2023 amendment Act, are taken to have not affected the ending of a residential tenancy agreement on a day before 1 July 2023 if—
- (a) the lessor or lessor’s agent gave the tenant a notice to leave under section 326 and the tenant handed over vacant possession of the premises; or
 - (b) the tenant gave the lessor or lessor’s agent a notice of intention to leave under section 327 and the tenant handed over vacant possession of the premises.

- (2) In this section—

2021 amendment Act means the *Housing Legislation Amendment Act 2021*.

2023 amendment Act means the *Local*

*Government Electoral and Other Legislation
(Expenditure Caps) Amendment Act 2023.*

Part 4B Amendment of Residential Tenancies and Rooming Accommodation Regulation 2009

58I Regulation amended

This part amends the *Residential Tenancies and Rooming Accommodation Regulation 2009*.

58J Amendment of sch 1, pt 2, cl 10 (Rent increases—ss 91 and 93)

- (1) Schedule 1, part 2, clause 10(3)(b), ‘6 months’—

omit, insert—

12 months

- (2) Schedule 1, part 2, clause 10(5), after paragraph (a)—

insert—

(aa) the increased rent is not payable before the end of the minimum period before the rent may be increased under section 93; and

- (3) Schedule 1, part 2, clause 10(5)(aa) and (b)—

renumber as schedule 1, part 2, clause 10(5)(b) and (c).

58K Amendment of sch 1, pt 2, cl 36 (Ending of agreement—s 277)

Schedule 1, part 2, clause 36(1)(b) and (c), ‘before’—

omit, insert—

after

58L Amendment of sch 2, pt 2, cl 10 (Rent increases—ss 91 and 93)

- (1) Schedule 2, part 2, clause 10(3)(b), ‘6 months’—
omit, insert—
12 months
- (2) Schedule 2, part 2, clause 10(5), after paragraph (a)—
insert—
(aa) the increased rent is not payable before the end of the minimum period before the rent may be increased under section 93; and
- (3) Schedule 2, part 2, clause 10(5)(aa) and (b)—
renumber as schedule 2, part 2, clause 10(5)(b) and (c).

58M Amendment of sch 2, pt 2, cl 42 (Ending of agreement—s 277)

Schedule 2, part 2, clause 42(1)(b) and (c), ‘before’—
omit, insert—
after

58N Amendment of sch 3, pt 2, cl 34 (Ending of agreement—s 277)

Schedule 3, part 2, clause 34(1)(b) and (c), ‘before’—
omit, insert—
after

58O Amendment of sch 3A, pt 2, cl 33 (Ending of agreement—s 277)

Schedule 3A, part 2, clause 33(1)(b) and (c), ‘before’—
omit, insert—
after

58P Amendment of sch 4, pt 2, cl 8 (Rent increases—s 105)

- (1) Schedule 4, part 2, clause 8, heading, ‘s 105’—

omit, insert—

ss 105 and 105B

- (2) Schedule 4, part 2, clause 8(5), after paragraph (a)—

insert—

(aa) the increased rent is not payable before the end of the minimum period before the rent may be increased under section 105B; and

- (3) Schedule 4, part 2, clause 8(5)(aa) and (b)—

renumber as schedule 4, part 2, clause 8(5)(b) and (c).

Part 5 Other amendments

59 Legislation amended

Schedule 1 amends the legislation it mentions.

Schedule 1 Other amendments

section 59

City of Brisbane Act 2010

1 Section 177D(3)(a), from ‘in the group’ to ‘section 41’—

omit, insert—

who are members of the group

**2 Schedule 2, definitions *group of candidates* and
how-to-vote card—**

omit.

3 Schedule 2—

insert—

group of candidates, for an election, see the *Local Government Electoral Act 2011*, section 42(3).

how-to-vote card see the *Local Government Electoral Act 2011*, schedule 2.

Local Government Act 2009

1 Section 150EG(3)(a), from ‘in the group’ to ‘section 41’—

omit, insert—

who are members of the group

**2 Schedule 4, definitions *group of candidates* and
how-to-vote card—**

omit.

3 Schedule 4—

insert—

group of candidates, for an election, see the Local Government Electoral Act, section 42(3).

how-to-vote card see the Local Government Electoral Act, schedule 2.

Local Government Electoral Act 2011

1 Section 101A(3)(b), ‘a group’—

omit, insert—

a member of a group

2 Section 101A(8), ‘group of candidates or’—

omit, insert—

a member of a group of candidates or a

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