



Queensland

# Electoral Amendment Regulation 2020

## Subordinate Legislation 2020 No. 144

made under the

*Electoral Act 1992*

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**1 Short title**

This regulation may be cited as the *Electoral Amendment Regulation 2020*.

**2 Commencement**

- (1) Section 5 commences on 1 January 2022.
- (2) Sections 6 to 12 commence on 1 August 2020.

**3 Regulation amended**

This regulation amends the *Electoral Regulation 2013*.

**4 Amendment of s 6 (Qualifications or experience for auditors—Act, s 197)**

- (1) Section 6(b), after ‘Australia’—

*insert—*

Ltd ACN 008 392 452

- (2) Section 6(c), after ‘Institute of Public Accountants’—

*insert—*

Ltd ACN 004 130 643

- (3) Section 6(d), ‘The Institute of Chartered Accountants in Australia’—

*omit, insert—*

Chartered Accountants Australia and New Zealand ARBN 084 642 571

**5 Amendment of s 8 (Amount of policy development payment to which eligible registered political party is entitled—Act, s 240)**

- (1) Section 8, heading, from ‘to which’—

*omit, insert—*

**for eligible registered political party or**

**independent member—Act, s 241**

(2) Section 8, ‘section 240(1)’—

*omit, insert—*

section 241(1)

**6 Omission of s 8E (Period for particular entities to give returns about large gift received—Act, s 266B)**

Section 8E—

*omit.*

**7 Replacement of s 10A (Period for associated entity to give return for gift received—Act, s 294)**

Section 10A—

*omit, insert—*

**10A Period for financial controller of associated entity to give return about gift or loan received—Act, s 294**

For section 294(2)(d) of the Act, the following day and times are prescribed for a return about a gift or loan received—

- (a) if the gift or loan is received by an associated entity of a registered political party within 7 days before the polling day for a general election or by-election in which the party has endorsed a candidate—24 hours after the gift or loan is received;
- (b) if the gift or loan is received by an associated entity of a candidate in an election within 7 days before the polling day for the election—24 hours after the gift or loan is received;
- (c) otherwise—the seventh business day after the day the gift or loan is received.

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**8 Insertion of new ss 11B and 11C**

After section 11A—

*insert—*

**11B Particulars to be included in register of non-monetary gifts—Act, s 305F**

For section 305F(2)(a) of the Act, the following particulars about a non-monetary gift are prescribed—

- (a) a description of the gift;
- (b) the day the gift was received;
- (c) the value of the gift;
- (d) the relevant particulars of the person who made the gift;
- (e) for a gift that has been disposed of—
  - (i) the day of the disposal; and
  - (ii) the amount received for the disposal.

**11C Particulars to be included in register of subscribed members and affiliates—Act, s 305G**

For section 305G(2)(a) and (b) of the Act, the name of the subscribed member or current affiliate of the registered political party is prescribed.

**9 Insertion of new pt 5AA**

After part 5—

*insert—*

**Part 5AA****Prescribed information to be included in particular records to be kept**

## **Division 1      Preliminary**

### **12A Purpose of part**

This part prescribes, for section 305AB(1)(b) of the Act, information to be included in records required to be kept about particular prescribed matters under section 305AB of the Act.

## **Division 2      Records about political donations and other gifts and loans**

### **12B Political donations made to or for the benefit of particular election participants**

- (1) This section applies for a record about a political donation made to, or for the benefit of, a participant in an election, other than a third party.
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the day the political donation was made;
  - (b) the amount or value of the political donation;
  - (c) for a political donation that is a gift—how the value of the gift is worked out under section 201B of the Act;
  - (d) the relevant particulars of the person who made the political donation;
  - (e) for a political donation that is a gift or loan made by a person who is not the source of the gift or loan—the relevant particulars of the entity that is the source of the gift or loan;

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- (f) the donor statement, if any, that accompanied the political donation;
  - (g) a copy of the receipt required, under section 258(2) of the Act, to be given to the person who made the political donation;
  - (h) for a political donation that is refunded or returned in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the amount or value refunded or returned; and
    - (iii) for a political donation that is a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 201B of the Act.

*Note—*

For other information to be included in records about political donations of property other than money and loans, see sections 220(3) and 272(3) of the Act.

- (3) If the record is about a political donation that is electoral expenditure gifted to the election participant, the following information is also prescribed to be information to be included in the record—
  - (a) details about how the electoral expenditure benefits the election participant;
  - (b) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the election participant provided for the electoral expenditure;
  - (d) a copy of an invoice, if any, issued to the election participant for the electoral expenditure;

- (e) for electoral expenditure incurred under an arrangement between the election participant and 1 or more other participants in the election—details of the arrangement.

### **12C Other gifts or loans made to or for the benefit of particular election participants**

- (1) This section applies for a record about a gift or loan that is not a political donation made to, or for the benefit of, a participant in an election, other than a third party.
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the day the gift or loan was made;
  - (b) the amount or value of the gift or loan;
  - (c) for a record about a gift—how the value of the gift is worked out under section 201B of the Act;
  - (d) for a record about a gift that is refunded or returned in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the amount or value refunded or returned; and
    - (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 201B of the Act;
  - (e) the relevant particulars of the person who made the gift or loan;
  - (f) if the gift is given or the loan is made by a person who is not the source of the gift or loan—the relevant particulars of the entity that is the source of the gift or loan.

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*Note—*

For other information to be included in records about political donations of property other than money and loans, see sections 220(3) and 272(3) of the Act.

- (3) If the record is about a gift that is electoral expenditure gifted to the election participant, the following information is also prescribed to be information to be included in the record—
  - (a) details about how the electoral expenditure benefits the election participant;
  - (b) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the election participant provided for the electoral expenditure;
  - (d) a copy of an invoice, if any, issued to the election participant for the electoral expenditure;
  - (e) for electoral expenditure incurred under an arrangement between the election participant and 1 or more other participants in the election—details of the arrangement.

### **12D Political donations or other gifts or loans made by particular election participants to other election participants**

- (1) This section applies for a record about a political donation, or another gift or loan, made by a participant in an election, other than a third party, (the *first participant*) to another participant in the election (the *second participant*).
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the day the political donation, gift or loan was made;

- (b) the amount or value of the political donation, gift or loan;
  - (c) for a record about a political donation that is a gift, or another gift—how the value of the gift is worked out under section 201B of the Act;
  - (d) for a political donation that is a gift, or another gift, that is returned or refunded in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the amount or value refunded or returned; and
    - (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 201B of the Act;
  - (e) the relevant particulars of the first participant;
  - (f) for a record about a loan—the terms and conditions of the loan.
- (3) If the record is about a gift that is electoral expenditure gifted to the second participant, the following information is also prescribed to be information to be included in the record—
- (a) details about how the electoral expenditure benefits the second participant;
  - (b) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the first participant received from the second participant for incurring the electoral expenditure;

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- (d) a copy of an invoice, if any, the first participant issued to the second participant for the electoral expenditure;
  - (e) details of the arrangement, if any, between the first participant and second participant, and other participants in the election, under which the electoral expenditure was incurred.

### **12E Gifts made to or for the benefit of a third party**

- (1) This section applies for a record about a gift made to, or for the benefit of, a third party for an election about which the third party is required to give the commission a return under section 263 of the Act.
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the day the gift was made;
  - (b) the amount or value of the gift;
  - (c) for a gift of property other than money—how the value of the gift is worked out under section 201B of the Act;
  - (d) for a gift that is refunded or returned in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the amount or value refunded or returned; and
    - (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 201B of the Act;
  - (e) the relevant particulars of the person who made the gift;

- (f) if the person who made the gift is not the source of the gift—the relevant particulars of the entity that is the source of the gift.
- (3) If the record is about a gift that is electoral expenditure gifted to the third party, the following information is also prescribed to be information to be included in the record—
- (a) details about how the electoral expenditure benefits the third party;
  - (b) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the third party provided for the electoral expenditure;
  - (d) a copy of an invoice, if any, issued to the third party for the electoral expenditure;
  - (e) for electoral expenditure incurred under an arrangement between the election participant and 1 or more other participants in the election—details of the arrangement.

## **Division 3            Records about electoral expenditure**

### **12F Electoral expenditure incurred**

- (1) This section applies for a record about electoral expenditure incurred—
- (a) by a participant in an election, other than a third party, or with the participant's authority, at any time; or
  - (b) by a third party for an election, or with the third party's authority, during the capped expenditure period for the election.
- (2) The following information is prescribed to be

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information to be included in the record—

- (a) the amount of the electoral expenditure;
- (b) the day the amount was paid;
- (c) a description of the goods or services to which the electoral expenditure relates;
- (d) the name and business address of the person who supplied the goods or provided the services;
- (e) the day the goods or services were supplied or provided;
- (f) for electoral expenditure to which section 281(4) of the Act applies—the day the goods were first used for a campaign purpose during a capped expenditure period;
- (g) a copy of an invoice or receipt issued to the election participant for the electoral expenditure;
- (h) for electoral expenditure that benefits another participant in an election—
  - (i) details about how the electoral expenditure benefits the other election participant; and
  - (ii) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply; and
  - (iii) a copy of an invoice, if any, issued to the other participant for the electoral expenditure;
- (i) for electoral expenditure that relates to an election for an electoral district under section 281B of the Act—details of how the expenditure relates to the election under that section.

## **Division 4      Records about State campaign accounts of registered political parties and candidates in an election**

### **12G Amounts paid into State campaign account**

- (1) This section applies for a record about an amount paid into the State campaign account of a registered political party or candidate in an election.

*Note—*

See section 22 for other information that is required to be included in the record for an amount permitted to be paid into the State campaign account of a registered political party under section 440A of the Act.

- (2) The following information is prescribed to be information to be included in the record—
  - (a) the amount;
  - (b) the type of the amount, or each part of the amount, as mentioned in section 216(2) of the Act;
  - (c) for each part of the amount that is of a type of amount mentioned in section 216(2)(b), (c), (e), (f), (i) or (j)—the information necessary to show the part is an amount of that type.

### **12H Amounts paid from State campaign account**

- (1) This section applies for a record about an amount paid from the State campaign account of a registered political party or candidate in an election.
- (2) The following information is prescribed to be

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information to be included in the record—

- (a) the amount;
- (b) for an amount paid for electoral expenditure incurred by the registered political party or candidate—information necessary to show the amount is paid for the electoral expenditure;
- (c) for an amount paid to reimburse a person for electoral expenditure incurred by the person for the party or candidate—information necessary to show the amount is paid to reimburse the person;
- (d) for an amount paid as an amount payable under a loan to which section 217 of the Act applies—information necessary to show the amount is paid under the loan.

**10 Amendment of pt 8, hdg (Transitional provisions for Electoral (Reporting Periods) Amendment Regulation 2017)**

Part 8, heading, from ‘for Electoral’—

*omit.*

**11 Insertion of new pt 8, div 1, hdg**

Part 8—

*insert—*

**Division 1                      Transitional provisions for  
Electoral (Reporting  
Periods) Amendment  
Regulation 2017**

**12 Insertion of new pt 8, div 2**

Part 8—

*insert—*

**Division 2            Transitional provisions for  
Electoral Amendment  
Regulation 2020**

**22 Information to be kept in records about  
amounts paid into State campaign accounts  
under s 440A of the Act—Act, s 305AB**

- (1) This section applies for a record about an amount paid into the State campaign account of a registered political party that is, or includes, an amount that is permitted to be paid into the account under section 440A of the Act.
- (2) For section 305AB(1)(b) of the Act, the information necessary to show the amount is permitted to be paid into the State campaign account under section 440A of the Act is prescribed to be information to be included in the record.
- (3) This section does not limit the information that is required to be included in the record under section 12G.

ENDNOTES

- 1 Made by the Governor in Council on 30 July 2020.
- 2 Notified on the Queensland legislation website on 31 July 2020.
- 3 The administering agency is the Department of Justice and Attorney-General.

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