

Electoral and Other Legislation Amendment Bill 2015

Explanatory Notes

Short title

The short title of the Bill is the Electoral and Other Legislation Amendment Bill 2015.

Policy objectives and the reasons for them

The key objectives of the Bill are to give effect to the Government's election commitments to amend the *Electoral Act 1992* (Electoral Act) to:

- reinstate the \$1,000 gift threshold amount, backdated to 21 November 2013;
- remove voter proof of identity requirements; and
- facilitate real time disclosure of political donations.

Other objectives of the Bill are to:

- remove voter proof of identity requirements for local government elections;
- clarify when a fundraising contribution is a gift; and
- give effect to the Government's election commitment that the chairman (CCC chairman) of the Crime and Corruption Commission (CCC) have access to a judicial pension.

Achievement of policy objectives

Amendment of electoral legislation

The Bill will achieve these policy objectives by amending the Electoral Act to:

- reinstate the \$1,000 gift threshold amount for all related purposes (candidates' post poll disclosures of gifts and loans; third parties' disclosure of expenditure and gifts; entities' gifts to political parties; loans not to be received; and returns of political parties and associated entities);
- restore the special reporting of donations of \$100,000 or more;
- clarify the meaning of a fundraising contribution;
- reduce the threshold for the prohibition of anonymous donations from the current level of \$12,800 to \$1,000 for parties (retaining the current level of \$200 for candidates);
- reinstate the six-monthly reporting (and previous timeframes for reporting) by political parties and associated entities;

- backdate reporting requirements for the \$1,000 gift and loan disclosure thresholds for political party and associated entity reporting for 2013-2014 and 2014-2015 financial years and for candidate and third party reporting for the Stafford by-election and the 2015 general election;
- facilitate real time disclosure of political donations; and
- remove voter proof of identity requirements.

The Bill includes an amendment to the *Local Government Electoral Act 2011* to remove voter proof of identity requirements for consistency with the corresponding amendment to the Electoral Act.

Amendments about chairman of the CCC

The Bill amends the *Crime and Corruption Act 2001* (CC Act), *Judges (Pensions and Long Leave) Act 1957* (Judges Pensions Act) and the *Superannuation (State Public Sector) Notice 2010* to give effect to the Government's election commitment that the CCC chairman has access to a judicial pension. The CCC chairman's pension entitlement is similar, but not identical, to pensions paid to judges under the Judges Pensions Act.

The Bill amends the CC Act by inserting new provisions that apply the Judges Pensions Act to the CCC chairman as if a reference to a judge in that Act included a reference to the CCC chairman. The Bill amends the Judges Pensions Act to clarify aspects of the current judges' pension scheme when a judge has served as a CCC chairman either before or after the judicial appointment.

The amendments to the CC Act, as inserted by the Bill, will apply to a person who is permanently appointed as CCC chairman or appointed as acting chairman after 27 March 2015.

The application of the Judges Pensions Act to the CCC chairman is changed to the extent required because of differences between the offices of the CCC chairman and of a Supreme or District Court judge. A summary of the changes to the judges' pension scheme as it is applied to the CCC chairman is as follows:

- The CCC chairman must serve in that office for at least five years to become entitled to receive a pension calculated at 6% of the chairman's prescribed salary (indexed annually) for each completed year of service up to a maximum of 60% of the prescribed salary.
- Payment of the pension to a former CCC chairman is deferred until he or she reaches, or would have reached, age 65. This is the case even if the former CCC chairman resigns early because of permanent disability or infirmity or is removed from office because of proved incapacity.
- The pension will be calculated on the amount of the *prescribed salary*, which the Bill provides is the total of the annual salary, jurisprudential allowance and expense of office allowance of a Supreme Court judge (other than the Chief Justice and President of the Court of Appeal).

- On the death of a former CCC chairman entitled to a pension, a surviving spouse (including a de facto or registered partner) or child of the former CCC chairman will have pension entitlements similar to those of a surviving spouse or child of a deceased judge. However, if the CCC chairman dies before reaching age 65, the surviving spouse or child will not receive payments until the date the deceased CCC chairman would have turned 65.
- A person who serves as the CCC chairman and is subsequently appointed as a Supreme or District Court judge can aggregate the years of judicial service and service as CCC chairman for the purposes of pension entitlements under the Judges Pensions Act.
- A person cannot receive two pensions under the Judges Pensions Act, even if he or she would technically qualify both on the basis of service as CCC chairman and service as a judge.
- The CCC chairman loses all pension entitlements if he or she is removed from office under the CC Act, section 236(3).
- If a person serves as CCC chairman and is later appointed a District Court judge, the person will be paid a pension calculated on the prescribed salary as defined in the CC Act and not on a District Court judge's salary under the Judges Pensions Act. This is because the prescribed salary is equivalent to that of a Supreme Court judge.
- If a retired judge who has a pension entitlement is appointed as CCC chairman, the judge's pension is not payable for the period the person serves as CCC chairman, except if the person is aged 65 or older.

Consequential amendments

The Bill makes a consequential amendment to the *Superannuation (State Public Sector) Notice 2010* to reflect the new pension arrangements that will apply to the CCC chairman.

Alternative ways of achieving policy objectives

There is no alternative way for achieving these policy objectives.

Estimated cost for government implementation

Any additional cost associated with the development of real time reporting of gifts will be explored through the established budgetary processes.

The Government will incur ongoing costs to provide pension payments to former CCC chairmen, which will be part of the established budgetary review processes.

Consistency with fundamental legislative principles

Whether legislation adversely affect rights and liberties, or imposes obligations, retrospectively—LSA, section 4(3)(g)

Disclosure requirements

Clause 26 of the Bill inserts a new part 11, division 12 into the Electoral Act. Under this proposed division—

1. The agent of each person who was a candidate in the Stafford by-election held on 19 July 2014 and the general election held on 31 January 2015 (a **relevant election**) must give a return under sections 261 and 262 of the Electoral Act in relation to the election to the commission. The effect of this requirement is that the agent must disclose all gifts and loans received by the candidate if the value of the gift or loan is equal to or more than \$1,000. Currently, only gifts or loans that exceed \$12,400 (indexed) are required to be disclosed.
2. A third party that received or made gifts of \$1,000 or more during the disclosure period for a relevant election must give a return under section 263 or 264 of the Electoral Act disclosing the gifts. Currently, only gifts that exceed \$12,400 (indexed) are required to be disclosed.
3. An entity that made gifts to a registered political party in the 2013-2014 financial year must give a return under section 265 of the Electoral Act disclosing the gifts if the gifts are equal to or more than \$1,000. Currently, only gifts that exceed \$12,400 (indexed) are required to be disclosed.
4. The agent of a registered political party must give a return under section 290 of the Electoral Act about amounts received and paid by the party, and debts incurred by the party, in the 2013-2014 financial year applying the provisions as in force after the commencement.
5. The financial controller of an associated entity must give a return under section 294 of the Electoral Act disclosing amounts received and paid by the entity, and debts incurred by the entity, in the 2013-2014 financial year applying the provisions as in force after the commencement.

The requirements in paragraphs 1 and 2 apply even though the elections were held before the commencement. Similarly, the requirements in paragraphs 3 to 5 apply in relation to the 2013-2014 financial year, even though the financial year ended before the commencement.

While it is not an offence under section 307 of the Electoral Act to have failed to disclose gifts or loans with a value that is between \$1,000 and \$12,400 (indexed) in a previous return lodged for a relevant election or the 2013-2014 financial year, it will now be an offence to fail to provide a return required under proposed part 11, division 12. To the extent that proposed part 11, division 12 is imposing obligations in relation to the 2013-2014 financial year and elections that occurred prior to the commencement, it is arguable that the Bill is operating retrospectively.

There are safeguards to mitigate the effective backdating of these requirements. The obligations apply prospectively after commencement. The Bill provides that a person does not commit an offence if, before the commencement, they failed to keep records relating to gifts or loans that did not have to be disclosed under the unamended Act. Section 312 of the Electoral Act may apply if the person is unable to obtain particulars required for the preparation of the return and therefore considered it impossible to complete the return.

Anonymous gifts

Currently, it is unlawful for a political party or a person acting for a political party to receive an anonymous gift if the amount of the gift is more than \$12,400 (indexed)(section 271 of the Electoral Act). Section 271(1) of the unamended Electoral Act will continue to apply to gifts received before the commencement. However, if the amount of a gift received before the commencement is equal to or more than the new gift threshold amount of \$1,000, details of the gift must be included in a return given under section 290 of the Electoral Act. Section 312 of the Electoral Act may apply if the person is unable to obtain particulars required for the return and therefore considers it impossible to complete the return.

Loans from entities other than financial institutions

Currently, it is unlawful for political parties and candidates (and persons acting for those entities) to receive a loan of more than the gift disclosure amount from an entity other than a financial institution, unless particular records about the loan are kept (section 272 of the Electoral Act). The unamended Electoral Act will continue to apply to loans received before the commencement. However, if the amount of a loan received before the commencement is \$1,000 or more, details of the loan, including the entity that gave the loan, must be included in a return given under section 262 or 290 of the Electoral Act. It would be expected that the identity of the parties to a loan would be known. Section 312 of the Electoral Act may apply if the person is unable to obtain particulars required for the return and therefore considers it impossible to complete the return.

Consultation

The key electoral amendments are Government election commitments.

The amendments to allow the CCC chairman to have access to a judicial pension are a Government election commitment.

The Government Superannuation Officer has been consulted on the amendments to the CC Act that provide for the CCC chairman's access to a pension. The views of the Government Superannuation Officer were taken into account in finalising the Bill.

Consistency with legislation of other jurisdictions

The Bill does not relate to a uniform or complementary legislative scheme with other jurisdictions.

Notes on provisions

Chapter 1 Preliminary

Clause 1 provides that the Act may be cited as the *Electoral and Other Legislation Amendment Act 2015*.

Chapter 2 Amendment of electoral legislation

Part 1 Amendment of Electoral Act 1992

Clause 2 provides that the part amends the *Electoral Act 1992*.

Clause 3 amends section 2 (Definitions) to omit the definition *proof of identity document* and insert the definitions *2013-2014 financial year*, *relevant election*, *reporting period* and *special reporting period*.

Clause 4 amends section 107 (Procedure for voting) to remove the requirement for an elector to provide a proof of identity document when requesting a ballot paper.

Clause 5 amends section 112 (Procedure for pre-poll ordinary voting) to remove the requirement for an elector to provide a proof of identity document when requesting a ballot paper.

Clause 6 amends section 197 (Definitions) to insert the definitions *2013-2014 financial year*, *relevant election*, *reporting period* and *special reporting period*.

Clause 7 amends section 198 (Meaning of *disclosure period*) to provide for the meaning of *disclosure period* for a person or organisation to which section 298(2) or (4) applies.

Clause 8 amends section 200 (Meaning of *fundraising contribution*) to clarify that an amount is a fundraising contribution whether or not the venture or function to which the payment relates raises funds for an entity.

Clause 9 amends section 201 (Meaning of *gift*) to clarify that any part of a fundraising contribution exceeding \$200 is a gift.

Clause 10 amends section 201A (Meaning of *gift threshold amount*) to provide for a gift threshold amount of \$1000.

Clause 11 inserts a new subdivision heading.

Clause 12 inserts a new subdivision heading.

Clause 13 replaces section 261 (Disclosure by candidates of gifts). As under the section it replaces, new section 261 will facilitate reporting of the total amount or value of gifts received during the disclosure period and the number of gifts received and relevant particulars for gifts exceeding the gift threshold amount. A return for a gift must be

provided within the prescribed period not more than 15 weeks after polling day. This will facilitate the introduction of shortened disclosure periods.

The clause also replaces section 262 (Loans to candidates). As under the section it replaces, new section 262 requires the reporting of loans to candidates from entities other than a financial institution and the relevant details for those exceeding the gift threshold amount. A return must be provided within the prescribed period not more than 15 weeks after polling day. This will facilitate the introduction of shortened disclosure periods.

Clause 14 amends section 263 (Disclosure of gifts by third parties that incur expenditure for political purposes). Under the section, third parties that incur expenditure for political purposes in the disclosure period for an election in excess of the gift threshold amount will need to disclose gifts to them used by the third party in whole or in part to incur expenditure for a political purpose or to reimburse the third party for incurring expenditure for a political purpose. For gifts over the gift threshold amount, the return must state the relevant details for these gifts. The return must be provided within the prescribed period not more than 15 weeks after polling day. This will facilitate the introduction of shortened disclosure periods.

Clause 15 replaces section 264 (Gifts to candidates etc) and provides for returns by third parties that make gifts to candidates during the disclosure period for an election that are equal to or more than the gift threshold amount. The return must be provided within the prescribed period not more than 15 weeks after polling day. This will facilitate the introduction of shortened disclosure periods.

Clause 16 amends section 265 (Gifts to political parties). The section provides for the disclosure of gifts to registered political parties that exceed the gift threshold amount in a reporting period. A return for a gift must be provided within the prescribed period not more than 8 weeks after the end of a reporting period. This will facilitate the introduction of shortened disclosure periods.

Clause 17 omits section 266 (Persons taken to have complied with s 265).

Clause 18 inserts a new subdivision heading and new sections 266 – 266D which provide for the disclosure of large gifts. New section 266 (Application of sdiv3) provides for when the subdivision applies to gifts made to a registered political party in a special reporting period. New section 266A defines *special reporting period* for the subdivision. Section 266B (Requirement to disclose large gifts) reinstates a requirement omitted by the *Electoral Reform Amendment Act 2014* which required donors to report gifts over \$100,000 within a special reporting period within 14 days. Section 266C (Related political parties) provides for how section 266B applies to gifts made to related political parties. Section 266D (Associated entities) provides for how section 266B and 266C apply if a political party has an associated entity.

Clause 19 amends section 271 (Particular gifts not to be received). Section 271(1) provides that it is unlawful for a political party to receive an anonymous gift more than the gift threshold amount. The amendment provides for the prohibition to apply to gifts equal to or more than that threshold.

Clause 20 amends section 272 (Particular loans not to be received). The section provides that it is unlawful for political party or a candidate to receive loans of more than the gift threshold amount in certain circumstances. The amendment provides for the prohibition to apply to loans equal to or more than that threshold.

Clause 21 replaces the reference to “Annual returns” with “Returns” in recognition of more frequent reporting requirements under following amendments.

Clause 22 replaces section 290. New section 290 (Returns by registered political parties) and provides for a return to be made within 8 weeks of the end of each reporting period stating: (a) the total amount received by, or for, the party during the reporting period; and (b) the total amount paid by, or for, the party during the reporting period; and (c) the total outstanding amount, as at the end of the reporting period, of all debts incurred by, or for, the party. It also provides for returns to be made within a prescribed period of gifts and loans equal to or greater than the gift threshold amount. This will facilitate the introduction of shortened disclosure periods.

Clause 23 amends section 291 (Amounts received). The section provides for amounts received that must be included in a return under section 290. Under the amendment, if the sum of amounts received by, or for, a registered political party in a reporting period from an entity is equal to or more than the gift threshold amount, the particulars of the sum must be disclosed.

Clause 24 inserts new section 292 (Amounts paid). The section provides for amounts paid that must be included in a return under section 290. Under the amendment, if the sum of amounts paid by, or for, a registered political party in a reporting period to an entity is equal to or more than the gift threshold amount, the particulars of the sum must be disclosed.

Clause 25 replaces section 293 (Outstanding amounts). New section 293 (Outstanding amounts) provides for amounts of outstanding debts that must be included in a return under section 290. If the sum of all outstanding debts incurred by, or for, the registered political party to an entity during a reporting period is equal to or more than the gift threshold amount, the return must include the relevant particulars of each entity to whom the debts are owed.

The clause also replaces section 294 (Annual returns by associated entities) New section 294 (Returns by associated entities) provides for a return to be made within 8 weeks of the end of each reporting period stating: (a) the total amount received by, or for, the entity during the reporting period; and (b) the total amount paid by, or for, the entity during the reporting period; and (c) the total outstanding amount, as at the end of the reporting period, of all debts incurred by, or for, the entity. The section provides for sections 291, 292 and 293 to apply to the return of a particular associated entity in the same way as they apply to the return for a particular registered political party. It also provides for returns to be made within a prescribed period of not more than 8 weeks after the end of the reporting period. This will facilitate the introduction of shortened disclosure periods.

The clause also inserts new section 294A (Amounts paid from capital) which provides for the disclosure of amounts paid by an associated entity to a registered political party out of the capital of the associated entity.

Clause 26 inserts new pt 11, div 12.

New section 297 (Application of sdiv 1) provides that the subdivision applies in relation to: the by-election held on 19 July 2014 for the electoral district of Stafford; and the general election held on 31 January 2015.

New section 298 (Disclosure requirements for relevant elections) provides for the disclosure requirements under sections 261-262 (for candidates) and sections 263- 264 (for third parties) to apply to those elections.

New section 299 (Gifts to political parties in 2013-2014 financial year) requires compliance with section 265 within 8 weeks of commencement, even if the entity has complied with the corresponding section of the unamended Act.

New section 300 (Return by registered political parties for 2013-2014 financial year) requires compliance with section 290 within 4 weeks of commencement, even if the registered political party has complied with the corresponding section of the unamended Act.

New section 301 (Return by associated entities for 2013-2014 financial year) requires compliance with section 294 within 4 weeks of commencement, even if the associated entity has complied with the corresponding section of the unamended Act.

New section 302 (References to returns in div 13) provides that: (a) a reference in division 13 to a return under division 7 includes a reference to a return given under division 7 because of a requirement in subdivision 1 or section 299; and (b) a reference in division 13 to a return under division 11 includes a reference to a return given under division 11 because of a requirement in section 300 or 301.

New section 303 (Failure to keep records relating to returns under this division) provides that a person does not commit an offence against section 307(2)(b) if, before the commencement, the person failed to keep records relating to a matter that: (a) did not have to be disclosed in a return under the unamended Act, part 11, division 7 or 11; and (b) has to be disclosed in a return required under division 12.

Clause 27 amends section 307 (Offences) with a technical amendment.

Clause 28 amends section 310 (Audit certificates) as a consequence of the insertion of section 266B.

Clause 29 inserts new section 315A (Electronic lodgement of returns) which provides that the commission may make procedures about how a return under division 7 or 11 may be lodged electronically. The procedures: (a) do not take effect until approved by a regulation; (b) must be tabled in the Legislative Assembly with the regulation approving the procedures; and (c) must be published on the commission's website.

Clause 30 amends section 316 (Publishing of returns) as a consequence of the insertion of section 266B.

Clause 31 amends section 317 (Inspection and supply of copies of claims and returns) as a consequence of the insertion of section 266B.

Clause 32 omits section 387 (How things are to be given to commission) as unnecessary because of section 39 of the *Acts Interpretation Act 1954*.

Clause 33 inserts new pt 13, div 8.

New section 423 (Definition for div 8) defines *unamended Act* for the division as the Act as in force before the commencement of the *Electoral and Other Legislation Amendment Act 2015*.

New section 424 (Elections held before the commencement) provides that the unamended Act continues to apply in relation to an election held before the commencement and includes a note referencing part 11, division 12, subdivision 1.

New section 425 (Gifts received before the commencement) provides for disclosure of gifts received after 20 November 2013 but before the commencement over the gift threshold amount. It provides that a person does not commit an offence against section 307(2)(b) if, before the commencement, the person failed to keep a record relating to the gift that could be lawfully received under the unamended Act.

New section 426 (Loans received before the commencement) provides for the disclosure of loans received by a candidate during the disclosure period for an election or a registered political party during a relevant period with a value equal to or more than the gift threshold amount. It provides that a person does not commit an offence against section 307(2)(b) if, before the commencement, the person failed to keep a record relating to the loan that could be lawfully received under the unamended Act.

Part 2 Amendment of Electoral Regulation 2013

Clause 34 provides that the part amends the *Electoral Regulation 2013*.

Clause 35 omits Part 2A (Procedure for voting) which prescribed proof of identity documents for the purposes of the definition *proof of identity document* omitted by clause 3.

Clause 36 inserts section 8A (Periods for giving returns under the Act, pt11, div7).

Clause 37 inserts section 10 (Period for giving returns under Act pt 11, div 11).

Part 3 Amendment of Local Government Electoral Act 2011

Clause 38 provides that the part amends the *Local Government Electoral Act 2011*.

Clause 39 amends section 69 (Who must complete a declaration envelope) to remove the requirement for an elector to complete a declaration envelope if the elector does not give an issuing officer the elector's proof of identity document.

Clause 40 amends section 70 (Casting an ordinary vote or pre-poll vote) to remove the requirement that, the elector must give an issuing officer at the polling booth or pre-polling booth, the elector's proof of identity document.

Clause 41 amends section 75 (Particular responsibilities of issuing officers when electors cast ordinary or pre-poll votes) to remove the requirement that, for the elector to be issued with a ballot paper, the elector must give an issuing officer the elector's proof of identity document.

Clause 42 amends the Schedule (Dictionary) to omit the definition *proof of identity document*.

Part 4 Amendment of Local Government Electoral Regulation 2012

Clause 43 provides that the part amends the *Local Government Electoral Regulation 2012*.

Clause 44 omits section 3 (Proof of identity document) as a consequence of removing voter proof of identity requirements from the *Local Government Electoral Act 2011*.

Chapter 3 Amendments about chairman of Crime and Corruption Commission

Part 1 Amendment of Crime and Corruption Act 2001

Clause 45 provides that the part amends the *Crime and Corruption Act 2001* (the CC Act).

Clause 46 amends section 232 (Terms of appointment) to insert a note referring to subdivision 3 for the pension entitlements applying to the CCC chairman.

Clause 47 inserts new chapter 6, part 1, division 2, subdivision 3 (Chairman's pension entitlements) and inserts new sections 238A to 238K.

New section 238A (Definitions for sdiv 3) inserts definitions for subdivision 3. It includes the definitions *former chairman*, *judge*, *Judges Pensions Act* and *prescribed salary*.

New section 238B (Judges pension scheme applies to chairman) provides that the Judges Pensions Act, other than sections 15 and 15A, applies to a person who held the office of the CCC chairman as if a reference to a judge in the Judges Pensions Act included a reference to the former CCC chairman but with the changes set out in subdivision 3 and other necessary changes to enable the Judges Pensions Act to apply to a former CCC chairman.

New section 238C (Period for which person holds office as chairman) provides that any period of service by a person, before being appointed CCC chairman, that would be counted as service as a judge for the Judges Pensions Act, and any period before being appointed to the office of CCC chairman for which the person is appointed to act as the CCC chairman, are to be counted as a period for which the person holds office as CCC chairman.

New section 238D (Pension at end of appointment generally) provides that the Judges Pensions Act, sections 3 and 4 apply to a former CCC chairman if the former chairman held office as the chairman for at least 5 years, regardless of the person's age when he or she ceased to hold office as chairman. However, new section 238D further provides that the annual pension to which the former CCC chairman is entitled is an annual pension at a rate equal to 6% of the prescribed salary for each year the former chairman held the office, up to a maximum of 60% of the prescribed salary.

New section 238E (Pension if appointment ends because of ill health) provides that the Judges Pensions Act, section 5 applies to a former CCC chairman if the former CCC chairman resigned from office because of a permanent disability or infirmity certified by a prescribed medical practitioner, or if the former CCC chairman's appointment was terminated under section 236(1)(a) because of proved incapacity to perform the duties of office. Under new section 238E, the former CCC chairman is entitled to an annual pension at a rate equal to 6% of the prescribed salary for each year the former CCC chairman held office and each year the former CCC chairman could have held office under the terms of his or her appointment (including under an option to renew the appointment for a further term) if he or she had not resigned because of the permanent disability or infirmity or had his or her appointment terminated. However, the pension entitlement does not arise unless the total number of years the person served or could have served as CCC chairman but for the resignation or termination (as calculated above) is at least five years.

New section 238F (When chairman's pension becomes payable) provides that if a former CCC chairman is entitled to a pension but has not yet attained 65 years of age, the pension does not become payable until the former CCC chairman attains that age.

New section 238G (Pension of spouse and children on death of chairman) provides that the Judges Pensions Act, sections 7 to 8A apply to the surviving spouse or child of a former CCC chairman who was entitled to a pension under the Judges Pensions Act and dies before or after the pension becomes payable under new section 238F in the same way sections 7 to 8A apply to a judge who dies before or after his or her retirement. Under new section 238G, any pension is not payable to the surviving spouse or child until the time when the former CCC chairman would have reached the age of 65.

New section 238H (What happens if former chairman is removed from office as a judge) provides that the Judges Pensions Act, section 16 applies to a judge's pension entitlements as a former CCC chairman so that if the judge is removed from office under the Judges Pensions Act, section 16, the person is not entitled to a judge's pension or a CCC chairman's pension.

New section 238I (What happens if former chairman's appointment is terminated under s 236(3)) provides that subdivision 3 does not apply to a former CCC chairman whose appointment is terminated under section 236(3), unless the Governor in Council otherwise decides.

New section 238J (Former chairman entitled to other pension) provides that a pension is not payable, or stops being payable, in relation to a former CCC chairman in his or her capacity as former CCC chairman if a pension is payable to the person under the Judges Pensions Act in the person's capacity as a judge or a member of the Land Court, the Industrial Court of Queensland or the Queensland Industrial Relations Commission.

New section 238K (Provisions about agreements and court orders under *Family Law Act 1975 (Cwlth)*) applies the provision of the Judges Pensions Act, part 2, division 2 to the former CCC chairman and the former CCC chairman's pension entitlements with certain changes made to take into account the differences between the offices of CCC chairman and a judge. The application of the Judges Pensions Act, section 13 is also changed to provide that if a CCC chairman or former CCC chairman dies before reaching age 65, no pension becomes payable to the person's entitled former spouse until the time when the person would have reached age 65.

Clause 48 inserts a new chapter 8, part 12 (Electoral and Other Amendment Act 2015) with a new section 423.

New section 423 (Chairman's pension entitlements) provides that new chapter 6, part 1, division 2, subdivision 3 applies in relation to a person appointed as the CCC chairman after 27 March 2015 and that new section 238C(b) applies to a period for which a person was appointed to act as the CCC chairman only if the appointment started after 27 March 2015.

Clause 49 amends schedule 2 (Dictionary) by inserting definitions *former chairman*, *judge*, *Judges Pensions Act* and *prescribed salary* for new chapter 6, part 1, division 2, subdivision 3.

Part 2 Amendment of Judges (Pensions and Long Leave) Act 1957

Clause 50 provides that the part amends the Judges Pensions Act.

Clause 51 amends section 2 to rename *the schedule* to *schedule 1*.

Clause 52 inserts a new section 2AB (Length of service if previously CCC chairman), which applies to a person serving as a judge after the commencement of the section, whether the person was appointed as a judge before or after this new section commences. New section 2AB provides that in deciding the length of the person's service as judge, a period for which the person held office as CCC chairman after 27 March 2015, including any period for which the person held office as the CCC chairman under the CC Act, section 238C(b), is to be counted as service as a judge.

Clause 53 inserts a new section 2BA (Salary of District Court judge if previously CCC chairman), which applies to a District Court judge for whom an entitlement to a pension

arises in the person's capacity as a District Court judge, if at the time the entitlement arises the person is entitled to a pension in his or her capacity as former CCC chairman. For the purposes of calculating pension entitlements under the Judges Pensions Act, the person's salary is the prescribed salary within the meaning of the CC Act, section 238A.

Clause 54 inserts a new section 18AA (Retired judge appointed as CCC chairman), which applies to a retired judge who is entitled to a pension under the Judges Pensions Act and who is appointed as the CCC chairman. Unless the retired judge is 65 or older, his or her pension is not payable for the period he or she holds office as the CCC chairman. The new section states that the *Anti-Discrimination Act 1991* does not apply in relation to the new section or acts necessary to ensure compliance with it.

Clause 55 amends section 18A (Minister is manager for Commonwealth Act) by inserting a new paragraph (d) into the definition of *scheme* in section 18A(4) that incorporates a reference to the scheme established under the Judges Pensions Act as it applies for providing pensions to a CCC chairman, and a CCC chairman's spouse and children, because of the CC Act, section 238B.

Clause 56 amends the schedule (Dictionary) by renumbering the *schedule* to be *schedule 1* and inserting definitions *CC Act* and *CCC chairman*.

Part 3 Amendment of Superannuation (State Public Sector) Notice 2010

Clause 57 provides that the part amends the *Superannuation (State Public Sector) Notice 2010*.

Clause 58 amends section 15 (Excepted persons—Act, s 13(4)) by inserting a new section 15(1)(ga) to include the chairman of the Crime and Corruption Commission as being excepted from the *Superannuation (State Public Sector) Act 1990*.