

2012

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Electoral Amendment Bill 2012

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J2011-846

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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2012

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## **Electoral Amendment Bill 2012**

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### **A Bill for**

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

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

- 1 **1 Name of Act**
- 2 This Act is the *Electoral Amendment Act 2012*.
- 3 **2 Commencement**
- 4 This Act commences on 1 July 2012.
- 5 *Note* The naming and commencement provisions automatically commence on
- 6 the notification day (see Legislation Act, s 75 (1)).
- 7 **3 Legislation amended**
- 8 This Act amends the *Electoral Act 1992*.
- 9 *Note* This Act also amends the following legislation (see sch 1):
- 10 • *Electoral Regulation 1993*
- 11 • *Referendum (Machinery Provisions) Act 1994*.
- 12 **4 Offences against Act—application of Criminal Code etc**
- 13 **Section 3A, note 1**
- 14 *insert*
- 15 • s 205A (Financial representatives to keep ACT election accounts)
- 16 • s 205B (Offence—loans to be repaid from ACT election accounts)
- 17 • s 205C (Financial representative to ensure electoral expenditure
- 18 paid from ACT election account)
- 19 • s 205F (Offence—exceeding expenditure cap)
- 20 • s 205H (Offence—give indirect gift to avoid statutory limit)
- 21 • s 236 (Offences)
- 22 **5 Section 87 heading**
- 23 *substitute*
- 24 **87 Meaning of *address*—pt 7**
- 25 **6 Section 87, definition of *related***
- 26 *omit*

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**7 Part 14 heading**

*substitute*

**Part 14 Election funding, expenditure  
and financial disclosure****8 Definitions for pt 14  
Section 198, new definitions**

*insert*

*called*, an extraordinary election is *called* on—

- (a) for an extraordinary election mentioned in section 101 (1) (a) or (b)—the day the notice under the Self-Government Act, section 16 or section 48 is published in the Commonwealth gazette; or
- (b) for an extraordinary election mentioned in section 101 (1) (c) or (d)—the day the determination under section 101 (2) or (3) is notified under the Legislation Act.

*capped expenditure period* means—

- (a) for an ordinary election—the period starting on 1 January in the year in which the ordinary election is to be held and ending on polling day for the election; or
- (b) for an extraordinary election—the period starting on the day the extraordinary election is called and ending on polling day for the election.

**9 Section 198, definition of *disposition of property***

*relocate to section 198AA (2)*

**10 Section 198, new definitions**

*insert*

***electoral expenditure***, in relation to an election—

- (a) means expenditure incurred on—
  - (i) broadcasting an electoral advertisement; or
  - (ii) publishing an electoral advertisement; or
  - (iii) displaying an electoral advertisement at a theatre or other place of entertainment; or
  - (iv) producing an electoral advertisement mentioned in subparagraph (i), (ii) or (iii); or
  - (v) producing, broadcasting, publishing, displaying or distributing any electoral matter (other than material mentioned in subparagraph (i), (ii) or (iii))—
    - (A) to which section 292 applies, or would apply but for section 294 (1) (a), (b), (e), (f), (g), (h), (i), or (j); and
    - (B) that is not paid for by the Legislative Assembly or the Territory; or
  - (vi) consultant's or advertising agent's fees in relation to—
    - (A) services relating to electoral matter mentioned in subparagraph (i) to (v); or
    - (B) material relating to electoral matter mentioned in subparagraph (i) to (v); or
  - (vii) carrying out an opinion poll or other research undertaken to support the production of electoral matter mentioned in subparagraph (i) to (vi); but
- (b) does not include administrative expenditure.



1            *financial representative* means—

- 2            (a) for a party grouping—the reporting agent of the party; or
- 3            (b) for a non-party MLA—the MLA; or
- 4            (c) for a non-party candidate grouping—the candidate; or
- 5            (d) for a non-party prospective candidate grouping—the
- 6            prospective candidate; or
- 7            (e) for an associated entity—the entity’s financial controller; or
- 8            (f) for a third-party campaigner—
- 9                    (i) if the third-party campaigner is an individual—the
- 10                    third-party campaigner; or
- 11                    (ii) in any other case—the managing director (however
- 12                    described) of the third-party campaigner.

13    **11        Section 198, definition of *gift***

14            *substitute*

15            *gift*—see section 198AA.

16    **12        Section 198, new definitions**

17            *insert*

18            *incurs* electoral expenditure—see section 202A.

19            *index number*, for a quarter, means the all groups consumer price

20            index number, being the weighted average of the 8 capital cities,

21            published by the Australian statistician for that quarter.

22            *non-party candidate grouping* means—

- 23            (a) a candidate for an election who is not a party candidate; and
- 24            (b) any other person who has incurred electoral expenditure to
- 25            support the candidate in contesting the election.

- 1            ***non-party MLA*** means an MLA who is not a member of a party.
- 2            ***non-party prospective candidate grouping*** means—
- 3            (a) a prospective candidate for an election who is not a prospective
- 4            candidate for a party; and
- 5            (b) any other person who has incurred electoral expenditure to
- 6            support the prospective candidate in contesting the election.
- 7            ***party grouping*** means—
- 8            (a) a party; and
- 9            (b) an MLA for the party; and
- 10           (c) an associated entity of the party; and
- 11           (d) an associated entity of an MLA for the party; and
- 12           (e) a candidate for the party; and
- 13           (f) a prospective candidate for the party; and
- 14           (g) any other person who has incurred electoral expenditure to
- 15           support a candidate or prospective candidate for the party in
- 16           contesting an election.
- 17           ***person*** includes an unincorporated association.
- 18           *Note*     ***Person*** includes a corporation (see Legislation Act, s 160).
- 19           **13     Section 198, definition of *property***
- 20           *relocate to section 198AA (2)*

---

**14 Section 198, new definitions**

*insert*

***prospective candidate***—a person is a ***prospective candidate*** for an election if—

(a) the person has—

(i) won party preselection, or endorsement, to be a candidate for the party for the election; or

(ii) publicly announced that the person intends to be a candidate for the election; or

(iii) been nominated to be a candidate for the election under section 105 and the nomination has not been cancelled under section 107 or rejected under section 110; and

(b) the commissioner has not declared the candidates for the election under section 109.

***third-party campaigner***—

(a) means a person or entity that incurs more than \$1 000 in electoral expenditure in the disclosure period for an election; but

(b) does not include the following:

(i) a party, MLA, candidate, prospective candidate, party grouping, non-party candidate grouping or non-party prospective candidate grouping;

(ii) a broadcaster;

(iii) a publisher of a news publication;

(iv) a government agency;

(v) the Legislative Assembly.

1 **15 New section 198AA**

2 *insert*

3 **198AA Meaning of *gift*—pt 14**

4 (1) In this part:

5 *gift*—

6 (a) means a disposition of property made by a person to another  
7 person without consideration in money or money's worth or  
8 with inadequate consideration; and

9 (b) includes—

10 (i) the provision of a service (other than volunteer labour)  
11 for no consideration or inadequate consideration; and

12 (ii) if an annual subscription paid to a party by a person for  
13 the person's membership of the party is more than  
14 \$250—the amount of the subscription that is more than  
15 \$250; and

16 (iii) if a fundraising contribution is more than \$250—the  
17 amount of the contribution that is more than \$250; but

18 (c) does not include—

19 (i) a disposition of property under a will; or

20 (ii) an annual subscription for membership of a party of \$250  
21 or less; or

22 (iii) a fundraising contribution of \$250 or less; or

23 (iv) if a fundraising contribution is an amount of more than  
24 \$250—the first \$250 of the contribution; or

25 (v) a gift mentioned in paragraph (a) or (b) if—

26 (A) the gift is given to an individual in a private  
27 capacity for the individual's personal use; and

- 1 (B) the individual does not use the gift solely or  
2 substantially for a purpose related to an election; or  
3 (vi) a payment under division 14.3 (Election funding) or  
4 division 14.3A (Administrative expenditure funding); or  
5 (vii) a payment made by an entity within a party grouping to  
6 another entity within the party grouping.

7 *Note* The regulations may prescribe principles for determining the amount of  
8 a gift that consists of, or includes, a disposition of property other than  
9 money (see s 202).

10 (2) In this section:

11 ***fundraising contribution***—

- 12 (a) means an amount paid by a person as a contribution, entry fee  
13 or other payment to entitle the person or someone else to  
14 participate in or otherwise obtain a benefit from a fundraising  
15 event; and  
16 (b) includes an amount paid for—  
17 (i) a ticket in a raffle; and  
18 (ii) an item at a fundraising auction; and  
19 (iii) a meal or beverage; and  
20 (iv) attending a conference, seminar or similar function.

21 ***fundraising event*** means an event, however described, where any  
22 part of the funds raised are retained by a political party, an MLA, an  
23 associated entity, a candidate, or a third-party campaigner.

24 ***volunteer labour***—

- 25 (a) for a member of a party—a member of a party provides  
26 ***volunteer labour*** to the party if the person provides a service to  
27 the party for no consideration or for inadequate consideration;  
28 or

1 (b) in any other case—a person provides *volunteer labour* to  
2 someone else (the *recipient*) if the person provides a service to  
3 the recipient for no consideration or for inadequate  
4 consideration, other than a service for which the person usually  
5 charges a fee.

6 **16 Section 200**

7 *substitute*

8 **200 Activities of candidates and prospective candidates**

9 For this part, gifts received, expenditure incurred, and amounts  
10 received, paid or owed, by or on behalf of a party candidate or  
11 prospective candidate for a party in relation to the candidate's or  
12 prospective candidate's campaign, the party or an election, are taken  
13 to be received, incurred, paid or owed by the party.

14 **17 Disclosure periods**  
15 **Section 201 (2) (c)**

16 *omit*

17 for a person to whom, or body to which, section 220 or 221 applies

18 *substitute*

19 for a third-party campaigner to which section 220 applies

**18 New section 202A**

*in division 14.1, insert*

**202A When person or entity incurs electoral expenditure—pt 14**

For this part, a person or entity *incurs* electoral expenditure when the service or product to which the expenditure relates is provided or delivered.

**Examples**

- 1 Electoral expenditure on an electoral advertisement is incurred when the advertisement is broadcast.
- 2 Electoral expenditure on electoral matter is incurred when the matter is distributed.
- 3 Electoral expenditure on an electoral matter published on a website is incurred when the matter is first published on the website.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**19 New divisions 14.2A to 14.2C**

*insert*

**Division 14.2A ACT election accounts****205A Financial representatives to keep ACT election accounts**

- (1) This section applies to the following entities:
  - (a) a party grouping;
  - (b) a non-party MLA;
  - (c) a non-party candidate grouping;
  - (d) a non-party prospective candidate grouping;
  - (e) an associated entity;
  - (f) a third-party campaigner.

1 (2) The financial representative of the entity must keep an account  
2 (an *ACT election account*) for the entity with a financial institution.

3 Maximum penalty: 100 penalty units.

4 (3) The financial representative must as soon as practicable after  
5 establishing the ACT election account give the commissioner the  
6 following details about the account:

7 (a) the financial institution;

8 (b) the account number;

9 (c) the account name.

10 Maximum penalty: 20 penalty units.

11 *Note* If a form is approved under s 340A for this provision, the form must be  
12 used.

13 (4) The financial representative must give the commissioner any change  
14 to the details mentioned in subsection (3) as soon as practicable after  
15 the change happens.

16 Maximum penalty: 20 penalty units.

17 *Note* If a form is approved under s 340A for this provision, the form must be  
18 used.

19 **205B Offence—loans to be repaid from ACT election accounts**

20 (1) A person commits an offence if—

21 (a) the person is the financial representative of 1 of the following  
22 entities:

23 (i) a party grouping;

24 (ii) a non-party MLA;

25 (iii) a non-party candidate grouping;

26 (iv) a non-party prospective candidate grouping;



- 1 (v) an associated entity;
- 2 (vi) a third-party campaigner; and
- 3 (b) the entity receives a loan of money; and
- 4 (c) the money is deposited in the ACT election account for the
- 5 entity; and
- 6 (d) the loan is repaid other than from the ACT election account.
- 7 Maximum penalty: 100 penalty units.
- 8 (2) It is a defence to a prosecution for an offence against this section if
- 9 the defendant proves that the defendant took reasonable steps to
- 10 ensure that the loan was repaid from the ACT election account.

11 *Note* The defendant has a legal burden in relation to the matters mentioned in

12 s (2) (see Criminal Code, s 59).

13 **205C Financial representative to ensure electoral expenditure**

14 **paid from ACT election account**

- 15 (1) A person commits an offence if—
- 16 (a) the person is the financial representative of 1 of the following
- 17 entities:
- 18 (i) a party grouping;
- 19 (ii) a non-party MLA;
- 20 (iii) a non-party candidate grouping;
- 21 (iv) a non-party prospective candidate grouping;
- 22 (v) an associated entity;
- 23 (vi) a third-party campaigner; and
- 24 (b) the entity pays an amount for electoral expenditure in relation
- 25 to an election; and

1 (c) the amount is not paid from the ACT election account for the  
2 entity.

3 Maximum penalty—100 penalty units.

4 (2) It is a defence to a prosecution for an offence against this section if  
5 the defendant proves that the defendant took reasonable steps to  
6 ensure that the amount was paid from the ACT election account.

7 *Note* The defendant has a legal burden in relation to the matters mentioned in  
8 s (2) (see Criminal Code, s 59).

## 9 **Division 14.2B Limitations on electoral expenditure**

### 10 **205D Meaning of *expenditure cap*—div 14.2B**

11 For this division, the *expenditure cap* is—

12 (a) for an election held in 2012—\$60 000; or

13 (b) for an election held in a later year—the amount declared under  
14 section 205E for the year.

### 15 **205E Working out indexation for expenditure cap**

16 (1) The commissioner must, not later than 1 December in a year,  
17 declare an amount for section 205D for the following year.

18 (2) The amount must be worked out as follows:

$$EC + (EC \times \text{CPI percentage increase})$$

19 *CPI percentage increase*, for a year, means the annual percentage  
20 increase in the CPI from the September quarter of the previous year  
21 to the September quarter of the year the calculation is made.

22 *EC* means the expenditure cap for the year the calculation is made.

23 (3) If the calculation in subsection (2) results in a reduction of the  
24 expenditure cap, the amount declared must be the same amount as  
25 the expenditure cap in the previous year.

1 (4) If the calculation in subsection (2) results in an expenditure cap that  
2 is not a multiple of \$5, the amount declared must be rounded up to  
3 the next whole dollar amount that is a multiple of 5.

4 (5) A declaration is a notifiable instrument.

5 *Note* A notifiable instrument must be notified under the Legislation Act.

6 (6) In this section:

*CPI* means the all groups consumer price index number, being the weighted average of the 8 capital cities, published by the Australian statistician.

7 **205F Offence—exceeding expenditure cap**

8 (1) The financial representative of a party grouping commits an offence  
9 if—

10 (a) the party grouping incurs electoral expenditure in relation to an  
11 election in the capped expenditure period for the election; and

12 (b) the total amount of the expenditure is more than the  
13 expenditure cap for the election multiplied by the sum of—

14 (i) for each 5-member electorate—the lesser of—

15 (A) 5; and

16 (B) the number of candidates for the party for election  
17 in the electorate; and

18 (ii) for the 7-member electorate—the lesser of—

19 (A) 7; and

20 (B) the number of candidates for the party for election  
21 in the electorate.

22 **Maximum penalty:** 100 penalty units.

23 *Note* The fault element of recklessness can be satisfied by proof of intention,  
24 knowledge or recklessness (see Criminal Code, s 20 (4)).

- 1           (2) A non-party MLA commits an offence if—
- 2               (a) the MLA or an associated entity of the MLA incurs electoral
- 3               expenditure in relation to an election in the capped expenditure
- 4               period for the election; and
- 5               (b) the total amount of the expenditure incurred by the MLA and
- 6               the associated entity is more than the expenditure cap for the
- 7               election.
- 8               Maximum penalty: 100 penalty units.
- 9           (3) The financial representative of a non-party candidate grouping
- 10           commits an offence if—
- 11               (a) the non-party candidate grouping incurs electoral expenditure
- 12               in relation to an election in the capped expenditure period for
- 13               the election; and
- 14               (b) the total amount of the expenditure is more than the
- 15               expenditure cap for the election.
- 16               Maximum penalty: 100 penalty units.
- 17           (4) The financial representative of a third-party campaigner commits an
- 18           offence if—
- 19               (a) the third-party campaigner incurs electoral expenditure in
- 20               relation to an election in the capped expenditure period for the
- 21               election; and
- 22               (b) the total amount of the expenditure is more than the
- 23               expenditure cap for the election.
- 24               Maximum penalty: 100 penalty units.
- 25           *Note*     The Criminal Code, pt 2.4 (Extensions of criminal responsibility)
- 26               extends criminal responsibility for offences to include situations where
- 27               people act jointly, by proxy or with complicity and common purpose.

---

1     **Division 14.2C            Limitations on gifts and other**  
2                                    **payments**

3     **205G            Limit on gifts received**

- 4            (1) This section applies to gifts made to any of the following  
5                (a *receiver*):
- 6                (a) a party grouping;
  - 7                (b) a non-party MLA and an associated entity of the MLA;
  - 8                (c) a non-party candidate grouping;
  - 9                (d) a non-party prospective candidate grouping;
  - 10               (e) a third-party campaigner.
- 11           (2) A receiver must not deposit in an ACT election account 1 or more  
12               gifts from a person in a financial year that total more than \$10 000.
- 13           (3) If a receiver contravenes subsection (2), an amount equal to twice  
14               the amount by which the gift or gifts exceed \$10 000 is payable to  
15               the Territory.
- 16           (4) However—
- 17               (a) if the receiver returns the amount by which the gift or gifts  
18                   exceed \$10 000 within 30 days after the amount is received—  
19                   no amount is payable to the Territory; or
  - 20               (b) if the receiver takes all reasonable steps to return the amount  
21                   by which the gift or gifts exceed \$10 000 but is unable to  
22                   return the amount because the donor cannot be identified or  
23                   found—the amount by which the gift or gifts exceed \$10 000 is  
24                   payable to the Territory.
- 25           (5) The commissioner may recover an amount payable under  
26               subsection (3) or subsection (4) (b) from—
- 27               (a) if the receiver is a party grouping—the party; or

- 1 (b) if the receiver is a non-party MLA or associated entity of the  
2 MLA—the non-party MLA; or
- 3 (c) if the receiver is a non-party candidate grouping—the  
4 non-party candidate; or
- 5 (d) if the receiver is a non-party prospective candidate grouping—  
6 the non-party prospective candidate; or
- 7 (e) if the receiver is a third-party campaigner—the third-party  
8 campaigner.
- 9 (6) This section does not apply to a gift made to a prospective candidate  
10 for an election if the prospective candidate is not later declared as a  
11 candidate for the election under section 109.
- 12 (7) However, if a non-party prospective candidate is declared as a  
13 non-party candidate for the election, any gift received by the  
14 non-party prospective candidate's non-party prospective candidate  
15 grouping in a financial year is taken to be received by the non-party  
16 candidate's non-party candidate grouping in the financial year.

17 **205H Offence—give indirect gift to avoid statutory limit**

- 18 (1) A person commits an offence if—
- 19 (a) the person gives another person or entity (the *donor*) an  
20 amount or thing (a *donation*); and
- 21 (b) the person directs or requests the donor to give all or part of the  
22 donation to a party, MLA, candidate, or an associated entity of  
23 a party or MLA, in the financial year as a gift; and
- 24 (c) the gift, together with any gift given by the person to the party,  
25 MLA, candidate or associated entity in the financial year is  
26 more than \$10 000.

27 Maximum penalty: 100 penalty units.

- 28 (2) This section does not apply to a gift that is returned to the donor  
29 within 30 days after it is received.

---

1   **205I       Limit on payments within parties**

- 2           (1) This section applies to a payment made to a party by a related  
3           political party.
- 4           (2) The party must not pay into the ACT election account for the party  
5           1 or more payments from 1 or more related political parties in a  
6           financial year that total more than \$10 000.
- 7           (3) If the party contravenes subsection (2), an amount equal to twice the  
8           amount by which the payment or payments exceed \$10 000 is  
9           payable to the Territory.
- 10          (4) However, if the party returns the amount by which the payment or  
11          payments exceed \$10 000 within 30 days after the amount is  
12          received, no amount is payable to the Territory.
- 13          (5) This section does not apply to payments made to a party under this  
14          Act, or a corresponding Act of the Commonwealth, a State or  
15          another Territory.

16   **20       Section 207**

17           *substitute*

18   **207       Entitlement to funds**

- 19           (1) The prescribed amount is payable for each eligible vote cast for a  
20           candidate or party in an election.
- 21           (2) The prescribed amount is—
- 22               (a) for an election held in the 6-month period beginning on  
23               1 July 2012—200 cents; and
- 24               (b) for an election held in a subsequent 6-month period—the  
25               prescribed amount for the period worked out under this section.
- 26           (3) The commissioner must work out the prescribed amount for the  
27           6-month period beginning on 1 January 2013 and for each  
28           subsequent 6-month period.

1 (4) The prescribed amount must be worked out as follows:

2 (a) for a 6-month period beginning on 1 January—

$$P \times \frac{INS}{INM}$$

3 (b) for a 6-month period beginning on 1 July—

$$P \times \frac{INM}{INS}$$

4 *INM* means the index number for the previous March quarter.

5 *INS* means the index number for the previous September quarter.

6 *P* means the prescribed amount for the previous 6-month period.

7 (5) The prescribed amount, and each number used to work out the  
8 prescribed amount, must be worked out—

9 (a) if the amount or number, if worked out to 4 decimal places,  
10 would end with a number greater than 4—to 3 decimal places  
11 and increased by 0.001; and

12 (b) in any other case—to 3 decimal places.

13 (6) If the Australian statistician publishes an index number for a quarter  
14 in substitution for an index number previously published for that  
15 quarter, the commissioner must disregard the publication of the later  
16 index number for this section.

17 (7) However, if the Australian statistician changes the reference base  
18 for the consumer price index, then, in applying this section after the  
19 change, the commissioner must have regard only to index numbers  
20 published in terms of the new reference base.



**21 New division 14.3A***insert***Division 14.3A Administrative expenditure funding****215A Period between polling day and declaration of poll**

For this division, a person is taken to have been an MLA between polling day for an election and the declaration of the poll for the election if the person—

- (a) was an MLA whose term ended on the polling day; and
- (b) was declared re-elected on the declaration of the poll.

**215B Eligibility of party for payment for administrative expenditure**

A party is eligible for payment for administrative expenditure for a quarter if, for all or part of the quarter, at least 1 MLA is a member of the party.

**215C Payment to eligible parties for administrative expenditure**

- (1) This section applies if a party is eligible for payment for administrative expenditure for a quarter.
- (2) The commissioner must pay the party the quarterly entitlement of each MLA who was a member of the party in the quarter.
- (3) The quarterly entitlement of an MLA who was a member of the party in the quarter is worked out as follows:

$$A \times \frac{D}{Q}$$

1            *A* means—

2            (a) for a quarter in 2012—\$5 000; or

3            (b) for a quarter in a later year—the quarterly amount for the year  
4            declared under section 215F.

5            *D* means the number of days in the quarter that the MLA was a  
6            member of the party.

7            *Q* means the number of days in the quarter.

8            **215D      Eligibility of non-party MLAs for payment for  
9            administrative expenditure**

10           A non-party MLA is eligible for payment for administrative  
11           expenditure for a quarter if the MLA is an MLA for all or part of the  
12           quarter.

13           **215E      Payment to non-party MLAs for administrative  
14           expenditure**

15           (1) This section applies if a non-party MLA is eligible for payment for  
16           administrative expenditure for a quarter.

17           (2) The commissioner must pay the non-party MLA the MLA's  
18           quarterly entitlement worked out as follows:

$$A \times \frac{D}{Q}$$

19           *A* means—

20           (a) for a quarter in 2012—\$5 000; or

21           (b) for a quarter in a later year—the quarterly amount for the year  
22           declared under section 215F.

23           *D* means the number of days in the quarter that the MLA is a  
24           non-party MLA.

25           *Q* means the number of days in the quarter.

1 **215F Working out indexation for administrative expenditure**

- 2 (1) The commissioner must declare a quarterly amount for a year for—  
 3 (a) section 215C (3), definition of *A*, paragraph (b); and  
 4 (b) section 215E (2), definition of *A*, paragraph (b).  
 5 (2) The quarterly amount is worked out as follows:

$$P \times \frac{INS1}{INS2}$$

6 *INS1* means the index number published for the September quarter  
 7 in the preceding year.

8 *INS2* means the index number published for the September quarter  
 9 in the year immediately before the preceding year.

10 *P* means—

- 11 (a) for 2013—\$5 000; and  
 12 (b) for a later year—the amount worked out under this subsection  
 13 for the preceding year.  
 14 (3) However, if for a particular year the amount under subsection (2) is  
 15 less than *P*, the amount for the year is *P*.  
 16 (4) The quarterly amount, and each number used to work out the  
 17 quarterly amount under subsection (2), must be worked out—  
 18 (a) if the amount or number, if worked out to 3 decimal places,  
 19 would end with a number greater than 4—to 2 decimal places  
 20 and increased by 0.01; or  
 21 (b) in any other case—worked out to 2 decimal places.  
 22 (5) If the Australian statistician publishes an index number for a quarter  
 23 in substitution for an index number previously published for that  
 24 quarter, the commissioner must disregard the publication of the later  
 25 index number for this section.

1 (6) However, if the Australian statistician changes the reference base  
2 for the consumer price index, then, in applying this section after the  
3 change, the commissioner must have regard only to index numbers  
4 published in terms of the new reference base.

5 (7) A declaration is a notifiable instrument.

6 *Note* A notifiable instrument must be notified under the Legislation Act.

7 **22 Division 14.4 heading**

8 *substitute*

9 **Division 14.4 Gifts and certain loans—records and**  
10 **disclosure**

11 **23 New section 215G**

12 *in division 14.4, insert*

13 **215G Application—div 14.4**

14 (1) This division does not apply to a gift that is returned to the giver  
15 within 30 days after its receipt.

16 (2) However, if the gift is returned to the giver within 30 days after its  
17 receipt, any return under this division that includes the amount or  
18 value of the gift must also include a statement that the gift was  
19 returned to the giver.

20 **24 Section 216 heading**

21 *substitute*

22 **216 Definitions—div 14.4**

---

1 **25 Section 216, new definitions**

2 *insert*

3 ***anonymously***—a gift is made ***anonymously*** if the person receiving  
4 the gift does not know the defined details for the gift.

5 ***small anonymous gift*** means a gift made anonymously that is less  
6 than \$1 000.

7 **26 New section 216A**

8 *insert*

9 **216A Records and regular disclosure of gifts**

10 (1) This section applies if 1 of the following (a ***receiver***) receives 1 or  
11 more gifts in the relevant period:

12 (a) a party grouping;

13 (b) a non-party MLA and an associated entity of a non-party  
14 MLA;

15 (c) a non-party candidate grouping;

16 (d) a non-party prospective candidate grouping;

17 (e) an associated entity.

18 *Note* A gift received by or on behalf of a party candidate is taken to be  
19 received by the party (see s 200).

20 (2) The financial representative of the receiver must record the  
21 following information for each gift:

22 (a) the date the gift is received;

23 (b) the amount of the gift;

24 (c) for a gift other than a small anonymous gift—the defined  
25 details for the gift;

- 1 (d) for a small anonymous gift—that the gift is made  
2 anonymously.
- 3 (3) The financial representative of the receiver must give the  
4 commissioner a return containing the information mentioned in  
5 subsection (2) for a gift or gifts—
- 6 (a) if the total amount of the gifts received from 1 person in the  
7 relevant period is \$1 000 or more; and
- 8 (b) if the financial representative has given the commissioner a  
9 return under paragraph (a) in relation to a person, and the  
10 person makes additional gifts in the relevant period—if the  
11 total amount of the additional gifts received from the person in  
12 the relevant period is \$1 000 or more.
- 13 *Note 1* If a form is approved under s 340A for this provision, the form must be  
14 used.
- 15 *Note 2* For how a return may be given, see the Legislation Act, pt 19.5.
- 16 (4) The financial representative must give the return, in writing, to the  
17 commissioner not later than—
- 18 (a) if the total amount of the gifts received reaches \$1 000 in the  
19 capped expenditure period for an election—7 days after the  
20 day the total amount received from the person reaches \$1 000;  
21 or
- 22 (b) in any other case—30 days after the day the total amount  
23 received from the person reaches \$1 000.
- 24 *Note* The *Electronic Transactions Act 2001*, s 8 provides for the giving of  
25 information by means of an electronic communication in certain  
26 circumstances.

- 1 (5) If the financial representative for a receiver is not required to give a  
2 return to the commissioner under subsection (3), the financial  
3 representative must give a return to the commissioner, not later than  
4 60 days after the end of the relevant period, stating that the receiver  
5 did not receive a total amount of gifts from 1 person in the relevant  
6 period exceeding \$1 000.
- 7 (6) In this section:
- 8 *relevant period* means—
- 9 (a) for a party grouping, non-party MLA or associated entity of a  
10 non-party MLA—a financial year; and
- 11 (b) for a non-party candidate grouping—the for the candidate; and
- 12 (c) for a non-party prospective candidate grouping—the period—
- 13 (i) if the non-party prospective candidate was a candidate at  
14 an election the polling day for which was within 5 years  
15 before polling day for the election at which the candidate  
16 proposes to be a candidate—starting on the 31st day after  
17 the polling day for the last election at which the candidate  
18 was a candidate; and
- 19 (ii) if the non-party prospective candidate was not a  
20 candidate at an election the polling day for which was  
21 within 5 years before polling day for the election at  
22 which the candidate proposes to be a candidate—starting  
23 on the earlier of—
- 24 (A) the day when the non-party prospective candidate  
25 publicly announced that he or she would be a  
26 candidate in an election; and
- 27 (B) the day when the non-party prospective candidate  
28 was nominated as a candidate for an election in  
29 accordance with section 105; and

1 (iii) ending at the end of the 30th day after polling day for the  
2 election.

3 **27 Section 217 heading**

4 *substitute*

5 **217 Disclosure of gifts by non-party candidates**

6 **28 Section 217**

7 *omit*

8 candidate

9 *substitute*

10 non-party candidate

11 **29 Section 217 (1)**

12 *omit*

13 15 weeks

14 *substitute*

15 60 days

16 **30 Certain loans not to be received**  
17 **Section 218A (1)**

18 *after*

19 candidate

20 *insert*

21 , third-party campaigner



- 1    **31    Section 218A (1)**
- 2        *after*
- 3        or more
- 4        *insert*
- 5        for electoral expenditure
  
- 6    **32    Section 218A (3) and (4)**
- 7        *omit*
- 8        relevant person
- 9        *substitute*
- 10       financial representative for the receiver
  
- 11   **33    Section 218A (6), definition of *financial institution***
- 12       *relocate to section 198*
  
- 13   **34    Section 218A (6), definition of *loan***
- 14       *relocate to section 198*
  
- 15   **35    Section 218A (6), definition of *relevant person***
- 16       *omit*

1 **36 Section 220**

2 *substitute*

3 **220 Disclosure of gifts by third-party campaigners**

- 4 (1) This section applies if a third-party campaigner—
- 5 (a) incurs electoral expenditure in the disclosure period for an
- 6 election; and
- 7 (b) receives from a person 1 or more gifts—
- 8 (i) all or part of which is used by the third-party campaigner
- 9 to—
- 10 (A) enable the third-party campaigner to incur electoral
- 11 expenditure in the disclosure period; or
- 12 (B) reimburse the third-party campaigner for incurring
- 13 electoral expenditure in the disclosure period; and
- 14 (ii) the total amount of which is \$1 000 or more.
- 15 (2) Within 60 days after polling day for the election, the third-party
- 16 campaigner must give the commissioner a return for the gift or gifts.

17 *Note 1* If a form is approved under s 340A for this provision, the form must be

18 used.

19 *Note 2* For how a return may be given, see the Legislation Act, pt 19.5.

- 20 (3) The return must state, for each gift—
- 21 (a) the date the gift is received; and
- 22 (b) the amount of the gift; and
- 23 (c) for a gift other than a small anonymous gift—the defined
- 24 details for the gift; and
- 25 (d) for a small anonymous gift—that the gift is made
- 26 anonymously.

- 1 **37 Sections 221 to 221B**
- 2 *omit*
- 3 **38 Anonymous gifts**
- 4 **Section 222**
- 5 *omit*
- 6 candidate
- 7 *substitute*
- 8 non-party candidate
- 9 **39 Section 222 (1)**
- 10 *omit*
- 11 the prescribed amount
- 12 *substitute*
- 13 \$1 000
- 14 **40 New section 222 (2A) and (2B)**
- 15 *substitute*
- 16 (2A) A party, MLA or associated entity of a party or MLA must not
- 17 accept a small anonymous gift in a financial year if acceptance of
- 18 the gift means that the total of small anonymous gifts given to or for
- 19 the benefit of the party, MLA or entity would be more than \$25 000
- 20 in the financial year.
- 21 (2B) A candidate at an election must not accept a small anonymous gift
- 22 during the disclosure period for the election if acceptance of the gift
- 23 means that the total of small anonymous gifts given to or for the
- 24 benefit of the candidate would be more than \$25 000 in the period.

- 1 **41 Section 222 (4)**
- 2 *omit*
- 3 relevant person
- 4 *substitute*
- 5 financial representative of the receiver
- 6 **42 New section 222 (4A)**
- 7 *insert*
- 8 (4A) If the receiver contravenes subsection (2A) or (2B), the financial
- 9 representative of the receiver must pay to the Territory an amount
- 10 equal to the amount by which the small anonymous gifts exceed
- 11 \$25 000.
- 12 **43 Section 222 (5)**
- 13 *omit*
- 14 relevant person
- 15 *substitute*
- 16 financial representative for the receiver
- 17 **44 Section 222 (6)**
- 18 *omit*
- 19 **45 Definitions for div 14.5**
- 20 **Section 223, definition of *broadcaster***
- 21 *omit*
- 22 **46 Section 223, definition of *electoral advertisement***
- 23 *relocate to section 198*

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1 **47 Section 223, definitions of *electoral expenditure* and**  
2 ***relates***

3 *omit*

4 **48 Section 224**

5 *substitute*

6 **224 Returns of electoral expenditure**

- 7 (1) If electoral expenditure in relation to an election is incurred in the  
8 capped expenditure period by a party grouping, the reporting agent  
9 of the party must, within 60 days after polling day for the election,  
10 give the commissioner a return stating details of the expenditure.

11 *Note 1* If a form is approved under s 340A for a return, the form must be used.

12 *Note 2* For how a return may be given, see the Legislation Act, pt 19.5.

- 13 (2) If electoral expenditure in relation to an election is incurred in the  
14 capped expenditure period by a non-party MLA or an associated  
15 entity of the MLA, the non-party MLA must, within 60 days after  
16 polling day for the election, give the commissioner a return stating  
17 details of the expenditure.

- 18 (3) If electoral expenditure in relation to an election is incurred in the  
19 capped expenditure period by a non-party candidate grouping, the  
20 candidate must, within 60 days after polling day for the election,  
21 give the commissioner a return stating details of the expenditure.

- 22 (4) If electoral expenditure in relation to an election is incurred in the  
23 capped expenditure period by a third-party campaigner, the  
24 third-party campaigner must, within 60 days after polling day for the  
25 election, give the commissioner a return stating details of the  
26 expenditure.

- 1 **49** **Annual returns by parties and MLAs**  
2 **Section 230 (1)**
- 3 *omit*  
4 within 16 weeks  
5 *substitute*  
6 not later than 31 July
- 7 **50** **Section 230 (6)**
- 8 *omit everything after*  
9 position as MLA on  
10 *substitute*  
11 electoral expenditure.
- 12 **51** **Section 231B heading**
- 13 *substitute*
- 14 **231B** **Annual returns by associated entities of parties and**  
15 **MLAs**
- 16 **52** **Section 231B (1)**
- 17 *omit*  
18 within 16 weeks  
19 *substitute*  
20 not later than 31 July

1 **53** **Amounts received**  
2 **New section 232 (1) (c)**

3 *insert*

4 (c) for each amount received—

5 (i) the date it was received; and

6 (ii) the amount.

7 **54** **Section 232 (2)**

8 *omit*

9 **55** **New section 232 (3) (c)**

10 *insert*

11 (c) for each amount received—

12 (i) the date it was received; and

13 (ii) the amount.

14 **56** **Section 232 (4) (c)**

15 *substitute*

16 (c) the total of all amounts received by an associated entity from a  
17 particular person or organisation in a financial year for  
18 membership of the entity, if the total is less than \$250;

19 (d) an amount prescribed by regulation.

1 **57 Section 236**

2 *substitute*

3 **236 Offences**

- 4 (1) A person commits an offence if—
- 5 (a) the person is required to give the commissioner a return under
- 6 this part within a stated time; and
- 7 (b) the person fails to give the commissioner the return within the
- 8 time.

9 Maximum penalty:

- 10 (a) for a return required to be given by the reporting agent of a
- 11 party—50 penalty units; and
- 12 (b) for any other return—20 penalty units.
- 13 (2) Subsection (1) does not apply if the person has a reasonable excuse.
- 14 (3) An offence against subsection (1) is a strict liability offence.
- 15 (4) A person commits an offence if—
- 16 (a) the person is required to give the commissioner a return under
- 17 this part; and
- 18 (b) the person gives a return to the commissioner containing
- 19 particulars that are, to the person's knowledge, false or
- 20 misleading in a material particular.

21 Maximum penalty: 50 penalty units, imprisonment for 6 months or

22 both.

- 23 (5) A person (the *informer*) commits an offence if—
- 24 (a) another person is required to give the commissioner a return
- 25 under this part; and



1 (b) the informer gives the other person information relevant to the  
2 return that is, to the informer's knowledge, false or misleading  
3 in a material particular.

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

6 (6) A prosecution in relation to an offence against this section may be  
7 started at any time within 4 years after the offence was committed.

8 **58 Copies of returns to be available for public inspection**  
9 **Section 243 (1)**

10 *omit*

11 Disclosure of donations

12 *substitute*

13 Gifts and certain loans—records and disclosure

14 **59 Section 243 (2)**

15 *omit*

16 (other than a return under section 221A (Annual returns of  
17 donations))

18 **60 Section 243 (2)**

19 *omit*

20 the 25th week after

21 *substitute*

22 February in the year after (or for an extraordinary election, 90 days  
23 after)

1 **61 Section 243 (3)**

2 *omit*

3 section 221A or

4 **62 Section 243 (3)**

5 *omit*

6 February in the next year

7 *substitute*

8 September in the year of the election to which the return relates

9 **63 New section 243A**

10 *in division 14.8, insert*

11 **243A Commissioner must publish information given under**  
12 **s 216A**

13 (1) This section applies if the commissioner is given information under  
14 section 216A (Records and regular disclosure of gifts).

15 (2) The commissioner must as soon as practicable publish the  
16 information in the way the commissioner considers appropriate.

17 **Examples—publishing information**

18 1 on the commission website

19 2 in a newspaper

20 *Note* An example is part of the Act, is not exhaustive and may extend, but  
21 does not limit, the meaning of the provision in which it appears  
22 (see Legislation Act, s 126 and s 132).

1	<b>64</b>	<b>Section 289 heading</b>
2		<i>substitute</i>
3	<b>289</b>	<b>Discrimination on grounds of certain gifts</b>
4	<b>65</b>	<b>Section 289 (1)</b>
5		<i>omit</i>
6		donation
7		<i>substitute</i>
8		gift
9	<b>66</b>	<b>Section 289 (2), new definition of <i>gift</i></b>
10		<i>insert</i>
11		<i>gift</i> —see section 198AA.
12	<b>67</b>	<b>Definitions for div 17.3</b>
13		<b>Section 291, definition of <i>disseminate</i></b>
14		<i>omit</i>
15	<b>68</b>	<b>Section 291, definition of <i>publish</i></b>
16		<i>omit</i>
17	<b>69</b>	<b>Exceptions for dissemination of electoral matter on</b>
18		<b>certain items</b>
19		<b>Section 294 (2), definition of <i>government agency</i></b>
20		<i>relocate to the dictionary</i>

1 **70 New part 31**

2 *insert*

3 **Part 31 Transitional—Electoral**  
4 **Amendment Act 2012**

5 **505 ACT election account**

- 6 (1) Section 205G (Limit on gifts received) does not apply in relation to  
7 gifts received before that section commenced.
- 8 (2) Section 205I (Limit on payments within parties) does not apply in  
9 relation to payments received before that section commenced.

10 **506 Capped expenditure period**

- 11 (1) This section applies to an ordinary election held in 2012.
- 12 (2) The *capped expenditure period* for the ordinary election is the  
13 period starting on 1 July 2012 and ending on polling day for the  
14 election.

15 **507 Annual returns by parties and MLAs**

- 16 (1) This section applies to a return given to the commissioner by the  
17 reporting agent of a party or MLA under section 230 (Annual  
18 returns by parties and MLAs) for the financial year ending on  
19 30 June 2012.
- 20 (2) Division 14.6 (Annual returns) as in force immediately before the  
21 commencement of the *Electoral Amendment Act 2012* applies to the  
22 return.
- 23 (3) However, the return must be given to the commissioner not later  
24 than 31 July 2012.

1     **508       Annual returns by associated entities**

- 2           (1) This section applies to a return given to the commissioner by the  
3           financial controller of an associated entity under section 231B  
4           (Annual returns by associated entities of parties and MLAs) for the  
5           financial year ending on 30 June 2012.
- 6           (2) Division 14.6 (Annual returns) as in force immediately before the  
7           commencement of the *Electoral Amendment Act 2012* applies to the  
8           return.
- 9           (3) However, the return must be given to the commissioner not later  
10          than 31 July 2012.

11     **509       Transitional regulations**

- 12           (1) A regulation may prescribe transitional matters necessary or  
13           convenient to be prescribed because of the enactment of this Act.
- 14           (2) A regulation may modify this part (including in relation to another  
15           territory law) to make provision in relation to anything that, in the  
16           Executive's opinion, is not, or is not adequately or appropriately,  
17           dealt with in this part.
- 18           (3) A regulation under subsection (2) has effect despite anything else in  
19           this Act or another territory law.

20     **510       Expiry—pt 31**

21           This part expires 1 year after the day it commences.

22           *Note*     Transitional provisions are kept in the Act for a limited time.  
23                     A transitional provision is repealed on its expiry but continues to have  
24                     effect after its repeal (see Legislation Act, s 88).

25     **71        Dictionary, note 2**

26           *insert*

- 27                     • person (see s 160)
- 28                     • quarter

1 **72 Dictionary, new definitions**

2 *insert*

3 *ACT election account*—see section 205A.

4 *anonymously*, for division 14.4 (Gifts and certain loans—records  
5 and disclosure)—see section 216.

6 **73 Dictionary, definition of *broadcaster***

7 *substitute*

8 *broadcaster* means—

9 (a) the Australian Broadcasting Corporation continued in existence  
10 under the *Australian Broadcasting Corporation Act 1983*  
11 (Cwlth), section 5; or

12 (b) the Special Broadcasting Service Corporation continued in  
13 existence under the *Special Broadcasting Service Act 1991*  
14 (Cwlth), section 5; or

15 (c) the holder of a licence under the *Broadcasting Services*  
16 *Act 1992* (Cwlth); or

17 (d) the provider of a broadcasting service under a class licence  
18 under that Act.

19 **74 Dictionary, new definitions**

20 *insert*

21 *called*, for an extraordinary election, for part 14 (Election funding,  
22 expenditure and financial disclosure)—see section 198.

23 *capped expenditure period*, for part 14 (Election funding,  
24 expenditure and financial disclosure)—see section 198.

1 **75 Dictionary, definition of *defined details***

2 *omit*

3 Disclosure of donations

4 *substitute*

5 Gifts and certain loans—records and disclosure

6 **76 Dictionary, definition of *disposition of property***

7 *omit*

8 **77 Dictionary, definition of *disseminate***

9 *substitute*

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

13 **78 Dictionary, definitions of *electoral advertisement* and**  
14 ***electoral expenditure***

15 *substitute*

16 *electoral advertisement*, for part 14 (Election funding, expenditure  
17 and financial disclosure)—see section 198.

18 *electoral expenditure*, in relation to an election, for part 14  
19 (Election funding, expenditure and financial disclosure)—see  
20 section 198.

1 **79 Dictionary, new definitions**

2 *insert*

3 *expenditure cap*, for division 14.2B (Limitations on electoral  
4 expenditure)—see section 205D.

5 *financial institution*, for part 14 (Election funding, expenditure and  
6 financial disclosure)—see section 198.

7 *financial representative*, for part 14 (Election funding, expenditure  
8 and financial disclosure)—see section 198.

9 **80 Dictionary, definition of gift**

10 *substitute*

11 *gift*, for part 14 (Election funding, expenditure and financial  
12 disclosure)—see section 198AA.

13 **81 Dictionary, new definitions**

14 *insert*

15 *incurs*, electoral expenditure, for part 14 (Election funding,  
16 expenditure and financial disclosure)—see section 202A.

17 *index number*, for part 14 (Election funding, expenditure and  
18 financial disclosure)—see section 198.

19 *loan*, for part 14 (Election funding, expenditure and financial  
20 disclosure)—see section 198.

21 **82 Dictionary, definition of MLA**

22 *substitute*

23 *MLA*—

24 (a) means a member of the Assembly; and

25 (b) in division 14.3A (Administrative expenditure funding)—see  
26 section 215A.



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- 1 **83 Dictionary, new definitions**
- 2 *insert*
- 3 *non-party candidate grouping*, for part 14 (Election funding,  
4 expenditure and financial disclosure)—see section 198.
- 5 *non-party MLA*, for part 14 (Election funding, expenditure and  
6 financial disclosure)—see section 198.
- 7 *non-party prospective candidate grouping*, for part 14 (Election  
8 funding, expenditure and financial disclosure)—see section 198.
- 9 *party grouping*, for part 14 (Election funding, expenditure and  
10 financial disclosure)—see section 198.
- 11 *person*, for part 14 (Election funding, expenditure and financial  
12 disclosure)—see section 198.
- 13 **84 Dictionary, definition of *property***
- 14 *omit*
- 15 **85 Dictionary, new definition of *prospective candidate***
- 16 *insert*
- 17 *prospective candidate*, for an election, for part 14 (Election funding,  
18 expenditure and financial disclosure)—see section 198.
- 19 **86 Dictionary, definition of *publish***
- 20 *omit*

1 **87 Dictionary, definition of *related***

2 *substitute*

3 *related*—2 political parties are taken to be *related* if—

4 (a) 1 is part of the other; or

5 (b) both are parts of the same political party.

6 **Example**

7 the ACT branch of a political party and the national secretariat of the same  
8 political party

9 *Note* An example is part of the Act, is not exhaustive and may extend, but  
10 does not limit, the meaning of the provision in which it appears (see  
11 Legislation Act, s 126 and s 132).

12 **88 Dictionary, definition of *relates***

13 *omit*

14 **89 Dictionary, new definitions**

15 *insert*

16 *small anonymous gift*, for division 14.4 (Gifts and certain loans—  
17 records and disclosure)—see section 216.

18 *third-party campaigner*, for part 14 (Election funding, expenditure  
19 and financial disclosure)—see section 198.

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1 **90 Further amendments, mentions of *Election funding and***  
2 ***financial disclosure***

3 *omit*

4 Election funding and financial disclosure

5 *substitute*

6 Election funding, expenditure and financial disclosure

7 *in*

- 8 • dictionary, definition of *amount*
- 9 • dictionary, definition of *associated entity*
- 10 • dictionary, definition of *disclosure period*
- 11 • dictionary, definition of *disposition of property*
- 12 • dictionary, definition of *eligible vote*
- 13 • dictionary, definition of *entity*
- 14 • dictionary, definition of *financial controller*
- 15 • dictionary, definition of *gift*
- 16 • dictionary, definition of *party*
- 17 • dictionary, definition of *property*
- 18 • dictionary, definition of *register*
- 19 • dictionary, definition of *registered industrial organisation*
- 20 • dictionary, definition of *reporting agent*

1 **Schedule 1 Consequential amendments**

2 (see s 3)

3 **Part 1.1 Electoral Regulation 1993**

4 **[1.1] Section 6**

5 *omit*

6 **Part 1.2 Referendum (Machinery**  
7 **Provisions) Act 1994**

8 **[1.2] New section 15 (3) (aa)**

9 *insert*

10 (aa) a reference in the Electoral Act, section 198, to the capped  
11 expenditure period for an election is to be taken to be a  
12 reference to the capped expenditure period, in relation to a  
13 referendum, commencing 37 days before the expiration of  
14 polling day for the referendum and ending on the expiration of  
15 30 days after polling day for the referendum; and

16 **[1.3] New section 15 (3) (ba)**

17 *insert*

18 (ba) a reference in the Electoral Act, section 220, to a third-party  
19 campaigner is to be taken to be a reference to a person; and

1 **[1.4] Schedule 1, part 1.3, heading**

2 *substitute*

3 **Part 1.3 Modifications of part 14—**  
4 **election funding, expenditure**  
5 **and financial disclosure**

6 **[1.5] Schedule 1, modifications 1.13 to 1.15**

7 *omit*

8 **[1.6] Schedule 1, modification 1.19**

9 *omit*

10 15 weeks

11 *substitute*

12 60 days

13 **[1.7] Schedule 1, modification 1.32**

14 *omit*

15 donation

16 *substitute*

17 gift

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 23 February 2012.

**2 Notification**

Notified under the Legislation Act on 2012.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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