

# NORTHERN TERRITORY OF AUSTRALIA

## ELECTORAL LEGISLATION FURTHER AMENDMENT ACT 2019

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### Act No. 30 of 2019

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 30 of 2019

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An Act to amend the *Electoral Act 2004*, the *Local Government Act 2008* and the *Electoral Regulations 2004*

[Assented to 9 October 2019]  
[Introduced 20 June 2019]

The Legislative Assembly of the Northern Territory enacts as follows:

## Part 1 Preliminary matters

### 1 Short title

This Act may be cited as the *Electoral Legislation Further Amendment Act 2019*.

### 2 Commencement

This Act commences on 1 January 2020.

## Part 2 Amendment of Electoral Act 2004

### 3 Act amended

This Part amends the *Electoral Act 2004*.

### 4 Part 2 heading amended

Part 2, heading, after "**Interpretation**"

*insert*

**and application**

---

**5 Section 3 amended (Definitions)**

- (1) Section 3, definitions **authorised witness**, **broadcast**, **broadcaster**, **declaration ballot paper**, **declaration envelope**, **declaration vote**, **disclosure period**, **mobile polling period**, **polling day**, **polling hours**, **pre-election voting centre** and **reporting agent**

*omit*

- (2) Section 3

*insert*

**candidate**, for Part 10, see section 176.

**capped expenditure period**, see section 203A.

**declaration ballot paper** means a ballot paper on which a declaration vote is cast.

**declaration envelope** means any envelope into which a ballot paper is required to be placed under Part 6.

**declaration vote** means a vote cast under Part 6, which is required by a provision of that Part to be accompanied by a declaration.

**early voting centre** means a place appointed under section 42(1)(a) for early voting under Part 6, Division 5.

**election day** means the date fixed by a writ as election day for an election or general election, and includes a day to which voting is adjourned under section 91.

**envelope** includes a declaration envelope.

**mobile voting period**, for an election, means the period starting on the day that is 11 days after the date of the issue of the writ for the election and ending at 6 pm on election day.

**political expenditure** means expenditure incurred in promoting or opposing a candidate (within the meaning of Part 10) or a registered party.

**reporting agent** means:

- (a) a person appointed under section 184 and whose registration has not been removed under section 187; or
- (b) the person taken to be a reporting agent under section 185.



**third party campaigner** means a person who or entity that incurs or expects to incur more than \$1 000 of political expenditure during the capped expenditure period, but does not include a candidate (as defined in Part 10), a registered party or an associated entity.

**voting hours** means:

- (a) for an election day voting centre – from 8 am to 6 pm; or
- (b) for an early voting centre – the hours decided under section 69(1)(b) for voting at early voting centres; or
- (c) for a mobile voting centre – the hours specified in a declaration under section 78 for the mobile voting centre, and includes the hours as changed under section 81(1).

**voting papers** means:

- (a) a ballot paper; and
- (b) an envelope into which a ballot paper is placed; and
- (c) any declaration a person makes in casting a vote.

- (3) Section 3, definition **election day voting centre**

*omit*

polling hours on polling

*insert*

voting hours on election

- (4) Section 3, definition **electoral advertisement**

*omit*

(including an advertisement on an electronic billboard, digital road sign or any other similar device)

- (5) Section 3, definition **electoral expenditure**

*omit*

Division 4, has the meaning in section 199

*insert*

see section 176A

- (6) Section 3, definition **gift**  
*omit*  
has the meaning in section 176  
*insert*  
see section 3A
- (7) Section 3, definition **infringement offence**, paragraph (a)  
*omit, insert*  
(a) section 175P(2) or (3); or  
(ab) section 215(1), (2) or (2A); or  
(ac) section 279(1); or
- (8) Section 3, definition **ordinary vote**, after "a vote"  
*insert*  
, whether cast before or on election day,
- (9) Section 3, definition **voting centre**  
*omit*  
a pre-election  
*insert*  
an early

## **6 Section 3A inserted**

After section 3

*insert*

### **3A Meaning of gift**

- (1) A **gift** means any disposition of property made by a person to someone else without consideration in money or money's worth or with inadequate consideration, and includes providing a service for no consideration or for inadequate consideration, but does not include:
- (a) a disposition of property by will; or

- (b) an annual subscription paid to a registered party by a person for the person's membership of the party; or
  - (c) volunteer labour provided by a person that is:
    - (i) conducted outside the person's normal working hours or while the person is on leave; and
    - (ii) not remunerated.
- (2) Despite subsection (1), a gift to a candidate does not include a gift:
- (a) made in a private capacity to the candidate for the candidate's personal use; and
  - (b) that the candidate has not used, and will not use, solely or substantially for a purpose related to an election.
- (3) Despite subsection (1), a gift to a third party campaigner only includes gifts that are:
- (a) specified by the donor to be used for political expenditure; or
  - (b) reasonably believed by the campaigner to be intended by the donor to be used for political expenditure.
- (4) For subsection (1), (2) or (3) the regulations may:
- (a) prescribe matters relating to methods or processes for determining the value of a gift; and
  - (b) broaden or narrow the definition of **gift**.

## **7 Section 8 amended (Closed roll)**

- (1) Section 8(a)
- omit*
- 8 pm on the day that is 2 days
- insert*
- 5 pm on the day that is 1 day
- (2) Section 8(b)
- omit*
- polling

*insert*

voting

## **8 Section 8A inserted**

After section 8, in Part 2

*insert*

### **8A Application of Criminal Code**

Part IIAA of the Criminal Code applies to an offence against sections 175P(2) and (3), 175R(1) and (2), 203C(1), (2) and (3), 203D and 213E.

*Note for section 8A*

*Part IIAA of the Criminal Code states the general principles of criminal responsibility, establishes general defences, and deals with burden of proof. It also defines, or elaborates on, certain concepts commonly used in the creation of offences.*

## **9 Section 11 amended (Contents of roll)**

Section 11(1)(d), after "sex"

*insert*

or gender

## **10 Section 13 amended (Supply of roll extract to MLA and registered party)**

Section 13(2)(b), after "sex"

*insert*

or gender

## **11 Section 28 amended (Limitation of dates)**

(1) Section 28(a)

*omit*

4

*insert*

7

- (2) Section 28(b)  
*omit*  
polling day must be 19  
*insert*  
election day must be 23

## **12 Section 32 amended (Nomination form)**

Section 32(1)(g)

*omit, insert*

- (g) be accompanied by a deposit of an amount prescribed by regulation (the ***nomination deposit***), paid in the manner and by the payment method prescribed by regulation; and

## **13 Section 38 amended**

- (1) Section 38, heading

*omit*

**poll**

*insert*

**vote**

- (2) Section 38(2)

*omit*

a poll

*insert*

an election

## **14 Section 42 amended**

- (1) Section 42, heading

*omit*

**Pre-election**

*insert*

**Early**

(2) Section 42(1)(a)

*omit*

a pre-election

*insert*

an early

(3) Section 42(1)(b)

*omit*

a division

*insert*

one or more divisions

(4) Section 42(2)

*omit*

pre-election

*insert*

early

**15 Section 42A amended (Designated land part of voting centre)**

Section 42A(1)

*omit*

a pre-election

*insert*

an early

**16 Section 43 amended**

(1) Section 43, heading

*omit*

**polling place**

*insert*

**voting centre**

(2) Section 43

*omit*

polling hours on polling

*insert*

voting hours on election

**17 Section 46 amended (Scrutineers – appointment)**

Section 46(1)

*omit*

polling

*insert*

voting

**18 Section 47 amended (Scrutineers – presence at voting centre and scrutiny centre)**

Section 47(1)

*omit*

polling

*insert*

voting

**19 Section 49 amended (Procedure for voting)**

(1) Section 49(2)

*omit*

polling

*insert*

election

(2) Section 49(3)

*omit*

**20 Section 51A amended (How-to-vote cards)**

(1) Section 51A(1)

*omit*

an elector

*insert*

a voter

(2) Section 51A(2)(d)

*omit*

his or her

*insert*

the individual's

**21 Part 6, Division 2 heading amended**

Part 6, Division 2, heading, at the end

*insert*

**on election day**



**22 Section 52 amended (Issue of ballot paper)**

Section 52(1)

*omit*

polling

*insert*

voting

**23 Section 53 amended (Voting in private)**

Section 53(1)(b)

*omit*

his or her

*insert*

the person's

**24 Part 6, Division 3 heading replaced**

Part 6, Division 3, heading

*omit, insert***Division 3 Absent and declaration voting on election day at voting centres****25 Part 6, Division 3, Subdivision 1 heading amended**

Part 6, Division 3, Subdivision 1, heading

*omit***Declaration voting***insert***Voting**

---

**26 Section 54 amended**

- (1) Section 54, heading

*omit*

**declaration**

- (2) Section 54(1)

*omit*

polling

*insert*

voting

- (3) Section 54(1)

*omit*

another division

*insert*

a division for which that voting centre has not been declared under section 42(1)(b)

- (4) Section 54(1)

*omit*

(a **declaration ballot paper**)

- (5) Section 54(1)(b) and (2)

*omit (all references)*

declaration

**27 Section 55 amended**

- (1) Section 55, heading

*omit*

**declaration**

- (2) Section 55(1) and (2)

*omit*

declaration

**28 Part 6, Division 3, Subdivision 2 heading amended**

Part 6, Division 3, Subdivision 2, heading

*omit*

**by other persons**

**29 Section 56 amended (Issue of declaration ballot paper)**

- (1) Section 56(1)

*omit*

polling

*insert*

voting

- (2) After section 56(1)

*insert*

- (1A) A person to whom subsection (1)(b)(i) applies may be required to provide proof of identity in accordance with section 98AA(2) of the Commonwealth Act.

- (3) Section 56(2)

*omit*

polling

*insert*

voting

- (4) Section 56(4)(a)

*omit, insert*

(a) the person:

- (i) has complied with Part VIII of the Commonwealth Act before the close of roll; or

- (ii) is eligible to enrol under Part VIII of the Commonwealth Act;

**30 Section 57 amended (Casting declaration vote)**

- (1) Section 57(2)(a)(i)

*omit*

his or her

*insert*

the person's

- (2) After section 57(2)(c)

*insert*

(ca) if the declaration envelope includes a declaration mentioned in section 56(4)(a), the officer may record and retain an image of the outside of the envelope; and

**31 Section 62 amended (Issue of postal voting papers)**

- (1) Section 62(3)(aa) and (4)(b)

*omit*

polling

*insert*

election

- (2) Section 62(3)(a)

*omit*

6 pm on the day that is 4 days before polling

*insert*

5 pm on the day that is 4 days before election

- (3) Section 62(3)(b)

*omit*

6 pm on the day that is 2 days before polling

*insert*

5 pm on the day that is 2 days before election

**32 Section 64 amended (Applications to be available for public inspection)**

Section 64(1) and (2)

*omit*

polling

*insert*

election

**33 Section 66 amended (When postal vote may be cast)**

Section 66

*omit*

polling

*insert*

election

**34 Section 67 amended (Casting postal vote)**

(1) Section 67(1)

*omit*

(2) Section 67(2)

*omit*

, in the presence of the witness, sign his or her name

*insert*

sign the elector's name and insert the date and time

(3) Section 67(3), (5) and (6)

*omit*

- 
- (4) Section 67(4)  
*omit*  
, in the presence of the witness but so that the witness cannot see the vote
- (5) Section 67(4)(a)  
*omit*  
his or her  
*insert*  
the elector's
- (6) Section 67(4)(b)  
*omit, insert*  
(b) fold the ballot paper and place it in the envelope bearing the postal vote certificate; and  
(c) seal the envelope.  
*Note for subsection (4)*  
*If a postal voter needs assistance to vote, see section 87.*
- (7) Section 67(7)  
*omit*  
or (5)

### **35 Part 6, Division 5 heading replaced**

Part 6, Division 5, heading

*omit, insert*

### **Division 5 Early voting**

### **36 Section 68 amended (Application of Division)**

Section 68

*omit*

declaration votes before the polling day for an election

*insert*

votes before election day

**37 Section 69 amended (Arrangements for voting)**

(1) Section 69(1)

*omit*

must

(2) Section 69(1)(a), before "declare"

*insert*

may

(3) Section 69(1)(b), before "decide"

*insert*

must

(4) Section 69(1)(b)

*omit*

polling

*insert*

election

(5) Section 69(1)(b)

*omit*

pre-election voting centres

*insert*

early voting centres and mobile voting centres

(6) After section 69(2)

*insert*

(2A) The Commission may declare an early voting centre to be an early voting centre for one or more regions.

---

**38 Section 70 amended (Public notice of arrangements)**

(1) Section 70(2)

*omit*

polling

*insert*

election

(2) Section 70(2)

*omit*

pre-election

*insert*

early

**39 Part 6, Division 5, Subdivision 2 heading amended**

Part 6, Division 5, Subdivision 2, heading

*omit*

**Declaration voting**

*insert*

**Voting**

**40 Section 71 amended**

(1) Section 71, heading

*omit*

**declaration**

(2) Section 71(1)

*omit*

a pre-election

*insert*

an early



- (3) Section 71(1)  
*omit*  
the hours of polling on a day decided under section 69(1)(b)  
*insert*  
voting hours
- (4) Section 71(2)  
*omit*  
(a ***declaration ballot paper***)

**41 Section 72 amended**

- (1) Section 72, heading  
*omit*  
**declaration**
- (2) Section 72(1) and (2)  
*omit (all references)*  
declaration
- (3) Section 72(2)(a)  
*omit*  
pre-election  
*insert*  
early
- (4) Section 72(2)(a)(i)  
*omit*  
his or her  
*insert*  
the person's

## (5) Section 72(2)(b)

*omit*

if the centre is not in the region in which the person's enrolled division is situated

*insert*

if the centre is not declared to be an early voting centre for the region in which the person's enrolled division is situated

**42 Part 6, Division 5, Subdivision 3 heading amended**

Part 6, Division 5, Subdivision 3, heading

*omit*

**by unenrolled persons**

**43 Section 73 amended (Issue of declaration ballot paper)**

## (1) Section 73(1)(a)

*omit, insert*

(a) the person attends before an authorised officer at an early voting centre during voting hours; and

## (2) Section 73(1)(c)

*omit, insert*

(c) the officer is satisfied the officer's certified list of voters:

(i) does not state the person's name and address; or

(ii) has been marked to indicate a ballot paper has already been issued to the person but the person declares the person has not already voted at the election; and

- (3) Section 73(4)  
*omit, insert*
- (4) The declaration by a person to whom subsection (1)(c)(i) applies must state the following:
- (a) the person:
    - (i) has complied with Part VIII of the Commonwealth Act before the close of roll; or
    - (ii) is eligible to enrol under Part VIII of the Commonwealth Act;
  - (b) to the best of the person's knowledge no objection has been upheld in relation to the inclusion of the person's name on the roll;
  - (c) the person is not qualified for enrolment in a division other than the division for which the person claims to vote;
  - (d) the person has not already voted at the election.
- (5) The declaration by a person to whom subsection (1)(c)(ii) applies must state the person has not already voted at the election.

#### **44 Section 75 amended**

- (1) Section 75, heading  
*omit*  
**pre-election**  
*insert*  
**early**
- (2) Section 75(1) and (2)(a)  
*omit*  
declaration
- (3) Section 75(1)  
*omit*  
a pre-election

*insert*

an early

(4) Section 75(2)

*omit*

polling

*insert*

election

**45 Section 76 amended**

(1) Section 76, heading

*omit*

**pre-election**

*insert*

**early**

(2) Section 76(1) and (2)(b)

*omit*

declaration

(3) Section 76(1)

*omit*

a pre-election

*insert*

an early

(4) Section 76(2)

*omit*

polling

*insert*

election

---

**46 Section 77 amended (Application of Division)**

Section 77

*omit*

polling

*insert*

voting

**47 Section 78 amended (Mobile voting centres)**

(1) Section 78(1)

*omit*

declare an election day voting centre or a pre-election voting centre

*insert*

appoint a stated place, whether or not an election day voting centre or an early voting centre,

(2) Section 78(1) and (2)(b)

*omit*

polling

*insert*

voting

(3) Section 78(2), (3), (4) and (5)(a)

*omit*

declaration

*insert*

appointment

**48 Section 86 amended (Arrangements at voting centres)**

(1) Section 86(1), (3), (4)(b) and (5)(a)(ii)

*omit*

polling

*insert*

voting

- (2) Section 86(1)(b)

*omit*

the poll

*insert*

voting

- (3) Section 86(2)

*omit*

a pre-election

*insert*

an early

**49 Section 87 amended (Assistance to certain voters)**

- (1) Section 87(2)

*omit, insert*

- (2) An assistant must be a nominee of the voter or, if there is no nominee, an officer.

- (2) After section 87(4)(b)

*insert*

(ba) for a postal vote – by placing the ballot paper in the envelope bearing the postal vote certificate, sealing the envelope and sending the envelope to the Commission;

**50 Section 89 amended (Spoilt or discarded ballot paper)**

Section 89(3)

*omit*

polling

*insert*

voting

**51 Section 90 amended (Dealing with ballot boxes and electoral papers)**

(1) Section 90(1) and (3)

*omit*

polling

*insert*

voting

(2) Section 90(3)

*omit*

of the poll

*insert*

under Part 7

**52 Section 91 amended**

(1) Section 91, heading

*omit*

**polling**

*insert*

**voting**

(2) Section 91(1)

*omit*

adjourn polling

*insert*

adjourn voting

(3) Section 91(1)

*omit*

polling day

*insert*

election day

(4) Section 91(1)

*omit*

proceed with polling

*insert*

proceed with voting

(5) Section 91(2)

*omit*

adjourns polling

*insert*

adjourns voting

(6) Section 91(3)

*omit*

polling is to resume

*insert*

voting is to resume

(7) Section 91(4) and (6)

*omit (all references)*

polling

*insert*

voting

(8) Section 91(6)

*omit*

the poll



*insert*

voting

**53 Section 92 amended (Employee wishing to vote)**

Section 92(1)

*omit*

a polling

*insert*

an election

**54 Section 93 amended (How scrutiny carried out)**

Section 93(1)

*omit*

polling

*insert*

voting

**55 Section 95 amended**

(1) Section 95, heading

*omit*

**declaration**

(2) Section 95

*omit (all references)*

declaration

**56 Section 96 amended (Certain postal ballot papers not counted)**

(1) Section 96(1)(a)

*omit*

polling

*insert*

election

- (2) Section 96(1)(b)(i) and (ii)

*omit*

polling on polling

*insert*

voting on election

- (3) Section 96(1)(b)(ii)

*omit*

polling day

*insert*

election day

#### **57 Section 97 amended**

- (1) Section 97, heading

*omit*

**declaration**

- (2) Section 97(4), definition ***absent ballot paper***

*omit*

declaration

- (3) Section 97(4), definition ***absent ballot paper***, after "Subdivision 1"

*insert*

or Part 6, Division 5, Subdivision 2

#### **58 Section 98 amended (Initial dealing with ballot papers)**

Section 98(1)

*omit*

the poll

*insert*

voting

**59 Part 7, Division 4 heading replaced**

Part 7, Division 4, heading

*omit, insert*

**Division 4 Certain votes cast on election day and declaration votes cast by unenrolled voters at early voting centres**

**60 Section 100 amended (Application of Part 7, Division 4)**

Section 100

*omit*

declaration

**61 Section 101 amended**

(1) Section 101, heading

*omit*

**declaration**

(2) Section 101(1) and (2)(a) and (b)

*omit*

declaration

(3) Section 101(2)

*omit*

the poll

*insert*

voting

---

**62 Part 7, Division 4, Subdivision 2 heading amended**

Part 7, Division 4, Subdivision 2, heading

*omit*

**Declaration votes**

*insert*

**Votes**

**63 Section 102 amended (Application of Part 7, Division 4, Subdivision 2)**

(1) Section 102

*omit*

declaration

(2) Section 102(b)

*omit*

101(1)(c)

*insert*

101(2)(c)

**64 Section 103 amended**

(1) Section 103, heading

*omit*

**declaration**

(2) Section 103(1)(a)

*omit*

declaration

---

**65 Section 104 amended (Application of Part 7, Division 3, Subdivision 3)**

Section 104(b)

*omit*

101(1)(c)

*insert*

101(2)(c)

**66 Section 105 amended (Examination of declaration ballot papers)**

Section 105(3)(a)

*omit, insert*

(a) if the person's name:

- (i) is on the officer's certified list of voters for the division – place a mark against the person's name on the list; or
- (ii) is not on the officer's certified list of voters for the division but the person is entitled to be enrolled for that division under Part VIII of the Commonwealth Act – make a record of that entitlement; and

**67 Section 106 amended (Application of Part 7, Division 3, Subdivision 4)**

(1) Section 106

*omit*

declaration

(2) Section 106(b)

*omit*

101(1)(c)

*insert*

101(2)(c)

**68 Part 7, Division 4, Subdivision 5 heading amended**

Part 7, Division 4, Subdivision 5, heading, after "**declaration**"

*insert*

**and absent**

**69 Section 108 amended**

(1) Section 108, heading

*omit*

**declaration**

(2) Section 108(1)

*omit*

declaration

**70 Section 109 amended**

(1) Section 109, heading

*omit*

**declaration**

(2) Section 109(1)

*omit*

declaration

**71 Part 7, Division 5, Subdivision 1 heading amended**

Part 7, Division 5, Subdivision 1, heading

*omit*

**polling**

*insert*

**election**

---

**72 Section 111 amended (Checking postal voting papers)**

- (1) Section 111(2)(a) and (b)

*omit, insert*

(a) the elector's postal vote certificate is signed and the elector's signature on the certificate is that of the elector who signed the application; and

- (2) Section 111(2)(c)

*omit*

polling

*insert*

election

**73 Section 112 amended**

- (1) Section 112, heading

*omit*

**poll**

*insert*

**voting**

- (2) Section 112(1)

*omit*

the poll

*insert*

voting

- (3) Section 112(1)(a)

*omit*

polling

*insert*

election

**74 Part 7, Division 6 heading replaced**

Part 7, Division 6, heading

*omit, insert*

**Division 6 Votes cast at early voting centres****75 Section 115 amended (Application of Part 7, Division 6)**

Section 115

*omit*

declaration

**76 Section 116 amended (Initial dealing with ballot boxes)**

(1) Section 116(1)

*omit*

the poll

*insert*

voting

(2) Section 116(1)(b)(i) and (ii)

*omit*

declaration

(3) Section 116(1)(b)(i)

*omit*

pre-election

*insert*

early



---

**77 Part 7, Division 6, Subdivision 2 heading replaced**

Part 7, Division 6, Subdivision 2, heading

*omit, insert*

**Subdivision 2 Votes cast for enrolled divisions at early voting centres****78 Section 117 amended (Application of Part 7, Division 6, Subdivision 2)**

Section 117

*omit*

declaration

**79 Section 118 heading amended**

Section 118, heading

*omit*

**declaration**

**80 Part 7, Division 6, Subdivision 3 heading replaced**

Part 7, Division 6, Subdivision 3, heading

*omit, insert*

**Subdivision 3 Votes cast for divisions in other regions at early voting centres****81 Section 119 amended (Application of Part 7, Division 6, Subdivision 3)**

Section 119(a)

*omit*

declaration

**82 Section 120 amended**

(1) Section 120, heading

*omit*

**declaration**

(2) Section 120(1)(a)

*omit*

declaration

**83 Section 121 amended**

(1) Section 121, heading

*omit*

**declaration**

(2) Section 121(1)

*omit*

declaration

**84 Part 7, Division 6, Subdivision 4 heading amended**

Part 7, Division 6, Subdivision 4, heading

*omit*

**all declaration votes cast at pre-election**

*insert*

**certain votes cast at early**

**85 Section 122 amended**

(1) Section 122, heading

*omit*

**declaration**

(2) Section 122(1)

*omit*

declaration

**86 Section 123 amended (Interim distribution of preference votes)**

Section 123(1)

*omit*

polling

*insert*

election

**87 Section 124 amended (Part counting of votes)**

Section 124(1)

*omit*

declaration

**88 Section 131 amended (Declaration of result of election)**

Section 131(2)

*omit*

polling

*insert*

election

**89 Section 134 amended (Extension of time)**

Section 134(1)

*omit*

polling

*insert*

election

**90 Section 135 amended (Failure of election)**

Section 135(b)

*omit*

polling

*insert*

election

**91 Section 138 amended (When redistribution to be conducted)**

Section 138(2)(a) and (2A)(a)

*omit*

the polling

*insert*

election

**92 Part 9A inserted**

After section 175

*insert*

**Part 9A Registration of associated entities and third party campaigners**

**Division 1 Application process for registration and related matters**

**175A Application**

- (1) An associated entity may apply for registration under this Part.
- (2) A third party campaigner may apply for registration under this Part in relation to a particular election.
- (3) An application for registration must:
  - (a) be made to the Commission in the approved form; and
  - (b) state the full name and address of the associated entity or third party campaigner; and
  - (c) include the information and be accompanied by the documents prescribed by regulation.
- (4) An application for registration by an associated entity must also:
  - (a) state the name of the registered party that controls the entity or benefits from it; and

(b) be signed by the reporting agent of that registered party.

**175B Deadline for lodging application**

If an application is received by the Commission less than 5 days before the relevant election, the Commission must refuse to register the applicant.

**175C Further information about application**

- (1) For this Part, the Commission may give an applicant a written notice requiring the applicant to give the Commission, within a reasonable specified period, specified information or a specified document relating to the application.
- (2) If the applicant does not comply with the notice, the Commission may refuse the application.

**175D Decision on application**

The Commission must grant or refuse an application.

**175E Grant of application**

If the Commission grants the application, the Commission must:

- (a) register the applicant; and
- (b) give written notice of the registration to the applicant.

**175F Refusal of application**

- (1) The Commission may refuse the application if the Commission is of the opinion, on reasonable grounds, that any information in the application is incomplete or incorrect.
- (2) The Commission may register an applicant despite any defect mentioned in subsection (1) if it thinks appropriate.
- (3) If the Commission refuses the application, the Commission must give the applicant an information notice for the decision to refuse the application.

**175G Amendment of application**

- (1) If the Commission is of the opinion the application must be refused under section 175F but that the application might be amended to prevent the refusal, the Commission must give the applicant written notice to that effect.

- (2) The notice must:
  - (a) state the reasons for the opinion; and
  - (b) describe the effect of subsections (3) to (6).
- (3) The Commission is not required to further consider the application unless a request is made under subsection (4).
- (4) Within 28 days after receiving the notice, the applicant may make a written, signed request to the Commission:
  - (a) to amend the application in a stated way; or
  - (b) to consider the application in the form in which it was made.
- (5) The Commission must comply with the request.
- (6) If the applicant requests the Commission to amend the application in a stated way, the application as amended in accordance with the request is taken to be a new application for registration.

## **Division 2      Cancellation of registration**

### **175H      Cancellation on application**

- (1) A registered associated entity or registered third party campaigner may make a written, signed request to the Commission to cancel the registration of the entity or campaigner.
- (2) The Commission must cancel the registration of an associated entity or a third party campaigner if it receives a request under subsection (1).

### **175J      Cancellation for non-compliance**

If a registered associated entity or registered third party campaigner fails to comply with section 175P(5), the Commission may cancel the registration of the entity or campaigner.

### **175K      Cancellation of registration**

If the Commission cancels the registration of an associated entity or a third party campaigner under this Division, the Commission must remove the particulars of the entity or campaigner from the register.

**Division 3      Registers****175L      Commission to keep register of associated entities**

- (1) The Commission must keep a register of registered associated entities.
- (2) The Regulations may prescribe the details to be kept on the register.

**175M      Commission to keep register of third party campaigners**

- (1) The Commission must keep a register of registered third party campaigners in respect of each election.
- (2) The Regulations may prescribe the details to be kept on the register.

**175N      Register to be available for public inspection**

The Commission must make the registers kept under sections 175L and 175M available on its website.

**175P      Changes to particulars in registers**

- (1) If any of the information given by a registered associated entity or registered third party campaigner in an application under section 175A has changed, the entity or campaigner must notify the Commission of the correct information within 30 days of the change.
- (2) An associated entity commits an offence if the entity fails to comply with subsection (1).

Maximum penalty:      10 penalty units.

- (3) A third party campaigner commits an offence if the campaigner fails to comply with subsection (1).

Maximum penalty:      10 penalty units.

- (4) An offence against subsection (2) or (3) is an offence of strict liability.
- (5) If the Commission believes that information given by a registered associated entity or registered third party campaigner in an application under section 175A has changed, the Commission may give written notice to the entity or campaigner requiring the entity or campaigner to comply with subsection (1).

**175Q Process for variation**

- (1) If the Commission receives a notification under section 175P(1), the Commission must vary the register accordingly unless the Commission reasonably believes the varied particulars are not correct.
- (2) If the Commission varies any particulars listed on the register for a registered associated entity or registered third party campaigner, the Commission must notify the entity or campaigner of that variation.

**175R Offences**

- (1) An associated entity commits an offence if the entity:

- (a) intentionally fails to register under this Part; and
- (b) receives a gift or incurs electoral expenditure.

Maximum penalty:

- (a) for an individual – 200 penalty units or imprisonment for 12 months or both;
- (b) for a body corporate – 1 000 penalty units.

- (2) A third party campaigner commits an offence if the campaigner:

- (a) intentionally fails to register under this Part in relation to an election; and
- (b) incurs more than \$1 000 of political expenditure in relation to that election.

Maximum penalty:

- (a) for an individual – 200 penalty units or imprisonment for 12 months or both;
- (b) for a body corporate – 1 000 penalty units.

- (3) Strict liability applies to subsections (1)(b) and (2)(b).



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**93 Part 10 heading and Part 10, Division 1 heading replaced and section 175S inserted**

Part 10, heading and Part 10, Division 1, heading

*omit, insert*

**Part 10 Donations and expenditure****Division 1 Preliminary matters****175S Purposes**

The purposes of this Part are the following:

- (a) to establish a transparent electoral expenditure and disclosure regime;
- (b) to increase the transparency of election campaigns;
- (c) to reduce undue influence in the electoral process;
- (d) to promote the accountability of, and compliance by, registered parties, elected members, candidates, associated entities, third party campaigners and donors.

**94 Section 176 amended (Definitions)**

- (1) Section 176, definitions ***broadcaster, disclosure period, gift*** and ***reporting agent***

*omit*

- (2) Section 176

*insert*

***candidate***, in an election, means a person:

- (a) declared to be a candidate for the election under section 37;  
or
- (b) who has been selected, or has won party endorsement, by a registered party to be a candidate in the election; or
- (c) who has publicly announced that the person will be a candidate for the election; or
- (d) who contested the last general election or an election since the last general election.

- (3) Section 176, definition **financial controller**, after "associated entity"

*insert*

or a third party campaigner

- (4) Section 176, definition **financial controller**, paragraphs (a), (b) and (c), after "entity"

*insert*

or campaigner

## **95 Section 176A inserted**

After section 176

*insert*

### **176A Meaning of *electoral expenditure***

- (1) **Electoral expenditure**, for an election, means expenditure incurred during the capped expenditure period on any of the following:
- (a) publishing, broadcasting, posting or displaying an electoral advertisement during that period in any form and on any platform or at any venue or place during that period;
  - (b) producing an electoral advertisement that is published, broadcast, posted or displayed as mentioned in paragraph (a);
  - (c) designing or producing any printed electoral matter to which Part 13, Division 1, Subdivision 2 applies that is published, communicated or distributed during that period;
  - (d) producing or distributing electoral matter that is addressed to particular persons or organisations and is distributed during that period;
  - (e) carrying out an opinion poll or other research about the election during that period.
- (2) For subsection (1), **electoral expenditure** also includes receiving an item or service specified in that subsection in the form of a gift.
- (3) For subsection (1), **electoral expenditure** is incurred:
- (a) in the case of a good – when the good is delivered; or

(b) in the case of a service – when the service is provided.

*Examples for subsection (3)*

1 *Advertising expenditure is incurred when the advertising is broadcast or published.*

2 *Expenditure on the production or distribution of material is incurred at the time of distribution.*

(4) Despite anything to the contrary in subsection (1) or (2), **electoral expenditure** does not include expenditure on travel or accommodation.

#### **96 Section 182 repealed (Disclosure period)**

Section 182

*repeal*

#### **97 Part 10, Division 2 heading amended**

Part 10, Division 2, heading

*omit*

**of registered parties and candidates**

#### **98 Section 184 amended (Appointment of reporting agent)**

(1) Section 184(1)

*omit*

for this Part

(2) Section 184(2)

*omit, insert*

(2) Subject to subsection (2A), a candidate in an election may appoint a person to be the candidate's reporting agent.

(2A) The reporting agent for a candidate who is endorsed by a registered party is the reporting agent for that party.

(2B) An associated entity may appoint a reporting agent.

(2C) A third party campaigner may appoint a reporting agent.

- (3) Section 184(4)(b)

*omit*

candidate.

*insert*

candidate; or

- (4) After section 184(4)(b)

*insert*

- (c) if the appointment is made by an associated entity or a third party campaigner – the entity or campaigner's financial controller.

#### **99 Section 185 amended (Non-appointed agents)**

- (1) Section 185(5), after "184(2)"

*insert*

or (2A)

- (2) After section 185(5)

*insert*

- (6) If there is no appointment in force under section 184(2B) for an associated entity, the financial controller of the entity is taken to be its reporting agent.
- (7) If there is no appointment in force under section 184(2C) for a third party campaigner, the financial controller of the campaigner is taken to be the campaigner's reporting agent.

#### **100 Section 187 amended (Effect of registration etc.)**

- (1) Section 187(2)(b)

*omit*

or secretary of the registered party

*insert*

, secretary of the registered party or financial controller

- (2) Section 187(2)(b)(ii)

*omit*

of the party

**101 Section 190 amended (Loans to registered party or candidate)**

- (1) Section 190(3)

*omit*

the polling

*insert*

election

- (2) Section 190(5)

*omit*

subsection (3)

*insert*

subsection (4)

**102 Sections 191 and 192 replaced**

Sections 191 and 192

*repeal, insert*

**191 Disclosure of gifts – general election other than extraordinary general election**

In respect of a general election other than an extraordinary general election, the reporting agent of a candidate, a registered party, an associated entity or a third party campaigner must give the Commission a return in the approved form:

- (a) for the period beginning on 1 July and ending on 31 December in the year before the year in which the election is to be held – by 30 January in the year in which the election is to be held; and
- (b) for the period beginning on 1 January in the year in which the election is to be held and ending on 31 March of that year – by 10 April in that year; and

- (c) for the period beginning on 1 April in the year in which the election is to be held and ending on 30 June of that year – by 10 July in that year; and
- (d) for the period beginning on 1 July in the year in which the election is to be held and ending on the day the writ is issued – by 5 days after the writ is issued; and
- (e) for the period beginning on the day after the day the writ is issued and ending 17 days later – by 20 days after the day the writ is issued; and
- (f) for the period beginning 18 days after the day the writ is issued and ending 30 days after election day – by 40 days after election day.

## **192 Disclosure of gifts – other elections**

In respect of any election to which section 191 does not apply, the reporting agent of a candidate, a registered party, an associated entity or a third party campaigner must give the Commission a return in the approved form:

- (a) for the period beginning on 1 July preceding the day on which the election is held and ending on the day the writ is issued – by 5 days after the writ is issued; and
- (b) for the period beginning on the day after the day the writ is issued and ending 17 days later – by 20 days after the day the writ is issued; and
- (c) for the period beginning 18 days after the day the writ is issued and ending 30 days after election day – by 40 days after election day.

## **192A Period covered by return extended if first return**

- (1) Despite anything to the contrary in section 191 or 192, the first return by a candidate, an associated entity or a third party campaigner required by those sections in respect of an election must cover the period beginning 31 days after the previous general election.
- (2) However, if the first return is a return under section 191(a) or 192(a), subsection (1) only applies if a return under Division 5 that covered the previous financial year was not given to the Commission.

**192B Additional disclosure requirement for nominees who were not previously candidates**

- (1) Subject to subsection (2), at the same time as a nominee lodges a nomination form under Part 5, Division 3 for an election, the nominee must give the Commission a return in the approved form for the period beginning 31 days after the previous general election and ending on the day the writ is issued for the election.
- (2) A return is only required under subsection (1) if a return had not already been given under section 191 or 192 in relation to the particular nominee in respect of the election.

**192C Additional disclosure requirement for associated entities and third party campaigner on registration**

If an associated entity or a third party campaigner applies for registration under Part 9A after the day the writ is issued for an election, the entity or campaigner must accompany the application with a return in the approved form for the period beginning 31 days after the previous general election and ending on the day the writ is issued.

**192D Content of return**

- (1) A return required by section 191, 192, 192B or 192C must state the following for the period to which the return applies:
  - (a) the total amount of all gifts received by the candidate, registered party, associated entity or third party campaigner;
  - (b) the number of persons who made gifts to the candidate, registered party, associated entity or third party campaigner;
  - (c) the total amount of gifts received from each person;
  - (d) the cumulative total amount of gifts received from each person during the gift aggregation period for the return;
  - (e) the defined details for those gifts.
- (2) A return required by section 191, 192, 192B or 192C is not required to state the information mentioned in subsection (1)(c), (d) or (e) for a gift by a person if the amount of the gift and the sum of all other gifts made by the person during the gift aggregation period for the return is less than:
  - (a) for a gift to a candidate – \$200; or

- (b) for a gift to a registered party, an associated entity or a third party campaigner – \$1 500.

### **192E Gift aggregation periods**

- (1) For section 192D, the gift aggregation period for an election mentioned in section 191 is:
  - (a) for the first return required under this Division in respect of the election – the period beginning 31 days after the previous general election and ending on the last day of the period covered by the return; or
  - (b) otherwise – the period beginning on 1 July preceding the return and ending on the last day of the period covered by the return.
- (2) Despite subsection (1)(a), if a return was required under Division 5 in respect of the previous financial year, the gift aggregation period is as specified in subsection (1)(b).
- (3) For section 192D, the gift aggregation period for an election mentioned in section 192 is the period determined by the Commission and stated on the approved form for the return.
- (4) For subsection (3), the Commission may determine different aggregation periods:
  - (a) for gifts to different recipients or classes of recipient; and
  - (b) for different types of election.

### **103 Section 193 amended (Donations to candidates)**

- (1) Section 193(1)

*omit*

if, during the disclosure period for an election, a person (other than a registered party, candidate or associated entity)

*insert*

to a person (other than a registered party, candidate or associated entity) who, during the financial year

- (2) Section 193(1)(a)

*omit*

\$200 or more to the same candidate in the



*insert*

\$1 500 or more to the same candidate in an

(3) Section 193(3)

*omit*

15 weeks after the polling day for the election

*insert*

60 days after the end of the financial year

(4) Section 193(4)

*omit, insert*

(4) The return must state for the person:

(a) the total amount of the gifts made by that person to each candidate or entity; and

(b) the defined details for those gifts.

#### **104 Section 194 amended (Donations to registered parties)**

Section 194(2) and (4)

*omit*

20 weeks

*insert*

60 days

#### **105 Section 195 repealed (Returns by persons under Commonwealth Act)**

Section 195

*repeal*

#### **106 Section 196 amended**

(1) Section 196, heading, at the end

*insert*

**– registered parties**

- (2) Section 196(2), penalty provision

*omit, insert*

Maximum penalty: 500 penalty units.

**107 Section 196A inserted**

After section 196

*insert*

**196A Advice about obligations to make returns – candidates**

- (1) If a candidate receives in a financial year a gift of \$1 500 or more from a person, or gifts totalling \$1 500 or more from the same person, the candidate, by written notice, must tell the person about the requirements of section 193 before 1 August following the end of that financial year.

Maximum penalty: 100 penalty units.

- (2) In this section:

**gift**, see section 194(8).

**108 Section 197 amended (Anonymous gifts)**

- (1) Section 197(1) and (4)

*omit*

or candidate

*insert*

, a candidate, an associated entity or a third party campaigner

- (2) Section 197(2)(a), after "party"

*insert*

, a candidate or an associated entity

- (3) Section 197(2)(b)

*omit*

candidate

*insert*

third party campaigner

(4) Section 197(3)

*omit*

the polling

*insert*

election

(5) Section 197(7)

*insert*

**disclosure period**, for an election (the **relevant election**), is the period that starts as follows and ends 30 days after election day for the relevant election:

- (a) for a candidate who was a candidate in the last general election or an election since the last general election – at the end of 30 days after election day for the last election before the relevant election in which the person was a candidate; or
- (b) for a candidate to whom paragraph (a) does not apply:
  - (i) if the candidate won party endorsement for the relevant election – on the day on which endorsement was won; or
  - (ii) if subparagraph (i) does not apply – on the day on which the person announced the person would be a candidate in the relevant election or the day on which the person nominated as a candidate, whichever was the earlier.

(6) Section 197(7), definition **prescribed amount**, paragraph (a), after "party"

*insert*

, an associated entity or a third party campaigner

---

**109 Part 10, Division 4 heading replaced and Subdivision 1 heading inserted**

Part 10, Division 4, heading

*omit, insert*

**Division 4 Electoral expenditure****Subdivision 1 Preliminary matters****110 Section 199 amended**

(1) Section 199, heading

*omit, insert*

**199 Meaning of *participant***

(2) Section 199, definition ***electoral expenditure***

*omit*

**111 Part 10, Division 4, Subdivision 2 heading inserted**

After section 199

*insert*

**Subdivision 2 Disclosure****112 Section 200 amended (Returns of electoral expenditure)**

(1) Section 200(1)

*omit*

must, before the end of 15 weeks after election day for the election

*insert*

(other than a candidate endorsed by a registered party) must, before the end of 60 days after election day

## (2) After section 200(1)

*insert*

(1A) The reporting agent of a registered party must, before the end of 60 days after election day, give the Commission a return in the approved form stating details of all electoral expenditure incurred during the capped expenditure period by or with the authority of:

- (a) the registered party; and
- (b) each candidate endorsed by the registered party; and
- (c) any associated entity of that party.

(1B) The reporting agent of a third party campaigner must, before the end of 60 days after election day, give the Commission a return in the approved form stating details of all political expenditure incurred by the campaigner:

- (a) for a general election other than an extraordinary general election – during the period starting on 1 January in the year in which the election is held and ending 30 days after election day; or
- (b) for any election to which paragraph (a) does not apply – the period from and including the day of the issue of the writ for the election to the end of 30 days after election day.

## (3) Section 200(2)

*omit*

15 weeks after polling day for the election

*insert*

60 days after election day

**113 Section 201 amended (Nil returns)**

Section 201, after "candidate" (*all references*)

*insert*

, registered party, associated entity or third party campaigner

---

**114 Section 202 repealed (Returns by publishers and broadcasters)**

Section 202

*repeal*

**115 Part 10, Division 4, Subdivision 3 inserted**

After section 203

*insert*

**Subdivision 3 Cap on electoral expenditure****203A Capped expenditure period**

The applicable cap on electoral expenditure for an election applies to electoral expenditure incurred during each of the following periods (the ***capped expenditure period***):

- (a) for a general election other than an extraordinary general election – the period starting on 1 January in the year in which the election is to be held and ending 30 days after election day;
- (b) for any election to which paragraph (a) does not apply – the period from and including the day of the issue of the writ for the election to the end of 30 days after election day.

**203B Applicable caps on electoral expenditure**

- (1) The applicable caps on electoral expenditure are the following:
  - (a) for a registered party that endorses candidates for election – 40 000 monetary units multiplied by the number of divisions in which a candidate is so endorsed;
  - (b) for a candidate not endorsed by any registered party – 40 000 monetary units.
- (2) For the purposes of the cap specified in subsection (1)(a), electoral expenditure by an associated entity is to be aggregated with electoral expenditure by the registered party with which the entity is associated.

- (3) Despite anything to the contrary in the *Monetary Units Act 2018*, the value of a monetary unit for subsection (1) in relation to a capped expenditure period that spans 2 financial years is taken to be the value of a monetary unit on the day on which the capped expenditure period starts.

### **203C Offence to contravene expenditure cap**

- (1) A candidate commits an offence if:
- (a) the candidate intentionally incurs expenditure; and
  - (b) the expenditure is electoral expenditure; and
  - (c) the candidate knows the expenditure is electoral expenditure; and
  - (d) all or part of the expenditure exceeds the cap specified in section 203B; and
  - (e) the candidate is reckless as to whether the expenditure exceeds the cap.

Maximum penalty: 300 penalty units or imprisonment for 18 months or both.

- (2) A registered party commits an offence if:
- (a) the party intentionally incurs expenditure; and
  - (b) the expenditure is electoral expenditure; and
  - (c) the party knows the expenditure is electoral expenditure; and
  - (d) all or part of the electoral expenditure exceeds the cap mentioned in section 203B; and
  - (e) the party is reckless as to whether the expenditure exceeds the cap.

Maximum penalty: 1 500 penalty units.

- (3) An associated entity commits an offence if:
- (a) the entity intentionally incurs expenditure; and
  - (b) the expenditure is electoral expenditure; and
  - (c) the entity knows the expenditure is electoral expenditure; and

- (d) all or part of the expenditure exceeds the cap mentioned in section 203B; and
- (e) the entity is reckless as to whether the expenditure exceeds the cap.

Maximum penalty: 1 500 penalty units.

### **203D Offence to circumvent expenditure cap**

A person commits an offence if:

- (a) the person intentionally enters into, or carries out, a scheme, whether alone or with any other person; and
- (b) the person's conduct circumvents a prohibition or requirement of this Subdivision; and
- (c) the person knows that the conduct circumvents a prohibition or requirement of this Subdivision.

Maximum penalty: Imprisonment for 10 years.

### **116 Part 10, Division 5 heading amended**

Part 10, Division 5, heading

*omit*

**by registered parties and associated entities**

### **117 Section 204A inserted**

After section 204

*insert*

### **204A Certain returns not to include donations previously reported**

A return under this Division by a reporting agent of a candidate who is not endorsed by a registered party must not disclose any gift that has already been reported to the Commission under another provision of this Part.

### **118 Section 205 amended (Annual returns by registered parties)**

Section 205(1)

*omit*

16 weeks



*insert*

60 days

**119 Section 205A inserted**

After section 205

*insert*

**205A Annual return by registered parties – gifts**

- (1) The reporting agent of a registered party, within 30 days after the end of each financial year, must give the Commission a return in the approved form.
- (2) The return must state the following:
  - (a) the total amount of all gifts received by the candidate during the financial year;
  - (b) the number of persons who made gifts to the candidate;
  - (c) the total amount of gifts received from each person;
  - (d) the defined particulars of those gifts.
- (3) However, the reporting agent is not required to state in the return the information mentioned in subsection (2)(c) and (d) for a gift by a person if the amount of the gift and sum of all other gifts made to the registered party by the person is less than \$1 500.

**120 Section 206 amended (Periods of less than financial year)**

Section 206(2), after "205"

*insert*

or 205A

**121 Section 207 replaced**

Section 207

*repeal, insert*

**207 Annual returns by candidates – gifts**

- (1) The reporting agent of a candidate in an election must, within 30 days after the end of each financial year, give the Commission a return in the approved form.

- (2) The return must state the following:
- (a) for a return for a financial year in which:
    - (i) an election is not held – the total amount of all gifts received by the candidate during the financial year; or
    - (ii) an election is held – the total amount of all gifts received by the candidate during the period beginning 31 days after election day and ending on 30 June next following that election;
  - (b) the number of persons who made gifts to the candidate;
  - (c) the total amount of gifts received from each person;
  - (d) the defined particulars for those gifts.
- (3) However, the reporting agent is not required to state in the return the information mentioned in subsection (2)(c) or (d) for a gift by a person if the amount of the gift and sum of all other gifts made to the candidate by the person is less than \$200.
- (4) Despite subsection (2)(a), if a candidate was not required to submit a return for the previous financial year, the period covered by the return is taken to begin 31 days after the previous general election.

**122 Section 208 amended (Annual returns by associated entities)**

Section 208(1)

*omit*

16 weeks

*insert*

60 days

**123 Section 209 replaced**

Section 209

*repeal, insert*

**209 Annual returns by associated entities – gifts**

- (1) The reporting agent of an associated entity, within 30 days after the end of each financial year, must give the Commission a return in the approved form.

- (2) The return must state the following:
- (a) the total amount of all gifts received by the entity during the financial year;
  - (b) the number of persons who made gifts to the entity;
  - (c) the total amount of gifts received from each person;
  - (d) the defined particulars for those gifts.
- (3) However, the reporting agent is not required to state in the return the information mentioned in subsection (2)(c) or (d) for a gift by a person if the amount of the gift and sum of all other gifts made to the associated entity by the person is less than \$1 500.
- (4) Despite subsection (2)(a), if an associated entity was not required to submit a return for the previous financial year, the period covered by the return is taken to begin 31 days after the previous general election.

#### **124 Section 210 amended (Amounts received)**

- (1) Section 210(1)
- omit*
- by or on behalf of a registered party or associated entity (the **receiver**)
- (2) Section 210(1), after "205"
- insert*
- , 207

#### **125 Part 10, Division 5A inserted**

After section 213

*insert*

### **Division 5A Territory campaign accounts**

#### **213A Requirement to keep Territory campaign account**

- (1) The reporting agent of a registered party or candidate must keep a separate account (a ***Territory campaign account***) with an ADI for Territory electoral purposes.

- (2) An amount deposited into or withdrawn from a Territory campaign account may only be used for Territory electoral purposes.

**213B Gifts to be paid into Territory campaign account**

The reporting agent of a registered party or candidate must ensure that each gift that is an amount of money received by or on behalf of the registered party or candidate is paid into the Territory campaign account unless:

- (a) the gift is made or received in contravention of this Part; or
- (b) in relation to a gift received by or on behalf of a registered party – the gift is not intended by the registered party to be used for Territory electoral purposes; or
- (c) the gift is otherwise a gift that must not be paid into the account in accordance with this Division.

**213C Payments into Territory campaign account**

- (1) Subject to section 213A(2), the Regulations may prescribe matters in relation to amounts that the agent of a registered party or candidate must, or must not, pay into the Territory campaign account.
- (2) If a registered party keeps an account with an ADI for Commonwealth electoral purposes, the reporting agent of the registered party must ensure that no amount is paid or transferred from that account into the Territory campaign account.
- (3) A person does not commit an offence against this Part for a contravention of this section (or the Regulations) if the person, on becoming aware that an amount of money was paid into the Territory campaign account in contravention of the relevant provision, takes all reasonable steps to immediately withdraw the amount from the account.

**213D Territory campaign account to be used for electoral expenditure**

A reporting agent required to keep a Territory campaign account under this Division must ensure that the registered party on behalf of which, or candidate on behalf of whom, the Territory campaign account is kept does not pay an amount of money for electoral expenditure unless the amount is paid from the Territory campaign account.

**213E Offence**

A person commits an offence if:

- (a) the person intentionally engages in conduct; and
- (b) the conduct results in a contravention of section 213A, 213B, 213C or 213D; and
- (c) the person is reckless in relation to that result.

Maximum penalty:

- (a) for an individual – 200 penalty units or imprisonment for 12 months or both; or
- (b) for a body corporate – 1000 penalty units.

**126 Section 215 amended (Offences)**

(1) Section 215(2)

*omit, insert*

- (2) A person must not, without reasonable excuse, give the Commission an incomplete return under Division 3, 4 or 5.

Maximum penalty:

- (a) for an individual – 200 penalty units or imprisonment for 12 months; or
- (b) for a body corporate – 1 000 penalty units.

- (2A) A person must not, without reasonable excuse, fail to keep records in accordance with section 220.

Maximum penalty:

- (a) for an individual – 200 penalty units or imprisonment for 12 months; or
- (b) for a body corporate – 1 000 penalty units.

(2) Section 215(6)

*omit*

**127 Section 220 amended (Records)**

Section 220(1)

*omit*

polling day for the election

*insert*

election day

**128 Section 224 replaced**

Section 224

*repeal, insert*

**224 Commission to publish returns**

- (1) Subject to subsections (2) and (3), the Commission must publish on its website each return given to the Commission under this Part as soon as practicable after the Commission receives the return.
- (2) A return given to the Commission under:
  - (a) section 191(d) or 192(a) must be published no later than 3 business days after the Commission receives the return; or
  - (b) section 191(e) or 192(b) must be published no later than 2 business days after the Commission receives the return; or
  - (c) any provision other than section 191(d) or (e) or 192(a) or (b) must be published no later than the end of any period prescribed by the Regulations after the Commission receives the return.
- (3) The Commission may decline to publish on its website, or may remove from its website, any return under this Part that in the opinion of the Commission may be false, misleading, vexatious or otherwise inaccurate.
- (4) On payment of a fee determined by the Commission, a person may obtain a copy of or extract from a return published under this section.

**129 Section 243 amended (Inquiries by Court)**

Section 243(1)(c)

*omit*

polling

*insert*

voting

**130 Section 246 amended (Decision on application)**

Section 246(6)(a)

*omit*

the polling

*insert*

voting

**131 Section 270 amended (Offences relating to campaign material)**

(1) Section 270(1)(a), after "states"

*insert*

, in a sufficient font size to be read by the intended audience for the material and given the type of material,

(2) After section 270(1)(a)

*insert*

(ab) the material clearly identifies, in a sufficient font size to be read by the intended audience for the material and given the type of material, the source of the funding for that material, whether a political party, candidate, associated entity, third party campaigner or otherwise; and

(3) Section 270(3)(a)(i), (ii) and (iii)

*omit*

an elector

*insert*

a voter

**132 Section 271 amended (Offence relating to push-polling)**

Section 271(3), definition ***push-polling***, paragraph (b)

*omit*

an elector in deciding his or her vote

*insert*

a voter in deciding their vote

**133 Section 275 amended (Campaigning activities near voting centres)**

(1) Section 275(1), (2) and (4)(a)

*omit*

polling

*insert*

voting

(2) Section 275(2)(a) and (4)(b)

*omit*

a pre-election

*insert*

an early

(3) Section 275(2)(b)

*omit*

pre-election

*insert*

early



- (4) Section 275(4)(b)  
*omit*  
polling hours on polling  
*insert*  
voting hours on election

**134 Section 284 amended (Forgery)**

- (1) Section 284  
*omit*  
A person  
*insert*  
(1) A person
- (2) Section 284, at the end  
*insert*  
(2) A person must not forge the signature of any person on any electoral paper.  
Maximum penalty 400 penalty units or imprisonment for 2 years.

**135 Section 285 amended (Offences relating to postal ballot papers)**

- Section 285(2)  
*omit*  
or (5)

**136 Section 297 replaced**

Section 297

*repeal, insert*

**297 Time limit for starting prosecutions**

Despite section 52 of the *Local Court (Criminal Procedure) Act 1928*, a prosecution for an offence against:

- (a) a provision of Part 9A or 10 may be started at any time within 4 years after commission of the offence; or
- (b) any other provision of this Act may be started at any time within 12 months after commission of the offence.

**137 Part 13, Division 3 heading replaced**

Part 13, Division 3, heading

*omit, insert*

**Part 13A Infringement notices for infringement offences****138 Section 306 amended**

- (1) Section 306, heading

*omit*

**Division**

*insert*

**Part**

- (2) Section 306(1), (2) and (3)

*omit*

Division

*insert*

Part

---

**139 Section 318 amended (Approved forms)**

Section 318(2), after "declaration"

*insert*

or an unattested declaration

**140 Part 22 inserted**

After section 362

*insert*

**Part 22 Transitional matters for Electoral Legislation  
Further Amendment Act 2019****363 Disclosure of gifts – reporting agent of a candidate, persons  
incurring political expenditure and donations to candidates**

- (1) Subject to subsection (2), despite the repeal of sections 191 and 192 and the amendment of section 193 by the *Electoral Legislation Further Amendment Act 2019*, each section and any other necessary provision of this Act, as in force immediately before those repeals or amendments:
  - (a) continues to apply in respect of a person to whom it applied immediately before the repeals or amendments; and
  - (b) ceases to apply immediately after the person gives the required return to the Commission.
- (2) For subsection (1), despite anything to the contrary in this Act or the *Electoral Legislation Further Amendment Act 2019*:
  - (a) the disclosure period for each return is taken to end on 31 December 2019; and
  - (b) each return must be given to the Commission no later than 60 days after that date.

**364 Disapplication of monetary units indexation scheme for 2020  
election**

Despite the references to 40 000 monetary units in section 203B(1)(a) and (b), the applicable amounts mentioned in those paragraphs for the capped expenditure period beginning on 1 January 2020 are taken to be \$40 000.

**141 Schedule 2 amended (Appealable decisions and affected persons)**

Schedule 2, after the entry relating to section 161(3)

*insert*

A decision under section 175F to refuse an application for registration of an associated entity or a third party campaigner

**Part 3 Amendment of Local Government Act 2008**

**142 Act amended**

This Part amends the *Local Government Act 2008*.

**143 Section 99 amended (Offences relating to campaign material)**

(1) Section 99(1)(a), after "states"

*insert*

, in a sufficient font size to be read by the intended audience for the material and given the type of material,

(2) After section 99(1)(a)

*insert*

(ab) the material clearly identifies, in a sufficient font size to be read by the intended audience for the material and given the type of material, the source of the funding for that material; and

**Part 4 Amendment of Electoral Regulations 2004**

**144 Regulations amended**

This Part amends the *Electoral Regulations 2004*.

**145 Regulation 2 replaced**

Regulation 2

*repeal, insert*

**2 Prescribed amount for infringement offence**

For the definition ***prescribed amount*** in section 3 of the Act, the prescribed amount for an offence against:

- (a) section 175P(2) or (3) of the Act is 0.5 penalty units; or
- (b) section 215(1), (2) or (2A) of the Act is:
  - (i) for an individual – 10 penalty units; or
  - (ii) for a body corporate – 50 penalty units; or
- (c) section 279(1) of the Act is \$25.

**146 Regulation 3A inserted**

After regulation 3

*insert*

**3A Nomination deposit**

For section 32(1)(g) of the Act:

- (a) the nomination deposit is \$500; and
- (b) the manner of payment of the nomination deposit is a single payment of the full nomination deposit; and
- (c) the payment method is:
  - (i) by electronic transfer from an ADI to an account specified by the Commission; or
  - (ii) in cash.

---

**147 Regulation 5 inserted**

After regulation 4

*insert*

**5 Prescribed details for certain registers**

- (1) For section 175L(2) of the Act, the register of associated entities must include the following information in respect of each associated entity:
  - (a) the full name of the entity;
  - (b) the address of the entity;
  - (c) name of registered party with which the entity is associated;
  - (d) the date of registration of the entity.
- (2) For section 175M(2) of the Act, the register of third party campaigners must include the following information in respect of each third party campaigner:
  - (a) the full name of the campaigner;
  - (b) the address of the campaigner;
  - (c) the date of registration of the campaigner.

**Part 5 Repeal of Act****148 Repeal of Act**

This Act is repealed on 2 January 2020.