



Queensland

Electoral Reform Amendment Act 2014

Act No. 32 of 2014



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Electoral Reform Amendment Act 2014

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Queensland

Electoral Reform Amendment Act 2014

Act No. 32 of 2014

An Act to amend the Electoral Act 1992 for particular purposes

[Assented to 28 May 2014]

The Parliament of Queensland enacts—

1 Short title

This Act may be cited as the *Electoral Reform Amendment Act 2014*.

2 Commencement

This Act, other than sections 5 to 21, is taken to have commenced on the day the Bill for this Act was introduced into the Legislative Assembly.

3 Act amended

This Act amends the *Electoral Act 1992*.

4 Amendment of s 2 (Definitions)

- (1) Section 2, definitions *applicable expenditure cap, capped expenditure period, electoral paper, independent candidate, ordinary postal voter, political donation, registered industrial organisation, registered third party* and *reporting period*—
omit.

- (2) Section 2—
insert—

eligible registered political party see section 239.

gift threshold amount, for the amount or value of a gift or loan, see section 201A.

ordinary postal voter see section 114(1)(a).

policy development payment see section 197.

proof of identity document means a document relating to proof of a person's identity prescribed under a regulation.

relevant particulars see section 197.

- (3) Section 2, definition *candidate*, paragraph (b), ‘divisions 2, 3, 4, 6 and 9,’—
omit.
- (4) Section 2, definition *electoral expenditure*, ‘section 199’—
omit, insert—
 section 197
- (5) Section 2, definition *polling booth*, from ‘or a’—
omit, insert—
 , a mobile polling booth or a pre-poll voting office.

5 Amendment of s 89 (Deposit to accompany nomination)

Section 89(4)(c), ‘4%’—

omit, insert—

6%

6 Amendment of s 99 (Kinds of polling booths)

(1) Section 99(1), ‘2 kinds’—

omit, insert—

3 kinds

(2) Section 99(1)—

insert—

(c) pre-poll voting offices for electoral districts.

7 Amendment of s 102 (Supply of ballot papers and electoral rolls)

(1) Section 102(2), ‘district must’—

omit, insert—

district, other than a completed ballot paper printed for an electronically assisted vote, must

- (2) Section 102(3), after ‘ballot papers’—

insert—

to which subsection (2) applies

- (3) Section 102—

insert—

- (4) A completed ballot paper printed for an electronically assisted vote must be of a size or format that enables the elector’s electronically assisted vote to be accurately determined.

8 Amendment of s 104 (Scrutineers)

- (1) Section 104(3)(b), after ‘envelopes’—

insert—

, the printing of completed ballot papers for electronically assisted votes

- (2) Section 104(3)—

insert—

- (c) at a place to observe any part of a procedure for making an electronically assisted vote.

- (3) Section 104(5), after ‘votes,’—

insert—

including electronically assisted votes,

9 Amendment of s 107 (Procedure for voting)

- (1) Section 107(3)—

omit, insert—

- (3) In the polling booth, the elector must—

- (a) give the issuing officer the elector’s proof of identity document; and

(b) request a ballot paper from the issuing officer.

(2) Section 107(5)—

omit, insert—

(5) The issuing officer must issue a ballot paper to a person if—

- (a) the person has given the issuing officer the person's proof of identity document; and
- (b) the issuing officer is satisfied the person is entitled to vote at the election for the electoral district.

(3) Section 107(7)—

omit, insert—

(7) The issuing officer must comply with section 121 if—

- (a) the elector does not give the issuing officer the elector's proof of identity document under subsection (3)(a); or
- (b) the issuing officer has asked questions under subsection (6) and suspects a person claiming to be a particular elector is not the elector.

10 Amendment of s 112 (Procedure for pre-poll ordinary voting)

(1) Section 112(3)—

omit, insert—

(3) At the pre-poll voting office, the elector must—

- (a) give the issuing officer the elector's proof of identity document; and
- (b) request a ballot paper from the issuing officer.

(2) Section 112(5)—

omit, insert—

- (5) The issuing officer must issue a ballot paper to a person if—
 - (a) the person has given the issuing officer the person's proof of identity document; and
 - (b) the issuing officer is satisfied the person is entitled to vote at the election for the electoral district.
- (3) Section 112(7)—

omit, insert—

- (7) The issuing officer must comply with section 121 if—
 - (a) the elector does not give the issuing officer the elector's proof of identity document under subsection (3)(a); or
 - (b) the issuing officer has asked questions under subsection (6) and suspects that a person claiming to be a particular elector is not the elector.

11 Amendment of s 114 (Who may make a declaration vote)

- (1) Section 114(1)(a)—

omit, insert—

- (a) an elector who wishes to make a declaration vote before the polling day for an election (an *ordinary postal voter*);

- (2) Section 114(1)(b), 'subsection (3)'—

omit, insert—

subsection (2)

- (3) Section 114(1)(c), 'subsection (4)'—

omit, insert—

subsection (3)

-
- (4) Section 114(2)—
omit.
- (5) Section 114(3)(a)(iii), ‘section 184A(2)(d) to (h)’—
omit, insert—
section 184A(2)(d) to (k)
- (6) Section 114(6), ‘(3)(a)(i)’—
omit, insert—
(2)(a)(i)
- (7) Section 114(7), ‘subsection (6)’—
omit, insert—
subsection (5)
- (8) Section 114(3) to (7)—
renumber as section 114(2) to (6).

12 Amendment of s 119 (Making a declaration vote using posted voting papers)

- (1) Section 119(1), ‘signed by the elector and posted, faxed or delivered’—
omit, insert—
given
- (2) Section 119(3), ‘6p.m. on the Thursday’—
omit, insert—
7p.m. on the Wednesday

13 Amendment of s 120 (Electoral visitor voting)

- Section 120(3), ‘6p.m. on the Thursday’—
omit, insert—
7p.m. on the Wednesday

14 Amendment of s 121 (Making a declaration vote in cases of uncertain identity)

(1) Section 121(1) and (2)—

omit, insert—

(1) If section 107(7) or 112(7) applies for a person who is an elector or a person claiming to be an elector, the issuing officer must give the person a declaration envelope.

(2) Section 121(5)(a), ‘subsection (3)(a)’—

omit, insert—

subsection (2)(a)

(3) Section 121(5)(b), ‘subsection (3)(b)’—

omit, insert—

subsection (2)(b)

(4) Section 121(7), ‘subsection (5)’—

omit, insert—

subsection (4)

(5) Section 121(3) to (9)—

renumber as section 121(2) to (8).

15 Insertion of new pt 7, div 5, sdiv 3A

Part 7, division 5—

insert—

Subdivision 3A Electronically assisted voting

121A Who may make an electronically assisted vote

An elector may make an electronically assisted vote if—

-
- (a) the elector can not vote without assistance because the elector has—
 - (i) an impairment; or
 - (ii) an insufficient level of literacy; or
 - (b) the elector can not vote at a polling booth because of an impairment; or
 - (c) the elector is a member of a class of elector prescribed under a regulation for this section.

Examples of a class of elector—

- an elector whose address, as shown on an electoral roll, is more than 20km by the nearest practical route from a polling booth
- an elector who will not, throughout ordinary voting hours on polling day, be within Queensland

121B Prescribed procedures for electronically assisted voting

- (1) The commission may make procedures about how an elector may make an electronically assisted vote for an election.
- (2) The procedures must provide for the following—
 - (a) the registration of electors who may make an electronically assisted vote for an election under section 121A;
 - (b) the authentication of each electronically assisted vote;
 - (c) the recording of each elector who uses electronically assisted voting;
 - (d) ensuring the secrecy of each electronically assisted vote;
 - (e) the secure transmission of each electronically assisted vote to the commissioner, and secure storage of each

- electronically assisted vote by the commissioner, until printing;
- (f) the printing, for scrutiny and counting, of a ballot paper for each electronically assisted vote;
 - (g) the secure delivery of each printed ballot paper to the returning officer for the appropriate electoral district or to the commission.
- (3) The procedures—
- (a) do not take effect until approved by a regulation; and
 - (b) must be tabled in the Legislative Assembly with the regulation approving the procedures; and
 - (c) must be published on the commission's website.

121C Audit of electronically assisted voting for an election

- (1) The commission must appoint an independent person to audit the information technology used under the procedures for electronically assisted voting made under section 121B.
- (2) The audit must be conducted—
 - (a) at least 7 days before the cut-off day for the nomination of candidates; and
 - (b) within 60 days after the polling day for the election.
- (3) A person appointed under subsection (1) must be an individual who is not, and has not ever been, a member of a political party.
- (4) The person appointed to conduct the audit may make recommendations to the commission to

reduce or eliminate risks that could affect the security, accuracy or secrecy of electronically assisted voting.

- (5) A regulation may prescribe requirements about the conduct of an audit under this section.

121D Protection of information technology

- (1) A person must not disclose to another person a source code or other computer software relating to electronically assisted voting, unless the person is authorised to do so under—
- (a) the procedures made under section 121B; or
 - (b) an agreement entered into by the person with the commissioner.

Maximum penalty—40 penalty units or 6 months imprisonment.

- (2) A person must not, without reasonable excuse, destroy or interfere with a computer program, data file or electronic device used for or in connection with electronically assisted voting.

Maximum penalty—100 penalty units or 2 years imprisonment.

121E Commissioner may decide electronically assisted voting is not to be used

- (1) The commissioner may decide that electronically assisted voting is not to be used—
- (a) at a particular election; or
 - (b) by a class of electors at a particular election.
- (2) The commissioner's decision must be in writing and published on the commission's website.

121F Review of electronically assisted voting

- (1) On the request of the Minister following a general election, the commissioner must conduct—
 - (a) a review of the use of electronically assisted technology for the general election; and
 - (b) an investigation into extending the use of electronically assisted voting to other electors for elections.
- (2) A report on the review and investigation must be given to the Minister.
- (3) The Minister must, within 14 days after receiving the report, table the report in the Legislative Assembly.

16 Amendment of s 122 (How electors must vote)

Section 122(1)—

omit, insert—

- (1) An elector must vote in accordance with—
 - (a) if the elector votes using electronically assisted voting—the procedures approved under section 121B(3); or
 - (b) otherwise—subsection (2) or (3).

17 Amendment of s 123 (Formal and informal ballot papers)

Section 123(1)(c), ‘by the elector’—

omit.

18 Amendment of s 125 (Preliminary processing of declaration envelopes and ballot papers)

Section 125(2)(c), from ‘the signature’ to ‘request and’—

omit.

19 Amendment of s 127 (Preliminary counting of ordinary votes)

Section 127(2)(b), after ‘envelopes’—

insert—

and all ballot papers printed for electronically assisted votes

20 Amendment of s 128 (Official counting of votes)

Section 128(2)(b), after ‘declaration envelopes’—

insert—

and ballot papers printed for electronically assisted votes

21 Amendment of s 183 (Lodging how-to-vote cards)

(1) Section 183(3), from ‘subsection (1) or (2)’—

omit, insert—

subsection (1) or (2) if—

- (a) the how-to-vote card does not comply with section 182; or
- (b) the commission or returning officer is satisfied, on reasonable grounds, the how-to-vote card is likely to mislead or deceive an elector in voting under this Act.

(2) Section 183—

insert—

(3A) If the commission or returning officer rejects a how-to-vote card under subsection (3)(b), the commission or returning officer must give the person who authorised the how-to-vote card written reasons for the rejection.

(3B) A person to whom reasons are given under subsection (3A) may, no later than 5p.m. on the

Wednesday immediately before the polling day for the election—

- (a) revise the how-to-vote card; and
- (b) comply with subsections (1)(a) and (b) or (2)(a) and (b) in relation to the how-to-vote card.

- (3) Section 183(4), from ‘available’—

omit, insert—

available—

- (a) for public inspection for free at—
 - (i) the commission’s Brisbane office; and
 - (ii) if the how-to-vote card was printed for a candidate—the office of the returning officer for the electoral district being contested by the candidate; and
- (b) on the commission’s website.

- (4) Section 183(6), ‘subsection (4) or (5)’—

omit, insert—

subsection (6) or (7)

- (5) Section 183(9), ‘subsection (8)(b)’—

omit, insert—

subsection (10)(b)

- (6) Section 183(3A) to (10)—

renumber as section 183(4) to (12).

22 Amendment of s 197 (Definitions)

- (1) Section 197, definitions *applicable expenditure cap, capped expenditure period, electoral expenditure, independent candidate, political donation, registered industrial organisation, registered third party* and *reporting period—omit.*

(2) Section 197—

*insert—****electoral expenditure—***

(a) for part 11, division 4—see section 222.

(b) for part 11, division 10—see section 282A.

eligible registered political party see section 239.***policy development payment*** means a payment made to a registered political party under division 5.***relevant particulars***, of an entity, means—

(a) for 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; or

(b) for 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; or

(c) otherwise—the name and address of the entity.

23 Amendment and relocation of s 199 (Meaning of *electoral expenditure*)

(1) Section 199, ‘capped expenditure’—

omit, insert—

election

(2) Section 199(h)—

omit, insert—

[s 24]

- (h) the carrying out, during the election period for the election, of an opinion poll or other research relating to the election if the dominant purpose of carrying out the opinion poll or research is—
 - (i) to promote or oppose, directly or indirectly, a registered political party or the election of a candidate; or
 - (ii) to influence, directly or indirectly, voting at the election.

(3) Section 199—

relocate to part 11, division 10 and *renumber* as section 282A.

24 Insertion of new s 201A

After section 201—

insert—

201A Meaning of *gift threshold amount*

The *gift threshold amount*, for the amount or value of a gift or loan, is the dollar amount applying for a gift under the Commonwealth Electoral Act, section 304(5)(b)(ii), as indexed under section 321A of that Act.

25 Amendment of s 203 (Electoral committee to be treated as part of candidate)

Section 203, ‘Divisions 3, 4, 6 and 9’—

omit, insert—

Divisions 3 and 4

26 Omission of s 204 (Associated entity to be treated as part of party for particular purposes)

Section 204—

omit.

27 Omission of ss 208 and 209

Sections 208 and 209—

omit.

28 Amendment of s 210 (Requisites for appointment)

(1) Section 210(1)(b)(iii)—

omit.

(2) Section 210(4), from ‘(other’ to ‘party’—

omit, insert—

by a candidate

29 Amendment of s 211 (Register of agents)

Section 211(2), ‘third party’—

omit, insert—

candidate

30 Amendment of s 214 (Responsibility for action when agent of party dead or appointment vacant)

Section 214(1)(a), ‘3, 4, 6, 7, 8, 9’—

omit, insert—

4, 7, 8

31 Omission of s 215 (Responsibility for action when agent of registered third party dead or appointment vacant)

Section 215—

omit.

32 Amendment of s 216 (Revocation of appointment of agent)

(1) Section 216, ‘, or a registered third party who is an individual,’—

omit.

(2) Section 216(1) and (2), ‘or registered third party’—

omit.

33 Amendment of s 217 (Notice of death or resignation of agent of candidate or registered third party)

(1) Section 217, ‘or registered third party’—

omit.

(2) Section 217, ‘, or the agent of an individual who is a registered third party,’—

omit.

34 Omission of pt 11, div 3 (State campaign accounts)

Part 11, division 3—

omit.

35 Amendment of s 222 (Interpretation)

Section 222—

insert—

- (1) In this division, *electoral expenditure*, by a registered political party or a candidate for an election, means expenditure incurred by the political party or candidate for the purposes of a campaign for the election, whether or not the expenditure is incurred during the election period for the election.

36 Amendment of s 223 (Entitlement to election funding—registered political parties)

(1) Section 223(1), ‘4%’—

omit, insert—

6%

(2) Section 223(2)—

omit, insert—

(2) The amount of election funding to which the registered political party is entitled is the lesser of—

(a) the election funding amount calculated under section 225 for each formal first preference vote given for a candidate mentioned in subsection (1); and

(b) the amount of electoral expenditure—

(i) claimed in relation to the registered political party for all elections held that day; and

(ii) accepted by the commission under section 231.

37 Amendment of s 224 (Entitlement to election funding—candidates)

(1) Section 224(1), ‘4%’—

omit, insert—

6%

(2) Section 224(2)—

omit, insert—

(2) The amount of election funding to which the candidate is entitled is the lesser of—

(a) the election funding amount calculated under section 225 for each formal first

[s 38]

preference vote given for the candidate in the election; and

(b) the amount of electoral expenditure—

(i) claimed in relation to the candidate for the election; and

(ii) accepted by the commission under section 231.

38 Replacement of s 225 (Advance payment of election funding)

Section 225—

omit, insert—

225 Election funding amount

(1) For section 223(2)(a) or 224(2)(a), the election funding amount is—

(a) for the financial year ending on 30 June 2014—

(i) if the entity entitled to the funding is a registered political party—\$2.90; or

(ii) if the entity entitled to the funding is a candidate—\$1.45; or

(b) for each subsequent financial year, the amount worked out (to 3 decimal places) under subsection (2).

(2) The election funding amount is adjusted for each financial year on 1 July using the formula—

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

where—

A is the election funding amount immediately before 1 July in a year.

B is the CPI number published for the March quarter in the year.

C is the CPI number published for the March quarter in the previous year.

- (3) However, if, for a particular financial year, adjustment of the election funding amount would reduce the amount, the amount is not to be adjusted for the year.
- (4) If an amount would, if calculated to 4 decimal places, end with a number more than 4, the amount is taken to be the amount calculated to 3 decimal places and increased by 0.001.
- (5) In this section—

CPI means the all groups consumer price index for Brisbane published by the Australian Statistician.

39 Amendment of s 226 (Need for a claim)

- (1) Section 226, heading—

omit, insert—

226 Making a claim

- (2) Section 226(1)—

omit, insert—

- (1) A claim for election funding may be made by—
 - (a) a candidate; or
 - (b) the agent of a registered political party or candidate.

- (3) Section 226(2), ‘, other than a claim for an advance payment,’—

omit.

40 Amendment of s 227 (Candidate may give direction about payment of election funding)

(1) Section 227(1), ‘An agent of a candidate’—

omit, insert—

A candidate or the candidate’s agent

(2) Section 227(2)(b), ‘candidate’s’—

omit, insert—

candidate or

41 Amendment of s 228 (Electoral expenditure incurred)

(1) Section 228(1) and (2), ‘, other than an advance payment,’—

omit.

(2) Section 228(2), ‘the agent of a candidate in an election’—

omit, insert—

a candidate or the candidate’s agent

(3) Section 228(3)—

omit.

42 Amendment of s 230 (Lodging of claim)

(1) Section 230(1), ‘, other than an advance payment,’—

omit.

(2) Section 230(2)—

omit.

(3) Section 230(3)—

renumber as section 230(2).

43 Amendment of s 231 (Deciding claim)

(1) Section 231(2), ‘, other than an advance payment,’—

omit.

-
- (2) Section 231(3)—
omit.
- (3) Section 231(4), after ‘require the’—
insert—
candidate or
- (4) Section 231(4)—
renumber as section 231(3).

44 Amendment of s 232 (Accepting a claim)

- (1) Section 232(1)(a), after ‘by the’—
insert—
candidate or
- (2) Section 232(2), ‘223(2), 224(2) or 225,’—
omit, insert—
223(2) or 224(2)

45 Amendment of s 233 (Refusing a claim)

- Section 233, from ‘agent’ to ‘relates,’—
omit, insert—
candidate or agent who made the claim

46 Amendment of s 234 (Application for reconsideration of decision refusing a claim)

- (1) Section 234(1), from ‘agent’ to ‘relates’—
omit, insert—
candidate or agent who made the claim
- (2) Section 234(3)(a), after ‘on which the’—
insert—
candidate or

[s 47]

47 Amendment of s 235 (Reconsideration by commission)

Section 235(2), ‘to the relevant agent’—

omit, insert—

the candidate or agent who made the application

48 Amendment of s 236 (Making of payments)

(1) Section 236(1), ‘into the party’s State campaign account’—

omit, insert—

to the agent

(2) Section 236(2), ‘the agent of a candidate’—

omit, insert—

a candidate or the candidate’s agent

(3) Section 236(2)(a)—

omit, insert—

(a) to the candidate or candidate’s agent; or

(4) Section 236(2)(b), from ‘into’—

omit, insert—

to the registered political party’s agent.

49 Insertion of new pt 11, div 5

Part 11—

insert—

Division 5 Policy development payments

239 Eligibility of political party for policy development payment

(1) A registered political party (an *eligible registered political party*) is eligible for a policy development payment for a financial year if—

-
- (a) the political party was a registered political party on the polling day for the last general election and continues to be a registered political party on the day the party's entitlement to a policy development payment is decided; and
 - (b) the registered political party has at least 1 elected member who is—
 - (i) endorsed by the political party for the duration of the financial year for which the policy development payment is payable; and
 - (ii) a member of the political party on the day the entitlement to the policy development payment is decided.
- (2) However, a registered political party is not eligible for a policy development payment if the agent of the political party has requested, in writing to the commission, that no policy development payment is to be made to the political party.
 - (3) A request made under subsection (2) continues in effect until the request is withdrawn, in writing to the commission, by the political party's agent.

240 Amount of policy development payment to which eligible registered political party is entitled

- (1) The policy development payment to which each eligible registered political party is entitled for a financial year is the amount worked out using the following formula—

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

where—

A is the amount prescribed under a regulation for this definition.

B is the total number of formal first preference votes given to each relevant candidate endorsed by the political party in the last general election occurring in or before the financial year (the *last election*).

C is the total number of formal first preference votes given to all relevant candidates endorsed by eligible registered political parties in the last general election.

(2) In this section—

relevant candidate, endorsed by an eligible registered political party for a financial year, means a candidate who polled at least 6% of the total number of formal first preference votes for the candidate's electoral district in the last general election.

241 When eligibility is decided and when policy development payment is made

- (1) The commission must decide the following for a financial year within 3 weeks after the end of the financial year—
 - (a) which registered political parties are eligible for a policy development payment for the year;
 - (b) the amount to which an eligible registered political party is entitled for the year under section 240.
- (2) The commission must make the policy development payment to each eligible registered political party entitled to the payment for a financial year in 2 equal instalments.

- (3) The instalments must be paid to the political party on or before the following days occurring immediately after the end of the financial year—
 - (a) 31 July;
 - (b) 31 January.

242 Application for reconsideration of decision about eligibility

- (1) The agent of a registered political party may apply to the commission for the commission to reconsider a decision about—
 - (a) whether the registered political party is eligible for a policy development payment for a financial year; or
 - (b) the amount of the policy development payment made to the registered political party for a financial year.
- (2) The application must—
 - (a) be in writing; and
 - (b) set out the reasons for the application.
- (3) The application must be made—
 - (a) on or before 31 August immediately after the end of the financial year for which the decision was made; or
 - (b) if the commission allows a later day—the later day.

243 Reconsideration by commission

- (1) On receiving an application under section 242, the commission must—
 - (a) reconsider the decision; and
 - (b) decide to—

[s 50]

- (i) affirm the decision; or
 - (ii) vary the decision; or
 - (iii) set aside the decision and make another decision.
- (2) The commission must give the agent a notice stating the decision on the reconsideration together with a statement of reasons for the decision.

244 Recalculation of policy development payment

- (1) If the commission varies or sets aside the decision and makes another decision under section 243(1)(b)(ii) or (iii) for a financial year, the commission must recalculate the amount to which each eligible registered political party is entitled for the financial year under section 240.
- (2) If the policy development payment made to a registered political party for the financial year is more than the amount that, following the recalculation, should have been made to the party—
- (a) the amount of the excess is an overpayment; and
 - (b) the party must repay the amount of the overpayment; and
 - (c) the overpayment may be recovered by the State as a debt due to the State.

50 Omission of pt 11, div 6 (Political donations)

Part 11, division 6—

omit.

51 Amendment of pt 11, div 7, hdg

Part 11, division 7, heading, ‘donations’—

omit, insert—

gifts

52 Amendment of s 261 (Disclosure by candidates of political donations and gifts)

(1) Section 261, heading, ‘political donations and’—

omit.

(2) Section 261(1), ‘the prescribed time after the polling day for the election’—

omit, insert—

15 weeks after the polling day for the election

(3) Section 261(1)(a) and (b)—

omit, insert—

(a) the total amount or value of all gifts received by the person during the disclosure period for the election; and

(b) the number of entities who made the gifts; and

(c) the relevant details of each gift.

(4) Section 261(2)—

omit, insert—

(2) For this section, a reference to the relevant details of a gift is a reference to—

(a) its amount or value; and

(b) the date it was made; and

(c) the relevant particulars of the entity that made it.

(5) Section 261(3) and (4), ‘other than a political donation’—

omit.

- (6) Section 261(3), ‘less than \$1000’—

omit, insert—

equal to or less than the gift threshold amount

- (7) Section 261(4), ‘is equal to or is more than \$1000’—

omit, insert—

is more than the gift threshold amount

- (8) Section 261(6), ‘political donations or other’—

omit.

53 Amendment of s 262 (Loans to candidates)

- (1) Section 262(1), ‘a person other than’—

omit, insert—

an entity other than

- (2) Section 262(2)(b), ‘persons who’—

omit, insert—

entities that

- (3) Section 262(3), ‘\$1000 or more’—

omit, insert—

more than the gift threshold amount

- (4) Section 262(3)(b) to (d)—

omit, insert—

(b) the relevant particulars of the entity that made the loan;

- (5) Section 262(3)(e)—

renumber as section 262(3)(c).

54 Amendment of s 263 (Disclosure of gifts by third parties that receive political donations or incur expenditure for political purposes)

- (1) Section 263, heading, ‘receive political donations or’—
omit.
- (2) Section 263(1)(a), ‘political donation’—
omit, insert—
gift
- (3) Section 263(2)(b), ‘at least \$1000’—
omit, insert—
more than the gift threshold amount
- (4) Section 263(3), ‘less than \$1000’—
omit, insert—
equal to or less than the gift threshold amount
- (5) Section 263(5)(b), from ‘made and—’—
omit, insert—
made and the relevant particulars of the entity that made the gift.

55 Amendment of s 264 (Donations to candidates etc.)

- (1) Section 264, heading, ‘Donations’—
omit, insert—
Gifts
- (2) Section 264(1), (2), (3) and (6), ‘political donation or other’—
omit.
- (3) Section 264(1) and (6), ‘donation or other’—
omit.
- (4) Section 264(4), ‘political donations or other’—
omit.

[s 56]

(5) Section 264(4), ‘less than \$1000’—

omit, insert—

equal to or less than the gift threshold amount

(6) Section 264(5)—

omit, insert—

(5) For this section, the required details of a gift are—

(a) its amount or value; and

(b) the date on which it was made; and

(c) the relevant particulars of the entity that made it.

56 Replacement of ss 265 and 266

Sections 265 and 266—

omit, insert—

265 Gifts to political parties

(1) This section applies to an entity that, in a financial year, makes gifts totalling more than the gift threshold amount to the same registered political party (the *recipient party*).

(2) Subject to section 266, the entity must, within 20 weeks after the end of the financial year, give the commission a return in the approved form—

(a) disclosing all gifts the person made to the recipient party in the financial year; and

(b) stating, for each gift—

(i) its amount or value; and

(ii) the date on which the entity made it; and

(iii) the name and address of the recipient party.

-
- (3) Subsection (2) applies to an entity even if, at the time the entity made the gifts, the entity was outside Queensland.
- (4) If—
- (a) 2 or more political parties are related to each other; and
 - (b) at least 1 of the parties is a registered political party;
- subsection (1) applies as if—
- (c) those parties together constituted a single registered political party (rather than being separate political parties); and
 - (d) a gift made by an entity to any of those parties were a gift made by the entity to the recipient party.
- (5) If an entity makes a gift to a person or body with the intention of benefiting a particular political party, the entity is taken for this section (including subsection (4)(d)) to have made that gift directly to the political party.
- (6) If—
- (a) an entity is required to disclose a gift (the *ultimate gift*) in a return under subsection (2); and
 - (b) the entity received a gift (the *enabling gift*) of more than the gift threshold amount which the entity used to make all or a substantial part of the ultimate gift;
- the entity must also disclose the relevant details of the enabling gift in the return.
- (7) For subsection (6), the relevant details of an enabling gift are—
- (a) its amount or value; and
 - (b) the date on which it was received; and

[s 57]

- (c) the relevant particulars of the entity that made it.
- (8) This section does not apply to gifts made by any of the following—
 - (a) a registered political party;
 - (b) an associated entity;
 - (c) a candidate in an election.

266 Persons taken to have complied with s 265

A person who would otherwise be required under section 265 to give the commission a return is taken to have complied with that section if—

- (a) the person has given the commission a copy of the annual return provided under the Commonwealth Electoral Act, section 305B as soon as possible after the report has been provided under that Act; and
- (b) the copy was certified by the person as a true copy of the annual return provided under the Commonwealth Electoral Act, section 305B.

57 Amendment of s 271 (Particular gifts not to be received)

- (1) Section 271(1), ‘another person’—
omit, insert—
another entity
- (2) Section 271(1), ‘at least \$200’—
omit, insert—
more than the gift threshold amount
- (3) Section 271(1) and (2), ‘name and address’—
omit, insert—
relevant particulars

-
- (4) Section 271(1) and (2), ‘person making the gift’—
omit, insert—
entity making the gift
- (5) Section 271(4)—
omit.
- (6) Section 271(5) to (7)—
renumber as section 271(4) to (6).

58 Amendment of s 272 (Particular loans not to be received)

- (1) Section 272(1) and (2), ‘\$1000 or more’—
omit, insert—
more than the gift threshold amount
- (2) Section 272(3)(c) to (e)—
omit, insert—
(c) the relevant particulars of the entity that made the loan.

59 Omission of pt 11, div 9 (Electoral expenditure)

Part 11, division 9—
omit.

60 Amendment of pt 11, div 10, hdg (Disclosure of electoral expenditure)

Part 11, division 10, heading, ‘electoral’—
omit.

61 Replacement of s 283 (Returns of electoral expenditure)

Section 283—
omit, insert—

283 Returns of electoral expenditure

The agent of each person who was a candidate in an election must, within 15 weeks after the polling day for the election, give the commission a return in the approved form, stating details of all electoral expenditure for the election incurred by or with the authority of the candidate.

62 Amendment of s 284 (Returns by broadcasters)

Section 284(1), ‘capped expenditure’—

omit, insert—

election

63 Amendment of s 285 (Returns by publishers)

Section 285(1), ‘capped expenditure’—

omit, insert—

election

64 Replacement of pt 11, div 11, hdg (Returns by registered political parties and associated entities)

Part 11, division 11, heading—

omit, insert—

**Division 11 Annual returns by
registered political parties
and associated entities**

65 Amendment of s 290 (Returns for reporting periods by registered political parties)

(1) Section 290, heading—

omit, insert—

290 Annual returns by registered political parties

- (2) Section 290, from ‘within’ to ‘stating—’—
omit, insert—
within 16 weeks after the end of a financial year, give the commission a return, in the approved form, stating—
- (3) Section 290(a) and (d), ‘reporting period’—
omit, insert—
financial year
- (4) Section 290(b)—
omit.
- (5) Section 290(c), from ‘reporting period’—
omit, insert—
financial year; and
- (6) Section 290(c) and (d)—
renumber as section 290(b) and (c).
- (7) Section 290—
insert—
- (2) However, a political party is taken to have complied with the requirement under subsection (1) to give the commission a return if—
- (a) the party’s agent has given the commission a copy of the annual return provided under the Commonwealth Electoral Act, section 314AB as soon as possible after the report has been provided under that Act; and
- (b) the copy was certified by the agent as a true copy of the annual return provided under the Commonwealth Electoral Act, section 314AB.

66 Amendment of s 291 (Amounts received)

(1) Section 291(1)—

omit, insert—

(1) If the sum of all amounts received by, or for, the party from an entity during a financial year is more than the gift threshold amount, the return must include the particulars of the sum.

(2) Section 291(2), ‘of less than \$1000’—

omit, insert—

equal to or less than the gift threshold amount

(3) Section 291(3), paragraphs (a) to (c)—

omit, insert—

- (a) the relevant particulars of the entity that gave the sum; or
- (b) if the sum was received as a result of a loan, the information required to be kept under section 272(3) or the name of the financial institution that made the loan, as applicable.

67 Omission of s 292 (Amounts paid)

Section 292—

omit.

68 Replacement of s 293 (Outstanding amounts)

Section 293—

omit, insert—

293 Outstanding amounts

If the sum of all outstanding debts incurred by, or for, the party to an entity during a financial year is more than the gift threshold amount, the return must include the relevant particulars of each entity to whom the debts were owed.

69 Amendment of s 294 (Returns for reporting periods by associated entities)

(1) Section 294, heading—

omit, insert—

294 Annual returns by associated entities

(2) Section 294(1), from ‘a reporting period’ to ‘setting out—’—

omit, insert—

a financial year, the entity’s financial controller must, within 16 weeks after the end of the financial year, give the commission a return, in the approved form, stating—

(3) Section 294(1)(a) and (c), ‘reporting period’—

omit, insert—

financial year

(4) Section 294(1)(b), from ‘reporting period’—

omit, insert—

financial year; and

(5) Section 294(5)—

omit, insert—

(5) Sections 291 and 293 apply for subsection (1)(a), (b) and (c) to a return for an associated entity in the same way as they apply for section 290(a), (b) and (c) to a return for a registered political party.

70 Omission of pt 11, div 12 (Registration of third parties)

Part 11, division 12—

omit.

71 Amendment of s 310 (Audit certificates)

(1) Section 310(1)(a)—

omit.

- (2) Section 310(1)(b) to (d)—
renumber as section 310(1)(a) to (c).
- (3) Section 310(2)(a), ‘, candidate or registered third party’—
omit, insert—
or candidate
- (4) Section 310(3), from ‘if—’—
omit, insert—
if the commission considers the cost of compliance
with the requirement would be unreasonable.

72 Amendment of s 311 (Auditor to give notice of contravention)

Section 311(1), ‘, candidate or registered third party’—
omit, insert—
or candidate

73 Amendment of s 313 (Extension for giving return)

Section 313(3), from ‘8 weeks’ to ‘but for’—
omit, insert—
1 month after the day the return would, other than for

74 Amendment of s 316 (Publishing of returns)

- (1) Section 316(1)(b)—
omit.
- (2) Section 316(1)(c) and (d)—
renumber as section 316(1)(b) and (c).
- (3) Section 316(2) and (3)—
omit, insert—

- (2) A return mentioned in subsection (1) must be published within 5 business days after the return is given to the commission.

75 Amendment of s 317 (Inspection and supply of copies of claims and returns)

Section 317(4)(b), ‘or 266’—

omit.

76 Omission of s 318 (Recovery of unlawful donations)

Section 318—

omit.

77 Amendment of s 330 (General power to enter places)

Section 330(2), ‘, candidate or third party’—

omit, insert—

or candidate

78 Insertion of new pt 13, div 7

Part 13—

insert—

**Division 7 Transitional provisions for
Electoral Reform
Amendment Act 2014**

418 Definitions for div 7

In this division—

assent day means the day the *Electoral Reform Amendment Act 2014* receives royal assent.

relevant commencement means the day the *Electoral Reform Amendment Act 2014*, section 38 is taken to have commenced under section 2 of that Act.

419 Application of previous pt 11, div 4 to claims for advance payment of election funding lodged before relevant commencement

- (1) This section applies if, before the relevant commencement, a claim for advance payment of election funding by a registered political party or candidate was lodged with the commission under part 11, division 4 but not decided.
- (2) The commission's decision, and any advance payment of election funding under that part as in force immediately before the relevant commencement, is not affected by the commencement of the *Electoral Reform Amendment Act 2014*.
- (3) Part 11, division 4 as in force immediately before the relevant commencement continues to apply to the party or candidate in relation to any advance payment mentioned in subsection (2) made to the party or candidate.

420 Recovery of advance payments of election funding lodged and paid after relevant commencement

If a claim for advance payment of election funding lodged after the relevant commencement by a registered political party or candidate under part 11, division 4 as in force immediately before the relevant commencement, is paid before the assent day—

- (a) the amount of the advance payment is taken to be an overpayment; and
- (b) the overpayment may be recovered by the State as a debt due to the State.

421 Policy development payment for financial year ending on 30 June 2013

- (1) The commission must pay a policy development payment instalment under part 11, division 5 to each eligible registered political party for the financial year ending on 30 June 2013 (the **2013 financial year**).
- (2) The amount of the instalment must be worked out under that division for the 2013 financial year as if—
 - (a) part 11, division 5 were in effect on and from 1 July 2012; and
 - (b) the first instalment for the 2013 financial year that would have been payable on or before 31 July 2013 if that division were in effect from 1 July 2012 had already been paid.
- (3) The policy development payment must be paid to each eligible registered political party within 60 days after the assent day.
- (4) Despite section 242(3), an agent of a registered political party may apply to the commission for the commission to reconsider a decision under section 242 if the application is made—
 - (a) within 90 days after the assent day; or
 - (b) if the commission allows a later day—the later day.

422 Application of Act in relation to Redcliffe by-election

- (1) This section applies in relation to the by-election held on 22 February 2014 for the electoral district of Redcliffe (the **Redcliffe by-election**).
- (2) This Act as in force immediately before the assent day applies to—

- (a) the Redcliffe by-election; and
- (b) a person in relation to the Redcliffe by-election;

even though amendments of this Act by the *Electoral Reform Amendment Act 2014* are taken to have commenced on the relevant commencement.

- (3) This section applies subject to sections 419 to 421.

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