



Queensland

# **Electoral and Other Legislation Amendment Act 2015**

**Act No. 2 of 2015**





## Queensland

# Electoral and Other Legislation Amendment Act 2015

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Queensland

## **Electoral and Other Legislation Amendment Act 2015**

### **Act No. 2 of 2015**

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**An Act to amend the Electoral Act 1992, the Electoral Regulation 2013, the Local Government Electoral Act 2011 and the Local Government Electoral Regulation 2012 for particular purposes, and to amend the Crime and Corruption Act 2001, the Judges (Pensions and Long Leave) Act 1957 and the Superannuation (State Public Sector) Notice 2010 for particular purposes**

**[Assented to 14 May 2015]**

[s 1]

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**The Parliament of Queensland enacts—**

## **Chapter 1      Preliminary**

### **1      Short title**

This Act may be cited as the *Electoral and Other Legislation Amendment Act 2015*.

## **Chapter 2      Amendment of electoral legislation**

### **Part 1              Amendment of Electoral Act 1992**

#### **2      Act amended**

This part amends the *Electoral Act 1992*.

#### **3      Amendment of s 2 (Definitions)**

- (1) Section 2, definition *proof of identity document*—  
*omit.*
- (2) Section 2—  
*insert—*

*2013–2014 financial year*, for part 11, division 12, subdivision 2, see section 197.



*relevant election*, for part 11, division 12, subdivision 1, see section 297.

*reporting period*, for part 11, see section 197.

*special reporting period*, for part 11, division 7, subdivision 3, see section 266A.

#### **4 Amendment of s 107 (Procedure for voting)**

(1) Section 107(3)—

*omit, insert—*

(3) In the polling booth, the elector must ask the issuing officer for a ballot paper.

(2) Section 107(5)—

*omit, insert—*

(5) The issuing officer must issue a ballot paper to a person if the issuing officer is satisfied the person is entitled to vote at the election for the electoral district.

(3) Section 107(7)—

*omit, insert—*

(7) The issuing officer must comply with section 121 if the issuing officer has asked questions under subsection (6) and suspects a person claiming to be a particular elector is not the elector.

#### **5 Amendment of s 112 (Procedure for pre-poll ordinary voting)**

(1) Section 112(3)—

*omit, insert—*

(3) At the pre-poll voting office, the elector must ask the issuing officer for a ballot paper.

(2) Section 112(5)—

[s 6]

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*omit, insert—*

- (5) The issuing officer must issue a ballot paper to a person if the issuing officer is satisfied the person is entitled to vote at the election for the electoral district.

- (3) Section 112(7)—

*omit, insert—*

- (7) The issuing officer must comply with section 121 if the issuing officer has asked questions under subsection (6) and suspects a person claiming to be a particular elector is not the elector.

## 6 Amendment of s 197 (Definitions)

Section 197—

*insert—*

**2013–2014 financial year**, for division 12, subdivision 2, means the financial year ending on 30 June 2014.

**relevant election**, for division 12, subdivision 1, see section 297.

**reporting period** means—

- (a) the financial year ending on 30 June 2015;  
or  
(b) for a financial year after 30 June 2015—the first 6 months of the financial year or the full financial year.

**special reporting period**, for division 7, subdivision 3, see section 266A.

## 7 Amendment of s 198 (Meaning of *disclosure period*)

Section 198(1)(c), ‘or 264(1)’—

---

*omit, insert—*

, 264(1) or 298(2) or (4)

**8 Amendment of s 200 (Meaning of *fundraising contribution*)**

(1) Section 200(1), ‘fundraising venture’—

*omit, insert—*

fundraising or other venture

(2) Section 200—

*insert—*

(3) An amount mentioned in subsection (1) is a fundraising contribution whether or not the venture or function to which the payment relates raises funds for an entity.

**9 Amendment of s 201 (Meaning of *gift*)**

(1) Section 201(2), ‘Without limiting subsection (1)’—

*omit, insert—*

Also

(2) Section 201(2)—

*insert—*

(c) any part of a fundraising contribution exceeding \$200.

**10 Amendment of s 201A (Meaning of *gift threshold amount*)**

Section 201A, from ‘the dollar’—

*omit, insert—*

\$1000.

[s 11]

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**11 Insertion of new pt 11, div 7, sdiv 1, hdg**

After part 11, division 7, heading—

*insert—*

**Subdivision 1 Preliminary**

**12 Insertion of new pt 11, div 7, sdiv 2, hdg**

After section 260—

*insert—*

**Subdivision 2 Disclosure of gifts generally**

**13 Replacement of ss 261 and 262**

Sections 261 and 262—

*omit, insert—*

**261 Disclosure by candidates of gifts**

- (1) If, during the disclosure period for an election, a candidate in the election receives a gift, other than an exempt gift, equal to or more than the gift threshold amount, the candidate's agent must give the commission a return about the gift.
- (2) The return must—
  - (a) be in the approved form; and
  - (b) state the following—
    - (i) the amount or value of the gift;
    - (ii) the date the gift was made;
    - (iii) the relevant particulars of the entity that made the gift; and

- (c) be given to the commission by the day, not more than 15 weeks after the polling day for the election, prescribed by a regulation.
- (3) Also, the agent of a candidate in an election must, within 15 weeks after the polling day for the election, give the commission a return, in the approved form, stating—
- (a) if the candidate received gifts, other than exempt gifts, during the disclosure period for the election—
    - (i) the total amount or value of all gifts, other than exempt gifts, received by the candidate during the disclosure period; and
    - (ii) the number of entities who made the gifts; or
  - (b) otherwise—that no gifts of a kind required to be disclosed were received.
- (4) For subsection (1), 2 or more gifts made, during the disclosure period for an election, by the same entity to a particular candidate are taken to be 1 gift.
- (5) In this section—
- exempt gift*** means a gift made by an entity in a private capacity to a candidate for an election if—
- (a) the gift is made for the personal use of the candidate; and
  - (b) the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

## **262 Loans to candidates**

- (1) If, during the disclosure period for an election, a candidate in the election receives a loan, other than an exempt loan, with a value equal to or more than the gift threshold amount, the candidate's agent must give the commission a return about the loan.
- (2) The return must—
  - (a) be in the approved form; and
  - (b) state the following—
    - (i) the date on which the loan was made;
    - (ii) the relevant particulars of the entity that made the loan;
    - (iii) the terms and conditions of the loan; and
  - (c) be given to the commission by the day, not more than 15 weeks after the polling day for the election, prescribed by a regulation.
- (3) Also, the agent of a candidate in an election must, within 15 weeks after the polling day for the election, give the commission a return, in the approved form, stating—
  - (a) if the candidate received loans, other than exempt loans, during the disclosure period for the election—
    - (i) the total value of all loans, other than exempt loans, received by the candidate during the disclosure period; and
    - (ii) the number of entities that made the loans; or
  - (b) otherwise—that no loans of a kind required to be disclosed were received.

- 
- (4) For subsection (1), 2 or more loans made, during the disclosure period for an election, by the same entity to a particular candidate are taken to be 1 loan.
  - (5) In this section—  
*exempt loan* means a loan made by a financial institution.

**14 Amendment of s 263 (Disclosure of gifts by third parties that incur expenditure for political purposes)**

- (1) Section 263(1) to (3)—

*omit, insert—*

- (1) This section applies to a third party if, during the disclosure period for an election, the third party incurs expenditure for political purposes equal to or more than the gift threshold amount.
- (2) The third party must give the commission a return stating the relevant details of any gift received by the third party during the disclosure period that—
  - (a) has an amount or value equal to or more than the gift threshold amount; and
  - (b) the third party has used, in whole or part—
    - (i) to enable the third party to incur expenditure for a political purpose; or
    - (ii) to reimburse the third party for incurring expenditure for a political purpose.
- (3) The return must—
  - (a) be in the approved form; and

[s 15]

---

(b) be given to the commission by the day, not more than 15 weeks after the polling day for the election, prescribed by a regulation.

(2) Section 263(6), 'person'—

*omit, insert—*

entity

## 15 Replacement of s 264 (Gifts to candidates etc.)

Section 264—

*omit, insert—*

### **264 Disclosure by third parties of gifts to candidates**

- (1) This section applies to a third party that makes, during the disclosure period for an election, a gift to a candidate in the election.
- (2) The third party must, by the day prescribed by a regulation, give the commission a return, in the approved form, stating the required details of the gift.
- (3) However, subsection (2) applies only if the amount or value of the gift is equal to or more than the gift threshold amount.
- (4) Subsection (5) applies to the third party if—
  - (a) the third party makes, during the disclosure period for the election, more than 1 gift to the candidate; and
  - (b) the total amount or value of the gifts made by the third party to the candidate during the disclosure period is equal to or more than the gift threshold amount; and
  - (c) a return has not been given under subsection (2) for each of the gifts.



- 
- (5) The third party must, by the day prescribed by a regulation, give the commission a return, in the approved form, stating the required details of each gift.
  - (6) For subsections (2) and (5), the day prescribed must be no more than 15 weeks after the polling day for the election to which the return relates.
  - (7) This section applies to a third party even if, at the time the third party made the gift, the third party was outside Queensland.
  - (8) For this section—
    - (a) if a third party makes a gift to an entity with the intention of benefiting a particular candidate, the third party is taken to have made the gift directly to the candidate; and
    - (b) the required details of a gift are—
      - (i) the amount or value of the gift; and
      - (ii) the date on which the gift was made; and
      - (iii) the relevant particulars of the entity that made the gift.
  - (9) As soon as practicable after receiving a gift requiring a return to be given under this section, a candidate must give the third party who gave the gift notice that the third party is required to give a return under this section.

Maximum penalty for subsection (9)—20 penalty units.

## **16 Amendment of s 265 (Gifts to political parties)**

- (1) Section 265(1) to (3)—

*omit, insert—*

[s 16]

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- (1) This section applies to an entity that makes a gift, or made a gift before the commencement, to a registered political party (the *recipient party*) in a reporting period.
- (2) If the amount or value of the gift is equal to or more than the gift threshold amount, the entity must, by the day prescribed by a regulation, give the commission a return, in the approved form, stating—
  - (a) the amount or value of the gift; and
  - (b) the date on which the entity made the gift; and
  - (c) the name and address of the recipient party.
- (3) Subsection (4) applies to the entity if—
  - (a) within the reporting period, the entity makes or made more than 1 gift to the recipient party; and
  - (b) the total amount or value of the gifts made by the entity to the recipient party during the reporting period is equal to or more than the gift threshold amount; and
  - (c) a return has not been given under subsection (2) for each of the gifts.
- (3A) The entity must, by the day prescribed by a regulation, give the commission a return, in the approved form, stating—
  - (a) the amount or value of each gift; and
  - (b) the date on which the entity made each gift; and
  - (c) the name and address of the recipient party.
- (3B) Subsections (2) and (4) apply to an entity even if, at the time the entity made the gifts, the entity was outside Queensland.

- 
- (3C) For subsections (2) and (4), the day prescribed must be no more than 8 weeks after the end of the reporting period in which the gifts were made.
- (2) Section 265(4), ‘subsection (1) applies’—  
*omit, insert*—  
subsections (1) to (4) apply
- (3) Section 265(5), ‘subsection (4)(d)’—  
*omit, insert*—  
subsection (7)(d)
- (4) Section 265(6)(a), after ‘subsection (2)’—  
*insert*—  
or (4)
- (5) Section 265(6)(b), ‘of more’—  
*omit, insert*—  
equal to or more
- (6) Section 265(7), ‘subsection (6)’—  
*omit, insert*—  
subsection (9)
- (7) Section 265(3A) to (8)—  
*renumber* as section 265(4) to (11).
- (8) Section 265—  
*insert*—
- (12) Subsections (13) to (15) apply to a registered political party that receives, or received before the commencement, a gift from an entity in relation to which a return is required under this section.
- (13) If the gift is received after the commencement, the registered political

[s 17]

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party must, as soon as practicable after receiving the gift, give the entity notice that the entity is required to give a return under this section.

Maximum penalty—20 penalty units.

- (14) If the gift was received before the commencement, the registered political party must, within 4 weeks after the commencement—
- (a) give the entity notice that the entity is required to give a return under this section; and
  - (b) give the commission a copy of the notice.

Maximum penalty—20 penalty units.

- (15) However, the registered political party does not commit an offence against subsection (14) if—
- (a) the party can not give the entity notice under subsection (14)(a) because the party has not kept records about the gift or the entity that made the gift; and
  - (b) the party's failure to keep the records is not an offence against section 307(2)(b).

**17 Omission of s 266 (Persons taken to have complied with s 265)**

Section 266—

*omit.*

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**18 Insertion of new pt 11, div 7, sdiv 3**

After section 265—

*insert—*

**Subdivision 3 Disclosure of large gifts**

**266 Application of sdiv 3**

- (1) This subdivision applies in relation to gifts made by an entity to a registered political party in a special reporting period.
- (2) However, this subdivision does not apply to gifts made by any of the following—
  - (a) a registered political party;
  - (b) an associated entity;
  - (c) a candidate in an election.
- (3) If an entity (the *first entity*) makes a gift to another entity, including an associated entity of a political party, with the intention of benefiting a particular political party, the first entity is taken for this subdivision to have made the gift directly to the political party.
- (4) For this subdivision, the definition *associated entity* in section 197 applies as if a reference to registered political parties includes a reference to any political parties whether or not registered.

**266A Definition for sdiv 3**

In this subdivision—

*special reporting period* means each of the following periods in any year—

- (a) the period starting on 1 January and ending on 30 June;

[s 18]

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- (b) the period starting on 1 July and ending on 31 December.

### **266B Requirement to disclose large gifts**

- (1) For each special reporting event in the special reporting period, each of the following entities must give the commission a separate return disclosing the gifts—
  - (a) the entity making the gifts;
  - (b) the registered political party to which the gifts are made;
  - (c) if any part of a gift is made to an associated entity of the registered political party—the associated entity.
- (2) The return must—
  - (a) be in the approved form; and
  - (b) state the following for each gift—
    - (i) the amount of the gift;
    - (ii) the date on which the gift was made;
    - (iii) the name and address of the political party that received the gift; and
  - (c) be given to the commission by the day, not more than 14 days after the special reporting event to which the return relates, prescribed by a regulation.
- (3) For this section, there is a *special reporting event* on each occasion the amount of the gifts made by the entity to the registered political party reaches the prescribed amount either—
  - (a) since the start of the special reporting period; or

- (b) since the last occasion the prescribed amount was reached during the special reporting period.

*Example for subsection (3)—*

In a special reporting period starting on 1 January, an entity makes gifts reaching the prescribed amount up to and including 10 January. The first special reporting event happens on 10 January. The entity then makes further gifts reaching the prescribed amount after 10 January and up to and including 4 June. The second special reporting event happens on 4 June.

- (4) Subsection (1) does not require an entity to disclose gifts previously disclosed under the subsection.

*Example for subsection (4)—*

Under subsection (1), an entity gives a return for the first special reporting event disclosing gifts made up to and including 10 January. When the entity gives a return for the second special reporting event, the return need not refer to the gifts made up to and including 10 January.

- (5) The requirement to give a return under subsection (1) is in addition to a requirement to give a return under section 265, 290 or 294.
- (6) However, if an entity gave a return under section 265 for a gift made by the entity—
- (a) the entity is not required to disclose the gift in a return under subsection (1); and
  - (b) the gift is not to be taken into account in deciding whether or not there has been a special reporting event.
- (7) Subsection (1) applies to an entity even if, at the time the entity makes a gift, the entity was outside Queensland or Australia.
- (8) As soon as practicable after receiving a gift requiring a return to be given under this section, a registered political party must give the entity that

[s 18]

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made the gift notice that the entity is required to give a return under this section.

Maximum penalty for subsection (8)—20 penalty units.

- (9) In this section—  
*prescribed amount* means \$100,000.

### **266C Related political parties**

- (1) This section applies if—
- (a) 2 or more political parties are related to each other; and
  - (b) at least 1 of those parties is a registered political party.
- (2) Section 266B applies to the political parties as if—
- (a) those parties together constituted a single registered political party (rather than being separate political parties); and
  - (b) a gift made by an entity to any of those parties were a gift made by the entity to the single registered political party referred to in paragraph (a).

### **266D Associated entities**

If a political party has an associated entity, sections 266B and 266C apply as if—

- (a) the political party and the associated entity together constituted the political party (the *recipient party*); and
- (b) a gift made by an entity to the political party or the associated entity were a gift made by the entity to the recipient party.



**19 Amendment of s 271 (Particular gifts not to be received)**

Section 271(1), after ‘which is’—

*insert*—

equal to or

**20 Amendment of s 272 (Particular loans not to be received)**

Section 272(1) and (2), ‘loan of’—

*omit, insert*—

loan that has a value equal to or

**21 Amendment of pt 11, div 11 (Annual returns by registered political parties and associated entities), hdg**

Part 11, division 11, heading, ‘Annual returns’—

*omit, insert*—

**Returns**

**22 Replacement of s 290 (Annual returns by registered political parties)**

Section 290—

*omit, insert*—

**290 Returns by registered political parties**

- (1) The agent of a registered political party must give the commission a return if, in a reporting period—
  - (a) the party receives, or received before the commencement, a gift from an entity, other than an entity mentioned in section 265(11), and the amount or value of the gift is equal to or more than the gift threshold amount; or

[s 22]

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- (b) the party receives, or received before the commencement, a loan from an entity, other than a financial institution, and the value of the loan is equal to or more than the gift threshold amount.
- (2) The return must—
  - (a) be in the approved form; and
  - (b) for a gift received by the registered political party, state the following—
    - (i) the amount or value of the gift;
    - (ii) the relevant particulars of the entity that gave the gift; and
  - (c) for a loan received by the registered political party, state the information required to be kept under section 272(3); and
  - (d) be given to the commission by the day, not more than 8 weeks after the end of the reporting period in which the gift or loan was received, prescribed by a regulation.
- (3) For subsection (1)—
  - (a) 2 or more gifts made during a reporting period by the same entity to a particular registered political party are taken to be 1 gift; and
  - (b) 2 or more loans made during a reporting period by the same entity to a particular registered political party are taken to be 1 loan.
- (4) Also, the agent of a registered political party must, within 8 weeks after the end of a reporting period, give the commission a return, in the approved form, stating—

- (a) the total amount received by, or for, the party from all entities during the reporting period, including amounts received before the commencement; and
- (b) the total amount paid by, or for, the party to all entities during the reporting period, including amounts paid before the commencement; and
- (c) the total outstanding amount, as at the end of the reporting period, of all debts incurred by, or for, the party to all entities, including debts incurred before the commencement.

*Note—*

Additional information may be required to be included in the return under section 291, 292 or 293.

## **23 Amendment of s 291 (Amounts received)**

- (1) Section 291(1)—

*omit, insert—*

- (1) For a return under section 290(4), if the sum of all amounts received by, or for, the registered political party from a particular entity during a reporting period is equal to or more than the gift threshold amount, the particulars of the sum must be included in the return.

- (2) Section 291(2), ‘equal to or’—

*omit.*

## **24 Insertion of new s 292**

After section 291—

*insert—*

## **292 Amounts paid**

- (1) For a return under section 290(4), if the sum of all amounts paid by, or for, the registered political party to a particular entity during a reporting period is equal to or more than the gift threshold amount, the particulars of the sum must be included in the return.
- (2) In calculating the sum, the following amounts need not be counted—
  - (a) an amount less than the gift threshold amount;
  - (b) an amount paid under a contract of employment or an award stating terms and conditions of employment.
- (3) The particulars of the sum required to be given under subsection (1) are—
  - (a) the amount of the sum; and
  - (b) the relevant particulars of the entity to which the sum was paid.

## **25 Replacement of ss 293 and 294**

Sections 293 and 294—

*omit, insert—*

### **293 Outstanding amounts**

For a return under section 290(4), if the sum of all outstanding debts incurred by, or for, the registered political party to a particular entity during a reporting period is equal to or more than the gift threshold amount, the relevant particulars of the entity to which the debts were owed must be included in the return.

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## 294 Returns by associated entities

- (1) An entity's financial controller must give the commission a return if—
  - (a) the entity receives a gift, or received a gift before the commencement, during a reporting period; and
  - (b) the amount or value of the gift is equal to or more than the gift threshold amount; and
  - (c) when the entity received the gift, the entity was an associated entity.
- (2) The return must—
  - (a) be in the approved form; and
  - (b) state the following—
    - (i) the amount or value of the gift;
    - (ii) the relevant particulars of the entity that made the gift; and
  - (c) be given to the commission by the day, not more than 8 weeks after the end of the reporting period in which the gift was received, prescribed by a regulation.
- (3) For subsection (1), 2 or more gifts made during a reporting period by the same entity to another entity (the *second entity*) are taken to be 1 gift if, when each of the gifts was received, the second entity was an associated entity.
- (4) Also, if an entity was an associated entity at any time during a reporting period, including before the commencement, the entity's financial controller must, within 8 weeks after the end of the reporting period, give the commission a return, in the approved form, stating—
  - (a) the total amount received by, or for, the entity from all other entities during the

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reporting period, including amounts received before the commencement; and

- (b) the total amount paid by, or for, the entity to all other entities during the reporting period, including amounts paid before the commencement; and
- (c) if the entity is an associated entity at the end of the reporting period, the total outstanding amount, as at the end of the reporting period, of all debts incurred by or for the entity to all other entities, including debts incurred before the commencement.

*Note—*

Additional information may be required to be included in the return under section 291, 292 or 293.

- (5) Amounts received or paid at a time when the entity was not an associated entity are not to be counted for subsection (4)(a) and (b).
- (6) Sections 291, 292 and 293 apply for a return for a particular associated entity under subsection (4) in the same way they apply for a return for a particular registered political party under section 290(4).

### **294A Amounts paid from capital**

- (1) This section applies if any amount required to be disclosed under section 294(4)(b)—
  - (a) was paid by an associated entity to, or for, 1 or more registered political parties; and
  - (b) was paid out of funds generated from the capital of the associated entity.
- (2) The return under section 294(4) must also state the following details about each person who contributed to the capital at any time—

- 
- (a) the name and address of the person;
  - (b) the total amount of the person's contributions to the capital, up to the end of the reporting period.
- (3) Subsection (2) does not apply to contributions that have been set out in a previous return under section 294(4).

## 26 Insertion of new pt 11, div 12

After section 296—

*insert—*

### **Division 12 Particular disclosure requirements**

#### **Subdivision 1 Disclosure requirements for particular elections**

##### **297 Application of sdiv 1**

This subdivision applies in relation to the following elections (each a *relevant election*)—

- (a) the by-election held on 19 July 2014 for the electoral district of Stafford;
- (b) the general election held on 31 January 2015.

##### **298 Disclosure requirements for relevant elections**

- (1) The agent of each person who was a candidate in a relevant election must give the commission a return under sections 261(3) and 262(3) in relation to the election.

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- (2) Subsection (3) applies to a third party if, during the disclosure period for a relevant election, the third party incurred expenditure for political purposes equal to or more than the gift threshold amount.
- (3) The third party must give the commission a return under section 263 in relation to any gifts received by the third party from a particular entity during the disclosure period for the election—
  - (a) that have a total amount or value equal to or more than the gift threshold amount; and
  - (b) that the third party has used, in whole or part, for the purposes mentioned in section 263(2)(b).
- (4) Subsection (5) applies to a third party if—
  - (a) during the disclosure period for a relevant election, the third party made 1 or more gifts to, or for the purpose of benefiting, a particular candidate in the election; and
  - (b) the total amount or value of the gifts made to, or for the benefit of, the candidate by the third party is equal to or more than the gift threshold amount.
- (5) The third party must give the commission a return under section 264 in relation to the election.
- (6) A return mentioned in subsection (1), (3) or (5) must be given to the commission within 8 weeks after the commencement.
- (7) Subsection (5) applies to a third party even if, at the time the third party made the gift, the third party was outside Queensland.



- (8) This section applies to an agent or third party even if the agent or third party gave a return to the commission in relation to a relevant election under the Act as in force immediately before the commencement.
- (9) To remove any doubt, it is declared that a reference in this section to section 261, 262, 263 or 264 is a reference to the section as in force on the commencement.

### **298A Failure to notify third party of requirement under s 298(5)**

- (1) This section applies to a candidate in a relevant election who, before the commencement, received from a third party a gift in relation to which a return is required under section 298(5).
- (2) The candidate must, within 4 weeks after the commencement—
  - (a) give the third party notice that the third party is required, under section 298(5), to give a return in relation to the gift; and
  - (b) give the commission a copy of the notice.Maximum penalty—20 penalty units.
- (3) However, the candidate does not commit an offence against subsection (2) if—
  - (a) the candidate can not give the third party notice under subsection (2)(a) because the candidate has not kept records about the gift or the entity that made the gift; and

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- (b) the candidate's failure to keep the records is not an offence against section 307(2)(b).

## **Subdivision 2 Disclosure requirements for 2013–2014 financial year**

### **299 Gifts to political parties in 2013–2014 financial year**

- (1) This section applies to an entity, other than an entity mentioned in section 265(11), if—
  - (a) the entity made 1 or more gifts to, or for the purpose of benefiting, a registered political party in the 2013–2014 financial year; and
  - (b) the total amount or value of the gifts made by the entity to, or for the benefit of, the party in the financial year was equal to or more than the gift threshold amount.
- (2) The entity must, within 8 weeks after the commencement, give the commission a return under section 265 for the 2013–2014 financial year.
- (3) This section applies to an entity—
  - (a) even if the entity gave, or was taken to have given, a return for the 2013–2014 financial year under section 265 as in force immediately before the commencement; and
  - (b) even if, at the time the entity made the gifts, the entity was outside Queensland.
- (4) To remove any doubt, it is declared that a reference in subsections (1) and (2) to section

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265 is a reference to the section as in force on the commencement.

### **299A Failure to notify entity of requirement under s 299(2)**

- (1) This section applies to a registered political party that, before the commencement, received from an entity a gift in relation to which a return is required under section 299(2).
- (2) The registered political party must, within 4 weeks after the commencement—
  - (a) give the entity notice that the entity is required, under section 299(2), to give a return in relation to the gift; and
  - (b) give the commission a copy of the notice.

Maximum penalty—20 penalty units.

- (3) However, the registered political party does not commit an offence against subsection (2) if—
  - (a) the party can not give the entity notice under subsection (2)(a) because the party has not kept records about the gift or the entity that made the gift; and
  - (b) the party's failure to keep the records is not an offence against section 307(2)(b).

### **300 Return by registered political parties for 2013–2014 financial year**

- (1) The agent of a registered political party must, within 4 weeks after the commencement, give the

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- commission a return under section 290(4) for the 2013–2014 financial year.
- (2) For subsection (1), division 11 applies as if a reference in the division to a reporting period were a reference to the 2013–2014 financial year.
  - (3) This section applies to an agent even if the agent gave, or was taken to have given, the commission a return for the 2013–2014 financial year under section 290 as in force immediately before the commencement.
  - (4) To remove any doubt, it is declared that a reference in subsection (1) to section 290, and a reference in subsection (2) to division 11, is a reference to the provision as in force on the commencement.

### **301 Return by associated entities for 2013–2014 financial year**

- (1) If an entity was an associated entity at any time during the 2013–2014 financial year, the entity’s financial controller must, within 4 weeks after the commencement, give the commission a return under section 294(4) for the 2013–2014 financial year.
- (2) For subsection (1), division 11 applies as if a reference in the division to a reporting period were a reference to the 2013–2014 financial year.
- (3) This section applies to the financial controller for an entity even if the financial controller gave the commission a return under section 294, as in force immediately before the commencement, for the 2013–2014 financial year.
- (4) To remove any doubt, it is declared that a reference in subsection (1) to section 294, and a reference in subsection (2) to division 11, is a

reference to the provision as in force on the commencement.

### **Subdivision 3 Miscellaneous**

#### **302 References to returns in div 13**

To remove any doubt, it is declared that—

- (a) a reference in division 13 to a return required to be given under division 7 includes a reference to a return required to be given under division 7 because of a requirement in subdivision 1 or section 299; and
- (b) a reference in division 13 to a return required to be given under division 11 includes a reference to a return required to be given under division 11 because of a requirement in section 300 or 301.

#### **303 Failure to keep records relating to returns under this division**

A person does not commit an offence against section 307(2)(b) if, before the commencement, the person failed to keep records relating to a matter that—

- (a) did not have to be disclosed in a return under division 7 or 11, as in force immediately before the commencement; but
- (b) has to be disclosed in a return required under this division.

#### **304 Expiry of div 12**

This division expires on 30 June 2016.

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**27 Amendment of s 307 (Offences)**

Section 307(1), ‘by this’—

*omit, insert—*

under this

**28 Amendment of s 310 (Audit certificates)**

Section 310(1)(c), ‘or 265’—

*omit, insert—*

, 265 or 266B

**29 Insertion of new s 315A**

After section 315—

*insert—*

**315A Electronic lodgement of returns**

- (1) The commission may make procedures about how a return under division 7 or 11 may be lodged electronically.
- (2) The procedures—
  - (a) do not take effect until approved by a regulation; and
  - (b) must be tabled in the Legislative Assembly with the regulation approving the procedures; and
  - (c) must be published on the commission’s website.
- (3) If a return under division 7 or 11 is lodged in accordance with the procedures, the return is taken to have been given to the commission.

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**30 Amendment of s 316 (Publishing of returns)**

(1) Section 316(1)—

*insert—*

(aa) a return under section 266B;

(2) Section 316(1)(aa) to (c)—

*renumber* as section 316(1)(b) to (d).

**31 Amendment of s 317 (Inspection and supply of copies of claims and returns)**

Section 317(4)(b), after ‘section 265’—

*insert—*

or 266B

**32 Omission of s 387 (How things are to be given to commission)**

Section 387—

*omit.*

**33 Insertion of new pt 13, div 8**

Part 13—

*insert—*

**Division 8                      Transitional provisions for  
Electoral and Other  
Legislation Amendment  
Act 2015**

**423 Definition for div 8**

In this division—

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*unamended Act* means this Act as in force before the commencement of the *Electoral and Other Legislation Amendment Act 2015*.

#### **424 Elections held before the commencement**

The unamended Act continues to apply in relation to an election held before the commencement.

*Note—*

However, see also part 11, division 12, subdivision 1.

#### **425 Gifts received before the commencement**

- (1) The unamended Act, section 271 applies in relation to a gift received before the commencement by a political party or a person acting for a political party.
- (2) Subsection (3) applies if—
  - (a) a registered political party or person acting for a registered political party received 1 or more gifts from a particular entity after 20 November 2013 but before the commencement; and
  - (b) the total amount or value of the gifts is equal to or more than the gift threshold amount.
- (3) A return given by the agent of the registered political party under section 290(4) for the financial year in which the gifts were received must include the following details for the gifts—
  - (a) the amount or value of the gifts;
  - (b) the date on which the gifts were made.
- (4) If a return is required, under subsection (3), to include the details mentioned in that subsection, the return is, for section 307(2)(a), incomplete if it does not include the details.



- (5) A person does not commit an offence against section 307(2)(b) if, before the commencement, the person failed to keep a record relating to a gift that—
- (a) under the unamended Act, could be lawfully received; but
  - (b) under section 271(1), could not be lawfully received after the commencement.
- (6) In this section—  
*gift* see section 201.

#### **426 Loans received before the commencement**

- (1) The unamended Act, section 272 applies in relation to a loan received before the commencement by any of the following entities—
- (a) a political party;
  - (b) a person acting for a political party;
  - (c) a candidate for an election;
  - (d) a person acting for a candidate for an election.
- (2) Subsection (3) applies if—
- (a) a person acting for a candidate in a relevant election received, during the disclosure period for the election, a loan from an entity, other than a financial institution; and
  - (b) the value of the loan is equal to or more than the gift threshold amount.
- (3) A return given by the agent of the candidate under section 262 in relation to the election must state for the loan the details mentioned in section 262(2)(b).

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- (4) Subsection (5) applies if—
- (a) a registered political party or person acting for a registered political party received, during a relevant period, a loan from an entity other than a financial institution; and
  - (b) the value of the loan received from the entity is equal to or more than the gift threshold amount.
- (5) A return given by the agent of the registered political party under section 290 in relation to a relevant period must state the following details for the loan—
- (a) the amount of the loan;
  - (b) when the loan was received;
  - (c) the relevant particulars of the entity that made the loan.
- (6) If a return is required under subsection (3) or (5) to include the details referred to or mentioned in that subsection, the return is, for section 307(2)(a), incomplete if it does not include the details.
- (7) A person does not commit an offence against section 307(2)(b) if, before the commencement, the person failed to keep a record relating to a loan that—
- (a) under the unamended Act, could be lawfully received; but
  - (b) under section 272, could not be lawfully received after the commencement.
- (8) In this section—
- disclosure period*, for an election, see section 198.
- loan* see section 197.

*relevant election* see section 297.

*relevant particulars* see section 197.

*relevant period* means—

- (a) the period starting on 21 November 2013 and ending on 30 June 2014; or
- (b) the period starting on 1 July 2014 and ending on the commencement.

## Part 2                      Amendment of Electoral Regulation 2013

### 34      Regulation amended

This part amends the *Electoral Regulation 2013*.

### 35      Omission of pt 2A (Procedure for voting)

Part 2A—

*omit.*

### 36      Insertion of new s 8A

After section 8—

*insert—*

#### **8A    Period for giving returns under the Act, pt 11, div 7**

- (1) For sections 261(2)(c), 262(2)(c), 263(3)(b) and 264(2) and (5) of the Act, the prescribed day is the day 15 weeks after the polling day for the election to which the return relates.

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- (2) For section 265(2) of the Act, the prescribed day is the day 8 weeks after the end of the reporting period in which the gift to which the return relates is made.
- (3) For section 265(4) of the Act, the prescribed day is the day 8 weeks after the end of the reporting period in which the gifts to which the return relates were made.
- (4) For section 266B(2)(c) of the Act, the prescribed day is the day 14 days after the special reporting event to which the return relates.

### **37 Insertion of new s 10**

Part 5—

*insert—*

#### **10 Period for giving returns under the Act, pt 11, div 11**

- (1) For section 290(2)(d) of the Act, the prescribed day is the day 8 weeks after the end of the reporting period in which the gift or loan to which the return relates is received.
- (2) For section 294(2)(c) of the Act, the prescribed day is the day 8 weeks after the end of the reporting period in which the gift to which the return relates is received.

## **Part 3 Amendment of Local Government Electoral Act 2011**

### **38 Act amended**

This part amends the *Local Government Electoral Act 2011*.

**39 Amendment of s 69 (Who must complete a declaration envelope)**

Section 69(2)—

*omit, insert—*

- (2) Also, an elector must complete a declaration envelope for an election if an issuing officer suspects, on reasonable grounds, the elector is not entitled to vote at the election.

**40 Amendment of s 70 (Casting an ordinary vote or pre-poll vote)**

Section 70(3)—

*omit, insert—*

- (3) At the polling booth or pre-polling booth, the elector must give an issuing officer at the booth the elector's full name and address.

**41 Amendment of s 75 (Particular responsibilities of issuing officers when electors cast ordinary or pre-poll votes)**

(1) Section 75(2)(a)—

*omit, insert—*

- (a) the elector gives the issuing officer the elector's full name and address; and

(2) Section 75(4)—

*omit, insert—*

- (4) Subsection (5) applies if, because of the elector's answers to the questions under subsection (3)—
- (a) the issuing officer suspects, on reasonable grounds, the elector is not entitled to vote at the election; or

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(b) the issuing officer is satisfied the elector must complete a declaration envelope.

(3) Section 75(5)(c)—

*omit.*

**42 Amendment of sch (Dictionary)**

Schedule, definition *proof of identity document*—

*omit.*

**Part 4 Amendment of Local Government Electoral Regulation 2012**

**43 Regulation amended**

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

**44 Omission of s 3 (Proof of identity document)**

Section 3—

*omit.*

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## **Chapter 3      Amendments about                          chairman of Crime and                          Corruption Commission**

### **Part 1                      Amendment of Crime and    Corruption Act 2001**

#### **45      Act amended**

This part amends the *Crime and Corruption Act 2001*.

#### **46      Amendment of s 232 (Terms of appointment)**

Section 232—

*insert—*

*Note—*

See subdivision 3 for the chairman's pension entitlements.

#### **47      Insertion of new ch 6, pt 1, div 2, sdiv 3**

Chapter 6, part 1, division 2—

*insert—*

### **Subdivision 3      Chairman's pension    entitlements**

#### **238A Definitions for sdiv 3**

In this subdivision—

*former chairman* means a person who has held office as the chairman.

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*judge* means a Supreme Court judge or District Court judge.

*Judges Pensions Act* means the *Judges (Pensions and Long Leave) Act 1957*.

*prescribed salary* means the total of the following payable to a Supreme Court judge, other than the Chief Justice or President of the Court of Appeal, under the *Judicial Remuneration Act 2007*—

- (a) the annual rate of salary;
- (b) the annual rate of the jurisprudential allowance and expense-of-office allowance.

### **238B Judges pension scheme applies to chairman**

The Judges Pensions Act, other than sections 15 and 15A, applies to a former chairman as if a reference to a judge in that Act included a reference to a former chairman, but with—

- (a) the changes set out in this subdivision; and
- (b) other changes necessary to enable that Act to apply to a former chairman.

### **238C Period for which person holds office as chairman**

For applying the Judges Pensions Act to a former chairman under this subdivision, the following are to be counted as a period for which a person held office as the chairman—

- (a) any period, before the person's appointment as the chairman, that would be counted as service as a judge for the purposes of the Judges Pensions Act;



- (b) any period, before the person's appointment as the chairman, for which the person acted as the chairman.

### **238D Pension at end of appointment generally**

- (1) The Judges Pensions Act, sections 3 and 4 apply to a former chairman—
  - (a) if the former chairman held office as the chairman for at least 5 years; and
  - (b) regardless of the former chairman's age when the former chairman ceased to hold the office.

*Note—*

See, however, section 238F for when a pension becomes payable.

- (2) However, the annual pension to which the former chairman is entitled is an annual pension—
  - (a) at a rate equal to 6% of the prescribed salary for each year for which the former chairman held office as the chairman; but
  - (b) up to a maximum of 60% of the prescribed salary.

### **238E Pension if appointment ends because of ill health**

- (1) The Judges Pensions Act, section 5 applies to a former chairman if—
  - (a) the former chairman resigned the office as the chairman and a medical practitioner, prescribed by a regulation under the Judges Pensions Act, certified to the Minister that the resignation was because of a permanent disability or infirmity; or

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- (b) the former chairman's appointment as chairman was terminated under section 236(1)(a) because of a proved incapacity to perform the duties of office.
- (2) However, the annual pension to which the former chairman is entitled is an annual pension—
  - (a) at a rate equal to 6% of the prescribed salary for each year of the period consisting of—
    - (i) the period for which the former chairman held office as the chairman; and
    - (ii) the period for which the former chairman could have held office as the chairman under the former chairman's terms and conditions of appointment (including under an option to renew the appointment for a further term) if the former chairman had not resigned, or had his or her appointment terminated, as mentioned in subsection (1); but

*Example for paragraph (a)—*

A person is appointed as the chairman for a term of 3 years with an option to renew the appointment for a further term of 2 years. The person resigns from the office after 2½ years because of a permanent disability or infirmity. The annual pension under paragraph (a) is 30% of the prescribed salary, which is worked out by applying a rate of 6% of the prescribed salary for each year of the 5-year period (being the total of the 2½ years the person held office as the chairman and the 2½ years the person could have held the office as the chairman if the person had not resigned because of a permanent disability or infirmity).

- (b) up to a maximum of 60% of the prescribed salary.

- (3) Also, a former chairman is entitled to an annual pension as set out in this section only if the period mentioned in subsection (2)(a) is at least 5 years.

### **238F When chairman's pension becomes payable**

- (1) This section applies if a former chairman is entitled to a pension under the Judges Pensions Act, as applying under this subdivision.
- (2) The pension does not become payable until the former chairman reaches 65 years of age.

### **238G Pension of spouse and children on death of chairman**

- (1) The Judges Pensions Act, sections 7 to 8A apply to a former chairman if the former chairman is entitled to a pension under the Judges Pensions Act, as applying under this subdivision.
- (2) The Judges Pensions Act, sections 7 and 8A apply to a spouse or child of a former chairman who dies before the former chairman reaches 65 years of age in the way the sections apply to a spouse or child of a judge who dies before retirement.
- (3) However, if the spouse or child is entitled to a pension under the Judges Pensions Act, section 7 or 8A, the pension is not payable to the spouse or child until the time when the former chairman would have reached 65 years of age.
- (4) The Judges Pensions Act, sections 8 and 8A apply to a spouse or child of a former chairman who dies after the former chairman reached 65 years of age in the way the sections apply to a spouse or child of a retired judge.

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- (5) In this section—  
*child* includes adopted child.

### **238H What happens if former chairman is removed from office as a judge**

The Judges Pensions Act, section 16 applies to a person who is a former chairman if the person was a judge removed from office as mentioned in the section after the person held office as chairman.

### **238I What happens if former chairman's appointment is terminated under s 236(3)**

This subdivision does not apply to a former chairman if the former chairman's appointment is terminated under section 236(3) unless the Governor in Council decides otherwise.

### **238J Former chairman entitled to other pension**

A pension is not payable, or stops being payable, under the Judges Pensions Act in relation to a former chairman in his or her capacity as a former chairman if a pension is payable under that Act in relation to the former chairman in his or her capacity as—

- (a) a judge; or
- (b) a member of the Land Court, the industrial court, or the industrial commission.

*Note—*

See the Judges Pensions Act, sections 2AB and 2BA for the pension entitlements of persons who have been appointed as the chairman.

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**238K Provision about agreements and court orders under *Family Law Act 1975* (Cwlth)**

- (1) The Judges Pensions Act, part 2, division 2 applies to a former chairman as follows—
  - (a) the reference to a retired judge in section 9 of that Act, definition *entitled former spouse* is taken to be a reference to a former chairman;
  - (b) information allowed to be given under section 10 of that Act includes information about a benefit for a person who holds office as the chairman;
  - (c) section 11 and section 12 of that Act apply whether the person is the chairman or a former chairman at the operative time mentioned in the section;
  - (d) section 13 of that Act applies in relation to a person who is the chairman at the operative time mentioned in the section and dies while holding office as the chairman.
- (2) However, if a person who is the chairman at the operative time mentioned in the Judges Pensions Act, section 13 dies before reaching 65 years of age, the pension payable to the person's entitled former spouse under the section does not become payable until the time when the person would have reached 65 years of age.

**48 Insertion of new ch 8, pt 12**

Chapter 8—

*insert—*

## Part 12                      Electoral and Other Legislation Amendment Act 2015

### 423 Chairman's pension entitlements

- (1) Chapter 6, part 1, division 2, subdivision 3, applies to a person appointed as the chairman after 27 March 2015.
- (2) Section 238C(b) applies to a period for which a person acted as the chairman only if the appointment to act started after 27 March 2015.

### 49      Amendment of sch 2 (Dictionary)

Schedule 2—

*insert—*

*former chairman*, for chapter 6, part 1, division 2, subdivision 3, see section 238A.

*judge*, for chapter 6, part 1, division 2, subdivision 3, see section 238A.

*Judges Pensions Act*, for chapter 6, part 1, division 2, subdivision 3, see section 238A.

*prescribed salary*, for chapter 6, part 1, division 2, subdivision 3, see section 238A.

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

### **50      Act amended**

This part amends the *Judges (Pensions and Long Leave) Act 1957*.

### **51      Amendment of s 2 (Definitions)**

Section 2, ‘the schedule’—

*omit, insert—*

schedule 1

### **52      Insertion of new s 2AB**

After section 2AA—

*insert—*

#### **2AB Length of service if previously CCC chairman**

- (1) This section applies to a person serving as a judge after the commencement, whether the judge was appointed before or after the commencement.
- (2) For this Act, in deciding the length of service as a judge, a period for which the person held office as the CCC chairman after 27 March 2015 is to be counted as service as a judge.
- (3) The period for which the person held office as the CCC chairman after 27 March 2015 includes a period for which the person acted as the CCC chairman that is to be counted as a period for which the person held office as the chairman under the CC Act, section 238C(b).

[s 53]

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*Note—*

See also the CC Act, section 423(2).

### **53 Insertion of new s 2BA**

After section 2B—

*insert—*

#### **2BA Salary of District Court judge if previously CCC chairman**

- (1) This section applies to a District Court judge if—
  - (a) an entitlement to a pension under this Act arises for the judge in his or her capacity as a District Court judge; and
  - (b) when the entitlement arises, an entitlement to a pension under this Act, as applying under the CC Act, chapter 6, part 1, division 2, subdivision 3, exists for the judge in his or her capacity as a former CCC chairman (whether or not that pension has become payable under the CC Act, section 238F).

*Note—*

Under the CC Act, section 238J, a pension payable in relation to a former CCC chairman under this Act, as applying under the CC Act, chapter 6, part 1, division 2, subdivision 3, stops being payable if a pension is payable in relation to the former CCC chairman under this Act in the former CCC chairman's capacity as a judge.

- (2) For the purposes of this Act, the judge's salary is the prescribed salary within the meaning of the CC Act, section 238A.
- (3) In this section—

***former CCC chairman*** means a person who has held office as the CCC chairman.



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**54 Insertion of new s 18AA**

After section 18—

*insert—*

**18AA Retired judge appointed as CCC chairman**

- (1) This section applies if, after retirement, a judge who is entitled to a pension under this Act is appointed as the CCC chairman.
- (2) The judge's pension is not payable while the judge holds office as the CCC chairman unless the judge is 65 years of age or more.
- (3) The *Anti-Discrimination Act 1991* does not apply in relation to this section or acts necessary to ensure compliance with this section.

**55 Amendment of s 18A (Minister is manager for Commonwealth Act)**

Section 18A(3), definition *scheme*—

*insert—*

- (d) the scheme established by this Act as it applies for providing pensions to a CCC chairman, and to a CCC chairman's spouse and children, because of the CC Act, section 238B.

**56 Amendment and numbering of schedule (Dictionary)**

- (1) Schedule—

*insert—*

*CC Act* means the *Crime and Corruption Act 2001*.

*CCC chairman* means the chairman of the Crime and Corruption Commission.

[s 57]

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- (2) Schedule—  
*number* as schedule 1.

## **Part 3**

# **Amendment of Superannuation (State Public Sector) Notice 2010**

### **57 Notice amended**

This part amends the *Superannuation (State Public Sector) Notice 2010*.

### **58 Amendment of s 15 (Excepted persons—Act, s 13(4))**

- (1) Section 15(1)—  
*insert—*  
  - (ga) the chairman of the Crime and Corruption Commission;
- (2) Section 15(1)(ga) to (i)—  
*renumber* as section 15(1)(h) to (j).

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