

2001

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Electoral Amendment Bill 2001

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2001

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(As presented)

(Attorney-General)

Electoral Amendment Bill 2001

A Bill for

An Act to amend the *Electoral Act 1992*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Electoral Amendment Act 2001*.

2 Commencement

5 This Act commences on the day it is notified in the Gazette.

3 Act amended

This Act amends the *Electoral Act 1992*.

Note The Act is amended in the body of this Act and in schedule 1.

4 Additional amendments

10 Schedule 2 amends the *Referendum (Machinery Provisions) Act 1994*.

5 Section 4

substitute

4 Meaning of *electoral matter*

- 15 (1) In this Act, ***electoral matter*** is matter, in printed or electronic form, that is intended or likely to affect voting at an election.
- (2) Without limiting subsection (1), matter is taken to be intended or likely to affect voting at an election if it contains an express or implicit reference to, or comment on—
- 20 (a) the election; or
- (b) the performance of the Government or Opposition, or a previous Government or Opposition; or
- (c) the performance of an MLA or former MLA; or
- 25 (d) the performance of a political party, ballot group, candidate or group of candidates in the election; or

- (e) an issue submitted to, or otherwise before, the electors in relation to the election.

4A Meaning of *available for public inspection*

5 If a provision of this Act requires the commissioner to make a document, a copy of a document or a register available for public inspection, the commissioner must make the document, a copy or register available for inspection by members of the public at the commissioner's office during ordinary business hours.

6 Objections New section 46 (2)

10

insert

- (2) The commissioner must make a copy of each objection made under this section available for public inspection.

7 Objections to augmented election commission's proposal New section 52 (3)

15

insert

- (3) The commissioner must make a copy of each objection made under this section available for public inspection.

8 Sections 63 and 64

20

substitute

63 Use of roll extracts

- (1) In this section:

approved purpose means any of the following:

- 25 (a) for an MLA—the exercise of his or her functions;
(b) for the registered officer of a registered party—the exercise by an MLA who is a member of the party of his or her functions;
(c) for an MLA or the registered officer of a registered party—

- (i) a purpose connected with an election; or
- (ii) monitoring the accuracy of information in the roll;
- (d) for anyone—a purpose prescribed under the regulations.

5 ***protected information***, in relation to a person, means information that the person knows, or has reasonable grounds for believing, was obtained from a roll extract given to the person or someone else under section 61 (Supply of printed roll extracts to MLAs etc) or section 62 (Supply of roll extracts in electronic form to MLAs etc).

10 (2) A person must not, without reasonable excuse, use protected information for—

- (a) a commercial purpose; or
- (b) any other purpose, other than an approved purpose.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

15 (3) A person must not, without reasonable excuse, directly or indirectly divulge or communicate protected information to someone else for a purpose other than an approved purpose.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

20 **9 Enrolment etc**
Section 76 (3) (b)

substitute

25 (b) signed by the claimant and the signature witnessed by a person who is entitled to attest an enrolment claim under the *Commonwealth Electoral Act 1918* (Cwlth), section 98; and

10 New section 76 (3A)

insert

(3A) The identity of the person making a claim for enrolment must be verified in the same way an enrolment claim under the

Commonwealth Electoral Act 1918 (Cwlth), section 98 must be verified.

11 Closed rolls Section 80 (4A)

5 *substitute*

(4A) This section does not prevent the enrolment of an elector, during a period when a roll is closed, if the elector's claim for enrolment or transfer of enrolment was received before the beginning of that period by—

- 10 (a) an officer appointed under section 33 (Officers); or
(b) a member of the commission's staff; or
(c) a person authorised by the commissioner for this section; or
(d) an employee of the Australian Electoral Commission.

12 Part 7

15 *substitute*

Part 7 Registration of political parties and ballot groups

87 Meaning of *related* political parties

For this part, 2 political parties are taken to be *related* if—

- 20 (a) one of them is a part of the other; or
(b) both are parts of the same political party.

88 Registers of political parties and ballot groups

- (1) The commissioner must keep—
(a) a register of political parties; and
25 (b) a register of ballot groups.

- (2) A register must contain the following particulars for each registered party or ballot group:
- (a) the name of the party or group;
 - (b) any abbreviation of the name of the party or group;
 - 5 (c) the name and address of the registered officer of the party or group;
 - (d) for the register of ballot groups—the name of the sponsoring MLA.
- (3) The commissioner must make each register available for public inspection.
- 10

89 Application for registration of political party

An application for registration of a political party must—

- (a) be in the approved form and signed by the secretary of the party; and
- 15 (b) state the party's name; and
- (c) state any abbreviation of the party's name that the party intends to use for this Act; and
- (d) state the name and address, and contain a specimen signature, of the person nominated to be the registered officer of the party; and
- 20 (e) be accompanied by a copy of the party's constitution.

89A Application for registration of ballot group

- (1) An MLA who is not a member of a registered party may apply to the commissioner to register a ballot group.
- 25 (2) The application must—
 - (a) be in the approved form and signed by the MLA; and
 - (b) state the ballot group's name; and

- (c) state any abbreviation of the group's name that the group intends to use for this Act; and
- (d) state the name and address, and contain a specimen signature, of the person nominated to be the registered officer of the group.

5

90 Further information about application for political party registration

- (1) For this part, the commissioner may, by written notice given to an applicant for registration of a political party, require the applicant to give to the commissioner within a stated period stated information, or a stated document, relating to the application.
- (2) Without limiting subsection (1), the commissioner may, under that subsection, require the applicant to give the commissioner a list of the members of the political party.
- (3) If the applicant fails to comply with a notice under subsection (1), the commissioner may refuse the application.
- (4) If the commissioner refuses the application under subsection (3), the commissioner must give the applicant a review statement about the commissioner's decision.
- (5) The commissioner may use information obtained under subsection (2) only to find out whether a political party has at least 100 members who are electors.

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91 Notification and publication of applications

- (1) If the commissioner receives an application for the registration of a political party or ballot group, the commissioner must prepare written notice of the application.
- (2) The notice must—
 - (a) state the following particulars:
 - (i) the name of the political party or ballot group;

25

- (ii) any abbreviation of the name of the party or group that the party or group intends to use for this Act;
 - (iii) the name and address of the person nominated to be the registered officer of the party or group;
 - 5 (iv) for an application for registration of a ballot group—the name of the MLA who applied to register the group; and
- (b) state that a copy of the application and, for an application for registration of a political party, the party's constitution are available for public inspection at the commissioner's office; and
- 10 (c) state that written objections to the application may be given to the commissioner within 14 days after the day the notice is published in the Gazette.
- (3) The commissioner must publish the notice in the Gazette.
- 15 (4) The commissioner must also publish the notice in a newspaper.
- (5) The commissioner must make a copy of the application and, for an application for registration of a political party, the party's constitution available for public inspection.

91A Objections to applications and responses

- 20 (1) An objection to an application for registration of a political party or ballot group must—
 - (a) be in writing; and
 - (b) set out the grounds of the objection; and
 - (c) state the objector's name and address; and
 - 25 (d) be signed by the objector; and
 - (e) be given to the commissioner in accordance with the notice under section 91 (Notification and publication of applications) for the application.

- (2) The commissioner must give to the person nominated to be the registered officer of the political party or ballot group—
 - (a) a copy of each objection given to the commissioner in accordance with subsection (1); and
 - 5 (b) a written notice inviting the person to give any response to the objection to the commissioner, in writing, within 14 days after the day the notice is given to the person.
- (3) The commissioner must make a copy of the following available for public inspection:
 - 10 (a) each objection given to the commissioner in accordance with subsection (1);
 - (b) each response given to the commissioner in accordance with the notice under subsection (2).
- 15 (4) In deciding whether to register the political party or ballot group, the commissioner must consider each objection and response given to the commissioner in accordance with this section.

92 Registration of political parties and ballot groups

- 20 (1) If an application for registration of a political party or ballot group is made under this part, the commissioner must register the party or group unless the commissioner refuses the application under section 90 (3) (Further information about application for political party registration) or section 93 (Refusal of applications for registration).
- (2) If the commissioner registers a political party or ballot group, the commissioner must prepare written notice of the registration.
- 25 (3) The commissioner must publish the notice in the Gazette.
- (4) The commissioner must also give notice of the registration to—
 - (a) for registration of a political party—the secretary of the party;
or
 - (b) for registration of a ballot group—the sponsoring MLA.

- (5) In addition, if an objection was made under section 91A (Objections to applications and responses) to the application, the commissioner must give the objector a review statement about the decision to register the political party or ballot group.

5 **93 Refusal of applications for registration**

- (1) The commissioner must refuse an application for the registration of a political party or ballot group if—
- 10 (a) for an application for registration of a political party—the commissioner believes on reasonable grounds that the party does not have at least 100 members who are electors; or
- (b) the person nominated in the application to be the registered officer of the party or group is not qualified to be an elector or is the registered officer of a registered party or registered ballot group; or
- 15 (c) the party or group is ineligible for registration because of section 99 (Use of party or ballot group name after cancellation).
- (2) The commissioner must also refuse an application if the commissioner believes on reasonable grounds that the name of the
- 20 political party or ballot group, or any abbreviation of that name that the application states that the party or group intends to use for this Act—
- (a) consists of more than 6 words; or
- (b) is obscene; or
- 25 (c) is the name, or an acronym of the name, of another political party or a registered ballot group; or
- (d) so nearly resembles the name, or an acronym of the name, of another political party or a registered ballot group that it is likely to be confused with or mistaken for that name or
- 30 acronym; or
- (e) consists of the word ‘independent’; or

-
- (f) consists of the words ‘independent party’; or
- (g) consists of or includes the word ‘independent’ and—
- (i) the name, or an acronym of the name, of another political party or a registered ballot group; or
- 5 (ii) matter that so nearly resembles the name, or an acronym of the name, of another political party or a registered ballot group that the matter is likely to be confused with or mistaken for that name or acronym; or
- (h) for a ballot group—includes the word ‘party’; or
- 10 (i) includes the name of an MLA and the applicant does not have the MLA’s written consent to use the name.
- (3) If the commissioner refuses an application for the registration of a political party or ballot group, the commissioner must—
- (a) give the secretary of the party, or the MLA who applied to register the group, a review statement about the decision to refuse the application; and
- 15 (b) if an objection was made under section 91A (Objections to applications and responses) to the application—give the objector written notice of the refusal.
- 20 (4) In this section, ***another political party***, in relation to a political party or ballot group, is—
- (a) a registered party; or
- (b) a political party at least 1 member of which is a member of—
- (i) the Legislative Assembly; or
- 25 (ii) the Commonwealth Parliament; or
- (iii) a State legislature; or
- (c) a political party registered or recognised for the law of the Commonwealth or a State that relates to the election of

members of the Commonwealth Parliament or the State legislature.

- (5) However, *another political party*, in relation to a political party, does not include a political party that is related to it.

- 5 (6) In this section:

name includes an abbreviation of the name.

94 Amendment of applications for registration

- 10 (1) If the commissioner is of the opinion that an application for the registration of a political party or ballot group must be refused under section 93 (Refusal of applications for registration), but that the application might be amended to prevent the refusal, the commissioner must give the applicant written notice to that effect.

- (2) The notice must—

- 15 (a) set out the reasons for the commissioner's opinion; and
(b) describe the effect of subsections (3) to (5).

- (3) If the commissioner gives the notice to the applicant, the commissioner is not required to further consider the application unless a request is made under subsection (4).

- 20 (4) Within 28 days after receiving the notice, the applicant may give the commissioner a written request, signed by the applicant, for the commissioner—

- (a) to amend the application in a stated way; or
(b) to consider the application in the form in which it was made.

- (5) The commissioner must comply with the request.

- 25 (6) If the applicant requests the commissioner to amend the application in a stated way, the application as amended in accordance with the request is taken to be a new application for the registration of a political party or ballot group.

95 Changes to particulars in register

- (1) The secretary of a registered party may apply to the commissioner to change particulars included in the register of political parties in relation to the party.
- 5 (2) The sponsoring MLA of a registered ballot group may apply to the commissioner to change particulars included in the register of ballot groups in relation to the group.
- (3) This part (other than section 94 (Amendment of applications for registration) and this section) applies, with all the necessary changes—
 - 10 (a) in relation to an application under subsection (1) as if it were an application for registration of the political party and any objection to the application were an objection to the registration; and
 - 15 (b) in relation to an application under subsection (2) as if it were an application for registration of the ballot group and any objection to the application were an objection to the registration.
- 20 (4) Sections 91 (Notification and publication of applications) and 91A (Objections to applications and responses) do not apply to an application to change the address of the registered officer of a registered party or registered ballot group.

95A Objection to continued use of name

- (1) This section applies if—
 - 25 (a) the commissioner is satisfied that the name of a registered party (the *first party*) is relevantly similar to the name of another registered party (the *second party*) that was registered under this part later than the first party; and
 - 30 (b) when it was registered the second party was related to the first party; and

- (c) the registered officer of the first party objects in writing to the continued use of the name by the second party; and
 - (d) the commissioner is satisfied that the parties are not related at the time of the objection.
- 5 (2) The commissioner must—
 - (a) uphold the objection; and
 - (b) by written notice, tell the registered officer of the second party that the second party will be deregistered under section 98 (Cancellation of registration of political parties and ballot
 - 10 groups) if—
 - (i) it does not make an application under section 95 (Changes to particulars in register) for a change of name within 28 days after the registered officer receives the notice; or
 - 15 (ii) it makes the application, but the application is refused.
- (3) The name of a registered party is *relevantly similar* to the name of another registered party if the commissioner is satisfied on reasonable grounds that the name so nearly resembles the name of the other party that it is likely to be confused with or mistaken for
- 20 that name.
- (4) In this section:
 - name*, for a registered party, means—
 - (a) the name of the party entered in the register of political parties; or
 - 25 (b) a registered abbreviation of the name of the party.

96 No action under pt 7 during pre-election period

During a pre-election period, no action may be taken under this part in relation to the registration of a political party or ballot group.

96A Who can be a registered officer

A person is entitled to be the registered officer of a registered party or registered ballot group only if the person is qualified to be an elector.

5 97 Deputy registered officer

- (1) For parts 9 (Arrangements for elections) and 10 (Voting), a deputy registered officer of a registered party or registered ballot group may be appointed—
 - (a) by the registered officer of the party or group; or
 - 10 (b) if the office of registered officer of the party or group is vacant, or the registered officer cannot for any reason exercise the officer's functions—by the secretary of the party or the sponsoring MLA of the group.
- (2) The appointment does not have effect until the commissioner is
15 given written notice of the appointment.
- (3) The notice must—
 - (a) be signed by the person making the appointment and the person appointed deputy registered officer; and
 - (b) state the name and address of the deputy registered officer.
- 20 (4) A person is entitled to be a deputy registered officer of a registered party or registered ballot group only if the person is qualified to be an elector.
- (5) A reference in part 9 or 10 to the registered officer of a registered
25 party or registered ballot group includes a reference to a deputy registered officer of the party or group.

97A Information about political parties

The commissioner may, by written notice given to the registered officer of a registered party, require the officer to give to the commissioner information stated in the notice that is reasonably

necessary for the commissioner to find out whether the party is entitled to be registered.

98 Cancellation of registration of political parties and ballot groups

- 5 (1) The commissioner must cancel the registration of a registered party if the secretary of the party asks the commissioner to cancel the registration.
- (2) The commissioner must cancel the registration of a registered ballot group if the sponsoring MLA asks the commissioner to cancel the registration.
- 10 (3) A request under subsection (1) or (2) must—
- (a) be in writing; and
 - (b) be signed by the applicant; and
 - (c) state the applicant's name and address.
- 15 (4) The commissioner must cancel the registration of a registered party if it has not endorsed a candidate at the last 2 general elections.
- (5) However, subsection (4) applies to a registered party only if it was a registered party at the time of each of the general elections.
- 20 (6) The commissioner must cancel the registration of a registered party or registered ballot group if the commissioner believes on reasonable grounds that—
- (a) for a registered party—
 - (i) the party has ceased to exist (whether by amalgamation with another political party or otherwise); or
 - 25 (ii) the party does not have at least 100 members who are electors; or
 - (iii) the party does not have a constitution; or
 - (b) the registration of the party or group was obtained by fraud or misrepresentation.

- (7) The commissioner may cancel the registration of a registered party or registered ballot group under subsection (6) only if the commissioner has—
- (a) given the relevant person a written notice—
 - 5 (i) stating that the commissioner proposes to cancel the registration of the party or group; and
 - (ii) setting out the reasons for the proposed cancellation; and
 - 10 (iii) stating that written objections to the proposed cancellation may be given to the commissioner within the 14 days mentioned in paragraph (b); and
 - (b) prepared and published a written notice stating—
 - 15 (i) that the commissioner proposes to cancel the registration of the party or group; and
 - (ii) that written objections to the proposed cancellation may be given to the commissioner within 14 days after the notice is published in the Gazette; and
 - (c) considered each objection given to the commissioner in accordance with the notice under paragraph (a) or (b).
- (8) For subsection (7) (a), the *relevant person* is—
- 20 (a) for the proposed cancellation of registration of a registered party—the secretary, or last secretary, of the party; or
 - (b) for the proposed cancellation of registration of a registered ballot group—the sponsoring MLA.
- (9) The commissioner must publish the notice prepared under subsection (7) (b) in the Gazette.
- 25 (10) The commissioner must cancel the registration of a registered ballot group if the sponsoring MLA ceases to be an MLA.
- (11) If the commissioner cancels the registration of a registered party or registered ballot group under this section, the commissioner must
- 30 prepare written notice of the cancellation.

- (12) The commissioner must publish the notice in the Gazette.
- (13) If the commissioner cancels the registration of a registered party under subsection (4), the commissioner must also give written notice of the cancellation to the registered officer of the party.
- 5 (14) If the commissioner cancels the registration of a registered party or registered ballot group under subsection (6), the commissioner must give a review statement about the decision to cancel the registration to—
- 10 (a) for the cancellation of the registration of a registered party—the registered officer, or last registered officer, of the party; or
- (b) for the cancellation of the registration of a registered ballot group—the MLA who applied for registration of the ballot group.
- 15 (15) If, after an objection has been made under this section to the proposed cancellation of the registration of a registered party or registered ballot group, the commissioner decides not to cancel the registration, the commissioner must give written notice of the decision to—
- 20 (a) the registered officer of the party or group; and
- (b) if the objection was not made by or on behalf of the party or sponsoring MLA—the objector.

99 Use of party or ballot group name after cancellation

- (1) If the registration of a registered party (the *cancelled party*) is cancelled—
- 25 (a) the cancelled party; or
- (b) another political party, or a ballot group, that has a name that so nearly resembles the name of the cancelled party that it is likely to be confused with or mistaken for the cancelled party;
- 30 is ineligible for registration until after the next general election after the cancellation.

- (2) If the registration of a ballot group (the *cancelled ballot group*) is cancelled—
- (a) the cancelled ballot group; or
 - (b) another ballot group, or a political party, that has a name that so nearly resembles the cancelled ballot group that it is likely to be confused with or mistaken for the cancelled ballot group;
- is ineligible for registration until after the next general election after the cancellation.
- (3) Subsection (2) does not apply to an application for registration of a ballot group or political party if—
- (a) the registration of the cancelled ballot group was cancelled because the MLA who applied for its registration has ceased to be an MLA (the *former MLA*); and
 - (b) the name of the group or party is the same name as, or resembles, the name of the cancelled ballot group; and
 - (c) the applicant has the written consent of the former MLA to use the name.
- (4) In this section:
- name* includes an abbreviation of the name.
- 99A General requirements about constitutions of registered parties**
- (1) If a registered party changes its constitution, the registered officer of the party must give the commissioner a copy of the changed constitution within 30 days after the change.
- Maximum penalty: 10 penalty units
- (2) The commissioner must make a copy of the constitution available for public inspection.

13 Candidates to be nominated
Section 105 (2)

substitute

- (2) A person may be nominated to be a candidate for election only by—
- 5 (a) the registered officer of a registered party that endorses the person as a party candidate in the election for the electorate for which the candidate is being nominated; or
- (b) the registered officer of a registered ballot group that endorses the person as a ballot group candidate in the election for the electorate for which the candidate is being nominated; or
- 10 (c) 2 electors entitled to vote at the election.

14 Section 105 (4) (f)

substitute

- (f) if the nomination is made by the registered officer of a registered party or registered ballot group—state any registered abbreviation of the name of the party or group that is to be printed on the ballot paper for the election; and
- 15

15 Section 110

substitute

20 **110 Rejection of nominations**

- (1) The commissioner must reject the nomination of a person if the nomination form for the person is not substantially in accordance with section 105 (Candidates to be nominated).
- (2) The commissioner must also reject the nomination of a person if satisfied on reasonable grounds that the name under which the person is nominated—
- 25 (a) is obscene; or
- (b) is frivolous; or

(c) has been assumed for a political purpose.

Examples for paragraph (c)

1 A name that includes, completely or partly, the name, or an abbreviation of the name, of a political party.

5 2 A name that includes a political message.

(3) The commissioner must give a person whose nomination is rejected under subsection (1) or (2) written notice of the rejection.

(4) The notice must set out the reasons for the rejection.

10 (5) The commissioner may reject the nomination of a person only under subsection (1) or (2).

16 Section 117

substitute

117 Names on ballot papers

(1) In this section:

15 ***ballot group name***, for a registered ballot group, means—

(a) the name under which the group is registered; or

(b) if a registered abbreviation of the group is stated in the nomination form of each group candidate—that abbreviation.

party name, for a registered party, means—

20 (a) the name under which the party is registered; or

(b) if a registered abbreviation of the name of the party is stated in the nomination form of each party candidate—that abbreviation.

(2) On the ballot papers for an election—

25 (a) the party name of the registered party by which a group of party candidates is endorsed must be printed at the top of the column of their names; and

- (b) the party name of the registered party by which an ungrouped party candidate is endorsed must be printed next to the candidate square for the candidate; and
- 5 (c) the ballot group name of the registered ballot group by which a group of ballot group candidates is endorsed must be printed at the top of the column of their names; and
- (d) the ballot group name of the registered ballot group by which an ungrouped ballot group candidate is endorsed must be printed next to the candidate square for the candidate; and
- 10 (e) the word 'independent' must be printed next to the candidate square for a candidate (other than a party, ballot group or grouped candidate) if the nomination form so specified.

17 New section 121A

insert

15 121A Use of information from certified lists

- (1) In this section:

approved purpose means—

- (a) a purpose connected with an election; or
- (b) monitoring the accuracy of information on the roll.

20 ***protected information***, in relation to a person, means information that the person knows, or has reasonable grounds for believing, was obtained from a copy of a certified list of electors given to the person or someone else under section 121 (1) (Certified list of electors).

- 25 (2) A person must not, without reasonable excuse, use protected information for—

- (a) a commercial purpose; or
- (b) any other purpose, other than an approved purpose.

Penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) A person must not, without reasonable excuse, directly or indirectly divulge or communicate protected information to someone else for a purpose other than an approved purpose.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

**18 Ordinary or declaration voting in the Territory before polling day
Section 136B (1) and (2)**

substitute

- (1) In this section:

relevant period means the period—

- (a) beginning no later than the 19th day before polling day or, if that 19th day is a public holiday in the ACT, the next business day; and

- (b) ending no later than 8pm on the day before polling day.

- (2) The commissioner may, by notice in the Gazette, determine the days and times during the relevant period for voting under this section.

- (2A) This section applies if a person attends before an authorised officer, on a day and at a time determined under subsection (2), and makes a declaration to the effect that the person is an eligible elector.

**19 Declaration voting outside the Territory on or before polling day
Section 136C (1) and (2)**

substitute

- (1) In this section:

relevant period means the period—

- (a) beginning no later than the 19th day before polling day or, if that 19th day is a public holiday in the ACT, the next business day; and

- (b) ending no later than 6pm in the ACT on polling day.
- (2) The commissioner may, by notice in the Gazette, determine the days and times during the relevant period for voting under this section.
- 5 (2A) This section applies if a person attends before an authorised officer outside the ACT, on a day and at a time determined under subsection (2), and makes a declaration to the effect that the person is an eligible elector.

20 Functions of visiting officers

New section 151 (1A)

10 *insert*

- (1A) The number of scrutineers for a particular candidate who are present at a hospital, special hospital or remand centre with the visiting officer must not be more than the number of officers at the hospital, special hospital or remand centre.

21 New section 156A

insert

156A Assistance to voters unable to enter polling place

- (1) This section applies if the OIC of a polling place is satisfied that a voter cannot enter the polling place because of a physical disability, illness, advanced pregnancy or another condition.
- 20 (2) The voter may vote outside the polling place, but close to the polling place, and may be assisted in voting.
- (3) Before allowing the voter to vote outside the polling place, the OIC must—
- 25 (a) tell any scrutineers at the polling place that the voter is to vote outside the polling place; and
- (b) allow, from the scrutineers present, 1 scrutineer for each candidate to be present when the voter votes.

- (4) The voter must—
- (a) mark the voter's vote on the ballot paper in the OIC's presence; and
 - (b) fold the ballot paper to conceal the names of the candidates; and
 - (c) give the ballot paper to the OIC.
- (5) If the voter is casting an ordinary vote, the OIC must ensure that the folded ballot paper is immediately returned to the polling place and put in the ballot box in the presence of the scrutineers (if any) who were present when the voter voted.
- (6) If the voter is casting a declaration vote, the OIC must—
- (a) in the presence of the voter, without unfolding the ballot paper, place the ballot paper in the envelope on which the voter has completed and signed the declaration and seal the envelope; and
 - (b) place the envelope in a ballot box at the polling place.
- (7) This section is subject to section 156 (Assistance to voters).

22 Assembly nominees

Section 195 (4) (a)

- omit*
- an independent candidate
- substitute*
- a candidate other than a party candidate

23 Interpretation

Section 198 (1), definition of *associated entity*

- substitute*
- associated entity*** means an entity that—
- (a) is controlled by 1 or more parties, ballot groups or MLAs; or

- (b) operates, completely or to a significant extent, for the benefit of 1 or more registered parties, ballot groups or MLAs.

24 Section 198 (1), new definition of *ballot group*

insert

5 ***ballot group*** means a registered ballot group.

25 Section 198 (1), definition of *reporting agent*

substitute

reporting agent, for a party, ballot group, MLA or candidate, means—

- 10 (a) a person appointed by the party, group, MLA or candidate under section 203 (Appointed agents) and whose registration under section 205 (Registers of reporting agents) has not been cancelled; or
- 15 (b) the person taken to be the reporting agent for the party, group, MLA or candidate under section 204 (Non-appointed agents).

26 New section 218A

insert

218A Certain loans not to be received

- 20 (1) A party, ballot group, non-party group, MLA, candidate or associated entity (the ***receiver***) must not receive a loan of \$1 500 or more from a person or entity (the ***giver***) that is not a financial institution, unless the receiver complies with this section.
- (2) The receiver of the loan must immediately make a record of the following:
 - 25 (a) the terms of the loan;
 - (b) if the giver is a registered industrial organisation—
 - (i) the name of the organisation; and

- (ii) the names and addresses of the members of the executive committee (however described) of the organisation;
- (c) if the giver is an unincorporated body—
 - (i) the name of the body; and
 - 5 (ii) the names and addresses of the members of the executive committee (however described) of the body;
- (d) if the loan was paid out of a trust fund or the funds of a foundation—
 - 10 (i) the names and addresses of the trustees of the fund or foundation; and
 - (ii) the title or other description of the trust fund, or the name of the foundation;
- (e) in any other case—the name and address of the giver.
- 15 (3) For subsection (1), until the end of 30 days after the polling day in an election people who constituted a group in an election are taken to continue to constitute the group.
- (4) If the receiver receives a loan to which subsection (1) applies but does not comply with subsection (2), the relevant person must pay to the Territory an amount equal to the amount of the loan.
- 20 (5) The amount payable under subsection (4) is a debt payable to the Territory by the relevant person and may be recovered by proceedings in a court of competent jurisdiction.
- 25 (6) If the receiver is a non-party group and each member of the group is taken to be a reporting agent for the group under section 204 (Non-appointed agents), the members of the group are jointly and severally liable to pay any amount payable to the Territory under subsection (4) and subsection (5) applies accordingly.
- (7) For this section, if credit is given on a credit card for card transactions, each transaction is taken to be a separate loan.
- 30 (8) In this section:

credit card includes a debit card.

financial institution means—

- (a) a bank; or
- (b) a credit union; or
- 5 (c) a building society; or
- (d) an entity prescribed under the regulations.

loan means any of the following:

- (a) an advance of money;
- 10 (b) a provision of credit or any other form of financial accommodation;
- (c) a payment of an amount for, on account of, on behalf of or at the request of the receiver, if there is an express or implied obligation to repay the amount;
- 15 (d) a transaction (whatever its terms or form) that is, in substance, a loan of money.

relevant person means—

- (a) for a loan for the benefit of a party—
 - (i) if the party is a corporation—the party; or
 - (ii) in any other case—the reporting agent of the party; or
- 20 (b) for a loan to or for the benefit of a ballot group—the reporting agent of the group; or
- (c) for a loan to or for the benefit of a non-party group—the reporting agent of the group; or
- (d) for a gift to or for the benefit of an MLA—the MLA; or
- 25 (e) for a gift to or for the benefit of a candidate—the candidate; or
- (f) for a gift to or for the benefit of an associated entity—
 - (i) if the entity is a corporation—the entity; or

- (ii) in any other case—the financial controller of the entity.

27 Disclosure of gifts by persons incurring political expenditure
Section 220 (1)

5 *substitute*

- (1) This section applies if a person (other than a party, ballot group, candidate or associated entity) (the *first person*)—

(a) incurs expenditure for a political purpose during the disclosure period for an election; and

10 (b) receives from someone else 1 or more gifts—

(i) all or a part of each of which was used by the first person to enable the person to incur expenditure during the disclosure period for a political purpose or to reimburse the person for incurring expenditure during the disclosure period for a political purpose; and

15

(ii) the total amount of which is \$1,000 or more.

- (1A) Within 15 weeks after polling day in the election, the first person must give the commissioner a return in the approved form for the gift or gifts.

20 **28 Sections 221A to 222**

substitute

221A Annual returns of donations

- (1) If, in a financial year, a person makes a gift of \$1 500 or more, or gifts totalling \$1 500 or more, to the same party, ballot group, MLA or associated entity, the person must, within the relevant period after the end of the financial year, give the commissioner a return in the approved form covering all the gifts that the person made to the party, ballot group, MLA or associated entity during the financial year.

25

- (2) If, in a financial year—
- (a) a person receives a gift of \$1 000 or more, or gifts totalling \$1 000 or more; and
 - (b) the person uses all or part of the gift or gifts to make a gift of \$1 500 or more, or gifts totalling \$1 500 or more, to a party, ballot group, MLA or associated entity;
- the person must, within the relevant period after the end of the financial year, give the commissioner a return in the approved form covering all the gifts mentioned in paragraph (a).
- (3) For each gift mentioned in subsection (1) or (2) (a), the return must state—
- (a) the amount of the gift; and
 - (b) the date when it was made; and
 - (c) for a gift mentioned in subsection (1)—the name of the party, ballot group, MLA or associated entity to which the gift was made; and
 - (d) for a gift mentioned in subsection (2) (a)—the defined details.
- (4) Subsection (2) does not apply to a gift mentioned in subsection (2) (a) that has been included in a previous return under this section.
- (5) If a person makes a gift to any person or body with the intention of benefiting a party, ballot group, MLA or associated entity, the person is taken, for this section, to have made the gift to the party, ballot group, MLA or associated entity.
- (6) In this section:
- gift** does not include—
- (a) a gift made to an MLA in a private capacity for the MLA's personal use if the MLA does not use the gift solely or substantially for a purpose related to an election; or

- (b) a gift made by a party, ballot group, member of a non-party group, MLA, candidate or associated entity.

relevant period means—

- 5 (a) for a financial year ending in a year in which a general election is held—24 weeks; and
- (b) in any other case—20 weeks.

221B Advice about obligations to make returns

- 10 (1) If, in a financial year, a party, ballot group or MLA (the *receiver*) receives a gift of \$1 500 or more, or gifts totalling \$1 500 or more, from the same person (the *giver*), the receiver must, before 1 August after the end of the financial year, by written notice to the giver, tell the giver about the requirements of section 221A (Annual returns of donations).

Maximum penalty: 50 penalty units.

- 15 (2) In this section:
gift—see section 221A (6).

222 Anonymous gifts

- 20 (1) A party, ballot group, non-party group, MLA, candidate or associated entity (the *receiver*) must not accept a gift of the prescribed amount or more made by someone else (the *giver*) to or for the benefit of the receiver unless—

- (a) the receiver knows the defined details of the gift; or
- (b) both the following subparagraphs apply:
- 25 (i) the giver tells the receiver the defined details of the gift before the gift is made;
- (ii) when the gift is made, the receiver has no grounds for believing that the defined details given by the giver are not true.

- (2) Subsection (1) applies—

- (a) for a party, ballot group, MLA or associated entity—to gifts received at any time; or
 - (b) for a non-party group or candidate—to gifts received during the disclosure period.
- 5 (3) For this section, 2 or more gifts made by the same person to or for the benefit of a party, ballot group, non-party group, MLA, candidate or associated entity are taken to be a single gift.
- (4) If the receiver contravenes subsection (1), the relevant person must pay to the Territory an amount equal to the amount of the gift.
- 10 (5) The amount payable under subsection (4) is a debt payable to the Territory by the relevant person and may be recovered by proceedings in a court of competent jurisdiction.
- (6) If the receiver is a non-party group and each member of the group is taken to be a reporting agent for the group under section 204 (Non-appointed agents), the members of the group are jointly and
15 severally liable to pay any amount payable to the Territory under subsection (4) and subsection (5) applies accordingly.
- (7) In this section:

gift includes a gift made on behalf of the members of an
20 unincorporated association.

prescribed amount means—
 - (a) for a gift made to or for the benefit of a party, ballot group, MLA or associated entity—\$1 000; or
 - (b) for a gift made to or for the benefit of a non-party group or
25 candidate—\$200.
relevant person means
 - (a) for a gift to or for the benefit of a party—
 - (i) if the party is a corporation—the party; or
 - (ii) in any other case—the reporting agent of the party; or

- (b) for a gift to or for the benefit of a ballot group—the reporting agent of the group; or
- (c) for a gift to or for the benefit of a non-party group—the reporting agent of the group; or
- 5 (d) for a gift to or for the benefit of an MLA—the MLA; or
- (e) for a gift to or for the benefit of a candidate—the candidate; or
- (f) for a gift to or for the benefit of an associated entity—
 - (i) if the entity is a corporation—the entity; or
 - (ii) in any other case—the financial controller of the entity.

10 **29 Sections 230 to 232**

substitute

230 Annual returns by parties, ballot groups and MLAs

- (1) The reporting agent of a party, ballot group or MLA must give the commissioner a return in the approved form within the prescribed period after the end of each financial year.
- 15 (2) The return must state—
 - (a) the amount received by, or on behalf of, the party, ballot group or MLA during the financial year, together with the particulars required by section 232 (1) (Amounts received); and
 - 20 (b) the amount paid by, or on behalf of, the party, ballot group or MLA during the financial year, together with the particulars required by section 233 (1) (Amounts paid); and
 - (c) the outstanding amount, at the end of the financial year, of debts incurred by, or on behalf of, the party, ballot group or MLA, together with the particulars required by section 234 (1) (Outstanding amounts).
 - 25

- (3) For subsection (2) (a), an amount is received by, or on behalf of, an MLA only if the amount is a gift received by the MLA in his or her capacity as an MLA.

Examples of amounts not required to be stated in a return

- 5 1 Income derived in a private capacity eg interest on bank accounts and dividends on shares.
- 2 2 Salary, allowances and other benefits (including superannuation benefits) as an MLA.
- 10 3 A gift given to the MLA in a private capacity for his or her personal use eg a birthday gift from a family member.
- (4) For subsection (2) (b) or (c), an amount paid, or an outstanding amount of debts incurred, by or on behalf of an MLA includes an amount paid, or an outstanding amount of debts incurred, by or on behalf of the MLA for a purpose that relates solely or substantially to his or her position as MLA on any of the following:
- 15 (a) broadcasting an advertisement;
- (b) publishing an advertisement in a newspaper or periodical;
- (c) displaying an advertisement at a theatre or another place of entertainment;
- 20 (d) producing an advertisement mentioned in paragraphs (a) to (c);
- (e) producing any printed electoral matter to which section 292 (Dissemination of electoral matter—authorisers and authors) applies;
- (f) producing and distributing electoral matter that is addressed to
- 25 particular people or organisations;
- (g) consultant's or advertising agent's fees for services provided;
- (h) carrying out an opinion poll or other research.
- (5) A return under this section must not include a list of the members of a party.
- 30 (6) A return under this section must identify the receipts that are not for gifts and purpose for which the amount was received.

- 5 (7) If the registration of a party or ballot group is cancelled during a financial year, this section applies to the party or ballot group in relation to the year as if a reference to the reporting agent of the party or ballot group were a reference to a person who was the reporting agent of the party or ballot group immediately before the cancellation.
- (8) If a person ceases to be an MLA during a financial year, this section applies to the person in relation to the year as if the person were the reporting agent.
- 10 (9) In this section:
prescribed period means—
 (a) for a financial year ending in a year in which a general election is held—20 weeks; and
 (b) in any other case—16 weeks.

15 **231 Periods of less than financial year**

- (1) This section applies if, during a financial year—
 (a) a political party becomes, or ceases to be, a registered party; or
 (b) a ballot group is registered or a registered ballot group ceases to be registered; or
 20 (c) a person becomes, or ceases to be, an MLA.
- (2) A return under section 230 (Annual returns by parties, ballot groups and MLAs) for the political party, ballot group or person for the financial year need only include particulars for the part of the year during which the party or ballot group was registered or the person
 25 was an MLA.

231B Annual returns by associated entities

- (1) If an entity is an associated entity at any time during a financial year, the entity's financial controller must give the commissioner a return in the approved form within the prescribed period after the
 30 end of the financial year.

- (2) The return must state—
- (a) the amount received by, or on behalf of, the entity during the financial year, together with the particulars required by subsection 232 (1) (Amounts received); and
 - 5 (b) the amount paid by, or on behalf of, the entity during the financial year, together with the particulars required by subsection 233 (1) (Amounts paid); and
 - 10 (c) if the entity is an associated entity at the end of the financial year—the outstanding amount, at the end of the year, of debts incurred by, or on behalf of, the entity, together with the particulars required by subsection 234 (2) (Outstanding amounts).
- (3) An amount received when the entity was not an associated entity is not to be counted for subsection (2) (a) and (b).
- 15 (4) If an amount required to be stated under subsection (2) (b) was—
- (a) paid to or for the benefit of 1 or more parties, ballot groups or MLAs; and
 - (b) paid out of funds generated from capital of the entity;
- 20 the return must set out the required details of each person who contributed to that capital on or after 29 November 1996.
- (5) For subsection (4), the required details of a person are:
- (a) the person's name and address; and
 - (b) the total of the person's contributions to the capital of the associated entity mentioned in that subsection up to the end of
 - 25 the financial year.
- (6) Subsection (5) does not apply to contributions that have been included in a previous return under this section.
- (7) A return under this section must identify the receipts that are not for gifts and purpose for which the amount was received.

(8) In this section:

prescribed period means—

- (a) for a financial year ending in a year in which a general election is held—20 weeks; and
- 5 (b) in any other case—16 weeks.

232 Amounts received

- 10 (1) If the sum of all amounts received by, or on behalf of, a party, ballot group, MLA or associated entity (the ***receiver***) from a person or organisation during a financial year is \$1 500 or more, the return by the receiver under section 230 (Annual returns by parties, ballot groups and MLAs) or section 231B (Annual returns by associated entities) must state the amount of the sum and set out the defined particulars for it.
- 15 (2) This section does not apply to amounts received by an associated entity from a person or organisation if the amounts received are for services provided by the entity in the ordinary course of its business (other than a business established for the purpose of providing political gifts).
- 20 (3) In working out the sum, an amount less than \$100 received at a fundraising event need not be counted.
- (4) In this section:

fundraising event means any of the following:

 - (a) a breakfast, lunch or dinner;
 - (b) a morning tea, afternoon tea, barbecue or cocktail party;
 - 25 (c) an auction (including a dutch auction);
 - (d) a raffle or lucky envelope sale;
 - (e) a game or quiz night;
 - (f) a tipping competition;
 - (g) a concert;

- (h) a theatre party;
- (i) a fair or fete;
- (j) a conference or seminar;
- (k) a tour or trip;
- 5 (l) a ball or dance;
- (m) an art, craft or fashion exhibition;
- (n) an event in which fund-raising participants are sponsored by someone else;
- (o) any other event prescribed under the regulations.

10 **30 Section 237**

substitute

237 Investigation notices generally

- (1) In this section:
 - 15 ***prescribed person*** means a person who, in the commissioner's opinion, is or may be required to give the commissioner a return under this part in relation to an election.
- (2) The commissioner may conduct an investigation into compliance with this part.
- 20 (3) For an investigation, the commissioner may give a notice (an ***investigation notice***) in relation to a reporting agent or prescribed person to—
 - (a) the agent or prescribed person; or
 - (b) for the reporting agent of a party or ballot group—any officer, employee or representative of the party or ballot group; or
 - 25 (c) for a prescribed person that is a corporation—any of its officers or employees; or

- (d) anyone else the commissioner has reasonable grounds for believing can produce a document or anything else, or give evidence, about anyone's compliance with this part.
- 5 (4) The investigation notice must require the person to whom it is given—
- (a) to produce to the commissioner, within the time and in the way stated in the notice, a document, or something else, stated in the notice; or
- 10 (b) to appear, at a time and place stated in the notice, before the commissioner to give evidence, orally or in writing, and to produce a document, or something else, stated in the notice.
- (5) The time stated in the notice must be not earlier than 28 days after the notice is given to the person.
- 15 (6) If the investigation notice requires an officer, employee or representative of a party or ballot group other than its reporting agent to appear before the commissioner, the reporting agent of the party is entitled—
- (a) to attend the investigation; or
- 20 (b) to nominate someone else to attend on the reporting agent's behalf.
- (7) If the investigation notice requires someone other than the financial controller of an associated entity to appear before the commissioner in relation to an investigation into the entity, the financial controller is entitled—
- 25 (a) to attend the investigation; or
- (b) to nominate someone else to attend on the financial controller's behalf.
- (8) If—
- (a) an investigation notice relates to an investigation into—

- 5
- (i) a return given to the commissioner under this part by the reporting agent of a ballot group or MLA; or
 - (ii) a failure of a reporting agent of a ballot group or MLA to give the commissioner a return under this part within the time required; and
- (b) the notice requires someone other than the reporting agent of the ballot group or MLA to appear before the commissioner; the reporting agent is entitled—
- 10
- (c) to attend the investigation; or
 - (d) to nominate someone else to attend on the reporting agent's behalf.
- (9) The commissioner may conduct the investigation even though the person to whom the notice was given contravenes the notice.
- 15
- (10) The commissioner may require a person to whom an investigation notice has been given to give evidence on oath, and for that purpose may administer an oath.

237A Investigation notices about associated entities

- (1) This section applies if—
- 20
- (a) the commissioner believes on reasonable grounds that a person can produce a document or anything else, or give evidence, about whether an entity is, or was at a particular time, an associated entity; and
 - (b) the person is, or has been, the financial controller or an officer or employee of the entity.
- 25
- (2) The commissioner may give to the person a notice (an *investigation notice*) requiring the person—
- (a) to produce to the commissioner, within the time and in the way stated in the notice, a document, or something else, stated in the notice; or

- (b) to appear, at a time and place stated in the notice, before the commissioner to give evidence, orally or in writing, and to produce a document, or something else, stated in the notice.
- 5 (3) The time stated in the notice must not be earlier than 28 days after the day the notice is given to the person.
- (4) If the investigation notice requires someone other than the financial controller of the associated entity to appear before the commissioner, the financial controller is entitled—
- (a) to attend the investigation; or
- 10 (b) to nominate someone else to attend on the financial controller's behalf.
- (5) The commissioner may conduct the investigation even though the person to whom the notice was given contravenes the notice to attend.
- 15 (6) If the commissioner gives an investigation notice to a person, the commissioner must also give the person a review statement about the decision to give the person the notice.
- (7) The person is taken not to have failed to comply with the notice if the person makes application under section 247 (Review by electoral commission) for review of the decision and the application has not been decided.
- 20 (8) The commissioner may require a person to whom an investigation notice has been given to give evidence on oath, and for that purpose may administer an oath.
- 25 (9) This section is in addition to, and does not limit, section 237 (Investigation notices generally).

237B Investigation notice offences

- (1) A person must not, without reasonable excuse, contravene an investigation notice.
- 30 Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person must not, in response to an investigation notice, give evidence that the person knows is false or misleading in a material particular.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

31 Section 243

substitute

243 Copies of returns to be available for public inspection

- (1) The commissioner must make available for public inspection, in accordance with subsections (2) and (3), a copy of each return given to the commissioner under divisions 4 (Disclosure of donations), 5 (Disclosure of electoral expenditure) and division 6 (Annual returns).
- (2) A copy of a return under division 4 or 5 (other than a return under section 221A (Annual returns of donations)) must be made available for public inspection from the beginning of the 25th week after polling day in the election to which the return relates.
- (3) A copy of a return under section 221A or division 6 must be made available for public inspection from the beginning of—
- (a) if the return is for a financial year ending in a year in which a general election is held—March in the next year; and
- (b) in any other case—February in the next year.
- (4) A person may, on request and payment of the determined fee, obtain a copy of a return if a copy of the return is available for public inspection under this section.

**32 Review by electoral commission
Section 247 (1) and (2)***substitute*

- 5 (1) The electoral commission must review a reviewable decision if a person affected by the decision applies to the commission in accordance with subsections (2) and (2A).
- (2) The application must—
- (a) be in writing; and
 - (b) state the applicant's name and address; and
 - 10 (c) set out the applicant's reasons for making the application.
- (2A) The application must be given to the electoral commission at the commission's office—
- (a) within 28 days after—
 - 15 (i) for a decision to register a political party or ballot group—the day of publication of the notice under section 92 (3) (Registration of political parties and ballot groups) of the decision; or
 - (ii) in any case—the day the relevant review statement was given to the applicant; or
 - 20 (b) within a further period allowed by the commission before or after the end of that period.

**33 Interpretation
Section 291, definition of *disseminate****substitute*

- 25 ***disseminate*** electoral matter (whether in printed or electronic form) means print, publish, distribute, produce or broadcast the electoral matter.

34 Section 291, new definition of *publish*

insert

publish electoral matter, includes publish electronically.

35 Section 292

5 *substitute*

292 Dissemination of electoral matter—authorisers and authors

- (1) A person must not disseminate electoral matter unless there is, in the approved position—
- 10 (a) the name and address of the person who authorised the matter or its author; or
- (b) if the matter was published for or on behalf of a registered party, registered ballot group or candidate for election—the name of the party, group or candidate.
- 15 Maximum penalty: 10 penalty units.
- (2) In this section:
- approved position* means—
- (a) at the end of the matter; and
- 20 (b) for an item in a newspaper or periodical containing electoral matter taking up all or part of each of 2 opposing pages—at the foot of the item on the first page; and
- (c) for an item in electronic form—at the foot of each page.

36 Section 295*substitute***295 Exemptions for dissemination of electoral matter on certain items**

- 5 (1) Section 292 (Dissemination of electoral matter—authorisers and authors) does not apply to electoral matter on any of the following items unless the item includes a representation of a ballot paper:
- (a) a letter from an MLA that includes the name of the MLA and an indication that he or she is an MLA;
 - 10 (b) a press release published by or on behalf of an MLA that includes the name of the MLA and an indication that he or she is an MLA;
 - (c) a report under the *Annual Reports (Government Agencies) Act 1995*;
 - 15 (d) a publication of a government agency that includes—
 - (i) the name of the agency; and
 - (ii) the City of Canberra Arms; and
 - 20 (iii) the words ‘Australian Capital Territory’, ‘Australian Capital Territory Legislative Assembly’, ‘ACT Legislative Assembly’, ‘Australian Capital Territory Government’ or ‘ACT Government’;
 - (e) a T-shirt, lapel button, lapel badge, pen, pencil or balloon;
 - (f) a business or visiting card that promotes the candidacy of a person in an election;
 - 25 (g) a letter or card on which the name and address of the sender appears;
 - (h) an item prescribed under the regulations.

(2) The reference in subsection (1) (d) to a publication does not include a reference to a publication that is published for the first time within 6 months immediately before a general election if the publication includes a picture of an MLA.

5 (3) In this section:

government agency means—

(a) an administrative unit; or

(b) a Territory instrumentality; or

10 (c) a statutory office holder and the staff assisting the statutory office holder.

37 New part 20

insert

Part 20 Transitional provisions

342 Political parties

15 If a political party was an eligible political party immediately before the commencement of this section but is not, apart from this section, an eligible political party after the commencement, the political party is taken to be an eligible political party for 2 months after the commencement.

20 343 Registered parties to provide up-to-date copies of their constitutions

25 A political party that was a registered party immediately before the commencement of this section must give the commissioner an up-to-date copy of its constitution within 30 days after the commencement.

344 Application of certain amendments made by Electoral Amendment Act 2001

5 The amendments made by the *Electoral Amendment Act 2001* do not apply to matter required to be included in an annual return under section 221A (Annual returns of donations), 230 (Annual returns by parties, ballot groups and MLAs) and 231B (Annual returns by associated entities) for the financial year that began on 1 July 2000 if, before the commencement of this section, the matter was not required to be included in the return.

10 345 Expiry of pt 20

- (1) Sections 342 and 343 expire 2 months after the commencement of this section.
- (2) The remainder of this part expires on 2 March 2002.

**15 38 Preliminary scrutiny of declaration voting papers
Schedule 3, clause 3**

omit

39 Schedule 3, clause 12

omit

Schedule 1 Electoral Act 1992— minor and consequential amendments

5 (see s 3)

[1.1] Section 1

substitute

1 Name of Act

10 This Act is the *Electoral Act 1992*.

[1.2] Section 3, definitions of *abbreviation, candidate, declaration vote, electoral paper, officer, polling place, registered officer, registered party, register of political parties, Self-Government Act and Speaker*

15 *omit*

[1.3] Section 3

relocate the remaining definitions to the dictionary

[1.4] Section 3

omit the remainder, substitute

20 3 Dictionary

The dictionary at the end of this Act is part of this Act.

25 *Note 1* The dictionary at the end of this Act defines certain words and expressions used in this Act, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or in other legislation.

For example, the signpost definition '*electoral matter*—see section 4 (Meaning of *electoral matter*).' means that the expression 'electoral matter' is defined in section 4 and the definition applies to the entire Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

5 **[1.5] Part 2, division 1, heading**

substitute

**Division 2.1 Establishment, functions and
powers of electoral commission**

10 **[1.6] Part 2, division 2, heading**

substitute

Division 2.2 Members of electoral commission

[1.7] Section 11, new heading

substitute

11 Meaning of *member* for div 2.2

15 **[1.8] Section 33 (5)**

omit

or perform any of the functions

[1.9] Section 41 (2)

omit

20 circulating throughout the Territory

[1.10] Section 44 (1) (d)

omit

circulating throughout the Territory

Amendment [1.11]

[1.11] Section 46

omit

An

substitute

5 (1) An

[1.12] Section 71, heading

substitute

71 Persons taken not to be enrolled on Commonwealth roll

[1.13] Section 71 (1)

10 *omit*

(1)

[1.14] Section 71 (2), new heading

insert

71A Address of person serving sentence of imprisonment

15 **[1.15] Section 71 (2)**

omit

(2)

[1.16] Section 109 (2) (b)

after

20 party

insert

or registered ballot group

[1.17] Section 115 (1)

after

party

insert

5 or registered ballot group

[1.18] Section 119 (2) (a)

substitute

(a) must publish in a newspaper; and

[1.19] Section 127, new heading

10 *substitute*

127 Meaning of *authorised witness*

[1.20] Section 136, heading

substitute

136 Meaning of *eligible elector* for div 3A

15 **[1.21] Section 136B, heading**

substitute

136B Ordinary or declaration voting in ACT before polling day

[1.22] Section 136C, heading

substitute

20 **136C Declaration voting outside ACT on or before polling day**

Amendment [1.23]

[1.23] Section 137 (1)

omit

(12)

substitute

5

(15)

[1.24] Section 149, heading

substitute

149 Definitions for div 4

[1.25] Section 149, definition of *registered medical practitioner*

10

omit

[1.26] Section 151 (3)

omit

registered medical practitioner

substitute

15

doctor

[1.27] Section 159 (2)

omit

daily newspaper circulating in the Territory

substitute

20

newspaper

[1.28] Section 167, new heading

substitute

167 Definitions for pt 11

[1.29] Section 167 (1)

omit

(1)

[1.30] Section 167 (2)

5 *substitute*

167A Declaration of ship as a station

10 The commissioner may declare a ship as a station only if the commissioner is satisfied that, on polling day for an election, the ship is likely to be at sea transporting research personnel to or from Antarctica.

[1.31] Section 190, heading

substitute

190 Definitions for pt 13

[1.32] Section 190 (1), definitions of *candidate* and *newspaper*

15 *omit*

[1.33] Section 190 (1), new definition of *Speaker*

insert

Speaker includes—

- 20 (a) if there is a vacancy in the office of Speaker—the Deputy Speaker; and
- (b) if there is a vacancy in the offices of Speaker and Deputy Speaker—the clerk of the Legislative Assembly.

[1.34] Section 190 (1)

omit

25 (1)

Amendment [1.35]

[1.35] Section 190 (2)

omit

[1.36] Section 198, heading

substitute

5 **198 Definitions for pt 14**

[1.37] Section 198 (1), definition of *gift*, paragraph (c)

substitute

- (c) an annual subscription paid to a party by a person in relation to the person's membership of the party; or
- 10 (d) for division 4 (Disclosure of donations) and in relation to a candidate—a gift made to or received by the candidate for the benefit of a party, ballot group or non-party group of which the candidate is a member.

[1.38] Section 198 (1), definition of *independent MLA*

15 *omit*

[1.39] Section 198 (1), definition of *register*, paragraph (a)

substitute

- (a) in relation to a reporting agent appointed by a party, ballot group or MLA—the register of party, ballot group and MLA
- 20 reporting agents kept under section 205 (1); or

[1.40] Section 198 (1)

omit

(1)

[1.41] Section 198 (2) and (3)

substitute

198A Reference to things done by party or ballot group etc

- 5 (1) In this part, a reference to something done by or with the authority of a party is, if the party is not a corporation, a reference to things being done by or with the authority of members of the party on behalf of the party.
- 10 (2) In this part, a reference to things done by or with the authority of a ballot group is a reference to things done by or with the authority of—
- (a) the sponsoring MLA; or
 - (b) a candidate nominated for election for the group acting on behalf of the group.

198B Candidate remains candidate after election

- 15 For this part, a candidate is taken to remain a candidate for 30 days after the election in which the person was a candidate.

[1.42] Section 200 (1)

substitute

- 20 (1) For divisions 4 (Disclosure of donations), 5 (Disclosure of electoral expenditure) and 6 (Annual returns), gifts received, expenditure incurred, and amounts received, paid or owed, by or on behalf of the campaign committee of a party candidate or ballot group candidate are taken to be incurred, paid or owed by the party or group.

[1.43] Section 201 (2), definition of *disclosure day*, paragraph (b) (i)

after

party

5 *insert*

or ballot group

[1.44] Section 203 (1)

substitute

10 (1) A party, non-party group, MLA or candidate may appoint a reporting agent.

(1A) The sponsoring MLA for a ballot group may appoint a reporting agent for the group.

[1.45] Section 203 (2)

after

15 (1)

insert

or (1A)

[1.46] Section 203 (3)

substitute

20 (3) If a party or ballot group ceases to be registered under part 7 (Registration of political parties and ballot groups) and, immediately before it ceased to be registered, a person was its reporting agent under subsection (1) or (1A), the person is taken to continue to be its reporting agent as if it had continued to be registered.

[1.47] Section 204 (1) and (1A)

- (1) If there is no appointment in force under section 203 (Appointed agents) in relation to a party or ballot group, the registered officer of the party or ballot group is taken to be its reporting agent.
- 5 (2) If a party or ballot group ceases to be registered under part 7 (Registration of political parties and ballot groups) and no-one is taken under section 203 (3) to be its reporting agent, the person who was its registered officer immediately before it ceased to be registered is taken to be its reporting agent as if it had continued to be registered.
- 10

[1.48] Section 204 (3)

omit

independent

[1.49] Section 205 (1)

15 *substitute*

- (1) The commissioner must keep a register called the register of party, ballot group and MLA agents.

[1.50] New section 205 (4) (ba)

insert

- 20 (ba) for a ballot group—the sponsoring MLA gives the commissioner written notice that the person has ceased to be the reporting agent; or

[1.51] Section 205 (5)

substitute

- 25 (5) If a registered reporting agent dies, the MLA, candidate, secretary of the party, or sponsoring MLA of the ballot group, that appointed the agent must give the commissioner written notice within 28 days after the day of the death.

[1.52] Section 206

substitute

206 Who eligible votes are cast for

For this division—

- 5 (a) an eligible vote cast for a party candidate or ballot group candidate is taken to be cast for the party or ballot group and not for the candidate; and
- (b) an eligible vote cast for a member of a non-party group is taken to be cast for the group and not for the member.

10 **[1.53] Section 207 (2)**

substitute

- (2) The prescribed amount is payable for each eligible vote cast for a party, ballot group, non-party group or candidate in an election.

[1.54] Section 208 (2)

15 *substitute*

- (2) A payment under this division may only be made for the votes cast for a party or ballot group in an election by the electors of an electorate if the number of eligible votes cast in the party's or ballot group's favour is at least 2% of the number of eligible votes cast by those electors in that election.
- 20

[1.55] Section 212 (1)

substitute

- (1) If an amount is payable under this division for votes cast in an election for 1 or more candidates endorsed by a party or ballot group, the commissioner must make the payment to the registered officer of the party or ballot group.
- 25

[1.56] Section 212 (2A)

substitute

- 5 (2A) If an amount is payable under this division for votes cast in an election for a candidate who was not endorsed by a party or ballot group for the election and was not a member of a non-party group, the commissioner must make the payment to the candidate.

[1.57] Section 214 (2) (a)

after

party

10 *insert*

or ballot group

[1.58] Section 216, heading

substitute

216 Meaning of *defined details* for div 4

15 **[1.59] Section 216, definition of *gift***

omit

[1.60] Section 220 (5) (c)

after

party

20 *insert*

or ballot group

Amendment [1.61]

[1.61] Section 223, heading

substitute

223 Definitions for div 5

[1.62] Section 223, new definitions of *participant* and *relates*

5 *insert*

participant in an election means—

- (a) a party, ballot group, non-party group or candidate; or
- (b) a person (other than a party or candidate) by whom, or with the
10 authority of whom, electoral expenditure in relation to an
election is incurred.

relates—an advertisement *relates* to an election if it contains
electoral matter, whether or not consideration is given for
publication or broadcasting of the advertisement.

[1.63] Section 223 (1)

15 *omit*

(1) In

substitute

In

[1.64] Section 223 (2) and (3)

20 *omit*

[1.65] Section 224 (2A)

after

party

insert

25 or ballot group

[1.66] Section 224 (3)

omit

a non-party group, a candidate or an associated entity

substitute

5 ballot group, non-party group, candidate or associated entity

[1.67] Section 225 (3)

after

party

insert

10 or ballot group

[1.68] Section 228, heading

substitute

228 Meaning of *defined particulars* for div 6

[1.69] Section 233 (1)

15 *substitute*

(1) If the sum of all amounts paid by, or on behalf of, a party, ballot group, MLA or associated entity (the *payer*) during a financial year is \$1 500 or more, the return by the payer under section 230 (Annual returns by parties, ballot groups and MLAs) or section 231B (Annual returns by associated entities) must state the amount of the
20 sum and set out the defined particulars for it.

[1.70] Section 233 (2)

omit

calculating the sum

25 *substitute*

working out the sum,

Amendment [1.71]

[1.71] Section 234 (1)

after

party

insert

5 , ballot group

[1.72] Section 235

substitute

235 Definitions for div 7

In this division:

10 *investigation notice* means a notice under section 237 (3)
(Investigation notices generally) or 237A (2) (Investigation notices
about associated entities).

return includes a notice under subsection 240 (1) (c) or (4)
(Inability to complete returns).

15 **[1.73] Section 236 (1), penalty**

substitute

Maximum penalty:

- (a) for a return required to be given by the reporting agent of a
party or ballot group—50 penalty units; and
- 20 (b) for any other return—20 penalty units.

[1.74] Section 239 (2) and (3)

substitute

- (2) If a party, ballot group, MLA or associated entity makes or obtains
an article that is or includes a record relating to a matter particulars
25 of which are, or could be, required to be set out in a return under
division 6 (Annual returns), the party, ballot group, MLA or
associated entity must keep the record for a period of not less than 3

years beginning on the day after the last day when the return must be given to the commissioner.

(3) If a person, party, ballot group, MLA or associated entity (the *transferor*) would, in the normal course of business or administration, transfer to someone else a record mentioned in subsection (1) or (2)—

(a) the transferor is taken not to have contravened the subsection by transferring the record; and

(b) the person to whom the record is transferred must retain the record for the period for which the transferor would have been required to retain the record if the record had not been transferred.

[1.75] Section 241 (2) (a)

after

party

insert

or ballot group

[1.76] Section 242 (3) (b)

substitute

(b) if the return was given for a party, ballot group, MLA or candidate—the reporting agent of the party, ballot group, MLA or candidate; or

[1.77] Section 244, heading

substitute

244 Definitions for pt 15

Amendment [1.78]

[1.78] Section 245 (g)

substitute

- 5 (g) a decision under section 90 (3) (Further information about application for political party registration) to refuse an application for registration of a political party;

[1.79] Section 245 (h) and (i)

after

party

insert

- 10 or ballot group

[1.80] Section 245 (j) and (k)

substitute

- 15 (j) a decision under section 93 (1) or (2) to refuse to change the registered particulars of a political party as applied by section 95 (3) (Changes to particulars in register);
- (k) a decision under section 98 (6) (Cancellation of registration of political parties and ballot groups) to cancel the registration of a political party or ballot group;
- 20 (l) a decision to give a notice under section 237A (Investigation notices about associated entities);

[1.81] Section 250, heading

substitute

250 Definitions for pt 16

[1.82] Section 250 (1)

- 25 *omit*

(1)

[1.83] Section 250 (2), new heading

insert

250A References in pt 16 to *contravention* of sections

[1.84] Section 250 (2)

5 *omit*

(2)

[1.85] Section 251, heading

substitute

251 References in pt 16 to Speaker

10 **[1.86] Section 263 (3) (a)**

substitute

(a) published in a newspaper; and

[1.87] Section 263 (9) (d) (i)

substitute

15 (i) publish notice of that fact in a newspaper; and

[1.88] Section 289 (1) (a)

substitute

(a) a political party or registered ballot group; or

Amendment [1.89]

[1.89] Section 291, heading

substitute

291 Definitions for div 3

[1.90] Section 291, definition of *address*, paragraph (a)

5 *substitute*

- (a) if the person is acting on behalf of a political party or registered ballot group—an address of the party or ballot group, other than a post office box; or

[1.91] Section 291, definition of *polling place*

10 *omit*

[1.92] Section 301 (3)

substitute

- (3) This section does not apply to a statement—

- 15 (a) published on behalf of a political party or registered ballot group; and
- (b) that relates to a candidate nominated by the party or group who has publicly declared his or her candidature to be on behalf of, or in the interests of, the party or group.

[1.93] Section 304

20 *omit*

candidate or political party

substitute

political party, registered ballot group or candidate

[1.94] Section 308

25 *omit*

[1.95] Section 336

substitute

336 Administrative arrangements with Commonwealth and States

5 The Minister may arrange with the appropriate Minister of the Commonwealth or a State—

(a) for officers or employees of the public service of the Commonwealth or State, or of an authority of the Commonwealth or State, to exercise the powers of an officer
10 under this Act; or

(b) to make a member of the electoral commission, the commissioner or a member of the staff of the commission available for the exercise of powers on behalf of the corresponding electoral authority of the Commonwealth or
15 State.

[1.96] Section 337 (1) (h) and (j)

substitute

(h) that on a stated day, or during a stated period, a stated person was, or was not, registered as the reporting agent of a stated
20 registered party, registered ballot group, MLA or candidate;

(i) that on a stated day, or during a stated period, no reporting agent was registered for a stated registered party, registered ballot group, MLA or candidate;

[1.97] Section 339

25 *omit*

Schedule 1 Electoral Act 1992—
minor and consequential amendments

Amendment [1.98]

[1.98] Schedule 1, notes 4 and 7

omit

political party

insert

5 party or registered ballot group

[1.99] New dictionary

insert

Dictionary

(See s 3)

10 *Note 1* The following terms that are relevant to this Act are defined in the
Interpretation Act 1967, dictionary:

- doctor
- exercise
- function
- 15 • Self-government Act
- Speaker
- State.

Note 2 The *Interpretation Act 1967* contains other definitions and provisions
that are relevant to this Act.

20 ***abbreviation***, of the name of a political party or ballot group,
includes an alternative name of the party or group.

address—

- (a) except in part 17 (Electoral offences), division 3 (Campaigning
offences)—means, in relation to a person, the address of the
25 person's principal place of residence (including a place of
residence from which a person who is an elector is temporarily
absent and to which the person intends to return to live in); and
- (b) in part 17, division 3—see section 291 (Definitions for div 3).

amount, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).

Antarctica, for part 11 (Polling in Antarctica)—see section 167 (Definitions for pt 11).

5 **application**, for part 16 (Disputed elections, eligibility and vacancies)—see section 250 (Definitions for pt 16).

assistant returning officer, for part 11 (Polling in Antarctica)—see section 167 (Definitions for pt 11).

10 **associated entity**, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).

authorised witness, for part 10 (Voting)—see section 127 (Meaning of *authorised witness*).

available for public inspection—see section 4A (Meaning of *available for public inspection*).

15 **ballot group**, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).

ballot group candidate means a candidate at an election nominated by the registered officer of a registered ballot group.

20 **bribery**, for part 16 (Disputed elections, eligibility and vacancies)—see section 250 (Definitions for pt 16).

broadcaster, for part 14 (Election funding and financial disclosure), division 5 (Disclosure of electoral expenditure)—see section 223 (Definitions for div 5).

candidate means—

- 25 (a) except in part 13 (Casual vacancies)—a person declared to be a candidate under section 109 (Declaration of candidates); and
- (b) in part 13—a person declared to be a candidate under section 193 (Publication of candidates' details).

- contravention*, for part 16 (Disputed elections, eligibility and vacancies)—see section 250A (References in pt 16 to *contraventions* of sections).
- 5 *court*, for part 16 (Disputed elections, eligibility and vacancies)—see section 250 (Definitions for pt 16).
- declaration vote* means a vote cast in accordance with any of the following provisions:
- (a) section 135 (Declaration voting at polling places);
 - (b) section 136A (Postal voting before polling day);
 - 10 (c) section 136B (15) (Ordinary or declaration voting in ACT before polling day);
 - (d) section 136C (Declaration voting outside ACT on or before polling day).
- 15 *defined details*, for part 14 (Election funding and financial disclosure), division 4 (Disclosure of donations)—see section 216 (Meaning of *defined details* for div 4).
- defined particulars*, for part 14 (Election funding and financial disclosure), division 6 (Annual returns)—see section 228 (Meaning of *defined particulars* for div 6).
- 20 *disclosure period*, for part 14 (Election funding and financial disclosure)—see section 201 (Disclosure periods).
- disposition of property*, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).
- 25 *disseminate*, for part 17 (Electoral offences), division 3 (Campaigning offences)—see section 291 (Definitions for div 3).
- election*, for part 16 (Disputed elections, eligibility and vacancies)—see section 250 (Definitions for pt 16).
- 30 *electoral advertisement*, for part 14 (Election funding and financial disclosure), division 5 (Disclosure of electoral expenditure)—see section 223 (Definitions for div 5).

electoral expenditure, for part 14 (Election funding and financial disclosure), division 5 (Disclosure of electoral expenditure)—see section 223 (Definitions for div 5).

electoral matter—see section 4 (Meaning of *electoral matter*).

5 **electoral paper** means a document, form or notice provided for or required under this Act.

eligible elector, for part 10 (Voting), division 3A (Voting otherwise than at a polling place)—see section 136 (Meaning of *eligible elector* for div 3A).

10 **eligible vote**, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).

entity, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).

15 **file**, for part 16 (Disputed elections, eligibility and vacancies)—see section 250 (Definitions for pt 16).

financial controller, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).

former MLA, for part 13 (Casual vacancies)—see section 190 (Definitions for pt 13).

20 **gift**, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).

illegal practice, for part 16 (Disputed elections, eligibility and vacancies)—see section 250 (Definitions for pt 16).

25 **investigation notice**, for part 14 (Election funding and financial disclosure), division 7 (Compliance)—see section 235 (Definitions for div 7).

member, for division 2.2 (Members of electoral commission)—see section 11 (Meaning of *member* for div 2.2).

newspaper means a newspaper circulating in the ACT.

non-party group, for part 14 (Election funding and financial disclosure)—see section 198 (Definitions for pt 14).

officer means—

- 5 (a) a person appointed under section 33 (Officers) to be an officer;
or
- (b) a person exercising a power under this Act under an arrangement under section 70 (Joint roll arrangements with the Commonwealth) or section 336 (Administrative arrangements with Commonwealth and States); or
- 10 (c) in relation to a particular matter—a person mentioned in paragraph (a) or (b) exercising a power in relation to the matter.

15 ***participant***, for part 14 (Election funding and financial disclosure), division 5 (Disclosure of electoral expenditure)—see section 223 (Definitions for div 5).

party, for part 14 (Electoral funding and financial disclosure)—see section 198 (Definitions for pt 14).

person, for part 15 (Review of decisions)—see section 244 (Definitions for pt 15).

20 ***polling place*** means a place appointed as a polling place under section 119 (Polling places and scrutiny centres), and, for part 17 (Electoral offences), division 3 (Campaigning offences), includes—

- 25 (a) a place where a vote may be made before an officer under section 136B (Ordinary or declaration voting in ACT before polling day) or section 136C (Declaration voting outside ACT on or before polling day); and
- (b) a place where mobile polling is taking place under part 10 (Voting), division 4 (Mobile polling).

30 ***proceeding***, for part 16 (Disputed elections, eligibility and vacancies)—see section 250 (Definitions for pt 16).

property, for part 14 (Election funding and financial disclosure)—
see section 198 (Definitions for pt 14).

publish, for part 17 (Electoral offences), division 3 (Campaigning
offences)—see section 291 (Definitions for div 3).

5 **register**, for part 14 (Election funding and financial disclosure)—see
section 198 (Definitions for pt 14).

10 **registered**, for an abbreviation of the name of a registered party or
registered ballot group, means an abbreviation included in the
particulars for the party or group in the register of political parties or
register of ballot groups.

registered ballot group means a ballot group registered under part 7
(Registration of political parties and ballot groups).

registered industrial organisation, for part 14 (Election funding and
financial disclosure)—see section 198 (Definitions for pt 14).

15 **registered officer** means—

- (a) for a registered party—the person whose name is entered in the
register of political parties as the registered officer of the party;
and
- 20 (b) for a registered ballot group—the person whose name is
entered in the register of ballot groups as the registered officer
of the group.

registered party means a political party registered under part 7
(Registration of political parties and ballot groups).

25 **register of ballot groups** means the register of ballot groups kept
under section 88 (Register).

register of political parties means the register of political parties
kept under section 88 (Register).

registrar, for part 16 (Disputed elections, eligibility and
vacancies)—see section 250 (Definitions for pt 16).

- related** political parties, for part 7 (Registration of political parties and ballot groups)—see section 87 (Meaning of *related* political parties).
- 5 **relates**, for part 14 (Election funding and financial disclosure), division 5 (Disclosure of electoral expenditure)—see section 223 (Definitions for div 5).
- remand centre**, for part 10 (Voting), division 4 (Mobile polling)—see section 149 (Definitions for div 4).
- 10 **reportage or commentary**, for part 17 (Electoral offences), division 3 (Campaigning offences)—see section 291 (Definitions for div 3).
- research personnel**, for part 11 (Polling in Antarctica)—see section 167 (Definitions for pt 11).
- 15 **return**, for part 14 (Election funding and financial disclosure), division 7 (Compliance)—see section 235 (Definitions for div 7).
- returning officer**, for part 11 (Polling in Antarctica)—see section 167 (Definitions for pt 11).
- reviewable decision**, for part 15 (Review of decisions)—see section 244 (Definitions for pt 15).
- 20 **Speaker**—
- (a) for part 13 (Casual vacancies)—see section 190 (Definitions for pt 13); and
 - (b) for part 16 (Disputed elections, eligibility and vacancies)—see section 251 (References in pt 16 to Speaker).
- 25 **Note** *Speaker* is defined in the *Interpretation Act 1967*, dict.
- special hospital**, for part 10 (Voting), division 4 (Mobile polling)—see section 149 (Definitions for div 4).
- sponsoring MLA**, in relation to a registered ballot group, means the MLA who applied to register the group.

station, for part 11 (Polling in Antarctica)—see section 167 (Definitions for pt 11).

transmit, for part 11 (Polling in Antarctica)—see section 167 (Definitions for pt 11).

5 *undue influence*, for part 16 (Disputed elections, eligibility and vacancies)—see section 250 (Definitions for pt 16).

visiting officer, for part 10 (Voting), division 4 (Mobile polling)—see section 149 (Definitions for div 4).

[1.100] The Act

10 *renumber the subsections, subclauses, paragraphs and subparagraphs when Act next republished under Legislation Act 2001*

Schedule 2 Amendments of Referendum (Machinery Provisions) Act 1994

5

[2.1] Section 12 (3) (d)

omit

[2.2] Section 12 (3) (e) and (f)

renumber as sections 12 (3) (d) and (e)

10

[2.3] Section 17 (3) (a)

omit

candidate or a political party

substitute

registered party, registered ballot group or candidate

Endnotes

Acts amended

Electoral Act 1992

- 1 Republished as in force on 31 March 1999. See also Acts 2000 Nos 50 and 76; 2001 No 3.

Referendum (Machinery Provisions) Act 1994

- 2 Act 1994 No 79. See also Acts 1996 No 56; 1998 No 54; 2000 No 76.

Penalty units

- 3 The *Interpretation Act 1967*, s 33AA deals with the meaning of offence penalties that are expressed in penalty units.

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