



Queensland

Local Government Electoral (Transparency and Accountability in Local Government) Amendment Regulation 2017

Subordinate Legislation 2017 No. 127

made under the

Local Government Electoral Act 2011

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1 Short title

This regulation may be cited as the *Local Government Electoral (Transparency and Accountability in Local Government) Amendment Regulation 2017*.

2 Commencement

This regulation commences on 14 July 2017.

3 Regulation amended

This regulation amends the *Local Government Electoral Regulation 2012*.

4 Insertion of new pt 1, hdg

Before section 1—

insert—

Part 1 Preliminary

5 Insertion of new pt 2, hdg

After section 1—

insert—

Part 2 Local government elections

6 Insertion of new pts 3 and 4

After section 4—

insert—

Part 3 Electoral funding and financial disclosure

5 Disclosure date for returns by candidates for gifts or loans received—Act, ss 117 and 120

- (1) For sections 117(2) and 120(2) of the Act, the disclosure date for a return for a gift or loan received by a candidate is—
 - (a) if the gift or loan is received during the relevant period for the candidate—the seventh business day after the relevant period ends; and
 - (b) otherwise—the seventh business day after the gift or loan is received.
- (2) In this section—

relevant period, for a candidate for an election, means the period—

 - (a) starting on the day the candidate’s disclosure period for the election starts; and
 - (b) ending on the day before the candidate becomes a candidate in the election.

6 Disclosure date for returns by agent for groups of candidates for gifts received—Act, s 118

- (1) For section 118(2) of the Act, the disclosure date for a return for a gift received by a member of a group of candidates, or a person acting on behalf of the group, is—
 - (a) if the gift is received during the relevant period for the group—the seventh business day after the relevant period ends; and
 - (b) otherwise—the seventh business day after the gift is received.
- (2) In this section—

relevant period, for a group of candidates for an election, means the period—

- (a) starting on the day the group's disclosure period for the election starts; and
- (b) ending on the day before the group gives a record of the membership of the group to the returning officer under section 41(2) of the Act.

7 Disclosure date for returns by agent for groups of candidates for loans received—Act, s 120

- (1) For section 120(4) of the Act, the disclosure date for a return for a loan received by a group of candidates is—
 - (a) if the loan is received during the relevant period for the group—the seventh business day after the relevant period ends; and
 - (b) otherwise—the seventh business day after the loan is received.
- (2) In this section—

relevant period, for a group of candidates for an election, means the period—

 - (a) starting on the day the group's disclosure period for the election starts; and
 - (b) ending on the day before the group gives a record of the membership of the group to the returning officer under section 41(2) of the Act.

8 Disclosure date for returns by third parties for expenditure incurred for political activity—Act, s 124

For section 124(2) of the Act, the disclosure date for a return for an amount of expenditure incurred by a third party is the seventh business day after the day the amount of expenditure is incurred.

9 Disclosure date for returns by third parties for gifts received to enable expenditure for political activity—Act, s 125

For section 125(2) of the Act, the disclosure date for a return for a gift received by a third party is the seventh business day after the day the gift is applied as described in section 125(1)(b)(ii) of the Act.

10 Approval of procedures for electronic lodgement of returns—Act, s 132A

For section 132A(2)(a) of the Act, the procedures set out in the document called ‘Procedure for electronic disclosure’ made by the electoral commission on 25 January 2017 are approved.

Part 4 Transitional provisions for Local Government Electoral (Transparency and Accountability in Local Government) Amendment Regulation 2017

11 Gifts or loans received by candidates before commencement

- (1) This section applies in relation to a gift or loan received by a candidate during the current disclosure period for the candidate for an election if—
 - (a) the candidate is required to give a return for the gift or loan under section 117(2) or 120(2) of the Act; and

- (b) the gift or loan was received by the candidate before the commencement.
- (2) Despite section 5, the disclosure date for sections 117(2) and 120(2) of the Act is the seventh business day after the commencement.
- (3) In this section—
current disclosure period means the disclosure period during which this section commences.

12 Gifts received by a group of candidates before commencement

- (1) This section applies in relation to a gift received by a member of a group of candidates, or a person acting on behalf of the group, during the group's current disclosure period for an election if—
 - (a) the group's agent is required to give a return for the gift under section 118(2) of the Act; and
 - (b) the gift was received by the member of the group, or the person acting on behalf of the group, before the commencement.
- (2) Despite section 6, the disclosure date for section 118(2) of the Act is the seventh business day after the commencement.
- (3) In this section—
current disclosure period means the disclosure period during which this section commences.

13 Loans received by a group of candidates before commencement

- (1) This section applies in relation to a loan received by a group of candidates during the group's current disclosure period for an election if—

- (a) the agent for the group is required to give a return for the loan under section 120(4) of the Act; and
 - (b) the loan was received by the group before the commencement.
- (2) Despite section 7, the disclosure date for section 120(4) of the Act is the seventh business day after the commencement.
- (3) In this section—
current disclosure period means the disclosure period during which this section commences.

14 Expenditure incurred by third parties for political activity before commencement

- (1) This section applies in relation to each amount of expenditure incurred by a third party during the current disclosure period for an election if—
 - (a) the third party is required to give a return for the amount of the expenditure under section 124(2) of the Act; and
 - (b) the expenditure was incurred before the commencement.
- (2) Despite section 8, the disclosure date for section 124(2) of the Act is the seventh business day after the commencement.
- (3) In this section—
current disclosure period means the disclosure period during which this section commences.

15 Gifts received by third parties to enable expenditure for political activity before commencement

- (1) This section applies in relation to a gift received by a third party to enable the third party to incur expenditure for a political activity during the

current disclosure period for an election if—

- (a) the third party is required to give a return for the gift under section 125(2) of the Act; and
 - (b) the gift was applied by the third party as described in section 125(1)(b)(ii) of the Act before the commencement.
- (2) Despite section 9, the disclosure date for section 125(2) of the Act is the seventh business day after the commencement.
- (3) In this section—
- current disclosure period*** means the disclosure period during which this section commences.

ENDNOTES

- 1 Made by the Governor in Council on 13 July 2017.
- 2 Notified on the Queensland legislation website on 14 July 2017.
- 3 The administering agency is the Department of Infrastructure, Local Government and Planning.

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