



Queensland

Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019



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| | 130A Electoral commission must give reminder notice about requirement for return | 202 |

| | | |
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| 244 | Amendment of s 131 (Inability to complete returns) | 203 |
| 245 | Amendment of s 132 (Amendment of returns) | 204 |
| 246 | Insertion of new s 162A | 204 |
| | 162A Knowledge about gift or loan presumed | 204 |
| 247 | Amendment of s 179 (Giving of how-to-vote cards to electoral commission) | 205 |
| 248 | Replacement of s 183 (Offence for group of candidates to advertise or fundraise if particular requirements not complied with) | 205 |
| | 183 Engaging in group campaign activities | 206 |
| 249 | Insertion of new s 195A | 207 |
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| 250 | Amendment of s 196 (Records to be kept) | 208 |
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| Part 6 | Amendment of Right to Information Act 2009 | |
| 256 | Act amended | 219 |
| 257 | Amendment of s 21 (Requirement for publication scheme) | 219 |
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2019

A Bill

for

An Act to amend the *City of Brisbane Act 2010*, the *Local Government Act 2009*, the *Local Government Electoral Act 2011*, the *Referendums Act 1997* and the *Right to Information Act 2009* for particular purposes

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019*. 4
5
6

Clause 2 Commencement 7

The following provisions commence on a day to be fixed by proclamation— 8
9

- (a) part 2, division 3; 10
- (b) part 3, division 3; 11
- (c) part 4, division 3; 12
- (d) part 6. 13

Part 2 Amendment of City of Brisbane Act 2010 14
15

Division 1 Preliminary 16

Clause 3 Act amended 17

This part amends the *City of Brisbane Act 2010*. 18

| | | |
|-------------------|---|----------------------------------|
| Division 2 | Amendments commencing on assent | 1 2 |
| Clause 4 | Amendment of s 92D (Prohibition on election material in caretaker period) | 3 4 |
| | (1) Section 92D(1), after ‘The council’— | 5 |
| | <i>insert—</i> | 6 |
| | or a controlled entity of the council | 7 |
| | (2) Section 92D(2)— | 8 |
| | <i>insert—</i> | 9 |
| | <i>Examples—</i> | 10 |
| | a fact sheet or newsletter that raises the profile of a councillor | 11 12 |
| | (3) Section 92D— | 13 |
| | <i>insert—</i> | 14 |
| | (4) In this section— | 15 |
| | <i>control</i> means the capacity of an entity to dominate decision-making, directly or indirectly, in relation to the financial and operating policies of another entity so as to enable the other entity to operate with the first entity in pursuing the first entity’s objectives. | 16 17 18 19 20 21 |
| | <i>controlled entity</i> , of the council, means an entity subject to the control of either or both of the following— | 22 23 24 |
| | (a) the council; | 25 |
| | (b) another entity subject to the control of the council. | 26 27 |
| Clause 5 | Amendment of s 148 (Obstructing enforcement of this Act or local laws etc.) | 28 29 |
| | Section 148(3), ‘chapter 5,’— | 30 |

omit. 1

| | | |
|-----------------|---|----------------------------|
| Clause 6 | Amendment of s 162 (When a councillor's office becomes vacant) | 2 3 |
| | Section 162(d)— | 4 |
| | <i>omit, insert—</i> | 5 |
| | (d) is absent, without the council's leave, for 2 or more consecutive ordinary meetings of the council over at least 2 months, unless the councillor is absent while the councillor is suspended under section 186B; or | 6 7 8 9 10 |
| Clause 7 | Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters) | 11 12 |
| | Chapter 6, part 2, division 5A— | 13 |
| | <i>omit, insert—</i> | 14 |
| | Division 5A Councillors' conflicts of interest | 15 16 |
| | Subdivision 1 Preliminary | 17 |
| | 177A Purpose of division | 18 |
| | The purpose of this division is to ensure that if a councillor has a personal interest in a matter, the council deals with the matter in an accountable and transparent way that meets community expectations. | 19 20 21 22 23 |
| | 177B When does a person participate in a decision | 24 |
| | In this division, a reference to a councillor or other person participating in a decision includes a | 25 26 |

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| reference to the councillor or other person— | 1 |
| (a) considering, discussing or voting on the decision in a council meeting; and | 2 3 |
| (b) considering or making the decision under— | 4 |
| (i) an Act; or | 5 |
| (ii) a delegation; or | 6 |
| (iii) another authority. | 7 |
| 177C Personal interests in ordinary business matters of council | 8 9 |
| (1) This division does not apply in relation to a conflict of interest in a matter, if the matter— | 10 11 |
| (a) is solely, or relates solely to, the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the council; or | 12 13 14 |
| (b) is solely, or relates solely to, a planning scheme, or amendment of a planning scheme, for Brisbane; or | 15 16 17 |
| (c) is solely, or relates solely to, a resolution required for the adoption of a budget for the council; or | 18 19 20 |
| (d) is solely, or relates solely to— | 21 |
| (i) the remuneration or reimbursement of expenses of councillors or members of a committee of the council; or | 22 23 24 |
| (ii) the provision of superannuation entitlements or public liability, professional indemnity or accident insurance for councillors; or | 25 26 27 28 |
| (iii) a matter of interest to the councillor solely as a candidate for election or appointment as mayor, deputy mayor, | 29 30 31 |

[s 7]

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| councillor or member of a committee of the council. | 1 2 |
| (2) Also, this division does not apply in relation to a councillor’s conflict of interest in a matter relating to a corporation or association that arises solely because of a nomination or appointment of the councillor by the council to be a member of the board of the corporation or association. | 3 4 5 6 7 8 |
| (3) However, if a councillor decides to voluntarily comply with this division in relation to personal interests of the councillor in the matter— | 9 10 11 |
| (a) the personal interests are taken to be a declarable conflict of interest; and | 12 13 |
| (b) this division applies as if eligible councillors had, under section 177O(2), decided the councillor has a declarable conflict of interest in the matter. | 14 15 16 17 |
| <i>Note—</i> | 18 |
| See section 177P for requirements for dealing with a conflict of interest mentioned in this subsection. | 19 20 |
| Subdivision 2 Prescribed conflicts of interest | 21 22 |
| 177D When councillor has <i>prescribed conflict of interest—particular gifts or loans</i> | 23 24 |
| (1) A councillor has a <i>prescribed conflict of interest</i> in a matter if— | 25 26 |
| (a) a gift or loan is given by an entity (the <i>donor</i>) that has an interest in the matter in a circumstance mentioned in subsection (2); and | 27 28 29 30 |
| (b) the gift or loan is given during the relevant term for the councillor; and | 31 32 |

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- (c) all gifts or loans given by the donor during the councillor's relevant term in the same circumstance mentioned in subsection (2) total \$2,000 or more. 1
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- (2) For subsection (1)(a), the circumstances are— 5
- (a) where— 6
- (i) the donor gives the gift or loan to the councillor; and 7
8
- (ii) the gift or loan is required to be the subject of a return under the *Local Government Electoral Act 2011*, part 6; 9
10
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or 12
- (b) where— 13
- (i) the donor gives the gift or loan to a group of candidates or a political party for an election, of which the councillor is a member; and 14
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- (ii) the councillor is a candidate in the election; and 18
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- (iii) the gift or loan is required to be the subject of a return under the *Local Government Electoral Act 2011*, part 6; 20
21
22
or 23
- (c) where the donor gives a gift to the councillor, or a close associate of the councillor, other than in a circumstance mentioned in paragraph (a) or (b). 24
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- (3) For working out the total gifts or loans given to a group of candidates or a political party, the amount of each gift or loan given to the group or political party must first be divided by the number of candidates in the group or political party. 28
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| 177E When councillor has <i>prescribed conflict of interest</i>—sponsored hospitality benefits | 1 2 |
| (1) A councillor has a <i>prescribed conflict of interest</i> in a matter if— | 3 4 |
| (a) a sponsored hospitality benefit is given by an entity (the <i>donor</i>) that has an interest in the matter to— | 5 6 7 |
| (i) the councillor; or | 8 |
| (ii) a close associate of the councillor; and | 9 |
| (b) the sponsored hospitality benefit is given during the relevant term for the councillor; and | 10 11 12 |
| (c) all sponsored hospitality benefits given to the councillor or close associate during the councillor’s relevant term total \$2,000 or more. | 13 14 15 16 |
| (2) In this section— | 17 |
| <i>sponsored hospitality benefit</i> , received by a person, means travel or accommodation undertaken or used by the person, other than travel or accommodation paid for by the State or a local government, if— | 18 19 20 21 22 |
| (a) another entity contributes, whether financially or non-financially, to the cost of the travel or accommodation; and | 23 24 25 |
| (b) the other entity is not the person’s spouse, other family member or friend. | 26 27 |
| 177F When councillor has <i>prescribed conflict of interest</i>—other | 28 29 |
| A councillor has a <i>prescribed conflict of interest</i> in a matter if— | 30 31 |

-
- (a) the matter is or relates to a contract between the council and the councillor, or a close associate of the councillor, for—
 - (i) the supply of goods or services to the council; or
 - (ii) the lease or sale of assets by the council; or
 - (b) the chief executive officer is a close associate of the councillor and the matter is or relates to the appointment, discipline, termination, remuneration or other employment conditions of the chief executive officer; or
 - (c) the matter is or relates to an application made to the council by the councillor, or a close associate of the councillor, if—
 - (i) the application is or was for the grant of a licence, permit, registration, approval or consideration of another matter under a local government related law; and
 - (ii) the councillor, or a close associate of the councillor, has made a written submission to the council about the application before it is or was decided.

177G Who is a *close associate* of a councillor

- (1) A person is a *close associate* of a councillor if the person is any of the following in relation to the councillor—
 - (a) a spouse;
 - (b) a parent, child or sibling;
 - (c) a partner in a partnership;

[s 7]

- (d) an employer, other than a government entity; 1
2
- (e) an entity, other than a government entity, for which the councillor is an executive officer or board member; 3
4
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- (f) an entity in which the councillor or a person mentioned in any of paragraphs (a) to (e) for the councillor has an interest, other than an interest of less than 5% in an entity that is a listed corporation under the Corporations Act, section 9. 6
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- (2) However, a parent, child or sibling is a close associate of the candidate in relation to a matter only if the candidate knows, or ought reasonably to know, about the parent's, child's or sibling's involvement in the matter. 12
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- 177H Councillor must not participate in decisions** 17
- (1) If a councillor has a prescribed conflict of interest in a matter, the councillor must not participate in a decision relating to the matter. 18
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- Maximum penalty—200 penalty units or 2 years imprisonment. 21
22
- (2) However, the councillor does not contravene subsection (1) by participating in a decision under an approval given under section 177S. 23
24
25
- 177I Obligation of councillor with prescribed conflict of interest** 26
27
- (1) This section applies to a councillor if— 28
- (a) the councillor may participate, or is participating, in a decision about a matter; 29
30
and 31

-
- (b) the councillor becomes aware that the councillor has a prescribed conflict of interest in the matter. 1
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- (2) If the councillor first becomes aware the councillor has the prescribed conflict of interest in the matter at a council meeting, the councillor must immediately inform the meeting of the prescribed conflict of interest, including the particulars stated in subsection (4). 4
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- Maximum penalty—200 penalty units or 2 years imprisonment. 10
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- (3) If subsection (2) does not apply, the councillor must— 12
13
- (a) as soon as practicable, give the chief executive officer written notice of the prescribed conflict of interest, including the particulars stated in subsection (4); and 14
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- (b) give notice of the prescribed conflict of interest, including the particulars stated in subsection (4), at— 18
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- (i) the next meeting of the council; or 21
- (ii) if the matter is to be considered and decided at a meeting of a committee of the council—the next meeting of the committee. 22
23
24
25
- Maximum penalty—200 penalty units or 2 years imprisonment. 26
27
- (4) For subsections (2) and (3), the particulars for the prescribed conflict of interest are the following— 28
29
- (a) for a gift, loan or contract—the value of the gift, loan or contract; 30
31
- (b) for an application for which a submission has been made—the matters the subject of the application and submission; 32
33
34

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| (c) the name of any entity, other than the councillor, that has an interest in the matter; | 1 2 |
| (d) the nature of the councillor's relationship with the entity mentioned in paragraph (c); | 3 4 |
| (e) details of the councillor's, and any other entity's, interest in the matter. | 5 6 |
| 177J Dealing with prescribed conflict of interest at a meeting | 7 8 |
| (1) This section applies if a councillor gives a notice at, or informs, a meeting of the councillor's prescribed conflict of interest in a matter. | 9 10 11 |
| (2) The councillor must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on. | 12 13 14 15 |
| Maximum penalty—200 penalty units or 2 years imprisonment. | 16 17 |
| <i>Note—</i> | 18 |
| See also section 177W. | 19 |
| (3) However, the councillor does not contravene subsection (2) by participating in a decision or being present under an approval given under section 177S. | 20 21 22 23 |
| Subdivision 3 Declarable conflicts of interest | 24 25 |
| 177K What is a <i>declarable conflict of interest</i> | 26 |
| Subject to section 177L, a councillor has a <i>declarable conflict of interest</i> in a matter if— | 27 28 |
| (a) the councillor has, or could reasonably be presumed to have, a conflict between the | 29 30 |

| | |
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| councillor's personal interests, or the | 1 |
| personal interests of a related party of the | 2 |
| councillor, and the public interest; and | 3 |
| (b) because of the conflict, the councillor's | 4 |
| participation in a decision about the matter | 5 |
| might lead to a decision that is contrary to | 6 |
| the public interest. | 7 |
| | |
| 177L Interests that are not declarable conflicts of | 8 |
| interest | 9 |
| (1) A councillor does not have a <i>declarable conflict</i> | 10 |
| <i>of interest</i> in a matter if— | 11 |
| (a) the conflict of interest is a prescribed | 12 |
| conflict of interest in the matter; or | 13 |
| (b) the conflict of interest arises solely | 14 |
| because— | 15 |
| (i) the councillor undertakes an | 16 |
| engagement in the capacity of | 17 |
| councillor for a community group, | 18 |
| sporting club or similar organisation, | 19 |
| and is not appointed as an executive | 20 |
| officer of the organisation; or | 21 |
| (ii) the councillor, or a related party of the | 22 |
| councillor, is a member of a | 23 |
| community group, sporting club or | 24 |
| similar organisation, and is not | 25 |
| appointed as an executive officer of the | 26 |
| organisation; or | 27 |
| (iii) the councillor, or a related party of the | 28 |
| councillor, is a member of a political | 29 |
| party; or | 30 |
| (iv) the councillor, or a related party of the | 31 |
| councillor, has an interest in an | 32 |
| educational facility or provider of a | 33 |
| child care service as a student or | 34 |

[s 7]

- former student, or a parent or grandparent of a student, of the facility or service; or 1
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3
- (c) the conflict of interest arises solely because of the religious beliefs of the councillor or a related party of the councillor; or 4
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6
- (d) the councillor, or a related party of the councillor, stands to gain a benefit or suffer a loss because of the conflict of interest that is no greater than the benefit or loss that a significant proportion of persons in Brisbane stand to gain or lose; or 7
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12
- (e) the conflict of interest arises solely because the councillor, or a related party of the councillor, receives gifts, loans or sponsored hospitality benefits from an entity totalling \$500 or less during the councillor's relevant term. 13
14
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18
- (2) In this section— 19
sponsored hospitality benefit see section 177E. 20

177M Who is a *related party* of a councillor 21

A person is a *related party* of a councillor if the person is any of the following in relation to the councillor— 22
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24

- (a) a close associate, other than an entity mentioned in section 177G(1)(f); 25
26
- (b) a parent, child or sibling of the councillor's spouse; 27
28
- (c) a person who has a close personal relationship with the councillor. 29
30

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|--|----|
| 177N Obligation of councillor with declarable conflict of interest | 1 |
| | 2 |
| (1) This section applies to a councillor if— | 3 |
| (a) the councillor may participate, or is participating, in a decision about a matter; | 4 |
| and | 5 |
| (b) the councillor becomes aware that the councillor has a declarable conflict of interest in the matter. | 6 |
| | 7 |
| | 8 |
| | 9 |
| (2) If the councillor first becomes aware the councillor has the declarable conflict of interest at a council meeting, the councillor— | 10 |
| | 11 |
| | 12 |
| (a) must stop participating, and must not further participate, in a decision relating to the matter; and | 13 |
| | 14 |
| | 15 |
| (b) must immediately inform the meeting of the declarable conflict of interest, including the particulars stated in subsection (4). | 16 |
| | 17 |
| | 18 |
| Maximum penalty—100 penalty units or 1 year’s imprisonment. | 19 |
| | 20 |
| (3) If subsection (2) does not apply, the councillor— | 21 |
| (a) must stop participating, and must not further participate, in a decision relating to the matter; and | 22 |
| | 23 |
| | 24 |
| (b) as soon as practicable, give the chief executive officer notice of the councillor’s declarable conflict of interest in the matter, including the particulars stated in subsection (4); and | 25 |
| | 26 |
| | 27 |
| | 28 |
| | 29 |
| (c) give notice of the declarable conflict of interest, including the particulars stated in subsection (4), at— | 30 |
| | 31 |
| | 32 |
| (i) the next meeting of the council; or | 33 |

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- | | | |
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| (ii) | if the matter is to be considered and decided at a meeting of a committee of the council—the next meeting of the committee. | 1 2 3 4 |
| | Maximum penalty—100 penalty units or 1 year’s imprisonment. | 5 6 |
| (4) | For subsections (2) and (3), the particulars for the declarable conflict of interest are the following— | 7 8 |
| (a) | the nature of the declarable conflict of interest; | 9 10 |
| (b) | if the declarable conflict of interest arises because of the councillor’s relationship with a related party— | 11 12 13 |
| (i) | the name of the related party; and | 14 |
| (ii) | the nature of the relationship of the related party to the councillor; and | 15 16 |
| (iii) | the nature of the related party’s interests in the matter; | 17 18 |
| (c) | if the councillor’s or related party’s personal interests arise because of the receipt of a gift or loan from another person— | 19 20 21 |
| (i) | the name of the other person; and | 22 |
| (ii) | the nature of the relationship of the other person to the councillor or related party; and | 23 24 25 |
| (iii) | the nature of the other person’s interests in the matter; and | 26 27 |
| (iv) | the value of the gift or loan, and the date the gift was given or loan was made. | 28 29 30 |
| (5) | A councillor does not contravene subsection (2)(a) or (3)(a) if— | 31 32 |

| | |
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| (a) the councillor has complied with this section; and | 1 2 |
| (b) either— | 3 |
| (i) a decision has been made under section 177P(2)(a)(i) or (b)(i) that the councillor may participate in the decision despite having a declarable conflict of interest in the matter; or | 4 5 6 7 8 |
| (ii) the councillor is participating in the decision under an approval given under section 177S. | 9 10 11 |
| 177O Procedure if meeting informed of councillor’s personal interests | 12 13 |
| (1) This section applies if a council meeting is informed that a councillor has personal interests in a matter by a person other than the councillor. | 14 15 16 |
| (2) The eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter. | 17 18 19 |
| 177P Procedure if councillor has declarable conflict of interest | 20 21 |
| (1) This section applies if a councillor has a declarable conflict of interest in a matter as notified at a meeting under section 177N(2) or (3) or decided by eligible councillors at a meeting under section 177O(2). | 22 23 24 25 26 |
| (2) The eligible councillors must, by resolution, decide— | 27 28 |
| (a) for a matter that would, other than for the councillor’s conflict of interest, have been decided by the councillor under an Act, delegation or other authority, whether the councillor— | 29 30 31 32 33 |

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| (i) | may participate in the decision despite the councillor's conflict of interest; or | 1 2 |
| (ii) | must not participate in the decision, and must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the eligible councillors discuss and vote on the matter; or | 3 4 5 6 7 8 9 |
| (b) | for another matter, whether the councillor— | 10 |
| (i) | may participate in a decision about the matter at the meeting, including by voting on the matter; or | 11 12 13 |
| (ii) | must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the eligible councillors discuss and vote on the matter. | 14 15 16 17 18 19 |
| (3) | The eligible councillors may impose conditions on the councillor under a decision mentioned in subsection (2)(a)(i) or (b)(i). | 20 21 22 |
| | <i>Example—</i> | 23 |
| | The eligible councillors may decide that the councillor may participate in a decision about the matter by discussing it at the meeting under subsection (2)(b)(i), but may impose the condition that the councillor must leave the place at which the meeting is being held while the matter is further discussed and voted on. | 24 25 26 27 28 29 |
| (4) | The councillor must comply with— | 30 |
| (a) | a decision under subsection (2)(a)(ii) or (b)(ii); or | 31 32 |
| (b) | any conditions imposed on a decision under subsection (3). | 33 34 |
| | Maximum penalty—100 penalty units or 1 year's imprisonment. | 35 36 |

Note—

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See also section 177W.

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- (5) However, the councillor does not contravene subsection (4) by participating in a decision or being present under an approval given under section 177S.

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177Q Decisions of eligible councillors

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- (1) A decision by eligible councillors may be made under section 177O or 177P, other than a matter mentioned in section 177R, even if—

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(a) the number of eligible councillors is less than a majority; or

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(b) the eligible councillors do not form a quorum for the meeting.

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- (2) The councillor who is the subject of the decision may remain at the meeting while the decision is made, but can not vote or otherwise participate in the making of the decision, other than by answering a question put to the councillor necessary to assist the eligible councillors to make the decision.

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- (3) If the eligible councillors can not make a decision under section 177O or 177P, the eligible councillors are taken to have decided under section 177P(2)(a)(ii) or (b)(ii) that the councillor must leave, and stay away from, the place where the meeting is being held while the eligible councillors discuss and vote on the matter.

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- (4) A decision about a councillor under section 177O or 177P for a matter applies in relation to the councillor for participating in the decision, and all subsequent decisions, about the matter.

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Subdivision 4 Other matters

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| 177R Procedure if no quorum for deciding a matter because of prescribed conflicts of interest or declarable conflicts of interest | 1 2 3 |
| (1) This section applies in relation to a meeting if— | 4 |
| (a) a matter in which 1 or more councillors have a prescribed conflict of interest or declarable conflict of interest is to be decided at the meeting; and | 5 6 7 8 |
| (b) there is less than a quorum remaining at the meeting after any of the councillors mentioned in paragraph (a) leave, and stay away from, the place where the meeting is being held. | 9 10 11 12 13 |
| (2) The council must— | 14 |
| (a) delegate deciding the matter under section 238, unless the matter can not be delegated under that section; or | 15 16 17 |
| (b) decide, by resolution, to defer the matter to a later meeting. | 18 19 |
| (3) The council must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a prescribed conflict of interest or declarable conflict of interest in the matter. | 20 21 22 23 24 25 |
| (4) A councillor does not contravene section 177H(1), 177J(2), 177N(2)(a) or (3)(a) or 177P(4) by participating in a decision, if the councillor's participation is for the purpose of delegating the matter or deferring the matter to a later meeting under subsection (2). | 26 27 28 29 30 31 |
| 177S Minister's approval for councillor to participate or be present to decide matter | 32 33 |
| (1) The Minister may, by signed notice given to a | 34 |

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| councillor, approve the councillor participating in | 1 |
| deciding a matter in a meeting, including being | 2 |
| present while the matter is discussed and voted | 3 |
| on, if— | 4 |
| (a) the matter could not otherwise be decided at | 5 |
| the meeting because of a circumstance | 6 |
| mentioned in section 177R(1); and | 7 |
| (b) deciding the matter can not be delegated | 8 |
| under section 238. | 9 |
| (2) The Minister may give the approval subject to the | 10 |
| conditions stated in the notice. | 11 |
| | |
| 177T Duty to report another councillor’s | 12 |
| prescribed conflict of interest or declarable | 13 |
| conflict of interest | 14 |
| (1) This section applies if a councillor reasonably | 15 |
| believes or reasonably suspects— | 16 |
| (a) another councillor who has a prescribed | 17 |
| conflict of interest in a matter is | 18 |
| participating in a decision in contravention | 19 |
| of section 177H(1); or | 20 |
| (b) another councillor who has a declarable | 21 |
| conflict of interest in a matter is | 22 |
| participating in a decision in contravention | 23 |
| of section 177N(2)(a) or (3)(a). | 24 |
| (2) The councillor who has the belief or suspicion | 25 |
| must— | 26 |
| (a) if the belief or suspicion arises in a council | 27 |
| meeting—immediately inform the person | 28 |
| who is presiding at the meeting about the | 29 |
| belief or suspicion; or | 30 |
| (b) otherwise—as soon as practicable, inform | 31 |
| the chief executive officer of the belief or | 32 |
| suspicion. | 33 |

- Note—* 1
- Contravention of subsection (2) is misconduct that could 2
result in disciplinary action being taken against the 3
councillor. See sections 178(3)(c) and 183. 4
- (3) The councillor must also inform the person 5
presiding, or the chief executive officer, of the 6
facts and circumstances forming the basis of the 7
belief or suspicion. 8

**177U Obligation of councillor if conflict of interest 9
reported under s 177T 10**

- (1) If, under section 177T, a councillor (the 11
informing councillor) informs the person 12
presiding at a council meeting of a belief or 13
suspicion about another councillor (the *relevant* 14
councillor), the relevant councillor must do 1 of 15
the following— 16
- (a) if the relevant councillor has a prescribed 17
conflict of interest—comply with section 18
177I(2); 19
- (b) if the relevant councillor has a declarable 20
conflict of interest—comply with section 21
177N(2); 22
- (c) if the relevant councillor considers there is 23
no prescribed conflict of interest or 24
declarable conflict of interest—inform the 25
meeting of the relevant councillor’s belief, 26
including reasons for the belief. 27
- (2) If subsection (1)(c) applies— 28
- (a) the informing councillor must inform the 29
meeting about the particulars of the 30
informing councillor’s belief or suspicion; 31
and 32
- (b) the eligible councillors at the meeting must 33
decide whether or not the relevant 34
councillor has a prescribed conflict of 35

| | |
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| interest or declarable conflict of interest in the matter. | 1 2 |
| (3) If the eligible councillors at the meeting decide the relevant councillor has a prescribed conflict of interest in the matter, section 177J is taken to apply to the relevant councillor for the matter. | 3 4 5 6 |
| (4) If the eligible councillors decide the relevant councillor has a declarable conflict of interest in the matter, sections 177N(2) and 177P are taken to apply in relation to the relevant councillor for the matter. | 7 8 9 10 11 |
| 177V Offence to take retaliatory action | 12 |
| A person must not, because a councillor complied with section 177T— | 13 14 |
| (a) prejudice, or threaten to prejudice, the safety or career of the councillor or another person; or | 15 16 17 |
| (b) intimidate or harass, or threaten to intimidate or harass, the councillor or another person; or | 18 19 20 |
| (c) take any action that is, or is likely to be, detrimental to the councillor or another person. | 21 22 23 |
| Maximum penalty—167 penalty units or 2 years imprisonment. | 24 25 |
| 177W Offence for councillor with prescribed conflict of interest or declarable conflict of interest to influence others | 26 27 28 |
| (1) This section applies to a councillor who has a prescribed conflict of interest or declarable conflict of interest in a matter. | 29 30 31 |
| (2) The councillor must not direct, influence, attempt | 32 |

[s 7]

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| to influence, or discuss the matter with, another person who is participating in a decision of the council relating to the matter. | 1 2 3 |
| Maximum penalty—200 penalty units or 2 years imprisonment. | 4 5 |
| (3) A councillor does not contravene subsection (2) solely by participating in a decision relating to the matter, including by voting on the matter, if the participation is— | 6 7 8 9 |
| (a) permitted under a decision mentioned in section 177P(2)(a)(i) or (b)(i); or | 10 11 |
| (b) approved under section 177S. | 12 |
| (4) A councillor does not contravene subsection (2) solely because the councillor gives the chief executive officer the following information in compliance with this division— | 13 14 15 16 |
| (a) factual information about a matter; | 17 |
| (b) information that is required to be given to the council about a matter, including in an application, to enable the council to decide the matter. | 18 19 20 21 |
| 177X Records about prescribed conflicts of interest or declarable conflicts of interest—meetings | 22 23 24 |
| (1) Subsection (2) applies if a councillor gives notice to, or informs, a council meeting that the councillor, or another councillor, has a prescribed conflict of interest or declarable conflict of interest in a matter. | 25 26 27 28 29 |
| (2) The following information must be recorded in the minutes of the meeting— | 30 31 |
| (a) the names of the councillor and any other councillor who may have a conflict of interest; | 32 33 34 |

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| (b) the particulars of the conflict of interest; | 1 |
| (c) if section 177U applies— | 2 |
| (i) the action the councillor takes under section 177U(1); and | 3 4 |
| (ii) any decision made by the eligible councillors under section 177U(2); | 5 6 |
| (d) whether the councillor participated in deciding the matter, or was present for deciding the matter, under an approval under section 177S; | 7 8 9 10 |
| (e) for a matter to which the conflict of interest relates—the name of each eligible councillor who voted on the matter, and how each eligible councillor voted. | 11 12 13 14 |
| (3) Subsection (4) applies if the councillor has a declarable conflict of interest. | 15 16 |
| (4) In addition to the information mentioned in subsection (2), the following information must be recorded in the minutes of the meeting— | 17 18 19 |
| (a) for a decision under section 177O(2)—the name of each eligible councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each eligible councillor voted; | 20 21 22 23 24 |
| (b) for a decision under section 177P— | 25 |
| (i) the decision, and reasons for the decision; and | 26 27 |
| (ii) the name of each eligible councillor who voted on the decision, and how each eligible councillor voted. | 28 29 30 |
| Clause 8 Amendment of s 178 (What this division is about) | 31 |
| Section 178(3)(c), ‘177G(2)’— | 32 |

omit, insert— 1

177T(2) 2

Clause 9 Amendment of s 214 (Decisions under this division are not subject to appeal) 3
4

Section 214, heading, ‘division’— 5

omit, insert— 6

part 7

Clause 10 Omission of s 224 (Types of offences under this Act) 8

Section 224— 9

omit. 10

Clause 11 Replacement of s 226 (Decisions not subject to appeal) 11

Section 226— 12

omit, insert— 13

226 Decisions not subject to appeal 14

(1) This section applies if a provision of this Act declares a decision to be not subject to appeal. 15
16

(2) Unless the Supreme Court decides the decision is affected by jurisdictional error, the decision— 17
18

(a) is final and conclusive; and 19

(b) can not be challenged, appealed against, reviewed, quashed, set aside or called into question in another way, under the *Judicial Review Act 1991* or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and 20
21
22
23
24
25

(c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another 26
27

| | | | |
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| | court, a tribunal or another entity on any ground. | 1 2 | |
| (3) | The <i>Judicial Review Act 1991</i> , part 5 applies to the decision to the extent it is affected by jurisdictional error. | 3 4 5 | |
| (4) | A person who, but for subsection (2), could have made an application under the <i>Judicial Review Act 1991</i> in relation to the decision may apply under part 4 of that Act for a statement of reasons in relation to the decision. | 6 7 8 9 10 | |
| (5) | In this section— <i>decision</i> includes— | 11 12 | |
| | (a) conduct related to making the decision; and | 13 | |
| | (b) a failure to make a decision. | 14 | |
| Clause 12 | Insertion of new ch 8, pt 10 | 15 | |
| | Chapter 8— | 16 | |
| | <i>insert</i> — | 17 | |
| | Part 10 | Transitional provisions for Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019 | 18 19 20 21 22 23 24 |
| | Division 1 | Transitional provisions for new disqualifying offences | 25 26 |

| | |
|--|----|
| 280 Definitions for division | 1 |
| In this division— | 2 |
| <i>amending provision</i> means a provision of the | 3 |
| <i>Local Government Electoral (Implementing Stage</i> | 4 |
| <i>2 of Belcarra) and Other Legislation Amendment</i> | 5 |
| <i>Act 2019</i> , other than section 42, that amends | 6 |
| section 153 or schedule 1. | 7 |
| <i>new disqualifying offence</i> means an offence | 8 |
| that— | 9 |
| (a) is a disqualifying offence after the | 10 |
| commencement of an amending provision; | 11 |
| but | 12 |
| (b) was not a disqualifying offence before the | 13 |
| amending provision commenced. | 14 |
| | |
| 281 New disqualifying offence committed before | 15 |
| commencement | 16 |
| Chapter 6, part 2 applies in relation to a new | 17 |
| disqualifying offence, even if the act or omission | 18 |
| constituting the offence was committed before the | 19 |
| commencement. | 20 |
| | |
| 282 Existing charge for new disqualifying offence | 21 |
| (1) This section applies if a proceeding for a new | 22 |
| disqualifying offence against a councillor had | 23 |
| started before the commencement but has not | 24 |
| ended. | 25 |
| (2) The councillor is automatically suspended as a | 26 |
| councillor on the commencement. | 27 |
| (3) Chapter 6, part 2, division 8 applies in relation to | 28 |
| the councillor as if the councillor was suspended | 29 |
| under section 186B. | 30 |
| (4) Immediately after the commencement, the | 31 |
| councillor must give a written notice about the | 32 |

| | |
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| proceeding for the new disqualifying offence that complies with subsection (5) to each of the following, unless the councillor has a reasonable excuse— | 1 2 3 4 |
| (a) the Minister; | 5 |
| (b) if the councillor is not the mayor—the mayor; | 6 7 |
| (c) the chief executive officer; | 8 |
| Maximum penalty—100 penalty units. | 9 |
| (5) For subsection (4), the notice must state— | 10 |
| (a) the provision of the law to which the proceeding for the new disqualifying offence relates; and | 11 12 13 |
| (b) the day the councillor was charged with the offence. | 14 15 |
| (6) The notice is taken to be a notice mentioned in section 186G(1)(a). | 16 17 |
| (7) The information contained in the notice is taken to be criminal history information for section 186H. | 18 19 |
| 283 Existing conviction for new disqualifying offence | 20 21 |
| (1) This section applies if— | 22 |
| (a) before the commencement, a councillor was convicted of an offence that is a new disqualifying offence; and | 23 24 25 |
| (b) on the commencement, the disqualifying period for the offence would not have ended. | 26 27 |
| (2) The councillor automatically stops being a councillor on the commencement. | 28 29 |
| (3) Immediately after the commencement, the councillor must give a written notice that complies with subsection (4) to each of the | 30 31 32 |

| | |
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| following, unless the councillor has a reasonable excuse— | 1 2 |
| (a) the Minister; | 3 |
| (b) if the councillor is not the mayor—the mayor; | 4 5 |
| (c) the chief executive officer. | 6 |
| Maximum penalty—100 penalty units. | 7 |
| (4) For subsection (3), the notice must state— | 8 |
| (a) the provision of the law against which the councillor was convicted; and | 9 10 |
| (b) the day the councillor was convicted. | 11 |
| (5) Section 153(7) applies in relation to the offence. | 12 |
| (6) The notice is taken to be a notice mentioned in section 186G(1)(a). | 13 14 |
| (7) The information contained in the notice is taken to be criminal history information for section 186H. | 15 16 |
| (8) In this section— | 17 |
| <i>conviction</i> includes a spent conviction. | 18 |
| <i>disqualifying period</i> , for a new disqualifying offence, means the period stated in section 153(1) during which a person convicted of the offence can not be a councillor. | 19 20 21 22 |
| Division 2 | Other transitional 23 |
| | provisions commencing 24 |
| | on assent 25 |
| 284 Proceedings for repealed integrity offence provisions | 26 27 |
| (1) This section applies in relation to an offence against a repealed integrity offence provision | 28 29 |

committed by a person before the
commencement. 1
2

(2) Without limiting the *Acts Interpretation Act 1954*, 3
section 20, a proceeding for the offence may be 4
continued or started, and the person may be 5
convicted of and punished for the offence, as if 6
the *Local Government Electoral (Implementing 7
Stage 2 of Belcarra) and Other Legislation 8
Amendment Act 2019*, section 7 had not 9
commenced. 10

(3) From the commencement, an offence against a 11
repealed integrity offence provision continues, 12
despite the repeal of the provision, to be— 13

(a) an integrity offence for section 153; and 14

(b) a disqualifying offence for chapter 6. 15

(4) In this section— 16

repealed integrity offence provision means the 17
following provisions as in force before the 18
commencement— 19

(a) section 177C(2); 20

(b) section 177E(2) and (5); 21

(c) section 177H; 22

(d) section 177I(2) and (3). 23

**285 Continuation of Minister's approval for 24
councillor to participate or be present to 25
decide matter 26**

(1) This section applies to a notice given by the 27
Minister to a councillor under section 177F, as in 28
force immediately before the commencement, if 29
the notice is in force immediately before the 30
commencement. 31

(2) The notice is taken to be a notice given to the 32
councillor under section 177S. 33

| | | |
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| Clause 13 | Amendment of sch 1 (Serious integrity offences and integrity offences) | 1 2 |
| (1) | Schedule 1, part 2, under heading ‘This Act’, entries for sections 177C(2), 177E(2) or (5), 177H and 177I(2) or (3)— <i>omit.</i> | 3 4 5 |
| (2) | Schedule 1, part 2, under heading ‘This Act’— <i>insert—</i> | 6 7 |
| s 177H | Councillor must not participate in decisions | |
| s 177I(2) or (3) | Obligation of councillor with prescribed conflict of interest | |
| s 177N(2) or (3) | Obligation of councillor with declarable conflict of interest | |
| s 177V | Offence to take retaliatory action | |
| s 177W(2) | Obligation of councillor with prescribed conflict of interest or declarable conflict of interest to influence others | |
| (3) | Schedule 1, part 2, under heading ‘Local Government Electoral Act’— <i>insert—</i> | 8 9 10 |
| 126(8) | Requirement for candidate to operate dedicated account | |
| 127(8) | Requirement for group of candidates to operate dedicated account | |
| 195(1)(b) | Offences about returns | |
| 195(2) | Offences about returns | |
| 195(3) | Offences about returns | |

| | | |
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| Clause 14 | Amendment of sch 2 (Dictionary) | 1 |
| (1) | Schedule 2, definitions <i>conflict of interest</i> , <i>material personal interest</i> , <i>ordinary business matter</i> , <i>perceived conflict of interest</i> and <i>real conflict of interest</i> — | 2 |
| | <i>omit.</i> | 3 |
| (2) | Schedule 2— | 4 |
| | <i>insert</i> — | 5 |
| | <i>close associate</i> , of a councillor, see section 177G. | 6 |
| | <i>council meeting</i> means a meeting of— | 7 |
| | (a) the council; or | 8 |
| | (b) a committee of the council. | 9 |
| | <i>declarable conflict of interest</i> see sections 177K and 177L. | 10 |
| | <i>eligible councillor</i> , for a matter at a meeting, means a councillor at the meeting who does not have a prescribed conflict of interest or declarable conflict of interest in the matter. | 11 |
| | <i>executive officer</i> , of an entity, means— | 12 |
| | (a) if the entity has a board or management committee—each member of the board or committee; or | 13 |
| | (b) each person, by whatever name called, who is concerned, or takes part, in the management of the entity. | 14 |
| | <i>gift</i> includes— | 15 |
| | (a) a gift under the <i>Local Government Electoral Act 2011</i> , section 107; and | 16 |
| | (b) a gift that is required, under a regulation, to be recorded in a register of interests. | 17 |
| | <i>interest</i> means a financial or other interest. | 18 |
| | <i>loan</i> includes— | 19 |

[s 14]

- (a) a loan under the *Local Government Electoral Act 2011*, section 106; and 1
2
- (b) a loan that is required, under a regulation, to 3
be recorded in a register of interests. 4
- prescribed conflict of interest*** see section 177D, 5
177E or 177F. 6
- related party***, of a councillor, see section 177M. 7
- relevant term***, for a councillor, means the 8
councillor's current term of office and— 9
- (a) if the councillor held office for a term (the 10
previous term) ending immediately before 11
the current term—the previous term; or 12
- (b) if paragraph (a) does not apply and the 13
councillor was elected as councillor in the 14
election occurring immediately before the 15
councillor's current term of office started, 16
the period— 17
- (i) starting on the day the councillor 18
announced or otherwise publicly 19
indicated an intention to be a candidate 20
in the election; and 21
- (ii) ending on the day immediately before 22
the councillor's current term of office 23
started. 24
- (3) Schedule 2, definition *investigator*, 'section 195(2)'— 25
omit, insert— 26
section 205(2) 27
- (4) Schedule 2, definition *major policy decision—* 28
insert— 29
- (e) relating to making or preparing an 30
arrangement, list, plan or register in the way 31
provided under a regulation made under this 32
Act that can be used to establish an 33

| | | |
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| | exception to obtaining quotes or tenders | 1 |
| | when entering into a contract; or | 2 |
| (f) | to make, amend or repeal a local law; or | 3 |
| (g) | to make, amend or repeal a local planning instrument under the Planning Act; or | 4 5 |
| (h) | under the Planning Act, chapter 3, part 3, division 2 on a development application that includes a variation request under that Act; or | 6 7 8 9 |
| (i) | under the Planning Act, chapter 3, part 5, division 2, subdivision 2 on a change application under that Act that is a change to a variation approval under that Act. | 10 11 12 13 |
| Division 3 | Amendments commencing by proclamation | 14 15 |
| Subdivision 1 | Amendments relating to councillor complaints and State intervention powers | 16 17 18 |
| Clause 15 | Amendment of s 3 (Purpose of this Act) | 19 |
| | Section 3(2)(f), from ‘its rules’— | 20 |
| | <i>omit, insert—</i> | 21 |
| | the council’s procedures for the conduct of its meetings are observed and enforced. | 22 23 |
| Clause 16 | Amendment of s 5 (Relationship with Local Government Act) | 24 25 |
| | Section 5(3), examples— | 26 |
| | <i>insert—</i> | 27 |

[s 17]

| | | | |
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| | 3 | The Local Government Act, chapter 5, part 1 applies to the council as a local government for the purpose of providing for powers of the State to monitor and evaluate the council and its councillors and to take remedial action, including suspending or dismissing a councillor or dissolving the council. | 1 2 3 4 5 6 |
| | 4 | The Local Government Act, chapter 5A applies to the council as a local government for the purpose of dealing with the conduct of councillors, including at a meeting of the council or its committees, and particular conduct of council employees. | 7 8 9 10 11 |
| | 5 | The Local Government Act, chapter 6, part 7 applies to the council as a local government if an interim administrator is appointed to act in place of its councillors under the Local Government Act, chapter 5, part 1. | 12 13 14 15 16 |
| Clause 17 | | Amendment of s 13 (Who the council is constituted by) | 17 |
| | | Section 13(2)— | 18 |
| | | <i>omit, insert—</i> | 19 |
| | | (2) However— | 20 |
| | | (a) if all of the councillors have been suspended or the council has been dissolved under the Local Government Act, section 123 and an interim administrator is appointed—the council is constituted by the interim administrator; or | 21 22 23 24 25 26 |
| | | (b) if there are no councillors for any other reason and an interim administrator has not been appointed—the council is constituted by its chief executive officer. | 27 28 29 30 |
| Clause 18 | | Amendment of s 25 (Chairperson of the council) | 31 |
| | | Section 25(2), from ‘its rules’— | 32 |
| | | <i>omit, insert—</i> | 33 |
| | | the council’s procedures for the conduct of its | 34 |

| | | |
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| | meetings are observed and enforced. | 1 |
| | <i>Note—</i> | 2 |
| | The chairperson of the council also has powers under the Local Government Act, section 150I in relation to particular conduct of councillors at meetings of the council. | 3 4 5 6 |
| Clause 19 | Omission of ch 5, pt 1 (The council) | 7 |
| | Chapter 5, part 1— | 8 |
| | <i>omit.</i> | 9 |
| Clause 20 | Replacement of ch 5, pt 2, hdg (The public) | 10 |
| | Chapter 5, part 2, heading— | 11 |
| | <i>omit, insert—</i> | 12 |
| | Part 2 | 13 |
| | Monitoring and enforcement powers | 14 |
| Clause 21 | Amendment of s 139 (What this part is about) | 15 |
| | Section 139, after ‘this Act’— | 16 |
| | <i>insert—</i> | 17 |
| | or the Local Government Act, chapter 5A | 18 |
| Clause 22 | Amendment of s 142 (Power to require information or document for department investigation) | 19 20 |
| | Section 142(1)(a)(ii), after ‘this Act’— | 21 |
| | <i>insert—</i> | 22 |
| | , or the Local Government Act, chapter 5A, | 23 |

| | | |
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| Clause 23 | Amendment of s 145 (Power to require information or document for council investigation) | 1 2 |
| | Section 145(1)(a)(ii), after ‘this Act’— | 3 |
| | <i>insert—</i> | 4 |
| | , or the Local Government Act, chapter 5A, | 5 |
| Clause 24 | Amendment of s 146 (Referral to department) | 6 |
| | Section 146(1), after ‘this Act’— | 7 |
| | <i>insert—</i> | 8 |
| | , or the Local Government Act, chapter 5A, | 9 |
| Clause 25 | Amendment of s 150 (Duty to make documents available) | 10 |
| | (1) Section 150, after ‘this Act’— | 11 |
| | <i>insert—</i> | 12 |
| | or the Local Government Act | 13 |
| | (2) Section 150, examples— | 14 |
| | <i>omit, insert—</i> | 15 |
| | <i>Example—</i> | 16 |
| | preventing a councillor from copying a council record under section 172 | 17 18 |
| Clause 26 | Amendment of s 153 (Disqualification for certain offences) | 19 20 |
| | (1) Section 153, heading, after ‘offences’— | 21 |
| | <i>insert—</i> | 22 |
| | or if dismissed | 23 |
| | (2) Section 153(1)— | 24 |
| | <i>insert—</i> | 25 |

| | | |
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| | (e) for the remainder of the term before the next quadrennial elections, if the person has been dismissed. | 1 2 3 |
| (3) | Section 153— <i>insert</i> — | 4 5 |
| | (8) In this section— <i>dismissed</i> means dismissed as a councillor— | 6 7 |
| | (a) under the Local Government Act, section 122; or | 8 9 |
| | (b) because of the dissolution of the council under the Local Government Act, section 123. | 10 11 12 |
| Clause 27 | Insertion of new s 160AA | 13 |
| | After section 160— <i>insert</i> — | 14 15 |
| | 160AA Extension of term of councillors elected at fresh elections | 16 17 |
| | A regulation may declare that the councillors elected at a fresh election are elected for a term ending at the conclusion of the quadrennial elections after the next quadrennial elections. | 18 19 20 21 |
| Clause 28 | Amendment of s 162 (When a councillor's office becomes vacant) | 22 23 |
| | Section 162(d)— <i>omit, insert</i> — | 24 25 |
| | (d) is absent from 2 or more consecutive ordinary meetings of the council over a period of at least 2 months, unless the councillor is absent— | 26 27 28 29 |

| | | |
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| | (i) in compliance with an order made by the conduct tribunal, the council or the chairperson of the council or a committee of the council; or | 1 2 3 4 |
| | (ii) with the council's leave; or | 5 |
| | (iii) while the councillor is suspended under section 186B or the Local Government Act, section 122 or 123; or | 6 7 8 |
| Clause 29 | Amendment of s 170 (Giving directions to council staff) | 9 |
| | Section 170(2)— | 10 |
| | <i>insert</i> — | 11 |
| | <i>Note</i> — | 12 |
| | Contravention of subsection (2) is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor under that Act. See the Local Government Act, sections 150L(1)(c)(v), 150AQ and 150AR. | 13 14 15 16 17 |
| Clause 30 | Amendment of s 171 (Requests for assistance or information) | 18 19 |
| | (1) Section 171(4)(a)— | 20 |
| | <i>omit, insert</i> — | 21 |
| | (a) that is a record of the conduct tribunal; or | 22 |
| | (ab) that was a record of the former conduct review panel; or | 23 24 |
| | (2) Section 171(4)(ab) to (c)— | 25 |
| | <i>renumber</i> as section 171(4)(b) to (d). | 26 |
| | (3) Section 171— | 27 |
| | <i>insert</i> — | 28 |
| | (10) In this section— | 29 |
| | <i>former conduct review panel</i> means the BCC | 30 |

| | | |
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| | councillor conduct review panel under this Act as | 1 |
| | in force before the commencement of the <i>Local</i> | 2 |
| | <i>Government Electoral (Implementing Stage 2 of</i> | 3 |
| | <i>Belcarra) and Other Legislation Amendment Act</i> | 4 |
| | <i>2019</i> , section 34. | 5 |
| Clause 31 | Amendment of s 172 (Inspection of particular records by | 6 |
| | councillors) | 7 |
| | (1) Section 172(3)(a) to (d)— | 8 |
| | <i>omit, insert—</i> | 9 |
| | (a) a record of the conduct tribunal; | 10 |
| | (b) a record of the former conduct review panel; | 11 |
| | (c) a record that would be privileged from | 12 |
| | production in a legal proceeding on the | 13 |
| | ground of legal professional privilege; | 14 |
| | (d) another record if disclosure of the record | 15 |
| | would be contrary to an order of a court or | 16 |
| | tribunal. | 17 |
| | (2) Section 172— | 18 |
| | <i>insert—</i> | 19 |
| | (4) In this section— | 20 |
| | <i>former conduct review panel</i> means the BCC | 21 |
| | councillor conduct review panel under this Act as | 22 |
| | in force before the commencement of the <i>Local</i> | 23 |
| | <i>Government Electoral (Implementing Stage 2 of</i> | 24 |
| | <i>Belcarra) and Other Legislation Amendment Act</i> | 25 |
| | <i>2019</i> , section 34. | 26 |
| Clause 32 | Amendment of s 173 (Use of information by councillors) | 27 |
| | Section 173(3), note— | 28 |
| | <i>omit, insert—</i> | 29 |

| | | |
|------------------|---|----------------------------|
| | <i>Note—</i> | 1 |
| | Contravention of subsection (3) is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor under that Act. See the Local Government Act, sections 150L(1)(c)(v), 150AQ and 150AR. | 2 3 4 5 6 |
| Clause 33 | Amendment of s 177T (Duty to report another councillor’s prescribed conflict of interest or declarable conflict of interest) | 7 8 9 |
| | Section 177T(2), note— | 10 |
| | <i>omit, insert—</i> | 11 |
| | <i>Note—</i> | 12 |
| | Contravention of subsection (2) is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor under that Act. See the Local Government Act, sections 150L(1)(c)(v), 150AQ and 150AR. | 13 14 15 16 17 |
| Clause 34 | Omission of ch 6, pt 2, divs 6 and 7 | 18 |
| | Chapter 6, part 2, divisions 6 and 7— | 19 |
| | <i>omit.</i> | 20 |
| Clause 35 | Omission of ch 6, pt 3 (BCC councillor conduct review panel) | 21 22 |
| | Chapter 6, part 3— | 23 |
| | <i>omit.</i> | 24 |
| Clause 36 | Amendment of s 215 (False or misleading information) | 25 |
| | (1) Section 215(1)(f)— | 26 |
| | <i>omit.</i> | 27 |
| | (2) Section 215(1)(g)— | 28 |
| | <i>renumber</i> as section 215(1)(f). | 29 |

| | | |
|------------------|--|----------------------------|
| Clause 37 | Amendment of s 216 (Administrators who act honestly and without negligence are protected from liability) | 1 2 |
| | (1) Section 216(2)(f)— | 3 |
| | <i>omit.</i> | 4 |
| | (2) Section 216(2)(g)— | 5 |
| | <i>renumber</i> as section 216(2)(f). | 6 |
| | (3) Section 216(6)— | 7 |
| | <i>omit, insert—</i> | 8 |
| | (6) The protection given under this section is in addition to any other protection given under another law or Act, including, for example, the <i>Public Interest Disclosure Act 2010</i> and the <i>Public Service Act 2008</i> . | 9 10 11 12 13 |
| | <i>Note—</i> | 14 |
| | For protection from civil liability in relation to State employees—see the <i>Public Service Act 2008</i> , section 26C. | 15 16 17 |
| Clause 38 | Amendment of s 217 (Who is authorised to sign council documents) | 18 19 |
| | Section 217(2)(b)— | 20 |
| | <i>omit, insert—</i> | 21 |
| | (b) if all of the councillors have been suspended or the council has been dissolved under the Local Government Act, section 123 and an interim administrator is appointed—the interim administrator; or | 22 23 24 25 26 |
| | (c) if there are no councillors for any other reason and an interim administrator has not been appointed—the chief executive officer. | 27 28 29 |

| | | |
|------------------|---|------------------------------------|
| Clause 39 | Amendment of s 233 (Evidence of directions given to council) | 1 |
| | | 2 |
| | Section 233(1)(a), after ‘this Act’— | 3 |
| | <i>insert</i> — | 4 |
| | or the Local Government Act | 5 |
| Clause 40 | Amendment of s 238 (Delegation of council powers) | 6 |
| | (1) Section 238— | 7 |
| | <i>insert</i> — | 8 |
| | (1A) However, the council may only delegate a power to make a decision about a councillor’s conduct under the Local Government Act, section 150AG to— | 9 |
| | | 10 |
| | | 11 |
| | | 12 |
| | (a) the mayor; or | 13 |
| | (b) the Establishment and Coordination Committee; or | 14 |
| | | 15 |
| | (c) a standing committee of the council. | 16 |
| | (2) Section 238(2), ‘However’— | 17 |
| | <i>omit, insert</i> — | 18 |
| | Also | 19 |
| | (3) Section 238(1A) to (3)— | 20 |
| | <i>renumber</i> as section 238(2) to (4). | 21 |
| Clause 41 | Insertion of new ch 8, pt 10, div 3 | 22 |
| | Chapter 8, part 10— | 23 |
| | <i>insert</i> — | 24 |
| | Division 3 | Transitional provisions for |
| | | councillor conduct |
| | | 25 |
| | | 26 |

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|---|----------------------------|
| 286 Definitions for division | 1 |
| In this division— | 2 |
| <i>assessed</i> , in relation to a complaint about the conduct or performance of a councillor, means a preliminary assessment of the complaint was conducted under former section 179. | 3 4 5 6 |
| <i>assessor</i> see the Local Government Act, section 150C. | 7 8 |
| <i>existing complaint</i> means a complaint about the conduct or performance of a councillor made to any of the following entities before the commencement— | 9 10 11 12 |
| (a) the council; | 13 |
| (b) the department’s chief executive; | 14 |
| (c) the chief executive officer. | 15 |
| <i>former</i> , for a provision of this Act, means as in force immediately before the commencement of the section in which the provision is mentioned. | 16 17 18 |
| <i>local government official</i> see the Local Government Act, section 150R(4). | 19 20 |
| | |
| 287 Existing complaints not assessed | 21 |
| (1) This section applies if, immediately before the commencement, an existing complaint about a councillor’s conduct had not been assessed. | 22 23 24 |
| (2) The assessor must deal with the existing complaint under the Local Government Act, chapter 5A as if the existing complaint was made or referred to the assessor under chapter 5A of that Act. | 25 26 27 28 29 |
| (3) An entity holding information relating to the existing complaint must, as soon as practicable after the commencement, give the information to the assessor. | 30 31 32 33 |

| | |
|---|----------------------------|
| (4) This section is subject to section 290. | 1 |
| 288 Existing inappropriate conduct and misconduct complaints | 2 3 |
| (1) This section applies if, immediately before the commencement— | 4 5 |
| (a) an existing complaint about a councillor was assessed to be about inappropriate conduct or misconduct; and | 6 7 8 |
| (b) a final decision dealing with the complaint had not been made. | 9 10 |
| (2) The assessor must deal with the existing complaint under the Local Government Act, chapter 5A as if the existing complaint was made or referred to the assessor under chapter 5A of that Act. | 11 12 13 14 15 |
| (3) An entity holding relevant information relating to the existing complaint must, as soon as practicable after the commencement, give the information to the assessor. | 16 17 18 19 |
| (4) This section is subject to section 290. | 20 |
| 289 Existing orders taken into account | 21 |
| (1) This section applies if, before the commencement— | 22 23 |
| (a) an order was made against a councillor under section 183 as in force from time to time before the commencement; and | 24 25 26 |
| (b) the order is substantially the same as an order that may be made under the Local Government Act, chapter 5A. | 27 28 29 |
| (2) The order may be taken into account for the following purposes— | 30 31 |

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- | | |
|---|----------------------|
| (a) the council or a local government official deciding whether— | 1 2 |
| (i) to notify the assessor about a councillor’s conduct under the Local Government Act, chapter 5A, part 3, division 3; or | 3 4 5 6 |
| (ii) to give information about a councillor’s conduct to the assessor under the Local Government Act, section 150AF; | 7 8 9 |
| (b) the assessor deciding how to deal with the conduct of a councillor, or a complaint about the conduct of a councillor, under the Local Government Act, section 150W; | 10 11 12 13 |
| (c) the council or conduct tribunal deciding what action to take in relation to any inappropriate conduct or misconduct of the councillor under the Local Government Act. | 14 15 16 17 |

290 Dealing with particular pre-commencement complaints or conduct 18
19

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|---|----------------------------|
| (1) This section applies in relation to conduct engaged in by a councillor before the commencement, including conduct that is the subject of an existing complaint mentioned in section 287(1) or 288(1). | 20 21 22 23 24 |
| (2) In deciding how to deal with the conduct, the assessor, a local government official, the council and the conduct tribunal must— | 25 26 27 |
| (a) apply the former conduct definitions to the conduct; and | 28 29 |
| (b) only make an order that is substantially the same as an order that could have been made under former section 183. | 30 31 32 |
| (3) To remove any doubt, it is declared that the Local Government Act, chapter 5A otherwise applies in | 33 34 |

| | |
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| relation to an order mentioned in subsection (2). | 1 |
| (4) In this section— | 2 |
| <i>former conduct definitions</i> means— | 3 |
| (a) the definition of <i>misconduct</i> under former section 178(3); and | 4 5 |
| (b) the definition of <i>inappropriate conduct</i> under former section 178(4); and | 6 7 |
| (c) the qualification of those definitions under former section 180A(5) and (6); and | 8 9 |
| (d) the extension of the definition of <i>misconduct</i> under former section 183(5) and (6). | 10 11 |
| | |
| 291 Model procedures apply until procedures adopted | 12 13 |
| (1) If, immediately before the commencement, the council has not adopted the model procedures or other procedures under the Local Government Act, section 150G, on the commencement the council is taken to have adopted the model procedures. | 14 15 16 17 18 19 |
| (2) Subsection (1) applies until the council adopts the model procedures or other procedures under the Local Government Act, section 150G. | 20 21 22 |
| (3) In this section— | 23 |
| <i>model procedures</i> see the Local Government Act, section 150F. | 24 25 |
| | |
| 292 Process if no investigation policy | 26 |
| (1) This section applies if, on or after the commencement— | 27 28 |
| (a) the council is required to deal with the inappropriate conduct of a councillor under | 29 30 |

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| the Local Government Act, chapter 5A, part 3, division 5; and | 1 2 |
| (b) the council has not adopted an investigation policy under section 150AE of that Act. | 3 4 |
| (2) The council must decide, by resolution, the procedure for investigating the conduct. | 5 6 |
| (3) However, subsections (4) and (5) apply if the assessor has recommended, under the Local Government Act, section 150AC(3), how the conduct may be dealt with. | 7 8 9 10 |
| (4) The council must follow the process recommended by the assessor or decide, by resolution, to deal with the complaint in another way. | 11 12 13 14 |
| (5) The council must state the reasons for its decision in the resolution. | 15 16 |
| 293 Offences against s 215 charged before commencement | 17 18 |
| (1) This section applies if— | 19 |
| (a) a person was charged with an offence against section 215(1)(f) as in force before the commencement; and | 20 21 22 |
| (b) on the commencement, the proceeding for the offence had not been finally decided. | 23 24 |
| (2) The proceeding for the offence may be continued, and the person may be punished for the offence, as if the <i>Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019</i> , section 36 had not commenced. | 25 26 27 28 29 30 |
| (3) Subsection (2) applies despite the Criminal Code, section 11. | 31 32 |

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| Clause 42 | Amendment of sch 1 (Serious integrity offences and integrity offences) | 1 |
| | Schedule 1, part 2— | 2 |
| | <i>insert</i> — | 3 |
| | | 4 |

Local Government Act

| | |
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| 150AW(1) | Protection from reprisal |
| 234(1) | False or misleading information |

| | | |
|------------------|---|----|
| Clause 43 | Amendment of sch 2 (Dictionary) | 5 |
| (1) | Schedule 2, definitions <i>BCC councillor conduct review panel</i> , <i>inappropriate conduct</i> , <i>misconduct</i> , <i>preliminary assessment</i> and <i>rules of procedure</i> — | 6 |
| | <i>omit.</i> | 7 |
| | | 8 |
| (2) | Schedule 2— | 9 |
| | <i>insert</i> — | 10 |
| | | 11 |
| | <i>conduct tribunal</i> see the Local Government Act, section 150DK. | 12 |
| | | 13 |
| | <i>interim administrator</i> see the Local Government Act, schedule 4. | 14 |
| | | 15 |

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| Subdivision 2 | Other amendments commencing by proclamation | 16 |
| | | 17 |

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| Clause 44 | Amendment of s 24 (Establishment and Coordination Committee) | 18 |
| | Section 24, note— | 19 |
| | <i>omit.</i> | 20 |
| | | 21 |

| | | |
|------------------|--|----------------------------|
| Clause 45 | Amendment of s 162 (When a councillor’s office becomes vacant) | 1 2 |
| | Section 162(c), after ‘section 169’— | 3 |
| | <i>insert—</i> | 4 |
| | or 173AA | 5 |
| Clause 46 | Amendment of s 169 (Obligations of councillors before acting in office) | 6 7 |
| | Section 169(5)(a), ‘1 month’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | 30 days | 10 |
| Clause 47 | Amendment of s 171 (Requests for assistance or information) | 11 12 |
| | (1) Section 171(2), ‘that the council has access to’— | 13 |
| | <i>omit, insert—</i> | 14 |
| | , that the council has access to, relating to the council | 15 16 |
| | (2) Section 171— | 17 |
| | <i>insert—</i> | 18 |
| | (2A) If the advice or information requested under subsection (1) or (2) relates to a document, the requirement under subsection (8) to comply with the request includes a requirement to provide a copy of the document. | 19 20 21 22 23 |
| | (3) Section 171(3), ‘Subsection (2) does not apply to information’— | 24 25 |
| | <i>omit, insert—</i> | 26 |
| | Subsections (2) and (3) do not apply to information or a document | 27 28 |
| | (4) Section 171(3)(b), after ‘information’— | 29 |

[s 47]

| | |
|--|----------------------------------|
| <i>insert—</i> | 1 |
| or document | 2 |
| (5) Section 171(4), from ‘the request’— | 3 |
| <i>omit, insert—</i> | 4 |
| the request does not comply with the acceptable requests guidelines. | 5 6 |
| (6) Section 171(5), ‘Subsection (4)’— | 7 |
| <i>omit, insert—</i> | 8 |
| Subsection (5) | 9 |
| (7) Section 171(7)— | 10 |
| <i>omit, insert—</i> | 11 |
| (8) The chief executive officer must comply with a request made to the chief executive officer under subsection (1) or (2)— | 12 13 14 |
| (a) within 10 business days after receiving the request; or | 15 16 |
| (b) if the chief executive officer reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request. | 17 18 19 20 |
| Maximum penalty—20 penalty units. | 21 |
| (9) If the chief executive officer forms the belief mentioned in subsection (8)(b), the chief executive officer must give the councillor written notice about the belief and the reasons for the belief within 10 business days after receiving the request. | 22 23 24 25 26 27 |
| (8) Section 171(2A) to (6)— | 28 |
| <i>renumber</i> as section 171(3) to (7). | 29 |

| | | |
|------------------|--|----|
| Clause 48 | Insertion of new s 173AA | 1 |
| | After section 173A— | 2 |
| | <i>insert—</i> | 3 |
| | 173AA Obligation of councillor to inform chief executive officer of particulars of interests at start of term | 4 |
| | | 5 |
| | | 6 |
| | (1) This section applies if a councillor, at the start of the councillor’s term, has an interest that must be recorded in a register of interests under a regulation in relation to the councillor or a person who is related to the councillor. | 7 |
| | | 8 |
| | | 9 |
| | | 10 |
| | | 11 |
| | (2) The councillor must, in the approved form, inform the chief executive officer of the particulars of the interest within— | 12 |
| | | 13 |
| | | 14 |
| | (a) 30 days after the day the councillor’s term starts; or | 15 |
| | | 16 |
| | (b) a longer period allowed by the Minister. | 17 |
| | (3) A person ceases to be a councillor if the person does not comply with subsection (2). | 18 |
| | | 19 |
| | (4) A person is <i>related</i> to a councillor if— | 20 |
| | (a) the person is the councillor’s spouse; or | 21 |
| | (b) the person is totally or substantially dependent on the councillor and— | 22 |
| | | 23 |
| | (i) the person is the councillor’s child; or | 24 |
| | (ii) the person’s affairs are so closely connected with the affairs of the councillor that a benefit derived by the person, or a substantial part of it, could pass to the councillor. | 25 |
| | | 26 |
| | | 27 |
| | | 28 |
| | | 29 |
| Clause 49 | Amendment of s 173B (Obligation of councillor to correct register of interests) | 30 |
| | | 31 |
| | (1) Section 173B(1)(a), after ‘must be’— | 32 |

[s 50]

insert— 1

, but is not, 2

(2) Section 173B(2), ‘of the interest’— 3

omit, insert— 4

of the new interest 5

(3) Section 173B(2), penalty and note— 6

omit, insert— 7

Maximum penalty—100 penalty units. 8

(4) Section 173B(3)— 9

omit. 10

Clause 50 Insertion of new s 174 11

After section 173B— 12

insert— 13

174 Obligation of councillor to inform chief 14

executive officer annually about register of 15

interests 16

A councillor must, within 30 days after the end of 17

each financial year, inform the chief executive 18

officer, in the approved form— 19

(a) whether a register of interests under a 20

regulation in relation to the councillor or a 21

person who is related to the councillor is 22

correct; and 23

(b) if the councillor has an interest that must be, 24

but is not, recorded in a register of interests 25

under a regulation in relation to the 26

councillor or a person who is related to the 27

councillor—of the particulars of the interest 28

that must be recorded in the register of 29

interests under a regulation; and 30

| | | |
|------------------|---|----------------------------|
| | (c) if there is a change to an interest recorded in a register of interests under a regulation in relation to the councillor or a person related to the councillor—of the change to the interest. | 1 2 3 4 5 |
| | Maximum penalty—100 penalty units. | 6 |
| Clause 51 | Insertion of new s 177Y | 7 |
| | After section 177X— | 8 |
| | <i>insert—</i> | 9 |
| | 177Y Presumption of knowledge of particular gifts or loans | 10 11 |
| | (1) In a proceeding for an offence against this division relating to a relevant gift or loan given or made to a councillor, the councillor is presumed to know the following matters unless the contrary is proven— | 12 13 14 15 16 |
| | (a) that the relevant gift or loan was given to the councillor; and | 17 18 |
| | (b) the source of the relevant gift or loan. | 19 |
| | (2) In this section— | 20 |
| | <i>relevant gift or loan</i> means a gift or loan required to be the subject of a notice under the <i>Local Government Electoral Act 2011</i> , section 121B. | 21 22 23 |
| | <i>source</i> , of a gift or loan, see the <i>Local Government Electoral Act 2011</i> , section 121A. | 24 25 |
| Clause 52 | Amendment of s 244 (Acceptable requests guidelines) | 26 |
| | (1) Section 244(1)(b)— | 27 |
| | <i>omit.</i> | 28 |
| | (2) Section 244(1)(c)— | 29 |
| | <i>renumber</i> as section 244(1)(b). | 30 |

| | | |
|-------------------|---|----------|
| Clause 53 | Amendment of sch 1 (Serious integrity offences and integrity offences) | 1 2 |
| | (1) Schedule 1, part 2, under heading ‘This Act’, entry for section 173B(2)— | 3 4 |
| | <i>omit.</i> | 5 |
| | (2) Schedule 1, part 2, under heading ‘Local Government Electoral Act’— | 6 7 |
| | <i>insert—</i> | 8 |
| 183 | Engaging in group campaign activities | |
| Clause 54 | Amendment of sch 2 (Dictionary) | 9 |
| | Schedule 2— | 10 |
| | <i>insert—</i> | 11 |
| | <i>related</i> , to a councillor, see section 173AA(4). | 12 |
| Part 3 | Amendment of Local Government Act 2009 | 13 14 |
| Division 1 | Preliminary | 15 |
| Clause 55 | Act amended | 16 |
| | This part amends the <i>Local Government Act 2009</i> . | 17 |
| Division 2 | Amendments commencing on assent | 18 19 |
| Clause 56 | Replacement of ch 2, pt 2, hdg (Divisions of local government areas) | 20 21 |
| | Chapter 2, part 2, heading— | 22 |

omit, insert—

1

Part 2

Councillors for divisions of local government areas

2

3

4

Clause 57 Amendment of s 15 (Division of local government areas)

5

(1) Section 15, heading—

6

omit, insert—

7

15 Number of councillors for divisions

8

(2) Section 15(1), after ‘electors’—

9

insert—

10

for each councillor elected, or to be elected, for
the division

11

12

(3) Section 15(2), from ‘is the number’ to ‘plus’—

13

omit, insert—

14

for a councillor of a division is the number of
electors that is worked out by dividing the total
number of electors in the local government area
(as nearly as can be found out) by the total number
of councillors (other than the mayor) currently
elected, or to be elected, for the local government,
plus

15

16

17

18

19

20

21

(4) Section 15(3)—

22

omit, insert—

23

(3) When changing a division, including changing
the number of councillors elected, or to be
elected, for the division, the reasonable
proportion of electors for a councillor of a
division must be worked out as near as practicable
to the time when the change is to happen.

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| Clause 58 | Amendment of s 16 (Review of divisions of local government areas) | 1 2 |
| | (1) Section 16, heading, ‘of local government areas’— | 3 |
| | <i>omit, insert—</i> | 4 |
| | and councillors | 5 |
| | (2) Section 16(a)— | 6 |
| | <i>omit, insert—</i> | 7 |
| | (a) review whether each division of its local government area has a reasonable proportion of electors for each councillor elected for the division; and | 8 9 10 11 |
| Clause 59 | Amendment of s 17 (What this part is about) | 12 |
| | Section 17(2)(c), after ‘government’— | 13 |
| | <i>insert—</i> | 14 |
| | or divisions of a local government area | 15 |
| Clause 60 | Amendment of s 90D (Prohibition on election material in caretaker period) | 16 17 |
| | (1) Section 90D(1), after ‘A local government’— | 18 |
| | <i>insert—</i> | 19 |
| | or a controlled entity of a local government | 20 |
| | (2) Section 90D(2)— | 21 |
| | <i>insert—</i> | 22 |
| | <i>Examples—</i> | 23 |
| | a fact sheet or newsletter that raises the profile of a councillor | 24 25 |
| | (3) Section 90D— | 26 |
| | <i>insert—</i> | 27 |
| | (4) In this section— | 28 |

control means the capacity of an entity to dominate decision-making, directly or indirectly, in relation to the financial and operating policies of another entity so as to enable the other entity to operate with the first entity in pursuing the first entity's objectives.

controlled entity, of a local government, means an entity subject to the control of either or both of the following—

- (a) the local government;
- (b) another entity subject to the control of the local government.

Clause 61 Replacement of s 113 (What this part is about)

Section 113—

omit, insert—

113 What this part is about

(1) The purpose of this part is to allow the Minister or the department's chief executive, on behalf of the State—

(a) to gather information, including under a direction, to monitor and evaluate whether—

(i) a local government or councillor is performing their responsibilities properly; or

(ii) a local government or councillor is complying with laws applying to the local government or councillor, including the Local Government Acts; or

(iii) it is otherwise in the public interest for the Minister or the department's chief

| | | |
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| | executive to take remedial action under this part; and | 1 2 |
| | (b) to take remedial action. | 3 |
| | (2) Remedial action is action to improve a local government's or councillor's performance or compliance, or that is in the public interest, taken under division 2A or 3. | 4 5 6 7 |
| Clause 62 | Amendment of s 115 (Gathering information) | 8 |
| | (1) Section 115, after 'compliance,'— | 9 |
| | <i>insert—</i> | 10 |
| | or whether it is in the public interest to take remedial action in relation to the local government or councillor, | 11 12 13 |
| | (2) Section 115(b)— | 14 |
| | <i>omit, insert—</i> | 15 |
| | (b) otherwise carry out an investigation into— | 16 |
| | (i) the local government's or councillor's performance and compliance; or | 17 18 |
| | (ii) whether it is in the public interest to take the remedial action. | 19 20 |
| Clause 63 | Insertion of new ch 5, pt 1, div 2A, hdg | 21 |
| | Chapter 5, part 1, after section 115— | 22 |
| | <i>insert—</i> | 23 |
| | Division 2A Remedial action initiated by chief executive | 24 25 |

| | | |
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| Clause 64 | Replacement of s 116 (Acting on the information gathered) | 1 2 |
| | Section 116— | 3 |
| | <i>omit, insert—</i> | 4 |
| | 116 Recommendation to Minister | 5 |
| | (1) This section applies if the department’s chief executive believes— | 6 7 |
| | (a) a local government or councillor is not performing their responsibilities properly; or | 8 9 10 |
| | (b) a local government or councillor is not complying with laws applying to the local government or councillor, including the Local Government Acts; or | 11 12 13 14 |
| | (c) it is otherwise in the public interest for the Minister to take remedial action. | 15 16 |
| | (2) The department’s chief executive may make recommendations to the Minister about what remedial action to take. | 17 18 19 |
| | (3) The Minister may take the remedial action the Minister considers appropriate in the circumstances. | 20 21 22 |
| | (4) If the Minister takes remedial action, the Minister may publish the following information— | 23 24 |
| | (a) the way in which the local government or councillor— | 25 26 |
| | (i) is not performing their responsibilities properly; or | 27 28 |
| | (ii) is not complying with laws applying to the local government or councillor, including the Local Government Acts; | 29 30 31 |
| | (b) the reason it is in the public interest for the Minister to take remedial action; | 32 33 |

| | | |
|------------------|---|----------------|
| | (c) the remedial action the Minister has taken. | 1 |
| | (5) The Minister may— | 2 |
| | (a) publish the information in a newspaper circulating generally in the local government area; or | 3 4 5 |
| | (b) direct the local government to publish the information on the local government’s website. | 6 7 8 |
| Clause 65 | Amendment of s 117 (Advisors) | 9 |
| | (1) Section 117(1)— | 10 |
| | <i>omit, insert—</i> | 11 |
| | (1) This section applies if the department’s chief executive believes— | 12 13 |
| | (a) a local government is not performing its responsibilities properly; or | 14 15 |
| | (b) a local government is not complying with laws applying to the local government, including the Local Government Acts; or | 16 17 18 |
| | (c) it is otherwise in the public interest for the department’s chief executive to appoint an advisor for a local government. | 19 20 21 |
| | (2) Section 117(3)(a)(ii)— | 22 |
| | <i>omit, insert—</i> | 23 |
| | (ii) to comply with laws applying to the local government, including the Local Government Acts; and | 24 25 26 |
| Clause 66 | Amendment of s 118 (Financial controllers) | 27 |
| | Section 118(1)— | 28 |
| | <i>omit, insert—</i> | 29 |

| | | |
|------------------|---|----------------|
| | (1) This section applies if the department's chief executive believes— | 1 2 |
| | (a) a local government is not performing its responsibilities properly; or | 3 4 |
| | (b) a local government is not complying with laws applying to the local government, including the Local Government Acts; or | 5 6 7 |
| | (c) it is otherwise in the public interest for the department's chief executive to appoint a financial controller for a local government. | 8 9 10 |
| Clause 67 | Replacement of ch 5, pt 1, div 3, hdg (Action by the Minister) | 11 12 |
| | Chapter 5, part 1, division 3, heading— | 13 |
| | <i>omit, insert—</i> | 14 |
| | Division 3 Remedial action by Minister | 15 16 |
| Clause 68 | Amendment of s 121 (Removing unsound decisions) | 17 |
| | (1) Section 121(1)— | 18 |
| | <i>omit, insert—</i> | 19 |
| | (1) This section applies if the Minister believes— | 20 |
| | (a) a decision of the local government is contrary to any law or inconsistent with the local government principles; or | 21 22 23 |
| | (b) it is otherwise in the public interest to suspend or revoke a decision of the local government. | 24 25 26 |
| | (2) Section 121(4)— | 27 |
| | <i>omit, insert—</i> | 28 |
| | (4) The gazette notice must state— | 29 |

| | | |
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| | (a) either— | 1 |
| | (i) how the decision is contrary to a law or inconsistent with the local government principles; or | 2 3 4 |
| | (ii) why it is otherwise in the public interest to suspend or revoke the decision; and | 5 6 7 |
| | (b) if the decision has been suspended, how the decision may be amended so it is no longer— | 8 9 10 |
| | (i) contrary to the law or inconsistent with the local government principles; or | 11 12 |
| | (ii) in the public interest to suspend the decision. | 13 14 |
| Clause 69 | Amendment of s 149 (Obstructing local government officials) | 15 16 |
| | Section 149(3), ‘chapter 5,’— | 17 |
| | <i>omit.</i> | 18 |
| Clause 70 | Replacement of ch 5A, hdg (Councillor conduct) | 19 |
| | Chapter 5A, heading— | 20 |
| | <i>omit, insert—</i> | 21 |
| | Chapter 5A Councillor conduct and particular conduct of local government employees | 22 23 24 25 26 |

| | | |
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| Clause 71 | Amendment of s 150B (Overview of chapter) | 1 |
| (1) | Section 150B(1)— | 2 |
| | <i>insert—</i> | 3 |
| | (ca) investigating and dealing with particular complaints about alleged or suspected corrupt conduct of local government employees; and | 4 5 6 7 |
| (2) | Section 150B(1)(e), from ‘with complaints’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | with— | 10 |
| | (i) complaints about the conduct of councillors; and | 11 12 |
| | (ii) particular complaints about alleged or suspected corrupt conduct of local government employees. | 13 14 15 |
| (3) | Section 150B(1)(ca) to (e)— | 16 |
| | <i>renumber</i> as section 150B(1)(d) to (f). | 17 |
| (4) | Section 150B(2)(c)(ii)— | 18 |
| | <i>omit, insert—</i> | 19 |
| | (ii) may apply to the conduct tribunal to decide— | 20 21 |
| | (A) whether the councillor engaged in misconduct, or inappropriate conduct that is connected to misconduct; and | 22 23 24 25 |
| | (B) if the conduct tribunal decides the councillor engaged in misconduct or inappropriate conduct, the action to be taken to discipline the councillor; and | 26 27 28 29 30 |

| | | |
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| Clause 72 | Amendment of s 150C (Definitions for chapter) | 1 |
| | Section 150C, definition <i>local government meeting</i> — | 2 |
| | <i>omit.</i> | 3 |
| Clause 73 | Amendment of ch 5A, pt 2, hdg (Conduct at local government meetings) | 4 |
| | Chapter 5A, part 2, heading, ‘Conduct’— | 5 |
| | <i>omit, insert</i> — | 6 |
| | Councillor conduct | 7 |
| | | 8 |
| Clause 74 | Amendment of s 150L (What is <i>misconduct</i>) | 9 |
| | Section 150L(1)(c)(iv)— | 10 |
| | <i>omit, insert</i> — | 11 |
| | (iv) section 150R(2), 150EW(2), 170(3) or | 12 |
| | 171(3). | 13 |
| Clause 75 | Amendment of ch 5A, pt 3, div 3, hdg (Local government duties to notify assessor about particular conduct) | 14 |
| | Chapter 5A, part 3, division 3, heading, after ‘particular’— | 15 |
| | <i>insert</i> — | 16 |
| | councillor | 17 |
| | | 18 |
| Clause 76 | Amendment of s 150R (Local government official must notify assessor about particular conduct) | 19 |
| | (1) Section 150R— | 20 |
| | <i>insert</i> — | 21 |
| | (2A) The local government official must not give the | 22 |
| | notice— | 23 |
| | (a) vexatiously; or | 24 |
| | (b) other than in good faith. | 25 |
| | | 26 |

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| | Maximum penalty—85 penalty units. | 1 |
| (2) | Section 150R(2A) and (3)— | 2 |
| | <i>renumber</i> as section 150R(3) and (4). | 3 |
| Clause 77 | Amendment of ch 5A, pt 3, div 4, hdg (Investigation of councillor conduct) | 4 |
| | Chapter 5A, part 3, division 4, heading, after ‘conduct’— | 5 |
| | <i>insert</i> — | 6 |
| | and particular conduct of local government employees | 7 |
| | | 8 |
| | | 9 |
| Clause 78 | Amendment of s 150T (Assessor must investigate conduct of councillor) | 10 |
| | | 11 |
| (1) | Section 150T(1)— | 12 |
| | <i>insert</i> — | 13 |
| | (ca) a referral made to the assessor by the conduct tribunal under section 150DLA; or | 14 |
| | | 15 |
| (2) | Section 150T(1)(ca) to (d)— | 16 |
| | <i>renumber</i> as section 150T(1)(d) to (e). | 17 |
| Clause 79 | Insertion of new s 150TA | 18 |
| | After section 150T— | 19 |
| | <i>insert</i> — | 20 |
| | 150TA Assessor must investigate particular conduct of local government employee | 21 |
| | | 22 |
| | The assessor must investigate the conduct of a local government employee if— | 23 |
| | | 24 |
| | (a) the conduct is the subject of a complaint referred to the assessor by the Crime and Corruption Commission; and | 25 |
| | | 26 |
| | | 27 |

- (b) the conduct is connected to the conduct of a councillor that is the subject of a complaint referred to the assessor by the Crime and Corruption Commission. 1
2
3
4
- Note—* 5
- The Crime and Corruption Commission may decide, under chapter 2, part 3 of the *Crime and Corruption Act 2001*, to refer a complaint to the assessor to deal with, whether or not in cooperation with the commission. 6
7
8
9

Clause 80 Amendment of s 150V (Investigative powers) 10

Section 150V(1), after ‘150T’— 11

insert— 12

, 150TA 13

Clause 81 Amendment of s 150W (Decision about conduct) 14

(1) Section 150W— 15

insert— 16

(ca) if the assessor is reasonably satisfied the councillor’s conduct is inappropriate conduct and the conduct is connected to conduct of the councillor that the assessor is reasonably satisfied is misconduct—make an application to the conduct tribunal about the alleged misconduct and inappropriate conduct; or 17
18
19
20
21
22
23
24

(2) Section 150W(ca) and (d)— 25

renumber as section 150W(d) and (e). 26

(3) Section 150W— 27

insert— 28

(2) However, if the conduct was referred to the assessor by the conduct tribunal under section 150DLA, the assessor may— 29
30
31

| | | |
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| | (a) if the assessor is reasonably satisfied the councillor's conduct is misconduct—make an application to the conduct tribunal about the conduct; or | 1 2 3 4 |
| | (b) if the assessor is not reasonably satisfied the councillor's conduct is misconduct—give the conduct tribunal a notice stating the assessor is not reasonably satisfied the councillor's conduct is misconduct. | 5 6 7 8 9 |
| Clause 82 | Amendment of s 150X (Decision to dismiss complaint) | 10 |
| | Section 150X(b)(ii), 'not made'— | 11 |
| | <i>omit, insert</i> — | 12 |
| | made other than | 13 |
| Clause 83 | Amendment of s 150AA (Notice and opportunity for councillor to respond) | 14 15 |
| | (1) Section 150AA(1)(b), from 'to decide'— | 16 |
| | <i>omit, insert</i> — | 17 |
| | about a councillor's conduct. | 18 |
| | (2) Section 150AA(2)(c)(ii), from 'to decide'— | 19 |
| | <i>omit, insert</i> — | 20 |
| | about the conduct; and | 21 |
| Clause 84 | Amendment of s 150AB (Application of division) | 22 |
| | Section 150AB(b), 'section 150W(b)'— | 23 |
| | <i>omit, insert</i> — | 24 |
| | section 150W(1)(b) | 25 |

| | | |
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| Clause 85 | Amendment of ch 5A, pt 3, div 6, hdg (Application to conduct tribunal about misconduct) | 1 2 |
| | Chapter 5A, part 3, division 6, heading, after ‘misconduct’— | 3 |
| | <i>insert</i> — | 4 |
| | and connected inappropriate conduct | 5 |
| Clause 86 | Amendment of s 150AI (Application of division) | 6 |
| | Section 150AI, from ‘engaged’— | 7 |
| | <i>omit, insert</i> — | 8 |
| | engaged in— | 9 |
| | (a) misconduct; or | 10 |
| | (b) inappropriate conduct that is connected to conduct of the councillor that the assessor is reasonably satisfied is misconduct. | 11 12 13 |
| Clause 87 | Amendment of s 150AJ (Application to conduct tribunal about alleged misconduct) | 14 15 |
| | (1) Section 150AJ(1), from ‘engaged’— | 16 |
| | <i>omit, insert</i> — | 17 |
| | engaged in— | 18 |
| | (a) misconduct; or | 19 |
| | (b) inappropriate conduct that is connected to conduct of the councillor that is alleged misconduct. | 20 21 22 |
| | (2) Section 150AJ(2)(b), after ‘misconduct’— | 23 |
| | <i>insert</i> — | 24 |
| | or inappropriate conduct | 25 |
| | (3) Section 150AJ(2)(c), from ‘engaged’— | 26 |
| | <i>omit, insert</i> — | 27 |
| | engaged in— | 28 |

| | | |
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| | (i) misconduct; or | 1 |
| | (ii) misconduct and inappropriate conduct that is connected to the alleged misconduct; and | 2 3 |
| (4) | Section 150AJ— | 4 |
| | <i>insert—</i> | 5 |
| | (3) The assessor may make an application under subsection (1) about the alleged inappropriate conduct only if the application is also made about the connected alleged misconduct. | 6 7 8 9 |
| Clause 88 | Amendment of s 150AN (Role of the assessor) | 10 |
| | Section 150AN(2), from ‘engaged’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | engaged in— | 13 |
| | (a) misconduct; and | 14 |
| | (b) if the application also relates to alleged inappropriate conduct, inappropriate conduct. | 15 16 17 |
| Clause 89 | Amendment of s 150AQ (Deciding about misconduct) | 18 |
| (1) | Section 150AQ, heading, after ‘misconduct’— | 19 |
| | <i>insert—</i> | 20 |
| | and connected inappropriate conduct | 21 |
| (2) | Section 150AQ(1)(a), from ‘engaged’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | engaged in— | 24 |
| | (i) if the application relates to alleged misconduct and inappropriate conduct— misconduct or inappropriate conduct (or both); or | 25 26 27 28 |

[s 90]

- (ii) if the application relates only to alleged misconduct—misconduct; and
- (3) Section 150AQ(1)(b), after ‘misconduct’—
insert—
or inappropriate conduct
- (4) Section 150AQ(2)—
insert—
(ab) if the application relates to inappropriate conduct—any previous inappropriate conduct of the councillor; and
- (5) Section 150AQ(2)(ab) and (b)—
renumber as section 150AQ(2)(b) and (c).

- Clause 90 Amendment of s 150AR (Disciplinary action against councillor)**
- (1) Section 150AR(1)(b)(i) and (v), after ‘misconduct’—
insert—
or inappropriate conduct (or both)
- (2) Section 150AR—
insert—
(1A) However, if the conduct tribunal decides under section 150AQ(1)(a)(i) that the councillor has engaged in misconduct and inappropriate conduct, the conduct tribunal, in deciding what action to take, must have regard to the action a local government could have taken under section 150AH in relation to inappropriate conduct.
- (1B) Also, if the conduct tribunal decides under section 150AQ(1)(a)(i) that the councillor has only engaged in inappropriate conduct, the conduct tribunal may only take the action a local government could have taken under section

| | | |
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| | 150AH in relation to inappropriate conduct. | 1 |
| (3) | Section 150AR(1A) to (3)— | 2 |
| | <i>renumber</i> as section 150AR(2) to (5). | 3 |
| Clause 91 | Amendment of s 150AS (Notices and publication of decisions and orders) | 4 |
| | Section 150AS(1)(a) and (b), after ‘misconduct’— | 5 |
| | <i>insert</i> — | 6 |
| | or inappropriate conduct (or both) | 7 |
| Clause 92 | Amendment of s 150AV (Other improper complaints) | 8 |
| | Section 150AV(1)(a)(ii), ‘not’— | 9 |
| | <i>omit, insert</i> — | 10 |
| | other than | 11 |
| Clause 93 | Amendment of s 150AY (Functions of investigators) | 12 |
| (1) | Section 150AY(a), after ‘councillors’— | 13 |
| | <i>insert</i> — | 14 |
| | and local government employees | 15 |
| (2) | Section 150AY(b), first dot point— | 16 |
| | <i>omit, insert</i> — | 17 |
| | • section 150R(3), 150AU, 150AV, 150AW, 150BW, 150CA, 150CB, 150CI, 150CJ(3) or 150CK(5) | 18 |
| | • section 150EK(1), 150EL(2) or (3), 150EM(2), 150EQ(2) or (3), 150ES(4), 150EY or 150EZ(2) | 19 |
| (3) | Section 150AY(b), second dot point, ‘171B(2), 175C(2), 175E(2) or (5), 175H or 175I(2) or (3)’— | 20 |
| | <i>omit, insert</i> — | 21 |
| | | 22 |
| | | 23 |
| | | 24 |
| | | 25 |
| | | 26 |
| | | 27 |

| | | |
|------------------|--|----------|
| | or 171B(2) | 1 |
| Clause 94 | Amendment of s 150CH (Power to require information) | 2 |
| | Section 150CH(1)(b), after ‘councillor’— | 3 |
| | <i>insert—</i> | 4 |
| | or a local government employee | 5 |
| Clause 95 | Amendment of s 150CJ (Power to require attendance) | 6 |
| | Section 150CJ(1)(b), after ‘councillor’— | 7 |
| | <i>insert—</i> | 8 |
| | or local government employee | 9 |
| Clause 96 | Amendment of s 150CK (Notice about confidentiality) | 10 |
| (1) | Section 150CK(3)(b), ‘a councillor’s conduct’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | the conduct of a councillor or local government employee | 13 14 |
| (2) | Section 150CK— | 15 |
| | <i>insert—</i> | 16 |
| | (3A) If the assessor gives the notice, the notice is also confidential information. | 17 18 |
| (3) | Section 150CK(4), ‘subsection (5)’— | 19 |
| | <i>omit, insert—</i> | 20 |
| | subsection (6) | 21 |
| (4) | Section 150CK(6), ‘subsection (5)(b)(ii)’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | subsection (6)(b)(ii) | 24 |
| (5) | Section 150CK(3A) to (6)— | 25 |

renumber as section 150CK(4) to (7). 1

Clause 97 Amendment of s 150CN (Compensation) 2

Section 150CN(2)(b), after ‘councillor’— 3

insert— 4

or local government employee 5

Clause 98 Amendment of s 150CU (Functions) 6

(1) Section 150CU(1)— 7

insert— 8

(aa) to investigate and deal with the conduct of a
local government employee if— 9 10

(i) the conduct is the subject of a
complaint referred to the assessor by
the Crime and Corruption
Commission; and 11 12 13 14

(ii) the conduct is connected to the conduct
of a councillor that is the subject of a
complaint referred to the assessor by
the Crime and Corruption
Commission; and 15 16 17 18 19

(2) Section 150CU(1)(e), ‘or (f)’— 20

omit, insert— 21

, (e) or (g) 22

(3) Section 150CU(1)(aa) to (f)— 23

renumber as section 150CU(1)(b) to (g). 24

Clause 99 Amendment of s 150DB (Conflict of interest) 25

Section 150DB(1), after ‘councillor’— 26

insert— 27

| | | |
|-------------------|---|----------------------------|
| | or local government employee | 1 |
| Clause 100 | Amendment of s 150DL (Functions) | 2 |
| | Section 150DL— | 3 |
| | <i>insert—</i> | 4 |
| | (3) Nothing in this section limits the president’s duty under the <i>Crime and Corruption Act 2001</i> to notify the Crime and Corruption Commission about suspected corrupt conduct. | 5 6 7 8 |
| Clause 101 | Insertion of new s 150DLA | 9 |
| | After section 150DL— | 10 |
| | <i>insert—</i> | 11 |
| | 150DLA Referral of alleged misconduct to assessor | 12 13 |
| | (1) This section applies if the conduct tribunal— | 14 |
| | (a) at the request of a local government, is investigating the suspected inappropriate conduct of a councillor referred to the local government, by the assessor, to be dealt with by the local government; and | 15 16 17 18 19 |
| | (b) is reasonably satisfied the conduct is misconduct. | 20 21 |
| | (2) The conduct tribunal must refer the conduct to the assessor for further investigation under part 3, division 4. | 22 23 24 |
| | <i>Note—</i> | 25 |
| | See also sections 150T and 150W(2). | 26 |
| Clause 102 | Amendment of s 150DU (Costs of conduct tribunal to be met by local government) | 27 28 |
| | Section 150DU(1)(a), after ‘misconduct’— | 29 |

| | | |
|-------------------|--|----|
| | <i>insert—</i> | 1 |
| | or inappropriate conduct | 2 |
| Clause 103 | Amendment of s 150DX (Local governments to keep and publish register) | 3 |
| | Section 150DX(1)(c), after ‘misconduct’— | 4 |
| | <i>insert—</i> | 5 |
| | or inappropriate conduct | 6 |
| Clause 104 | Amendment of s 150DY (Content of register—decisions) | 7 |
| | Section 150DY(1)(c), after ‘misconduct’— | 8 |
| | <i>insert—</i> | 9 |
| | or inappropriate conduct | 10 |
| Clause 105 | Amendment of s 150EB (Annual report) | 11 |
| | Section 150EB(2)(a)(vii), after ‘misconduct’— | 12 |
| | <i>insert—</i> | 13 |
| | or inappropriate conduct | 14 |
| Clause 106 | Insertion of new ch 5B | 15 |
| | After chapter 5A— | 16 |
| | <i>insert—</i> | 17 |
| | Chapter 5B Councillors’ conflicts of interest | 18 |
| | Part 1 Preliminary | 19 |
| | | 20 |
| | | 21 |

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| 150ED Purpose of chapter | 1 |
| The purpose of this chapter is to ensure that if a councillor has a personal interest in a matter, the local government deals with the matter in an accountable and transparent way that meets community expectations. | 2 3 4 5 6 |
| 150EE When does a person participate in a decision | 7 8 |
| In this chapter, a reference to a councillor of a local government, or other person, participating in a decision includes a reference to the councillor or other person— | 9 10 11 12 |
| (a) considering, discussing or voting on the decision in a local government meeting; and | 13 14 |
| (b) considering or making the decision under— | 15 |
| (i) an Act; or | 16 |
| (ii) a delegation; or | 17 |
| (iii) another authority. | 18 |
| 150EF Personal interests in ordinary business matters of a local government | 19 20 |
| (1) This chapter does not apply in relation to a conflict of interest in a matter, if the matter— | 21 22 |
| (a) is solely, or relates solely to, the making or levying of rates and charges, or the fixing of a cost-recovery fee, by the local government; or | 23 24 25 26 |
| (b) is solely, or relates solely to, a planning scheme, or amendment of a planning scheme, for the local government area; or | 27 28 29 |
| (c) is solely, or relates solely to, a resolution required for the adoption of a budget for the local government; or | 30 31 32 |

-
- (d) is solely, or relates solely to— 1
- (i) the remuneration or reimbursement of 2
expenses of councillors or members of 3
a committee of the local government; 4
or 5
 - (ii) the provision of superannuation 6
entitlements or public liability, 7
professional indemnity or accident 8
insurance for councillors; or 9
 - (iii) a matter of interest to the councillor 10
solely as a candidate for election or 11
appointment as mayor, deputy mayor, 12
councillor or member of a committee 13
of the local government. 14
- (2) Also, this chapter does not apply in relation to a 15
councillor’s conflict of interest in a matter relating 16
to a corporation or association that arises solely 17
because of a nomination or appointment of the 18
councillor by the local government to be a 19
member of the board of the corporation or 20
association. 21
- (3) However, if a councillor decides to voluntarily 22
comply with this chapter in relation to personal 23
interests of the councillor in the matter— 24
- (a) the personal interests are taken to be a 25
declarable conflict of interest; and 26
 - (b) this chapter applies as if eligible councillors 27
had, under section 150ER(2), decided the 28
councillor has a declarable conflict of 29
interest in the matter. 30
- Note—* 31
- See section 150ES for requirements for dealing with a 32
conflict of interest mentioned in this subsection. 33

| | | |
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| Part 2 | Prescribed conflicts of interest | 1 2 |
| 150EG | When councillor has <i>prescribed conflict of interest</i>—particular gifts or loans | 3 4 |
| (1) | A councillor has a <i>prescribed conflict of interest</i> in a matter if— | 5 6 |
| (a) | a gift or loan is given by an entity (the <i>donor</i>) that has an interest in the matter in a circumstance mentioned in subsection (2); and | 7 8 9 10 |
| (b) | the gift or loan is given during the relevant term for the councillor; and | 11 12 |
| (c) | all gifts or loans given by the donor during the councillor’s relevant term in the same circumstance mentioned in subsection (2) total \$2,000 or more. | 13 14 15 16 |
| (2) | For subsection (1)(a), the circumstances are— | 17 |
| (a) | where— | 18 |
| (i) | the donor gives the gift or loan to the councillor; and | 19 20 |
| (ii) | the gift or loan is required to be the subject of a return under the Local Government Electoral Act, part 6; or | 21 22 23 |
| (b) | where— | 24 |
| (i) | the donor gives the gift or loan to a group of candidates or a political party for an election, of which the councillor is a member; and | 25 26 27 28 |
| (ii) | the councillor is a candidate in the election; and | 29 30 |

-
- (iii) the gift or loan is required to be the subject of a return under the Local Government Electoral Act, part 6; or
- (c) where the donor gives a gift to the councillor, or a close associate of the councillor, other than in a circumstance mentioned in paragraph (a) or (b).
- (3) For working out the total gifts or loans given to a group of candidates or a political party, the amount of each gift or loan given to the group or political party must first be divided by the number of candidates in the group or political party.
- 150EH When councillor has *prescribed conflict of interest*—sponsored hospitality benefits**
- (1) A councillor has a *prescribed conflict of interest* in a matter if—
- (a) a sponsored hospitality benefit is given by an entity (the *donor*) that has an interest in the matter to—
- (i) the councillor; or
- (ii) a close associate of the councillor; and
- (b) the sponsored hospitality benefit is given during the relevant term for the councillor; and
- (c) all sponsored hospitality benefits given to the councillor or close associate during the councillor’s relevant term total \$2,000 or more.
- (2) In this section—
- sponsored hospitality benefit*, received by a person, means travel or accommodation undertaken or used by the person, other than travel or accommodation paid for by the State or a local government, if—

- (a) another entity contributes, whether financially or non-financially, to the cost of the travel or accommodation; and
- (b) the other entity is not the person's spouse, other family member or friend.

150EI When councillor has *prescribed conflict of interest—other*

A councillor has a *prescribed conflict of interest* in a matter if—

- (a) the matter is or relates to a contract between the local government and the councillor, or a close associate of the councillor, for—
 - (i) the supply of goods or services to the local government; or
 - (ii) the lease or sale of assets by the local government; or
- (b) the chief executive officer is a close associate of the councillor and the matter is or relates to the appointment, discipline, termination, remuneration or other employment conditions of the chief executive officer; or
- (c) the matter is or relates to an application made to the local government by the councillor, or a close associate of the councillor, if—
 - (i) the matter is or was for the grant of a licence, permit, registration, approval or consideration of another matter under a Local Government Act; and
 - (ii) the councillor, or a close associate of the councillor, has made a written submission to the local government

| | |
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| about the application before it is or was decided. | 1 2 |
| 150EJ Who is a <i>close associate</i> of a councillor | 3 |
| (1) A person is a <i>close associate</i> of a councillor if the person is any of the following in relation to the councillor— | 4 5 6 |
| (a) a spouse; | 7 |
| (b) a parent, child or sibling; | 8 |
| (c) a partner in a partnership; | 9 |
| (d) an employer, other than a government entity; | 10 11 |
| (e) an entity, other than a government entity, for which the councillor is an executive officer or board member; | 12 13 14 |
| (f) an entity in which the councillor, or a person mentioned in any of paragraphs (a) to (e) for the councillor, has an interest, other than an interest of less than 5% in an entity that is a listed corporation under the Corporations Act, section 9. | 15 16 17 18 19 20 |
| (2) However, a parent, child or sibling is a close associate of the candidate in relation to a matter only if the candidate knows, or ought reasonably to know, about the parent's, child's or sibling's involvement in the matter. | 21 22 23 24 25 |
| 150EK Councillor must not participate in decisions | 26 |
| (1) If a councillor has a prescribed conflict of interest in a matter, the councillor must not participate in a decision relating to the matter. | 27 28 29 |
| Maximum penalty—200 penalty units or 2 years imprisonment. | 30 31 |

- (2) However, the councillor does not contravene subsection (1) by participating in the decision under an approval given under section 150EV.

150EL Obligation of councillor with prescribed conflict of interest

- (1) This section applies to a councillor if—
- (a) the councillor may participate, or is participating, in a decision about a matter; and
 - (b) the councillor becomes aware that the councillor has a prescribed conflict of interest in the matter.
- (2) If the councillor first becomes aware the councillor has the prescribed conflict of interest in the matter at a local government meeting, the councillor must immediately inform the meeting of the prescribed conflict of interest, including the particulars stated in subsection (4).
- Maximum penalty—200 penalty units or 2 years imprisonment.
- (3) If subsection (2) does not apply, the councillor must—
- (a) as soon as practicable, give the chief executive officer written notice of the prescribed conflict of interest, including the particulars stated in subsection (4); and
 - (b) give notice of the prescribed conflict of interest, including the particulars stated in subsection (4), at—
 - (i) the next meeting of the local government; or
 - (ii) if the matter is to be considered and decided at a meeting of a committee of

| | |
|---|----------------------|
| the local government—the next meeting of the committee. | 1 2 |
| Maximum penalty—200 penalty units or 2 years imprisonment. | 3 4 |
| (4) For subsections (2) and (3), the particulars for the prescribed conflict of interest are the following— | 5 6 |
| (a) for a gift, loan or contract—the value of the gift, loan or contract; | 7 8 |
| (b) for an application for which a submission has been made—the matters the subject of the application and submission; | 9 10 11 |
| (c) the name of any entity, other than the councillor, that has an interest in the matter; | 12 13 |
| (d) the nature of the councillor’s relationship with the entity mentioned in paragraph (c); | 14 15 |
| (e) details of the councillor’s, and any other entity’s, interest in the matter. | 16 17 |
| 150EM Dealing with prescribed conflict of interest at a meeting | 18 19 |
| (1) This section applies if a councillor gives a notice at, or informs, a meeting of the councillor’s prescribed conflict of interest in a matter. | 20 21 22 |
| (2) The councillor must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is discussed and voted on. | 23 24 25 26 |
| Maximum penalty—200 penalty units or 2 years imprisonment. | 27 28 |
| <i>Note—</i> | 29 |
| See also section 150EZ. | 30 |
| (3) However, the councillor does not contravene subsection (2) by participating in a decision or being present under an approval given under | 31 32 33 |

section 150EV. 1

Part 3 **Declarable conflicts of interest** 2
3

150EN What is a *declarable conflict of interest* 4

Subject to section 150EO, a councillor has a *declarable conflict of interest* in a matter if— 5
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- (a) the councillor has, or could reasonably be presumed to have, a conflict between the councillor's personal interests, or the personal interests of a related party of the councillor, and the public interest; and 7
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- (b) because of the conflict, the councillor's participation in a decision about the matter might lead to a decision that is contrary to the public interest. 12
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150EO Interests that are not declarable conflicts of interest 16
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- (1) A councillor does not have a *declarable conflict of interest* in a matter if— 18
19
 - (a) the conflict of interest is a prescribed conflict of interest in the matter; or 20
21
 - (b) the conflict of interest arises solely because— 22
23
 - (i) the councillor undertakes an engagement in the capacity of councillor for a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or 24
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-
- (ii) the councillor, or a related party of the councillor, is a member of a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or 1
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- (iii) the councillor, or a related party of the councillor, is a member of a political party; or 7
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- (iv) the councillor, or a related party of the councillor, has an interest in an educational facility or provider of a child care service as a student or former student, or a parent or grandparent of a student, of the facility or service; or 10
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- (c) the conflict of interest arises solely because of the religious beliefs of the councillor or a related party of the councillor; or 17
18
19
- (d) the councillor, or a related party of the councillor, stands to gain a benefit or suffer a loss because of the conflict of interest that is no greater than the benefit or loss that a significant proportion of persons in the local government area stand to gain or lose; or 20
21
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- (e) the conflict of interest arises solely because the councillor, or a related party of the councillor, receives gifts, loans or sponsored hospitality benefits from an entity totalling \$500 or less during the councillor's relevant term. 26
27
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31
- (2) In this section— 32
sponsored hospitality benefit see section 150EH. 33

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| 150EP Who is a <i>related party</i> of a councillor | 1 |
| A person is a <i>related party</i> of a councillor if the person is any of the following in relation to the councillor— | 2 3 4 |
| (a) a close associate, other than an entity mentioned in section 150EJ(1)(f); | 5 6 |
| (b) a parent, child or sibling of the councillor’s spouse; | 7 8 |
| (c) a person who has a close personal relationship with the councillor. | 9 10 |
| | |
| 150EQ Obligation of councillor with declarable conflict of interest | 11 12 |
| (1) This section applies to a councillor if— | 13 |
| (a) the councillor may participate, or is participating, in a decision about a matter; and | 14 15 16 |
| (b) the councillor becomes aware that the councillor has a declarable conflict of interest in the matter. | 17 18 19 |
| (2) If the councillor first becomes aware the councillor has the declarable conflict of interest at a local government meeting, the councillor— | 20 21 22 |
| (a) must stop participating, and must not further participate, in a decision relating to the matter; and | 23 24 25 |
| (b) must immediately inform the meeting of the declarable conflict of interest, including the particulars stated in subsection (4). | 26 27 28 |
| Maximum penalty—100 penalty units or 1 year’s imprisonment. | 29 30 |
| (3) If subsection (2) does not apply, the councillor— | 31 |

-
- (a) must stop participating, and must not further participate, in a decision relating to the matter; and
- (b) as soon as practicable, give the chief executive officer notice of the councillor's declarable conflict of interest in the matter, including the particulars stated in subsection (4); and
- (c) give notice of the declarable conflict of interest, including the particulars stated in subsection (4), at—
- (i) the next meeting of the local government; or
- (ii) if the matter is to be considered and decided at a meeting of a committee of the local government—the next meeting of the committee.
- Maximum penalty—100 penalty units or 1 year's imprisonment.
- (4) For subsections (2) and (3), the particulars for the declarable conflict of interest are the following—
- (a) the nature of the declarable conflict of interest;
- (b) if the declarable conflict of interest arises because of the councillor's relationship with a related party—
- (i) the name of the related party; and
- (ii) the nature of the relationship of the related party to the councillor; and
- (iii) the nature of the related party's interests in the matter;
- (c) if the councillor's or related party's personal interests arise because of the receipt of a gift or loan from another person—

- (i) the name of the other person; and 1
 - (ii) the nature of the relationship of the 2
other person to the councillor or related 3
party; and 4
 - (iii) the nature of the other person's 5
interests in the matter; and 6
 - (iv) the value of the gift or loan, and the 7
date the gift was given or loan was 8
made. 9
 - (5) A councillor does not contravene subsection 10
(2)(a) or (3)(a) if— 11
 - (a) the councillor has complied with this 12
section; and 13
 - (b) either— 14
 - (i) a decision has been made under section 15
150ES(2)(a)(i) or (b)(i) that the 16
councillor may participate in the 17
decision despite having a declarable 18
conflict of interest in the matter; or 19
 - (ii) the councillor is participating in the 20
decision under an approval given under 21
section 150EV. 22
- 150ER Procedure if meeting informed of 23
councillor's personal interests 24**
- (1) This section applies if a local government meeting 25
is informed that a councillor has personal interests 26
in a matter by a person other than the councillor. 27
 - (2) The eligible councillors at the meeting must 28
decide whether the councillor has a declarable 29
conflict of interest in the matter. 30

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| 150ES Procedure if councillor has declarable conflict of interest | 1 2 |
| (1) This section applies if a councillor has a declarable conflict of interest in a matter as notified at a meeting under section 150EQ(2) or (3) or decided by eligible councillors at a meeting under section 150ER(2). | 3 4 5 6 7 |
| (2) The eligible councillors at the meeting must, by resolution, decide— | 8 9 |
| (a) for a matter that would, other than for the councillor’s conflict of interest, have been decided by the councillor under an Act, delegation or other authority, whether the councillor— | 10 11 12 13 14 |
| (i) may participate in the decision despite the councillor’s conflict of interest; or | 15 16 |
| (ii) must not participate in the decision, and must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the eligible councillors discuss and vote on the matter; or | 17 18 19 20 21 22 23 |
| (b) for another matter, whether the councillor— | 24 |
| (i) may participate in a decision about the matter at the meeting, including by voting on the matter; or | 25 26 27 |
| (ii) must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the eligible councillors discuss and vote on the matter. | 28 29 30 31 32 33 |
| (3) The eligible councillors may impose conditions on the councillor under a decision mentioned in subsection (2)(a)(i) or (b)(i). | 34 35 36 |

Example—

The eligible councillors may decide that the councillor
may participate in a decision about the matter by
discussing it at the meeting under subsection (2)(b)(i),
but may impose the condition that the councillor must
leave the place at which the meeting is being held while
the matter is further discussed and voted on.

(4) The councillor must comply with—

(a) a decision under subsection (2)(a)(ii) or
(b)(ii); or

(b) any conditions imposed on a decision under
subsection (3).

Maximum penalty—100 penalty units or 1 year’s
imprisonment.

Note—

See also section 150EZ.

(5) However, the councillor does not contravene
subsection (4) by participating in a decision or
being present under an approval given under
section 150EV.

150ET Decisions of eligible councillors

(1) A decision by eligible councillors may be made
under section 150ER or 150ES, other than a
matter mentioned in section 150EU, even if—

(a) the number of eligible councillors is less
than a majority; or

(b) the eligible councillors do not form a
quorum for the meeting.

(2) The councillor who is the subject of the decision
may remain at the meeting while the decision is
made, but can not vote or otherwise participate in
the making of the decision, other than by
answering a question put to the councillor
necessary to assist the eligible councillors to make

the decision. 1

(3) If the eligible councillors can not make a decision 2
under section 150ER or 150ES, the eligible 3
councillors are taken to have decided under 4
section 150ES(2)(a)(ii) or (b)(ii) that the 5
councillor must leave, and stay away from, the 6
place where the meeting is being held while the 7
eligible councillors discuss and vote on the 8
matter. 9

(4) A decision about a councillor under section 10
150ER or 150ES for a matter applies in relation to 11
the councillor for participating in the decision, 12
and all subsequent decisions, about the matter. 13

Part 4 Other matters 14

150EU Procedure if no quorum for deciding matter 15 because of prescribed conflicts of interest or 16 declarable conflicts of interest 17

(1) This section applies in relation to a meeting if— 18

(a) a matter in which 1 or more councillors have 19
a prescribed conflict of interest or declarable 20
conflict of interest is to be decided at the 21
meeting; and 22

(b) there is less than a quorum remaining at the 23
meeting after any of the councillors 24
mentioned in paragraph (a) leave, and stay 25
away from, the place where the meeting is 26
being held. 27

(2) The local government must— 28

(a) delegate deciding the matter under section 29
257, unless the matter can not be delegated 30
under that section; or 31

- (b) decide, by resolution, to defer the matter to a later meeting. 1
2
- (3) The local government must not delegate deciding the matter to an entity if the entity, or a majority of its members, have personal interests that are, or are equivalent in nature to, a prescribed conflict of interest or declarable conflict of interest in the matter. 3
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- (4) A councillor does not contravene section 150EK(1), 150EM(2), 150EQ(2)(a) or (3)(a) or 150ES(4) by participating in a decision or being present, if the councillor's participation or presence is for the purpose of delegating the matter or deferring the matter to a later meeting under subsection (2). 9
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- 150EV Minister's approval for councillor to participate or be present to decide matter** 16
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- (1) The Minister may, by signed notice given to a councillor, approve the councillor participating in deciding a matter in a meeting, including being present while the matter is discussed and voted on, if— 18
19
20
21
22
- (a) the matter could not otherwise be decided at the meeting because of a circumstance mentioned in section 150EU(1); and 23
24
25
- (b) deciding the matter can not be delegated under section 257. 26
27
- (2) The Minister may give the approval subject to the conditions stated in the notice. 28
29
- 150EW Duty to report another councillor's prescribed conflict of interest or declarable conflict of interest** 30
31
32
- (1) This section applies if a councillor reasonably 33

-
- believes or reasonably suspects— 1
- (a) another councillor who has a prescribed 2
conflict of interest in a matter is 3
participating in a decision in contravention 4
of section 150EK(1); or 5
- (b) another councillor who has a declarable 6
conflict of interest in a matter is 7
participating in a decision in contravention 8
of section 150EQ(2)(a) or (3)(a). 9
- (2) The councillor who has the belief or suspicion 10
must— 11
- (a) if the belief or suspicion arises in a local 12
government meeting—immediately inform 13
the person who is presiding at the meeting 14
about the belief or suspicion; or 15
- (b) otherwise—as soon as practicable, inform 16
the chief executive officer of the belief or 17
suspicion. 18
- Note—* 19
- Contravention of subsection (2) is misconduct that could 20
result in disciplinary action being taken against a 21
councillor. See sections 150L(1)(c)(iv), 150AQ and 22
150AR. 23
- (3) The councillor must also inform the person 24
presiding, or the chief executive officer, of the 25
facts and circumstances forming the basis of the 26
belief or suspicion. 27
- 150EX Obligation of councillor if conflict of interest 28
reported under s 150EW 29**
- (1) If, under section 150EW, a councillor (the 30
informing councillor) informs the person 31
presiding at a local government meeting of a 32
belief or suspicion about another councillor (the 33
relevant councillor), the relevant councillor must 34
do 1 of the following— 35

- (a) if the relevant councillor has a prescribed conflict of interest—comply with section 150EL(2); 1
2
3
- (b) if the relevant councillor has a declarable conflict of interest—comply with section 150EQ(2); 4
5
6
- (c) if the relevant councillor considers there is no prescribed conflict of interest or declarable conflict of interest—inform the meeting of the relevant councillor’s belief, including reasons for the belief. 7
8
9
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- (2) If subsection (1)(c) applies— 12
 - (a) the informing councillor must inform the meeting about the particulars of the informing councillor’s belief or suspicion; and 13
14
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 - (b) the eligible councillors at the meeting must decide whether or not the relevant councillor has a prescribed conflict of interest or declarable conflict of interest in the matter. 17
18
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- (3) If the eligible councillors at the meeting decide the relevant councillor has a prescribed conflict of interest in the matter, section 150EM(2) is taken to apply to the relevant councillor for the matter. 22
23
24
25
- (4) If the eligible councillors decide the relevant councillor has a declarable conflict of interest in the matter, sections 150EQ(2) and 150ES are taken to apply in relation to the relevant councillor for the matter. 26
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150EY Offence to take retaliatory action 31

A person must not, because a councillor complied with section 150EW— 32
33

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| (a) prejudice, or threaten to prejudice, the safety or career of the councillor or another person; or | 1 2 3 |
| (b) intimidate or harass, or threaten to intimidate or harass, the councillor or another person; or | 4 5 6 |
| (c) take any action that is, or is likely to be, detrimental to the councillor or another person. | 7 8 9 |
| Maximum penalty—167 penalty units or 2 years imprisonment. | 10 11 |

150EZ Offence for councillor with prescribed conflict of interest or declarable conflict of interest to influence others

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| (1) This section applies to a councillor of a local government who has a prescribed conflict of interest or declarable conflict of interest in a matter. | 15 16 17 18 |
| (2) The councillor must not direct, influence, attempt to influence, or discuss the matter with, another person who is participating in a decision of the local government relating to the matter. | 19 20 21 22 |
| Maximum penalty—200 penalty units or 2 years imprisonment. | 23 24 |
| (3) A councillor does not contravene subsection (2) solely by participating in a decision relating to the matter, including by voting on the matter, if the participation is— | 25 26 27 28 |
| (a) permitted under a decision mentioned in section 150ES(2)(a)(i) or (b)(i); or | 29 30 |
| (b) approved under section 150EV. | 31 |
| (4) A councillor does not contravene subsection (2) solely because the councillor gives the chief executive officer the following information in | 32 33 34 |

| | |
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| compliance with this chapter— | 1 |
| (a) factual information about a matter; | 2 |
| (b) information that is required to be given to the local government about a matter, including in an application, to enable the local government to decide the matter. | 3 4 5 6 |
| 150FA Records about prescribed conflicts of interest or declarable conflicts of interest— meetings | 7 8 9 |
| (1) Subsection (2) applies if a councillor gives notice to, or informs, a local government meeting that the councillor, or another councillor, has a prescribed conflict of interest or declarable conflict of interest in a matter. | 10 11 12 13 14 |
| (2) The following information must be recorded in the minutes of the meeting— | 15 16 |
| (a) the name of the councillor and any other councillor who may have a conflict of interest; | 17 18 19 |
| (b) the particulars of the conflict of interest; | 20 |
| (c) if section 150EX applies— | 21 |
| (i) the action the councillor takes under section 150EX(1); and | 22 23 |
| (ii) any decision made by the eligible councillors under section 150EX(2); | 24 25 |
| (d) whether the councillor participated in deciding the matter, or was present for deciding the matter, under an approval under section 150EV; | 26 27 28 29 |
| (e) for a matter to which the conflict of interest relates—the name of each eligible councillor who voted on the matter, and how each eligible councillor voted. | 30 31 32 33 |

| | | |
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| | (3) Subsection (4) applies if the councillor has a declarable conflict of interest. | 1 2 |
| | (4) In addition to the information mentioned in subsection (2), the following information must be recorded in the minutes of the meeting— | 3 4 5 |
| | (a) for a decision under section 150ER(2)—the name of each eligible councillor who voted in relation to whether the councillor has a declarable conflict of interest, and how each eligible councillor voted; | 6 7 8 9 10 |
| | (b) for a decision under section 150ES— | 11 |
| | (i) the decision and reasons for the decision; and | 12 13 |
| | (ii) the name of each eligible councillor who voted on the decision, and how each eligible councillor voted. | 14 15 16 |
| Clause 107 | Amendment of s 162 (When a councillor’s office becomes vacant) | 17 18 |
| | Section 162(1)(e)— | 19 |
| | <i>insert—</i> | 20 |
| | (iii) while the councillor is suspended under section 122, 123 or 175K; or | 21 22 |
| Clause 108 | Amendment of s 170 (Giving directions to local government staff) | 23 24 |
| | (1) Section 170(1), ‘or senior executive employees’— | 25 |
| | <i>omit.</i> | 26 |
| | (2) Section 170— | 27 |
| | <i>insert—</i> | 28 |
| | (1A) However, a direction under subsection (1) must not be inconsistent with a resolution, or a | 29 30 |

| | | |
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| | document adopted by resolution, of the local government. | 1 2 |
| (3) | Section 170(2)— | 3 |
| | <i>insert—</i> | 4 |
| | <i>Note—</i> | 5 |
| | Contravention of subsection (3) is misconduct that could result in disciplinary action being taken against a councillor. See sections 150L(1)(c)(iv), 150AQ and 150AR. | 6 7 8 9 |
| (4) | Section 170— | 10 |
| | <i>insert—</i> | 11 |
| | (3) The chief executive officer must— | 12 |
| | (a) keep a record of each direction given to the chief executive officer; and | 13 14 |
| | (b) make available to the local government each direction mentioned in paragraph (a). | 15 16 |
| (5) | Section 170(1A) to (3)— | 17 |
| | <i>renumber</i> as section 170(2) to (4). | 18 |
| Clause 109 | Amendment of s 170A (Requests for assistance or information) | 19 20 |
| (1) | Section 170A(1), after ‘employee’— | 21 |
| | <i>insert—</i> | 22 |
| | to | 23 |
| (2) | Section 170A(1), after ‘the councillor’— | 24 |
| | <i>insert—</i> | 25 |
| | to | 26 |
| (3) | Section 170A(5)(b), ‘the council’— | 27 |
| | <i>omit, insert—</i> | 28 |
| | a local government | 29 |

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| Clause 110 | Amendment of s 171 (Use of information by councillors) | 1 |
| | Section 171(3)— | 2 |
| | <i>insert</i> — | 3 |
| | <i>Note</i> — | 4 |
| | Contravention of subsection (3) is misconduct that could result in disciplinary action being taken against a councillor. See sections 150L(1)(c)(iv), 150AQ and 150AR. | 5 6 7 8 |
| Clause 111 | Omission of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in local government matters) | 9 10 |
| | Chapter 6, part 2, division 5A— | 11 |
| | <i>omit</i> . | 12 |
| Clause 112 | Amendment of s 182E (When suspension of councillor ends) | 13 14 |
| | Section 182E, 'section 182A'— | 15 |
| | <i>omit, insert</i> — | 16 |
| | 175K | 17 |
| Clause 113 | Amendment of s 182F (Criminal history report) | 18 |
| | Section 182F(1)(a)(ii), 'section 182C'— | 19 |
| | <i>omit, insert</i> — | 20 |
| | section 175M | 21 |
| Clause 114 | Amendment of s 182G (Confidentiality of criminal history information) | 22 23 |
| | (1) Section 182G(5), definition <i>criminal history information</i> , paragraph (a), 'section 182F'— | 24 25 |
| | <i>omit, insert</i> — | 26 |
| | section 175P | 27 |

- (2) Section 182G(5), definition *criminal history information*,
paragraph (b)(ii), ‘section 182C’— 1
2
omit, insert— 3
section 175M 4

- Clause 115 Renumbering of ss 182A–182G** 5
Sections 182A to 182G— 6
renumber as sections 175K to 175Q. 7

- Clause 116 Amendment of s 196 (Appointing other local government employees)** 8
9
(1) Section 196(3), ‘(other than senior executive employees)’— 10
omit. 11
(2) Section 196(4) to (7)— 12
omit. 13

- Clause 117 Amendment of s 236 (Who is authorised to sign local government documents)** 14
15
Section 236(2)(b), ‘dismissed’— 16
omit, insert— 17
suspended or the local government has been 18
dissolved 19

- Clause 118 Replacement of s 244 (Decisions not subject to appeal)** 20
Section 244— 21
omit, insert— 22
244 Decisions not subject to appeal 23
(1) This section applies if a provision of this Act 24
declares a decision to be not subject to appeal. 25
(2) Unless the Supreme Court decides the decision is 26

| | | |
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| | affected by jurisdictional error, the decision— | 1 |
| | (a) is final and conclusive; and | 2 |
| | (b) can not be challenged, appealed against, reviewed, quashed, set aside or called into question in another way, under the <i>Judicial Review Act 1991</i> or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and | 3 4 5 6 7 8 |
| | (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground. | 9 10 11 12 |
| | (3) The <i>Judicial Review Act 1991</i> , part 5 applies to the decision to the extent it is affected by jurisdictional error. | 13 14 15 |
| | (4) A person who, but for subsection (2), could have made an application under the <i>Judicial Review Act 1991</i> in relation to the decision may apply under part 4 of that Act for a statement of reasons in relation to the decision. | 16 17 18 19 20 |
| | (5) In this section— <i>decision</i> includes— | 21 22 |
| | (a) conduct related to making the decision; and | 23 |
| | (b) a failure to make a decision. | 24 |
| Clause 119 | Amendment of s 258 (Delegation of mayor’s powers) | 25 |
| | Section 258(2), ‘or senior executive employees’— | 26 |
| | <i>omit.</i> | 27 |
| Clause 120 | Insertion of new ch 9, pt 14 | 28 |
| | Chapter 9— | 29 |
| | <i>insert—</i> | 30 |

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| Part 14 | Transitional provisions for Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019 | 1 2 3 4 5 6 7 |
| Division 1 | Transitional provisions for new disqualifying offences | 8 9 |
| 328 Definitions for division | | 10 |
| | In this division— | 11 |
| | <i>amending provision</i> means a provision of the <i>Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019</i> that amends section 153 or schedule 1. | 12 13 14 15 |
| | <i>new disqualifying offence</i> means an offence that— | 16 17 |
| | (a) is a disqualifying offence after the commencement of an amending provision; but | 18 19 20 |
| | (b) was not a disqualifying offence before the amending provision commenced. | 21 22 |
| 329 New disqualifying offence committed before commencement | | 23 24 |
| | Chapter 6, part 2 applies in relation to a new disqualifying offence, even if the act or omission constituting the offence was committed before the commencement. | 25 26 27 28 |

| | |
|---|----------------------------------|
| 330 Existing charge for new disqualifying offence | 1 |
| (1) This section applies if a proceeding for a new disqualifying offence against a councillor had started before the commencement but has not ended. | 2 3 4 5 |
| (2) The councillor is automatically suspended as a councillor on the commencement. | 6 7 |
| (3) Chapter 6, part 2, division 7 applies in relation to the councillor as if the councillor was suspended under section 175K. | 8 9 10 |
| (4) Immediately after the commencement, the councillor must give a written notice about the proceeding for the new disqualifying offence that complies with subsection (5) to each of the following, unless the councillor has a reasonable excuse— | 11 12 13 14 15 16 |
| (a) the Minister; | 17 |
| (b) if the councillor is not the mayor—the mayor; | 18 19 |
| (c) the chief executive officer; | 20 |
| Maximum penalty—100 penalty units. | 21 |
| (5) For subsection (4), the notice must state— | 22 |
| (a) the provision of the law to which the proceeding for the new disqualifying offence relates; and | 23 24 25 |
| (b) the day the councillor was charged with the offence. | 26 27 |
| (6) The notice is taken to be a notice mentioned in section 175P(1)(a). | 28 29 |
| (7) The information contained in the notice is taken to be criminal history information for section 175Q. | 30 31 |

| | |
|--|----------------------------|
| 331 Existing conviction for new disqualifying offence | 1 2 |
| (1) This section applies if— | 3 |
| (a) before the commencement, a councillor was convicted of an offence that is a new disqualifying offence; and | 4 5 6 |
| (b) on the commencement, the disqualifying period for the offence would not have ended. | 7 8 |
| (2) The councillor automatically stops being a councillor on the commencement. | 9 10 |
| (3) Immediately after the commencement, the councillor must give a written notice that complies with subsection (4) to each of the following, unless the councillor has a reasonable excuse— | 11 12 13 14 15 |
| (a) the Minister; | 16 |
| (b) if the councillor is not the mayor—the mayor; | 17 18 |
| (c) the chief executive officer. | 19 |
| Maximum penalty—100 penalty units. | 20 |
| (4) For subsection (3), the notice must state— | 21 |
| (a) the provision of the law against which the councillor was convicted; and | 22 23 |
| (b) the day the councillor was convicted. | 24 |
| (5) Section 153(7) applies in relation to the offence. | 25 |
| (6) The notice is taken to be a notice mentioned in section 175Q(1)(a). | 26 27 |
| (7) The information contained in the notice is taken to be criminal history information for section 175Q. | 28 29 |
| (8) In this section— | 30 |
| <i>conviction</i> includes a spent conviction. | 31 |
| <i>disqualifying period</i> , for a new disqualifying | 32 |

offence, means the period stated in section 153(1) 1
during which a person convicted of the offence 2
can not be a councillor. 3

Division 2 Other transitional 4
provisions commencing 5
on assent 6

332 Existing senior executive employees 7

- (1) This section applies to a person who, immediately 8
before the commencement, was a senior executive 9
employee of a local government. 10
- (2) The person is taken to have been appointed as a 11
senior executive employee by the chief executive 12
officer of the local government. 13

333 Proceedings for repealed integrity offence 14
provisions 15

- (1) This section applies in relation to an offence 16
against a repealed integrity offence provision 17
committed by a person before the 18
commencement. 19
- (2) Without limiting the *Acts Interpretation Act 1954*, 20
section 20, a proceeding for the offence may be 21
continued or started, and the person may be 22
convicted of and punished for the offence, as if 23
the *Local Government Electoral (Implementing* 24
Stage 2 of Belcarra) and Other Legislation 25
Amendment Act 2019, section 111 had not 26
commenced. 27
- (3) From the commencement, an offence against a 28
repealed integrity offence provision continues, 29
despite the repeal of the provision, to be— 30
- (a) an integrity offence for section 153; and 31

| | | |
|-------------------|--|----------------------------|
| | (b) a disqualifying offence for chapter 6. | 1 |
| | (4) In this section— | 2 |
| | <i>repealed integrity offence provision</i> means the following provisions as in force before the commencement— | 3 4 5 |
| | (a) section 175C(2); | 6 |
| | (b) section 175E(2) and (5); | 7 |
| | (c) section 175H; | 8 |
| | (d) section 175I(2) and (3). | 9 |
| | 334 Continuation of Minister’s approval for councillor to participate or be present to decide matter | 10 11 12 |
| | (1) This section applies to a notice given by the Minister to a councillor under section 175F, as in force immediately before the commencement, if the notice is in force immediately before the commencement. | 13 14 15 16 17 |
| | (2) The notice is taken to be a notice given to the councillor under section 150EV. | 18 19 |
| Clause 121 | Amendment of sch 1 (Serious integrity offences and integrity offences) | 20 21 |
| | (1) Schedule 1, part 2, under heading ‘This Act’, entries for sections 175C(2), 175E(2) or (5), 175H and 175I(2) or (3)— <i>omit.</i> | 22 23 24 |
| | (2) Schedule 1, part 2, under heading ‘This Act’— <i>insert—</i> | 25 26 |
| | s 150EK(1) Councillor must not participate in decisions | |
| | s 150EL(2) or (3) Obligation of councillor with prescribed conflict of interest | |

| | | |
|-------------------|--|---|
| s 150EQ(2) or (3) | Obligation of councillor with declarable conflict of interest | |
| s 150EY | Offence to take retaliatory action | |
| s 150EZ(2) | Obligation of councillor with prescribed conflict of interest or declarable conflict of interest to influence others | |
| (3) | Schedule 1, part 2, under heading ‘Local Government Electoral Act’— | 1 |
| | <i>insert—</i> | 2 |
| | | 3 |
| 126(8) | Requirement for candidate to operate dedicated account | |
| 127(8) | Requirement for group of candidates to operate dedicated account | |
| 195(1)(b) | Offences about returns | |
| 195(2) | Offences about returns | |
| 195(3) | Offences about returns | |

| | | |
|-------------------|---|----|
| Clause 122 | Amendment of sch 4 (Dictionary) | 4 |
| (1) | Schedule 4, definitions <i>conflict of interest</i> , <i>local government meeting</i> , <i>material personal interest</i> , <i>ordinary business matter</i> , <i>perceived conflict of interest</i> , <i>real conflict of interest</i> and <i>senior executive employee</i> — | 5 |
| | <i>omit.</i> | 6 |
| | | 7 |
| | | 8 |
| | | 9 |
| (2) | Schedule 4— | 10 |
| | <i>insert—</i> | 11 |
| | <i>close associate</i> , of a councillor, see section 150EJ. | 12 |
| | | 13 |
| | <i>declarable conflict of interest</i> see sections 150EN and 150EO. | 14 |
| | | 15 |

| | |
|--|------------------|
| <i>eligible councillor</i> , for a matter at a meeting, means a councillor at the meeting who does not have a prescribed conflict of interest or declarable conflict of interest in the matter. | 1 2 3 4 |
| <i>executive officer</i> , of an entity, means— | 5 |
| (a) if the entity has a board or management committee—each member of the board or committee; or | 6 7 8 |
| (b) each person, by whatever name called, who is concerned, or takes part, in the management of the entity. | 9 10 11 |
| <i>gift</i> includes— | 12 |
| (a) a gift under the Local Government Electoral Act, section 106; and | 13 14 |
| (b) a gift that is required, under a regulation, to be recorded in a register of interests. | 15 16 |
| <i>interest</i> means a financial or other interest. | 17 |
| <i>loan</i> includes— | 18 |
| (a) a loan under the Local Government Electoral Act, section 106; and | 19 20 |
| (b) a loan that is required, under a regulation, to be recorded in a register of interests. | 21 22 |
| <i>local government meeting</i> means a meeting of— | 23 |
| (a) a local government; or | 24 |
| (b) a committee of a local government. | 25 |
| <i>prescribed conflict of interest</i> see section 150EG, 150EH or 150EI. | 26 27 |
| <i>related party</i> , of a councillor, see section 150EP. | 28 |
| <i>relevant term</i> , for a councillor, means the councillor's current term of office, and— | 29 30 |

-
- (a) if the councillor held office for a term (the *previous term*) ending immediately before the current term—the previous term; or
- (b) if paragraph (a) does not apply and the councillor was elected as councillor in the election occurring immediately before the councillor’s current term of office started, the period—
- (i) starting on the day the councillor announced or otherwise publicly indicated an intention to be a candidate in the election; and
- (ii) ending on the day immediately before the councillor’s current term of office started.
- senior executive employee*, of a local government, means an employee of the local government—
- (a) who reports directly to the chief executive officer; and
- (b) whose position ordinarily would be considered to be a senior position in the local government’s corporate structure.
- (3) Schedule 4, definition *major policy decision*—
- insert*—
- (e) relating to making or preparing an arrangement, list, plan or register in the way provided under a regulation made under this Act that can be used to establish an exception to obtaining quotes or tenders when entering into a contract; or
- (f) to make, amend or repeal a local law; or
- (g) to make, amend or repeal a local planning instrument under the Planning Act; or

| | | |
|----------------------|---|----------------------|
| | (h) under the Planning Act, chapter 3, part 3, division 2 on a development application that includes a variation request under that Act; or | 1 2 3 4 |
| | (i) under the Planning Act, chapter 3, part 5, division 2, subdivision 2 on a change application under that Act that is a change to a variation approval under that Act. | 5 6 7 8 |
| Division 3 | Amendments commencing by proclamation | 9 10 |
| Subdivision 1 | Amendments relating to councillor complaints and State intervention powers | 11 12 13 |
| Clause 123 | Amendment of s 5 (Relationship with City of Brisbane Act 2010) | 14 15 |
| | Section 5(c) and (d)— <i>omit.</i> | 16 17 |
| Clause 124 | Insertion of new s 113A | 18 |
| | After section 113— <i>insert—</i> | 19 20 |
| | 113A Meaning of <i>local government</i> and application of local government principles | 21 22 |
| | (1) In this part, a <i>local government</i> includes the Brisbane City Council. | 23 24 |
| | (2) Also, the local government principles apply as if a reference in the principles to a councillor or local government employee included a reference to a councillor or council employee under the <i>City</i> | 25 26 27 28 |

| | | |
|-------------------|---|----------------------------|
| | <i>of Brisbane Act 2010.</i> | 1 |
| Clause 125 | Amendment of s 150C (Definitions for chapter) | 2 |
| | Section 150C— | 3 |
| | <i>insert—</i> | 4 |
| | <i>local government</i> includes the Brisbane City Council. | 5 6 |
| | <i>local government employee</i> includes a council employee under the <i>City of Brisbane Act 2010</i> . | 7 8 |
| Clause 126 | Insertion of new s 150CAA | 9 |
| | After section 150C— | 10 |
| | <i>insert—</i> | 11 |
| | 150CAA Application of local government principles | 12 13 |
| | In this chapter, the local government principles apply as if a reference in the principles to a councillor or local government employee included a reference to a councillor or council employee under the <i>City of Brisbane Act 2010</i> . | 14 15 16 17 18 |
| Clause 127 | Amendment of s 150D (Minister to make code of conduct) | 19 |
| (1) | Section 150D(1), after ‘under this Act’— | 20 |
| | <i>insert—</i> | 21 |
| | or the <i>City of Brisbane Act 2010</i> | 22 |
| (2) | Section 150D(1), note 1, after ‘principles.’— | 23 |
| | <i>insert—</i> | 24 |
| | See also section 150CAA in relation to the application of the local government principles. | 25 26 |
| (3) | Section 150D(1), note 2— | 27 |

omit, insert—

1

- 2 Also, see the obligations imposed on councillors
3 under chapter 6, part 2, division 5 or the *City of*
4 *Brisbane Act 2010*, chapter 6, part 2, division 5
5 which apply to councillors in performing their
6 functions as councillors under this Act or the *City of*
7 *Brisbane Act 2010*.

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Clause 128 Amendment of s 150L (What is *misconduct*)

8

- (1) Section 150L(1)(c)(ii), after ‘170A’—

9

insert—

10

or the *City of Brisbane Act 2010*

11

- (2) Section 150L(1)(c)—

12

insert—

13

- (v) the *City of Brisbane Act 2010*, section
170(2), 173(3) or 177T.

14
15

**Clause 129 Amendment of s 150P (Complaints about councillor
conduct must be referred to assessor)**

16
17

Section 150P(5), definition *government entity—*

18

insert—

19

- (d) the chief executive officer under the *City of*
Brisbane Act 2010.

20
21

**Clause 130 Amendment of s 150R (Local government official must
notify assessor about particular conduct)**

22
23

Section 150R(4), definition *local government official—*

24

insert—

25

- (c) the chief executive officer under the *City of*
Brisbane Act 2010.

26
27

| | | |
|-------------------|---|----------------------|
| Clause 131 | Amendment of s 150AG (Decision about inappropriate conduct) | 1 2 |
| | Section 150AG(1), note, ‘which limits’— | 3 |
| | <i>omit, insert—</i> | 4 |
| | or the <i>City of Brisbane Act 2010</i> , section 238(2) which limit | 5 6 |
| Clause 132 | Amendment of s 150AR (Disciplinary action against councillor) | 7 8 |
| | Section 150AR(1)(b)(vi), after ‘deputy mayor’— | 9 |
| | <i>insert—</i> | 10 |
| | , the chairperson of the council under the <i>City of Brisbane Act 2010</i> | 11 12 |
| Clause 133 | Amendment of s 150AY (Functions of investigators) | 13 |
| | Section 150AY(b), after the third dot point— | 14 |
| | <i>insert—</i> | 15 |
| | <ul style="list-style-type: none">the <i>City of Brisbane Act 2010</i>, section 173, 173A(2) or (3), 173B(2), 177H, 177I(2) or (3), 177J(2), 177N(2) or (3), 177P(4), 177V, 177W(2) | 16 17 18 19 |
| Clause 134 | Amendment of s 153 (Disqualification for certain offences) | 20 21 |
| | (1) Section 153, heading, after ‘offences’— | 22 |
| | <i>insert—</i> | 23 |
| | or if dismissed | 24 |
| | (2) Section 153(1)(e), from ‘dismissed as’— | 25 |
| | <i>omit, insert—</i> | 26 |
| | dismissed. | 27 |

- (3) Section 153— 1
insert— 2
(8) In this section— 3
dismissed means dismissed as a councillor— 4
(a) under section 122; or 5
(b) because of the dissolution of the local 6
government under section 123. 7

- Clause 135 Amendment of s 160 (When a councillor's term ends)** 8
(1) Section 160(d)— 9
omit. 10
(2) Section 160(e)— 11
renumber as section 160(d). 12

- Clause 136 Amendment of s 162 (When a councillor's office becomes vacant)** 13
(1) Section 162(1)(a)— 14
omit. 15
(2) Section 162(b) to (h)— 16
renumber as section 162(a) to (g). 17
18

- Clause 137 Insertion of new s 204G** 19
Before section 205— 20
insert— 21
204G Definition for part 22
In this part— 23
local government includes the Brisbane City 24
Council. 25

| | | |
|-------------------|---|----|
| Clause 138 | Amendment of s 234 (False or misleading information) | 1 |
| (1) | Section 234(1)— | 2 |
| | <i>insert—</i> | 3 |
| | (ca) the chief executive officer under the <i>City of Brisbane Act 2010</i> ; | 4 |
| | | 5 |
| (2) | Section 234(1)(ca) to (j)— | 6 |
| | <i>renumber</i> as section 234(1)(d) to (k). | 7 |
| | | |
| Clause 139 | Amendment of s 235 (Administrators who act honestly and without negligence are protected from liability) | 8 |
| | | 9 |
| (1) | Section 235(1), from ‘done under’— | 10 |
| | <i>omit, insert—</i> | 11 |
| | done, or omission made, honestly and without negligence under— | 12 |
| | | 13 |
| | (a) this Act; or | 14 |
| | (b) the <i>City of Brisbane Act 2010</i> ; or | 15 |
| | (c) the Local Government Electoral Act. | 16 |
| (2) | Section 235(3)— | 17 |
| | <i>insert—</i> | 18 |
| | (aa) a councillor under the <i>City of Brisbane Act 2010</i> ; or | 19 |
| | | 20 |
| | (ba) the chief executive officer under the <i>City of Brisbane Act 2010</i> ; or | 21 |
| | | 22 |
| (3) | Section 235(3)(aa) to (e)— | 23 |
| | <i>renumber</i> as section 235(3)(b) to (g). | 24 |
| | | |
| Clause 140 | Amendment of sch 4 (Dictionary) | 25 |
| (1) | Schedule 4, definition <i>local government</i> , before paragraph (a)— | 26 |
| | | 27 |
| | <i>insert—</i> | 28 |

- (aa) for chapter 5, part 1—see section 113A(1);
or 1
2
- (ab) for chapter 5A—see section 150C; or 3
- (ac) for chapter 6, part 7—see section 204G; or 4
- (2) Schedule 4, definition *local government*, paragraphs (aa) to 5
(b)— 6
renumber as paragraphs (a) to (e). 7
- (3) Schedule 4, definition *local government employee*— 8
omit, insert— 9
local government employee— 10
- (a) for chapter 5A—see section 150C; or 11
- (b) generally—means— 12
 - (i) the chief executive officer; or 13
 - (ii) a person holding appointment under 14
section 196. 15

Subdivision 2 Other amendments commencing by proclamation 16
17

- Clause 141 Amendment of s 12 (Responsibilities of councillors)** 18
- (1) Section 12(4)(b)— 19
omit. 20
 - (2) Section 12(4)(d)— 21
omit, insert— 22
 - (d) directing the chief executive officer in 23
accordance with a resolution, or a document 24
adopted by resolution, of the local 25
government; 26
 - (3) Section 12(4)(c) to (h)— 27

renumber as section 12(4)(b) to (g). 1

Clause 142 Omission of s 107A (Approval of budget) 2

Section 107A— 3

omit. 4

Clause 143 Amendment of s 150AY (Functions of investigators) 5

(1) Section 150AY(b), third dot point, ‘or 171B(2)’— 6

omit, insert— 7

, 171B(2) or 172 8

(2) Section 150AY(b), fourth dot point, after ‘173B(2),’— 9

insert— 10

174, 11

Clause 144 Insertion of new s 150FB 12

After section 150FA— 13

insert— 14

150FB Presumption of knowledge of particular 15
gifts or loans 16

(1) In a proceeding for an offence against this chapter 17
relating to a relevant gift or loan given or made to 18
a councillor, the councillor is presumed to know 19
the following matters unless the contrary is 20
proven— 21

(a) that the relevant gift or loan was given to the 22
councillor; and 23

(b) the source of the relevant gift or loan. 24

(2) In this section— 25

relevant gift or loan means a gift or loan required 26
to be the subject of a notice under the Local 27

| | | |
|-------------------|---|----------------------------|
| | Government Electoral Act, section 121B. | 1 |
| | <i>source</i> , of a gift or loan, see the Local Government Electoral Act, section 121A. | 2 3 |
| Clause 145 | Amendment of s 162 (When a councillor’s office becomes vacant) | 4 5 |
| | Section 162(1)(c), after ‘section 169’— | 6 |
| | <i>insert</i> — | 7 |
| | or 171AA | 8 |
| Clause 146 | Amendment of s 169 (Obligations of councillors before acting in office) | 9 10 |
| | Section 169(5)(a), ‘1 month’— | 11 |
| | <i>omit, insert</i> — | 12 |
| | 30 days | 13 |
| Clause 147 | Amendment of s 170A (Requests for assistance or information) | 14 15 |
| | (1) Section 170A(3)— | 16 |
| | <i>omit, insert</i> — | 17 |
| | (3) If the advice or information requested under subsection (1) or (2) relates to a document, the requirement under subsection (9) to comply with the request includes a requirement to provide a copy of the document. | 18 19 20 21 22 |
| | (3A) Subsections (2) and (3) do not apply to information or a document— | 23 24 |
| | (a) that is a record of the conduct tribunal; or | 25 |
| | (b) that was a record of a former conduct review body; or | 26 27 |

-
- (c) if disclosure of the information or document to the councillor would be contrary to an order of a court or tribunal; or
- (d) that would be privileged from production in a legal proceeding on the ground of legal professional privilege.
- (2) Section 170A(5), ‘Subsection (4)’—
omit, insert—
Subsection (5)
- (3) Section 170A(8)—
omit, insert—
- (9) The chief executive officer must comply with a request made to the chief executive officer under subsection (1) or (2)—
- (a) within 10 business days after receiving the request; or
- (b) if the chief executive officer reasonably believes it is not practicable to comply with the request within 10 business days—within 20 business days after receiving the request.
- Maximum penalty—20 penalty units.
- (10) If the chief executive officer forms the belief mentioned in subsection (9)(b), the chief executive officer must give the councillor notice about the belief and the reasons for the belief within 10 business days after receiving the request.
- (11) In this section—
former conduct review body means a regional conduct review panel or the Local Government Remuneration and Discipline Tribunal under this Act as in force before the commencement of the *Local Government (Councillor Complaints) and Other Legislation Amendment Act 2018*, section

| | |
|--|----|
| 18. | 1 |
| (4) Section 170A(3A) to (7)— | 2 |
| <i>renumber</i> as section 170A(4) to (8). | 3 |
| Clause 148 Insertion of new s 171AA | 4 |
| After section 171A— | 5 |
| <i>insert</i> — | 6 |
| 171AA Obligation of councillor to inform chief executive officer of particulars of interests at start of term | 7 |
| | 8 |
| | 9 |
| (1) This section applies if a councillor, at the start of the councillor's term, has an interest that must be recorded in a register of interests under a regulation in relation to the councillor or a person who is related to the councillor. | 10 |
| | 11 |
| | 12 |
| | 13 |
| | 14 |
| (2) The councillor must, in the approved form, inform the chief executive officer of the particulars of the interest within— | 15 |
| | 16 |
| | 17 |
| (a) 30 days after the day the councillor's term starts; or | 18 |
| | 19 |
| (b) a longer period allowed by the Minister. | 20 |
| (3) A person ceases to be a councillor if the person does not comply with subsection (2). | 21 |
| | 22 |
| (4) A person is <i>related</i> to a councillor if— | 23 |
| (a) the person is the councillor's spouse; or | 24 |
| (b) the person is totally or substantially dependent on the councillor and— | 25 |
| | 26 |
| (i) the person is the councillor's child; or | 27 |
| (ii) the person's affairs are so closely connected with the affairs of the councillor that a benefit derived by the | 28 |
| | 29 |
| | 30 |

| | | |
|-------------------|--|----|
| | person, or a substantial part of it, could | 1 |
| | pass to the councillor. | 2 |
| Clause 149 | Amendment of s 171B (Obligation of councillor to correct register of interests) | 3 |
| | | 4 |
| (1) | Section 171B(1)(a), after ‘must be’— | 5 |
| | <i>insert—</i> | 6 |
| | , but is not, | 7 |
| (2) | Section 171B(2), ‘of the interest’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | of the new interest | 10 |
| (3) | Section 171B(2), penalty and note— | 11 |
| | <i>omit, insert—</i> | 12 |
| | Maximum penalty—100 penalty units. | 13 |
| (4) | Section 171B(3)— | 14 |
| | <i>omit.</i> | 15 |
| Clause 150 | Insertion of new s 172 | 16 |
| | After section 171B— | 17 |
| | <i>insert—</i> | 18 |
| | 172 Obligation of councillor to inform chief executive officer annually about register of interests | 19 |
| | | 20 |
| | | 21 |
| | A councillor must, within 30 days after the end of | 22 |
| | each financial year, inform the chief executive | 23 |
| | officer, in the approved form— | 24 |
| | (a) whether a register of interests under a | 25 |
| | regulation in relation to the councillor or a | 26 |
| | person who is related to the councillor is | 27 |
| | correct; and | 28 |

| | | |
|-------------------|---|---------------------------------|
| | (b) if the councillor has an interest that must be, but is not, recorded in a register of interests under a regulation in relation to the councillor or a person who is related to the councillor—of the particulars of the interest that must be recorded in the register of interests under a regulation; and | 1 2 3 4 5 6 7 |
| | (c) if there is a change to an interest recorded in a register of interests under a regulation in relation to the councillor or a person related to the councillor—of the change to the interest. | 8 9 10 11 12 |
| | Maximum penalty—100 penalty units. | 13 |
| Clause 151 | Amendment of s 257 (Delegation of local government powers) | 14 15 |
| | Section 257(4), from ‘of 2’— | 16 |
| | <i>omit, insert—</i> | 17 |
| | of the local government and councillors of 1 or more other local governments. | 18 19 |
| Clause 152 | Amendment of sch 1 (Serious integrity offences and integrity offences) | 20 21 |
| | (1) Schedule 1, part 2, under heading ‘This Act’, entry for section 171B(2)— | 22 23 |
| | <i>omit.</i> | 24 |
| | (2) Schedule 1, part 2, under heading ‘Local Government Electoral Act’— | 25 26 |
| | <i>insert—</i> | 27 |
| 183 | Engaging in group campaign activities | |

| | | |
|-------------------|--|----------|
| Clause 153 | Amendment of sch 4 (Dictionary) | 1 |
| | Schedule 4— | 2 |
| | <i>insert</i> — | 3 |
| | <i>related</i> , to a councillor, see section 171AA(4). | 4 |
| Part 4 | Amendment of Local Government Electoral Act 2011 | 5 6 |
| Division 1 | Preliminary | 7 |
| Clause 154 | Act amended | 8 |
| | This part amends the <i>Local Government Electoral Act 2011</i> . | 9 |
| Division 2 | Amendments commencing on assent | 10 11 |
| Clause 155 | Amendment of s 4 (Definitions) | 12 |
| | Section 4, ‘the schedule’— | 13 |
| | <i>omit, insert</i> — | 14 |
| | schedule 2 | 15 |
| Clause 156 | Amendment of s 7 (Meaning of <i>conclusion</i> of local government election) | 16 17 |
| | Section 7(1)(a), (b)(i) and (c)(i), ‘displayed at the office of the returning officer under section 100(2)(a)’— | 18 19 |
| | <i>omit, insert</i> — | 20 |
| | published on the electoral commission’s website under section 100(2) | 21 22 |

| | | |
|-------------------|---|----------------------------|
| Clause 157 | Replacement of s 13 (Membership of a political party ends particular appointments) | 1 2 |
| | Section 13— | 3 |
| | <i>omit, insert—</i> | 4 |
| | 13 Removal from office for membership of political party | 5 6 |
| | (1) The electoral commission must remove a person from the office of returning officer or assistant returning officer if the person becomes a member of a political party. | 7 8 9 10 |
| | (2) Subsection (1) does not limit the electoral commission’s power to remove a person from the office of returning officer or assistant returning officer. | 11 12 13 14 |
| | (3) A person’s membership of a political party, or failure to comply with section 14, does not invalidate— | 15 16 17 |
| | (a) anything done by the person while the person is a returning officer or assistant returning officer; or | 18 19 20 |
| | (b) if the person does a thing for an election while the person is a returning officer or assistant returning officer—the election. | 21 22 23 |
| Clause 158 | Amendment of s 21 (Supply of voters roll to candidates) | 24 |
| | Section 21— | 25 |
| | <i>insert—</i> | 26 |
| | (3) A person must not use, disclose to another person or allow another person to access information in a copy of a voters roll given to a candidate under subsection (1), unless the use, disclosure or giving of access is for a purpose stated in subsection (4). | 27 28 29 30 31 |
| | Maximum penalty—20 penalty units or 6 months imprisonment. | 32 33 |

| | | |
|-------------------|---|----------------------|
| | (4) The purposes are— | 1 |
| | (a) any purpose related to an election under this Act; or | 2 3 |
| | (b) checking the accuracy of information on the voters roll; or | 4 5 |
| | (c) the performance by a councillor of a local government of the councillor’s functions in relation to electors enrolled on the voters roll; or | 6 7 8 9 |
| | (d) the performance by an official or employee of a political party of the person’s duties in relation to electors enrolled on the voters roll. | 10 11 12 13 |
| Clause 159 | Amendment of s 23 (Date of quadrennial elections) | 14 |
| | Section 23(3), after ‘different day’— | 15 |
| | <i>insert—</i> | 16 |
| | , which must be a Saturday, | 17 |
| Clause 160 | Amendment of s 24 (Date of by-elections) | 18 |
| | Section 24(3)(a), ‘in a newspaper circulating generally in the local government area’— | 19 20 |
| | <i>omit, insert—</i> | 21 |
| | on the electoral commission’s website | 22 |
| Clause 161 | Amendment of s 25 (Calling for nominations) | 23 |
| | Section 25(1)— | 24 |
| | <i>omit, insert—</i> | 25 |
| | (1) The returning officer must publish notice of an election on the electoral commission’s website, and in other ways the returning officer considers | 26 27 28 |

| | | |
|-------------------|---|-----------------------------|
| | appropriate. | 1 |
| Clause 162 | Amendment of s 26 (Who may be nominated) | 2 |
| (1) | Section 26— | 3 |
| | <i>insert—</i> | 4 |
| (1A) | Also, a person may be nominated as a candidate for an election only if the person has, within 6 months before the nomination day for the election, successfully completed a training course approved by the department’s chief executive about— | 5 6 7 8 9 10 |
| (a) | the person’s obligations as a candidate, including the person’s obligations under part 6; and | 11 12 13 |
| (b) | the person’s obligations as a councillor, if the person is elected or appointed, including obligations under a Local Government Act within the meaning of the <i>Local Government Act 2009</i> . | 14 15 16 17 18 |
| (2) | Section 26(1A) to (3)— | 19 |
| | <i>renumber</i> as section 26(2) to (4). | 20 |
| Clause 163 | Amendment of s 32 (Announcement of nominations) | 21 |
| (1) | Section 32(1), from ‘must display’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | must publish the prescribed information for the nomination— | 24 25 |
| (a) | on the electoral commission’s website; and | 26 |
| (b) | in other ways the returning officer considers appropriate. | 27 28 |
| (2) | Section 32(2)— | 29 |
| | <i>omit, insert—</i> | 30 |

| | | |
|-------------------|--|----------------|
| | (2) The publication of the prescribed information must continue until the conclusion of the election. | 1 2 |
| | (3) In this section— | 3 |
| | <i>prescribed information</i> , for a nomination, means information or a statement contained in the nomination prescribed by regulation. | 4 5 6 |
| Clause 164 | Amendment of s 35 (Procedure if number of candidates exceeds number required) | 7 8 |
| | (1) Section 35(3)(c) and (d)— | 9 |
| | <i>omit, insert—</i> | 10 |
| | (c) be published on the electoral commission’s website, and in other ways the returning officer considers appropriate. | 11 12 13 |
| | (2) Section 35(4)— | 14 |
| | <i>omit, insert—</i> | 15 |
| | (4) Publication of the notice under subsection (3)(c) must— | 16 17 |
| | (a) start as soon as practicable after noon on the nomination day; and | 18 19 |
| | (b) continue until the close of the poll. | 20 |
| Clause 165 | Amendment of s 38 (Extension of times) | 21 |
| | (1) Section 38, heading— | 22 |
| | <i>omit, insert—</i> | 23 |
| | 38 Changing nomination day or polling day | 24 |
| | (2) Section 38(2), from ‘the day is’— | 25 |
| | <i>omit, insert—</i> | 26 |
| | the conduct of the election is likely to be affected by— | 27 28 |

| | | |
|-------------------|---|----------------------------|
| | (a) a storm, flood, fire or a similar happening; or | 1 2 |
| | (b) a riot or open violence; or | 3 |
| | (c) another exceptional circumstance. | 4 |
| (3) | Section 38(3), from ‘subsection (2)’— | 5 |
| | <i>omit, insert—</i> | 6 |
| | subsection (2)— | 7 |
| | (a) the later day must be— | 8 |
| | (i) for a later nomination day—a day that is as close as practicable to the nomination day mentioned in subsection (1)(a); or | 9 10 11 12 |
| | (ii) for a later polling day—the Saturday that is as close as practicable to the day the poll would have been conducted under section 35; and | 13 14 15 16 |
| | (b) the returning officer— | 17 |
| | (i) may give any necessary directions to candidates, and to electors, about the procedures to be followed; and | 18 19 20 |
| | (ii) must publish a notice detailing the directions on the electoral commission’s website, and in other ways the returning officer considers appropriate. | 21 22 23 24 25 |
| Clause 166 | Replacement of s 45 (Direction that poll be conducted by postal ballot) | 26 27 |
| | Section 45— | 28 |
| | <i>omit, insert—</i> | 29 |

| | |
|--|----------------------|
| 45AA Application for direction that poll be conducted by postal ballot | 1 2 |
| (1) A local government may apply to the Minister for a poll to be conducted by postal ballot in— | 3 4 |
| (a) for an election for all of the local government’s area—all of the local government’s area or a part or division of the local government’s area; or | 5 6 7 8 |
| (b) for an election for a division of the local government’s area—the division or a part of the division. | 9 10 11 |
| (2) The application must be made— | 12 |
| (a) for a poll for a quadrennial election—before 1 May in the year preceding the quadrennial election or a later day approved by the Minister; or | 13 14 15 16 |
| (b) for a poll for a by-election—before the day for holding the by-election is fixed by the returning officer under section 24. | 17 18 19 |
| 45AB Referral of application to electoral commissioner for recommendation | 20 21 |
| (1) The Minister must refer an application made under section 45AA to the electoral commissioner for the commissioner’s recommendation about whether the application should be approved. | 22 23 24 25 |
| (2) The electoral commissioner must— | 26 |
| (a) consider the application; and | 27 |
| (b) give the Minister a written recommendation about whether the application should be approved and the reasons for the recommendation. | 28 29 30 31 |
| (3) Before making the recommendation, the electoral commissioner may ask the local government for | 32 33 |

- further information the electoral commissioner
reasonably requires to make the recommendation. 1
2
- (4) In making the recommendation, the electoral
commissioner must have regard to the following
matters— 3
4
5
- (a) the reasons, stated in the application, why
the poll should be conducted by postal
ballot; 6
7
8
- (b) the costs of conducting the poll by postal
ballot compared to the costs of conducting
the poll using polling booths; 9
10
11
- (c) the number of persons enrolled on an
electoral roll for an electoral district, or part
of an electoral district, included in the area
to which the application relates; 12
13
14
15
- (d) the population density and distribution in
the area to which the application relates; 16
17
- (e) whether a poll has previously been
conducted by postal ballot in the area to
which the application relates. 18
19
20
- 45 Direction that poll be conducted by postal
ballot 21
22**
- (1) After receiving the electoral commissioner’s
recommendation about an application under
section 45AB, the Minister must consider the
application and decide to approve or not to
approve the application. 23
24
25
26
27
- (2) In deciding whether to approve the application,
the Minister must have regard to— 28
29
- (a) the electoral commissioner’s
recommendation and the reasons for the
recommendation; and 30
31
32
- (b) the matters mentioned in section 45AB(4). 33

-
- (3) The approval may be given for— 1
- (a) all the local government’s area; or 2
 - (b) 1 or more divisions of its area; or 3
 - (c) a part of its area marked on a map. 4
- (4) If the approval is given for a part of a local 5
government’s area, the local government must— 6
- (a) ensure that the public may inspect the 7
relevant map— 8
 - (i) at the local government’s public office; 9
and 10
 - (ii) on the local government’s website; and 11
 - (b) publish details of the approval in a 12
newspaper circulating generally in the part 13
of the local government’s area. 14

**45A Decisions under this subdivision are not 15
subject to appeal 16**

A decision of the Minister or the electoral 17
commissioner under this subdivision is not 18
subject to appeal. 19

Note— 20

See the *Judicial Review Act 1991*, section 6 in relation to 21
the making of a recommendation for the purposes of 22
that Act. See also section 158. 23

**Clause 167 Amendment of s 49 (Declaration of mobile polling 24
booths) 25**

Section 49(3)(b), ‘in a newspaper circulating generally in the 26
relevant part of the local government area’— 27

omit, insert— 28

on the electoral commission’s website, and in 29
other ways the returning officer considers 30
appropriate 31

| | | |
|-------------------|---|----|
| Clause 168 | Amendment of s 50 (Declaration of pre-polling booths) | 1 |
| (1) | Section 50(2)(b), ‘in a newspaper circulating generally in the local government’s area’— | 2 |
| | <i>omit, insert—</i> | 3 |
| | on the electoral commission’s website, and in other ways the returning officer considers appropriate | 4 |
| (2) | Section 50(3)— | 5 |
| | <i>omit.</i> | 6 |
| (3) | Section 50(4)— | 7 |
| | <i>renumber</i> as section 50(3). | 8 |
| | | 9 |
| | | 10 |
| | | 11 |
| Clause 169 | Insertion of new s 52A | 12 |
| | After section 52— | 13 |
| | <i>insert—</i> | 14 |
| | 52A Suspension of poll | 15 |
| (1) | The returning officer, or the presiding officer for a polling booth, may suspend the poll at a polling booth on polling day for not more than 4 hours if satisfied the taking of the poll is, or is likely to be, temporarily interrupted or obstructed by— | 16 |
| | (a) a serious threat that a riot or open violence will happen; or | 17 |
| | (b) circumstances that pose a serious risk to the health or safety of persons at the polling booth; or | 18 |
| | (c) another emergency. | 19 |
| (2) | The returning officer, or the presiding officer for the polling booth, must ensure an elector who attends the polling booth while the poll is suspended is given information to assist the elector to cast a vote, including— | 20 |
| | | 21 |
| | | 22 |
| | | 23 |
| | | 24 |
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| (a) | the time the poll is expected to resume at the polling booth; and | 1 2 |
| (b) | the location of other polling booths. | 3 |
| (3) | The returning officer or the presiding officer for the polling booth must adjourn the conduct of the poll at the polling booth to another day if— | 4 5 6 |
| (a) | for any reason, taking of the poll at the polling booth can not resume on the polling day; or | 7 8 9 |
| (b) | the returning officer or presiding officer is satisfied that it is unreasonable for an elector who would have otherwise cast a vote at the polling while it was suspended to have cast a vote at another polling booth. | 10 11 12 13 14 |
| Clause 170 | Replacement of s 53 (Adjournment of poll) | 15 |
| | Section 53— | 16 |
| | <i>omit, insert—</i> | 17 |
| | 53 Adjournment of poll | 18 |
| (1) | The returning officer, or the presiding officer for a polling booth, may adjourn the poll at the polling booth to another day if satisfied the taking of the poll at the polling booth is, or is likely to be, interrupted by any of the things stated in subsection (2) to the extent the taking of the poll can not start or continue at the polling booth. | 19 20 21 22 23 24 25 |
| (2) | For subsection (1), the things are as follows— | 26 |
| (a) | a storm, flood, fire or a similar happening; | 27 |
| (b) | a riot or open violence; | 28 |
| (c) | a serious threat that a riot or open violence will happen; | 29 30 |

| | | |
|-------------------|---|----------------------------|
| | (d) circumstances that pose a serious risk to the health or safety of persons at the polling booth; | 1 2 3 |
| | (e) another emergency. | 4 |
| | (3) If a poll is adjourned under subsection (1) or section 52A(3), the returning officer must fix a day (no later than 34 days after the day on which the poll is adjourned) for taking, or resuming, the adjourned poll. | 5 6 7 8 9 |
| | (4) The returning officer must publish notice of the day fixed for taking, or resuming, the adjourned poll on the electoral commission's website, and in other ways the returning officer considers appropriate. | 10 11 12 13 14 |
| | (5) If an adjourned poll is held, only electors who are enrolled in the electoral district for which the polling booth is established and who have not otherwise voted in the election, are entitled to vote. | 15 16 17 18 19 |
| | (6) The adjourned poll is taken to have been held on the polling day. | 20 21 |
| Clause 171 | Amendment of s 55 (Ballot papers) | 22 |
| | (1) Section 55(1)(b), before 'be attached to'— | 23 |
| | <i>insert—</i> | 24 |
| | for a ballot paper other than a ballot paper reproduced under section 58A— | 25 26 |
| | (2) Section 55(1)(b)(iii)— | 27 |
| | <i>omit, insert—</i> | 28 |
| | (iii) states the local government area, or division of the local government area, for which the poll is conducted; and | 29 30 31 |
| | (3) Section 55(2A), from 'must be'— | 32 |

| | |
|---|-------------|
| <i>omit, insert—</i> | 1 |
| must— | 2 |
| (a) be of a size or format that enables the elector’s electronically assisted vote to be accurately determined; and | 3 4 5 |
| (b) state the local government area, or division of the local government area, for which the vote is cast. | 6 7 8 |

| | | |
|-------------------|---|----------------------|
| Clause 172 | Amendment of s 58 (Distribution of ballot paper and voters roll) | 9 10 |
| (1) | Section 58— | 11 |
| | <i>insert—</i> | 12 |
| | (1A) Without limiting subsection (1)(b), a certified copy of a voters roll for an electoral district is available at a polling booth if— | 13 14 15 |
| | (a) a certified copy of the voters roll can be accessed from the polling booth; and | 16 17 |
| | (b) an issuing officer at the polling booth can use the electronic certified copy to make an electronic record of the persons to whom a ballot paper is issued. | 18 19 20 21 |
| (2) | Section 58(1A) to (8)— | 22 |
| | <i>renumber</i> as section 58(2) to (9). | 23 |

| | | |
|-------------------|---|----------|
| Clause 173 | Insertion of new s 58A | 24 |
| | After section 58— | 25 |
| | <i>insert—</i> | 26 |
| | 58A Ballot papers may be reproduced if required | 27 |
| | (1) This section applies if a polling booth does not have, or runs out of, ballot papers for an election. | 28 29 |

| | | |
|-------------------|---|----------------------|
| | (2) An issuing officer at the polling booth may reproduce a ballot paper for the election, including, for example, by photocopying, handwriting or printing the ballot paper. | 1 2 3 4 |
| | (3) Section 55(1) applies to a ballot paper reproduced under this section. | 5 6 |
| | (4) The issuing officer must keep a record of the number of ballot papers for an election the officer reproduces under this section. | 7 8 9 |
| Clause 174 | Amendment of s 64 (Who may vote) | 10 |
| | Section 64(3), after ‘imprisonment’— | 11 |
| | <i>insert—</i> | 12 |
| | of 3 years or longer | 13 |
| Clause 175 | Amendment of s 69 (Who must complete a declaration envelope) | 14 15 |
| | (1) Section 69(1)— | 16 |
| | <i>insert—</i> | 17 |
| | (da) the elector is serving a sentence of imprisonment, or is otherwise lawfully detained, on the polling day for the election; or | 18 19 20 21 |
| | (2) Section 69(1)— | 22 |
| | <i>insert—</i> | 23 |
| | (g) the elector, who attends a polling booth on the polling day, is not able to make an ordinary vote at the polling booth for a reason beyond the elector’s control. | 24 25 26 27 |

| | | |
|-------------------|---|------------------|
| | <i>Example of a reason beyond an elector's control why the elector cannot make an ordinary vote at a polling booth—</i> | 1 2 3 |
| | an electronic copy of the voters roll can not be accessed from the polling booth so an issuing officer at the polling booth can not confirm the elector's name is on the voters roll for the election | 4 5 6 7 |
| (3) | Section 69(1)(da) and (e)— <i>renumber</i> as section 69(1)(e) and (f). | 8 9 |
| Clause 176 | Amendment of s 73 (Voting hours for polling booths) | 10 |
| | Section 73(5), definition <i>pre-polling period</i> , paragraph (a)(ii), from 'notifies in a newspaper'— | 11 12 |
| | <i>omit, insert—</i> | 13 |
| | publishes on the electoral commission's website, and in other ways the returning officer considers appropriate; and | 14 15 16 |
| Clause 177 | Amendment of s 79 (Applications to cast postal votes in local government elections that are not postal ballot elections) | 17 18 19 |
| (1) | Section 79(1), from 'This section' to 'an elector'— <i>omit, insert—</i> | 20 21 |
| | An elector may apply | 22 |
| (2) | Section 79(2), before paragraph (a)— <i>insert—</i> | 23 24 |
| | (aa) may be made orally or in writing; and | 25 |
| (3) | Section 79(2)(a), before 'must be'— <i>insert—</i> | 26 27 |
| | if the application is written— | 28 |
| (4) | Section 79(2)(b), 'posted, delivered or'— <i>omit.</i> | 29 30 |

| | |
|--|--|
| (5) Section 79(2)(d)— | 1 |
| <i>omit, insert—</i> | 2 |
| (d) must be received by the returning officer no later than 7p.m. on the day that is 12 days before the polling day. | 3 4 5 |
| <i>Note—</i> | 6 |
| The polling day for a quadrennial election is a Saturday—see section 23(2) and (3). The day that is 12 days before the polling day for a quadrennial election will be 2 Mondays before the polling day. | 7 8 9 10 |
| (6) Section 79(3)(b), ‘applicant is an elector who’— | 11 |
| <i>omit, insert—</i> | 12 |
| elector | 13 |
| (7) Section 79(4), ‘applicant’— | 14 |
| <i>omit, insert—</i> | 15 |
| elector | 16 |
| (8) Section 79— | 17 |
| <i>insert—</i> | 18 |
| (8) If the returning officer receives an application after the time mentioned in subsection (2)(d), or is otherwise satisfied the elector is not entitled to cast a postal vote in the election, the returning officer must give the applicant a written notice that states the elector is not entitled to cast a postal vote in the election. | 19 20 21 22 23 24 25 |

| | | |
|---|---|----------|
| Clause 178 | Amendment of s 81 (Applications to cast postal votes in postal ballot elections) | 26 27 |
| (1) Section 81(2), from ‘election’— | | 28 |
| <i>omit, insert—</i> | | 29 |
| election. | | 30 |
| (2) Section 81(2A), ‘Wednesday before’— | | 31 |

omit, insert— 1

day that is 12 days before the 2

(3) Section 81(2A)— 3

insert— 4

Note— 5

The polling day for a quadrennial election is a 6

Saturday—see section 23(2) and (3). The day that is 12 7

days before the polling day for a quadrennial election 8

will be 2 Mondays before the polling day. 9

(4) Section 81(3)— 10

omit, insert— 11

(3) The application— 12

(a) may be made orally or in writing; and 13

(b) if the application is written—must be in the 14
approved form; and 15

(c) must state the address to which the ballot 16
paper and declaration envelope for the 17
person is to be sent; and 18

(d) may be given to the returning officer by any 19
person. 20

(5) Section 81— 21

insert— 22

(10) If the returning officer receives an application 23

after the time mentioned in subsection (2A), or is 24

otherwise satisfied the person is not an elector 25

who is entitled to cast a postal vote in the election, 26

the returning officer must give the person a 27

written notice that states the person is not entitled 28

to cast a postal vote in the election. 29

Clause 179 Replacement of s 85 (Replacement ballot papers) 30

Section 85— 31

| | |
|---|--------------------|
| <i>omit, insert—</i> | 1 |
| 85 Replacement ballot paper issued at polling booth or by visiting issuing officer | 2 3 |
| (1) This section applies if, while voting at a polling booth or when visited by an issuing officer under section 76 or 77, an elector— | 4 5 6 |
| (a) satisfies an issuing officer that— | 7 |
| (i) a ballot paper given to the elector (the <i>spoilt ballot paper</i>) is marked, damaged or destroyed to the extent that it can not be used to cast a vote; and | 8 9 10 11 |
| (ii) the spoilt ballot paper has not been put in a ballot box in use in the poll; and | 12 13 |
| (iii) the elector has not voted in the election; and | 14 15 |
| (b) gives the spoilt ballot paper, or the remains of the ballot paper, to the issuing officer. | 16 17 |
| (2) The issuing officer must give the elector another ballot paper. | 18 19 |
| (3) The issuing officer must also— | 20 |
| (a) place the spoilt ballot paper in an envelope and seal the envelope; and | 21 22 |
| (b) keep the envelope for separate identification under section 92(9)(b). | 23 24 |
| 85A Replacement ballot paper issued to postal voter | 25 26 |
| (1) This section applies if a ballot paper for an election and declaration envelope is sent to an elector under subdivision 4 and either— | 27 28 29 |
| (a) the elector does not receive the ballot paper and declaration envelope; or | 30 31 |

| | | |
|-------------------|--|----------------------------|
| (b) | the ballot paper (the <i>spoilt ballot paper</i>) is marked, damaged or destroyed to the extent that it can not be used to cast a postal vote. | 1 2 3 |
| (2) | The elector may ask the returning officer for a replacement ballot paper. | 4 5 |
| (3) | If the replacement ballot paper is to be sent to the elector, the request must state the address to which the ballot paper and a declaration envelope are to be sent. | 6 7 8 9 |
| (4) | The returning officer or an issuing officer must— | 10 |
| (a) | if the elector makes the request in person— give another ballot paper and declaration envelope to the elector; or | 11 12 13 |
| (b) | if the elector’s request complies with subsection (3)—post, deliver or otherwise send another ballot paper and declaration envelope to the elector as soon as practicable after receiving the request. | 14 15 16 17 18 |
| (5) | When the elector casts a postal vote, the elector must make the declaration on the declaration envelope that states— | 19 20 21 |
| (a) | the ballot paper sent to the elector has not been received or has been marked, damaged or destroyed; and | 22 23 24 |
| (b) | the elector has not otherwise voted in the election. | 25 26 |
| (6) | The returning officer must keep a record of all ballot papers and declaration envelopes given or sent under this section. | 27 28 29 |
| Clause 180 | Amendment of s 89 (Preliminary processing of declaration envelopes) | 30 31 |
| (1) | Section 89(1), after ‘postal ballot election,’— | 32 |
| | <i>insert—</i> | 33 |

| | | |
|-------------------|--|----------------|
| | before, on or after the polling day, | 1 |
| (2) | Section 89(2), after ‘postal ballot election,’— | 2 |
| | <i>insert—</i> | 3 |
| | before or after the polling day, | 4 |
| Clause 181 | Amendment of s 91 (Procedure for processing declaration envelopes) | 5 |
| | | 6 |
| (1) | Section 91(2)(a) and (b)— | 7 |
| | <i>omit, insert—</i> | 8 |
| | (a) record on the voters roll, in a way approved by the returning officer, that the declarant has voted; and | 9 10 11 |
| (2) | Section 91(2)(c) and (d)— | 12 |
| | <i>renumber</i> as section 91(2)(b) and (c). | 13 |
| (3) | Section 91(6)— | 14 |
| | <i>omit, insert—</i> | 15 |
| | (6) The returning officer must seal up in separate parcels, and keep in the officer’s custody for separate identification— | 16 17 18 |
| | (a) all accepted declaration envelopes from which ballot papers have been removed; and | 19 20 |
| | (b) all rejected declaration envelopes. | 21 |
| Clause 182 | Amendment of s 92 (Preliminary counting of ordinary votes) | 22 |
| | | 23 |
| (1) | Section 92(4), ‘and all ballot papers printed for electronically assisted votes’— | 24 25 |
| | <i>omit.</i> | 26 |
| (2) | Section 92(5), after ‘envelopes,’— | 27 |
| | <i>insert—</i> | 28 |

| | | |
|-------------------|--|----------------------|
| | including ballot papers printed for electronically assisted votes, | 1 2 |
| (3) | Section 92(7), after ‘informal ballot papers’— <i>insert—</i> (including ballot papers printed for electronically assisted votes) | 3 4 5 6 |
| (4) | Section 92(9)(b), ‘section 85(2)(e) or (4)(d)’— <i>omit, insert—</i> section 85(3)(b) | 7 8 9 |
| Clause 183 | Amendment of s 95 (Official counting of votes) | 10 |
| (1) | Section 95(3)(b), after ‘declaration envelopes’— <i>insert—</i> , including ballot papers printed for electronically assisted votes, | 11 12 13 14 |
| (2) | Section 95(4)(b), ‘section 91(2)(d)’— <i>omit, insert—</i> section 91(2)(c) | 15 16 17 |
| (3) | Section 95(4)(c), after ‘informal ballot papers’— <i>insert—</i> , including ballot papers printed for electronically assisted votes | 18 19 20 21 |
| (4) | Section 95(4)(d), after ‘formal ballot papers’— <i>insert—</i> , including ballot papers printed for electronically assisted votes, | 22 23 24 25 |
| Clause 184 | Amendment of s 99 (Returning officer’s duty after counting votes) | 26 27 |
| | Section 99(a)— | 28 |

| | |
|--|----------------|
| <i>omit, insert—</i> | 1 |
| (a) seal the following in separate parcels— | 2 |
| (i) all formal ballot papers, including ballot papers printed for electronically assisted votes; | 3 4 5 |
| (ii) all informal ballot papers, including ballot papers printed for electronically assisted votes; | 6 7 8 |
| (iii) all accepted declaration envelopes from which ballot papers have been removed; | 9 10 11 |
| (iv) all rejected declaration envelopes; | 12 |
| (v) all spoilt ballot papers in sealed envelopes; | 13 14 |
| (vi) all unused ballot papers; | 15 |
| (vii) all of the books and papers (other than the voters roll) used in the poll by each presiding officer; and | 16 17 18 |

| | | |
|-------------------|--|----------------------|
| Clause 185 | Amendment of s 100 (Notifying the results of an election) | 19 |
| | Section 100(2)— | 20 |
| | <i>omit, insert—</i> | 21 |
| | (2) The electoral commission must ensure the notice is published on the electoral commission’s website, and in other ways the electoral commission considers appropriate. | 22 23 24 25 |

| | | |
|-------------------|--|----------|
| Clause 186 | Amendment of s 126 (Requirement for candidate to operate dedicated account) | 26 27 |
| | Section 126(4), from ‘be paid’— | 28 |
| | <i>omit, insert—</i> | 29 |
| | be paid— | 30 |

| | | |
|-------------------|---|----|
| | (a) out of the account; and | 1 |
| | (b) in a way permitted under section 127A. | 2 |
| Clause 187 | Amendment of s 127 (Requirement for group of candidates to operate dedicated account) | 3 |
| | Section 127(4), from ‘be paid’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | be paid— | 6 |
| | (a) out of the account; and | 7 |
| | (b) in a way permitted under section 127A. | 8 |
| Clause 188 | Insertion of new ss 127A–127C | 9 |
| | After section 127— | 10 |
| | <i>insert—</i> | 11 |
| | 127A Permitted ways to pay amounts from dedicated account | 12 |
| | (1) An amount paid from an account under section 126(4) or 127(4) may be paid in 1 of the following ways or a combination of the ways— | 13 |
| | (a) by an electronic funds transfer transaction from the account; or | 14 |
| | (b) using a debit card that withdraws the payment directly from the account; or | 15 |
| | (c) in cash withdrawn from the account. | 16 |
| | (2) For subsection (1)(c), the amount of cash withdrawn from the account to pay an amount under section 126(4) or 127(4) must not exceed— | 17 |
| | (a) the amount to be paid; or | 18 |
| | (b) if the cash is withdrawn from an ATM—the amount to be paid rounded up to the nearest amount the ATM can dispense. | 19 |

| | |
|--|----------------------|
| 127B Payment of campaign expenses by credit card prohibited | 1 2 |
| (1) A person to whom section 126(8) or 127(8) applies must not— | 3 4 |
| (a) use a credit card to pay an amount for the conduct of the election campaign of a candidate or group of candidates; or | 5 6 7 |
| (b) pay an amount out of the dedicated account of a candidate or group of candidates to pay a charge incurred using a credit card. | 8 9 10 |
| Maximum penalty—100 penalty units. | 11 |
| (2) For subsection (1)(b), it does not matter whether or not the charge was incurred for the conduct of the election campaign of a candidate or group of candidates. | 12 13 14 15 |
| (3) This section does not limit section 126, 127 or 127A. | 16 17 |

| | |
|---|----------------|
| 127C Time for prosecuting offences | 18 |
| A prosecution for an offence against this division may be started at any time within 4 years after the offence was committed. | 19 20 21 |

| | |
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| Clause 189 Replacement of s 158 (Decisions not subject to appeal) | 22 |
| Section 158— | 23 |
| <i>omit, insert—</i> | 24 |
| 158 Decisions not subject to appeal | 25 |
| (1) This section applies if a provision of this Act declares a decision to be not subject to appeal. | 26 27 |
| (2) Unless the Supreme Court decides the decision is affected by jurisdictional error, the decision— | 28 29 |
| (a) is final and conclusive; and | 30 |

| | | |
|-------------------|---|----------------------------|
| (b) | can not be challenged, appealed against, reviewed, quashed, set aside or called into question in another way, under the <i>Judicial Review Act 1991</i> or otherwise (whether by the Supreme Court, another court, a tribunal or another entity); and | 1 2 3 4 5 6 |
| (c) | is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, a tribunal or another entity on any ground. | 7 8 9 10 |
| (3) | The <i>Judicial Review Act 1991</i> , part 5 applies to the decision to the extent it is affected by jurisdictional error. | 11 12 13 |
| (4) | A person who, but for subsection (2), could have made an application under the <i>Judicial Review Act 1991</i> in relation to the decision may apply under part 4 of that Act for a statement of reasons in relation to the decision. | 14 15 16 17 18 |
| (5) | This section does not limit section 149. | 19 |
| (6) | In this section— | 20 |
| | <i>decision</i> includes— | 21 |
| (a) | conduct related to making the decision; and | 22 |
| (b) | a failure to make a decision. | 23 |
| | <i>Note</i> — | 24 |
| | See also the <i>Judicial Review Act 1991</i> , section 6. | 25 |
| Clause 190 | Amendment of s 174 (Obstructing electoral officers etc.) | 26 |
| | Section 174, penalty— | 27 |
| | <i>omit, insert</i> — | 28 |
| | Maximum penalty—20 penalty units or 6 months imprisonment. | 29 30 |

| | | |
|-------------------|---|----|
| Clause 191 | Amendment of s 176A (Confidentiality of information) | 1 |
| | Section 176A(2), penalty— | 2 |
| | <i>omit, insert—</i> | 3 |
| | Maximum penalty—100 penalty units. | 4 |
| Clause 192 | Amendment of s 179 (Giving of how-to-vote cards to electoral commission) | 5 |
| | (1) Section 179(1), (2) and (5), ‘polling day for the election’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | how-to-vote card is to be distributed on a day | 8 |
| | when votes may be cast for the election | 9 |
| | (2) Section 179(2), example— | 10 |
| | <i>omit.</i> | 11 |
| | (3) Section 179(6), ‘polling day’— | 12 |
| | <i>omit, insert—</i> | 13 |
| | the first day when votes may be cast for the | 14 |
| | election | 15 |
| | (4) Section 179(7)— | 16 |
| | <i>omit, insert—</i> | 17 |
| | (7) The returning officer must, to the extent | 18 |
| | practicable, make an accepted how-to-vote card | 19 |
| | available for public inspection at a place where, | 20 |
| | and on a day when, votes may be cast. | 21 |
| | | 22 |
| Clause 193 | Amendment of s 180 (Unauthorised how-to-vote cards) | 23 |
| | (1) Section 180(1), from ‘not distribute’ to ‘polling day’— | 24 |
| | <i>omit, insert—</i> | 25 |
| | not distribute, or authorise someone else to | 26 |
| | distribute, a how-to-vote card to which section | 27 |
| | 179(1) or (2) applies on a day when votes may be | 28 |
| | cast | 29 |

-
- (2) Section 180(2), ‘polling day’— 1
omit, insert— 2
a day when votes may be cast 3

Clause 194 Amendment of s 191 (Failure to post, fax or deliver documents for someone else) 4
5

- (1) Section 191, heading, ‘post, fax or deliver’— 6
omit, insert— 7
give or post 8
- (2) Section 191(1), ‘for delivery or posting’— 9
omit, insert— 10
to give 11
- (3) Section 191(1), ‘deliver or post’— 12
omit, insert— 13
give, post or otherwise send 14
- (4) Section 191(1), after ‘post it to the returning officer’— 15
insert— 16
, unless the person has a reasonable excuse 17
- (5) Section 191(2), ‘for delivery or posting’— 18
omit, insert— 19
to give or post 20
- (6) Section 191(2), ‘or post’— 21
omit, insert— 22
, post or otherwise send 23

Clause 195 Amendment of s 192 (Secrecy of voting) 24
Section 192(3), penalty— 25
omit, insert— 26

| | | |
|-------------------|--|----------------|
| | Maximum penalty—20 penalty units or 6 months imprisonment. | 1 2 |
| Clause 196 | Amendment of s 195 (Offences about returns) | 3 |
| | (1) Section 195(1), penalty— | 4 |
| | <i>omit, insert—</i> | 5 |
| | Maximum penalty— | 6 |
| | (a) if the person took all reasonable steps to give the return within the time required—20 penalty units; or | 7 8 9 |
| | (b) otherwise—100 penalty units. | 10 |
| | (2) Section 195(2), penalty— | 11 |
| | <i>omit, insert—</i> | 12 |
| | Maximum penalty—100 penalty units. | 13 |
| Clause 197 | Amendment of s 198 (Further information for incomplete returns) | 14 15 |
| | (1) Section 198(1)(a), ‘who’— | 16 |
| | <i>omit.</i> | 17 |
| | (2) Section 198(2), from ‘to the returning’ to ‘was given’— | 18 |
| | <i>omit, insert—</i> | 19 |
| | the electoral commission | 20 |
| Clause 198 | Amendment of s 206 (Office of returning officer) | 21 |
| | Section 206(2), from ‘in a newspaper’— | 22 |
| | <i>omit, insert—</i> | 23 |
| | on the electoral commission’s website, and in other ways the electoral commission considers appropriate. | 24 25 26 |

| | | | |
|-------------------|--|------------------------------------|----|
| Clause 199 | Insertion of new pt 11, div 4 | 1 | |
| | After section 212— | 2 | |
| | <i>insert—</i> | 3 | |
| | Division 4 | Transitional provisions for | 4 |
| | | Local Government | 5 |
| | | Electoral (Implementing | 6 |
| | | State 2 of Belcarra) and | 7 |
| | | Other Legislation | 8 |
| | | Amendment Act 2019 | 9 |
| | Subdivision 1 | Transitional provisions | 10 |
| | | commencing on assent | 11 |
| | 213 Existing applications under s 45 | 12 | |
| | (1) This section applies to an application made under | 13 | |
| | section 45 as in force before the commencement | 14 | |
| | that has not been decided before the | 15 | |
| | commencement. | 16 | |
| | (2) The application is taken to have been made under | 17 | |
| | section 45AA. | 18 | |
| | 214 Time for making applications under s 45AA for | 19 | |
| | quadrennial election for 2020 | 20 | |
| | Despite section 45AA(2)(a), an application under | 21 | |
| | section 45AA for a poll for the quadrennial | 22 | |
| | election for 2020 to be conducted by postal ballot | 23 | |
| | must be made before 1 July 2019 or a later day | 24 | |
| | approved by the Minister. | 25 | |
| Clause 200 | Amendment and numbering of schedule (Dictionary) | 26 | |
| | (1) Schedule— | 27 | |

number as schedule 2. 1

(2) Schedule 2, as numbered, definition *emergency*— 2
omit. 3

(3) Schedule 2, as numbered— 4
insert— 5

spoilt ballot paper see sections 85(1)(a)(i) and 6
85A(1)(b). 7

Division 3 **Amendments commencing by** 8
proclamation 9

Clause 201 **Amendment of s 19 (Requirements of voters roll)** 10
Section 19(2), from ‘an elector’s address’ to ‘electoral roll’— 11
omit, insert— 12
the address of a silent elector 13

Clause 202 **Amendment of s 27 (Making and certification of nomination)** 14
Section 27(2)(b)— 15
insert— 17
(iv) information about the account with a 18
financial institution the candidate intends to 19
use as the candidate’s account for section 20
126; 21
(v) the other matters stated in schedule 1. 22

Clause 203 **Amendment of pt 4, div 2, sdiv 3, hdg (Recording of membership and agents for group of candidates)** 23
Part 4, division 2, subdivision 3, heading, ‘Recording of 24
membership’— 25
26

omit, insert—

1

Membership

2

Clause 204 Amendment of s 40 (Disposal of deposits generally)

3

Section 40(1)(b), ‘optional-preferential’—

4

omit, insert—

5

full-preferential

6

Clause 205 Amendment of s 41 (Record of membership in group of candidates)

7

8

(1) Section 41, heading, ‘Record of membership in’—

9

omit, insert—

10

Membership of

11

(2) Section 41—

12

insert—

13

(1A) A candidate in an election may be a member of only 1 group of candidates for the election.

14

15

(1B) Only 1 member of the group may be a candidate for election as mayor of a local government.

16

17

(3) Section 41(2), from ‘returning officer’—

18

omit, insert—

19

electoral commission during the period that—

20

(a) starts—

21

(i) if the last election was a quadrennial election—30 days after the polling day for the quadrennial election; or

22

23

24

(ii) otherwise—the day after the polling day for the last election; and

25

26

| | | |
|-------------------|---|----------------------------|
| | (b) ends at noon on the last day for the receipt of nominations for candidates in the election. | 1 2 3 |
| (4) | Section 41(3)(d)— <i>omit, insert—</i> | 4 5 |
| | (d) be signed by each of the candidates who is a member of the group; and | 6 7 |
| | (e) include information about the account with a financial institution the group intends to use as its account for section 127. | 8 9 10 |
| (5) | Section 41(4)— <i>omit, insert—</i> | 11 12 |
| | (4) As soon as practicable after the electoral commission receives the record, the commission must publish a copy of the record on the commission’s website and in other ways the commission considers appropriate. | 13 14 15 16 17 |
| (6) | Section 41(1A) to (4)— <i>renumber</i> as section 41(2) to (6). | 18 19 |
| Clause 206 | Amendment of s 42 (Appointment of agent for group of candidates) | 20 21 |
| (1) | Section 42(2)(c)— <i>omit, insert—</i> | 22 23 |
| | (c) be signed by each of the candidates who is a member of the group; and | 24 25 |
| (2) | Section 42(3), from ‘returning officer at’ to ‘returning officer under’— <i>omit, insert—</i> | 26 27 28 |
| | electoral commission at the same time the record is given to the commission under | 29 30 |

| | | |
|-------------------|--|----------------------------|
| Clause 207 | Amendment of s 43 (Register of group agents) | 1 |
| | Section 43, ‘returning officer’— | 2 |
| | <i>omit, insert</i> — | 3 |
| | electoral commission | 4 |
| | | |
| Clause 208 | Amendment of s 50 (Declaration of pre-polling booths) | 5 |
| | (1) Section 50, before subsection (1)— | 6 |
| | <i>insert</i> — | 7 |
| | (1AA) The returning officer may arrange a place as a polling booth for an election to enable electors to cast a pre-poll vote. | 8 9 10 |
| | (1AB) A polling booth mentioned in subsection (1) may be located anywhere within or outside the local government area, or division of the local government area, for which the election is to be held. | 11 12 13 14 15 |
| | (2) Section 50(1), from ‘The returning officer’ to ‘pre-poll vote’— | 16 17 |
| | <i>omit, insert</i> — | 18 |
| | However, the returning officer must ensure a pre-polling booth mentioned in subsection (1) is arranged at 1 of the following places— | 19 20 21 |
| | (3) Section 50(1AA) to (3)— | 22 |
| | <i>renumber</i> as section 50(1) to (5). | 23 |
| | | |
| Clause 209 | Amendment of s 65 (System of voting) | 24 |
| | Section 65(1)(a) and (2), ‘optional-preferential’— | 25 |
| | <i>omit, insert</i> — | 26 |
| | full-preferential | 27 |

| | | |
|-------------------|---|----------------|
| Clause 210 | Amendment of s 68 (Who may cast votes in particular ways) | 1 2 |
| (1) | Section 68(5A)(b)— <i>omit, insert—</i> | 3 4 |
| | (b) the elector is a silent elector. | 5 |
| (2) | Section 68(6), definition <i>absentee vote</i> , note— <i>omit.</i> | 6 7 |
| Clause 211 | Amendment of s 69 (Who must complete a declaration envelope) | 8 9 |
| | Section 69(1)(f), as renumbered by this Act— <i>omit, insert—</i> | 10 11 |
| | (f) the elector is a silent elector; or | 12 |
| Clause 212 | Amendment of s 73 (Voting hours for polling booths) | 13 |
| | Section 73(3), ‘section 50(2)’— <i>omit, insert—</i> | 14 15 |
| | section 50(4) | 16 |
| Clause 213 | Amendment of s 82 (Distribution of ballot papers to particular electors whose address has been omitted from electoral roll and to special postal voters) | 17 18 19 |
| (1) | Section 82, heading, from ‘particular electors’ to ‘electoral roll and to’— <i>omit, insert—</i> | 20 21 22 |
| | silent electors and | 23 |
| (2) | Section 82(1), ‘elector mentioned in section 69(1)(e) and to each’— <i>omit, insert—</i> | 24 25 26 |
| | silent elector and | 27 |

| | | |
|-------------------|--|----------------------------------|
| Clause 214 | Amendment of s 83 (How electors must record a vote on a ballot paper—optional-preferential voting) | 1 2 |
| (1) | Section 83, heading, ‘optional-preferential’— <i>omit, insert</i> — full-preferential | 3 4 5 |
| (2) | Section 83(1), ‘optional-preferential’— <i>omit, insert</i> — full-preferential | 6 7 8 |
| (3) | Section 83(3)(b), ‘for the’— <i>omit, insert</i> — for all the | 9 10 11 |
| (4) | Section 83(4)— <i>omit, insert</i> — (4) An elector must record preference votes for all of the candidates. | 12 13 14 15 |
| Clause 215 | Amendment of s 86 (Formal and informal ballot papers—optional-preferential voting) | 16 17 |
| (1) | Section 86, heading, ‘optional-preferential’— <i>omit, insert</i> — full-preferential | 18 19 20 |
| (2) | Section 86(1), ‘optional-preferential’— <i>omit, insert</i> — full-preferential | 21 22 23 |
| (3) | Section 86(5) and (6)— <i>omit, insert</i> — (5) A ballot paper is taken to contain writing or marks that indicate the elector’s intended order of preferences, even though the square opposite the name of 1 of the candidates has been left blank, | 24 25 26 27 28 29 |

| | | |
|-------------------|---|---------------------|
| | if— | 1 |
| | (a) the elector has written the numbers 1, 2, 3 and so on in all the squares opposite the candidates' names except for the blank square; and | 2 3 4 5 |
| | (b) the numbers mentioned in paragraph (a) are consecutive numbers, without the repetition of a number. | 6 7 8 |
| | (6) A ballot mentioned in subsection (5) is taken to indicate that the candidate whose name is opposite the blank square is the elector's last preference. | 9 10 11 12 |
| Clause 216 | Amendment of s 92 (Preliminary counting of ordinary votes) | 13 14 |
| | Section 92(5)(c), 'optional-preferential'— | 15 |
| | <i>omit, insert—</i> | 16 |
| | full-preferential | 17 |
| Clause 217 | Amendment of s 95 (Official counting of votes) | 18 |
| | Section 95, 'optional-preferential'— | 19 |
| | <i>omit, insert—</i> | 20 |
| | full-preferential | 21 |
| Clause 218 | Amendment of s 97 (Counting of votes for optional-preferential system) | 22 23 |
| | (1) Section 97, heading, 'optional-preferential'— | 24 |
| | <i>omit, insert—</i> | 25 |
| | full-preferential | 26 |
| | (2) Section 97(1), 'optional-preferential voting'— | 27 |
| | <i>omit, insert—</i> | 28 |

| | |
|--|----------------|
| full-preferential voting | 1 |
| (3) Section 97(4)(b)— | 2 |
| <i>omit.</i> | 3 |
| (4) Section 97(4)(c), ‘remaining’— | 4 |
| <i>omit.</i> | 5 |
| (5) Section 97(4)(c) and (d)— | 6 |
| <i>renumber</i> as section 97(4)(b) and (c). | 7 |
| | |
| Clause 219 Insertion of new s 101A | 8 |
| After section 101— | 9 |
| <i>insert—</i> | 10 |
| 101A Election and elector information | 11 |
| (1) This section applies if the electoral commission has given notice of the final result of a poll for an election under section 101. | 12 13 14 |
| (2) As soon as practicable after giving the notice, the electoral commission must publish on the commission’s website— | 15 16 17 |
| (a) the number of formal first preference votes cast for each candidate in the poll; and | 18 19 |
| (b) information about the distribution of formal preference votes, other than first preference votes, for the candidates in the poll. | 20 21 22 |
| (3) Also, the following (each a <i>requester</i>) may ask the electoral commission for elector information for the election— | 23 24 25 |
| (a) a registered political party; | 26 |
| (b) a group of candidates for the election, if at least 1 member of the group was elected at the election; | 27 28 29 |
| (c) a councillor who— | 30 |

- (i) was elected at the election; and 1
 - (ii) as a candidate for the election, was not 2
a member of a group of candidates or 3
endorsed by a registered political party. 4
- (4) The electoral commission must comply with a 5
request under subsection (3) by giving the 6
requester the elector information about each 7
elector who— 8
 - (a) was enrolled on the relevant voters roll for 9
the election; and 10
 - (b) voted in the election. 11
- (5) The *relevant voters roll* for the election is— 12
 - (a) for a request made by a registered political 13
party—the voters roll for each local 14
government area; or 15
 - (b) for a request made by a group of 16
candidates—the voters roll for the local 17
government area, or division of a local 18
government area, for each member of the 19
group that was elected; or 20
 - (c) for a request made by a councillor 21
mentioned in subsection (3)(c)—the voters 22
roll for the local government area, or 23
division of a local government area, for 24
which the councillor was elected. 25
- (6) The *elector information* about an elector who 26
voted in an election is— 27
 - (a) the elector’s name and address; and 28
 - (b) whether the elector voted in person, by post 29
or in another way; and 30
 - (c) if the elector voted in person at a polling 31
booth in the local government area—the 32
location of the polling booth. 33
- (7) However, the commission must not give the 34

| | | |
|-------------------|--|----------------------------|
| | requester the elector information about a silent elector. | 1 2 |
| (8) | A person must not use, disclose to another person or allow another person to access elector information given to a registered political party, group of candidates or councillor under this section, unless the use, disclosure or access is for a purpose related to an election. | 3 4 5 6 7 8 |
| | Maximum penalty for subsection (8)—200 penalty units. | 9 10 |
| Clause 220 | Amendment of s 106 (Definitions for part) | 11 |
| (1) | Section 106, definitions <i>candidate's disclosure period</i> , <i>electoral expenditure</i> , <i>gifts register</i> , <i>group's disclosure period</i> , <i>political activity</i> and <i>third party</i> — <i>omit</i> . | 12 13 14 15 |
| (2) | Section 106— <i>insert</i> — <i>disclosure period</i> , for an election— | 16 17 18 |
| | (a) for a candidate in the election—see section 106A(1); or | 19 20 |
| | (b) for a group of candidates in the election or a third party to which section 118A or 125A applies for the election—see section 106A(3). | 21 22 23 24 |
| | <i>electoral expenditure</i> see section 123. | 25 |
| | <i>fundraising contribution</i> see section 107A. | 26 |
| | <i>recipient</i> , of a gift or loan, means the entity to whom, or for the benefit of whom, the gift or loan was made. | 27 28 29 |
| | <i>source</i> — | 30 |
| | (a) of a gift—see section 121A(1); or | 31 |

| | | |
|-------------------|---|------------------|
| | (b) of a loan—see section 121B(2). | 1 |
| | <i>third party</i> , for an election, means an entity other than— | 2 3 |
| | (a) a political party, an associated entity or a candidate; or | 4 5 |
| | (b) a person who is a member of a committee for the election of a candidate endorsed for by a registered political party, if the committee is part of the political party; or | 6 7 8 9 |
| | (c) a person who is a member of a committee for the election of— | 10 11 |
| | (i) a candidate in the election; or | 12 |
| | (ii) members of a group of candidates for the election. | 13 14 |
| (3) | Section 106, definition <i>gift</i> , ‘(1) and (2)’— | 15 |
| | <i>omit</i> . | 16 |
| (4) | Section 106, definition <i>relevant details</i> , after ‘gift’— | 17 |
| | <i>insert</i> — | 18 |
| | or loan | 19 |
| Clause 221 | Insertion of new s 106A | 20 |
| | After section 106— | 21 |
| | <i>insert</i> — | 22 |
| | 106A Meaning of <i>disclosure period</i> | 23 |
| (1) | The <i>disclosure period</i> for an election, for a candidate in the election, is the period that— | 24 25 |
| | (a) starts— | 26 |
| | (i) if the candidate was a candidate in an election held within 5 years before the polling day for the election—30 days | 27 28 29 |

| | | |
|-------------------|--|----------------------------|
| | after the polling day for the earlier election; or | 1 2 |
| | (ii) otherwise—on the day that applies for the candidate under subsection (2); and | 3 4 |
| (b) | ends 30 days after the polling day for the election. | 5 6 |
| (2) | For subsection (1)(a)(ii), the day that applies for the candidate for the election is the earlier of the following days— | 7 8 9 |
| (a) | the day the person announces or otherwise publicly indicates the person’s intention to be a candidate in the election; | 10 11 12 |
| (b) | the day the person nominates as a candidate in the election; | 13 14 |
| (c) | the day the person otherwise indicates the person’s intention to be a candidate in the election, including, for example, by accepting a gift made for the purpose of the election. | 15 16 17 18 19 |
| (3) | The <i>disclosure period</i> for an election, for a group of candidates for the election or a third party to whom section 118A or 125A applies for the election, is the period that— | 20 21 22 23 |
| (a) | starts 30 days after the polling day for the last quadrennial election; and | 24 25 |
| (b) | ends 30 days after the polling day for the election. | 26 27 |
| (4) | However, a regulation may prescribe another day on which a disclosure period mentioned in subsection (1) or (3) starts or ends. | 28 29 30 |
| Clause 222 | Replacement of s 107 (Meaning of <i>gifts</i>) | 31 |
| | Section 107— | 32 |

omit, insert—

107 Meaning of *gift*

- | | |
|--|----|
| | 1 |
| | 2 |
| (1) A <i>gift</i> is the disposition of property, or provision | 3 |
| of a service, for no consideration or inadequate | 4 |
| consideration. | 5 |
| (2) Also, a <i>gift</i> includes— | 6 |
| (a) uncharged interest on a loan; and | 7 |
| (b) any part of a fundraising contribution that | 8 |
| exceeds \$200. | 9 |
| (3) For subsection (2)(a), uncharged interest on a loan | 10 |
| is an amount that would have been payable on the | 11 |
| loan if— | 12 |
| (a) the loan had been made on terms requiring | 13 |
| the payment of interest at the generally | 14 |
| prevailing interest rate for a loan of that | 15 |
| kind; or | 16 |
| (b) any interest payable had not been waived; or | 17 |
| (c) any interest payments were not capitalised. | 18 |
| (4) A <i>gift</i> does not include— | 19 |
| (a) the disposition of property under a will; or | 20 |
| (b) a fundraising contribution of \$200 or less, or | 21 |
| the first \$200 of a fundraising contribution | 22 |
| that exceeds \$200; or | 23 |
| (c) an amount paid to a political party as a | 24 |
| subscription for a person’s membership of, | 25 |
| or affiliation with, the party; or | 26 |
| (d) the provision of voluntary labour; or | 27 |
| (e) the incidental or ancillary use of— | 28 |
| (i) a volunteer’s vehicle or equipment; or | 29 |
| (ii) a vehicle or equipment that is | 30 |
| ordinarily available for the personal use | 31 |
| of a volunteer. | 32 |

-
- (5) A reference in this part to a gift does not include a gift made in a private capacity to an individual for the individual's personal use if the individual has not used, does not use and does not intend to use the gift solely or substantially for a purpose related to an election.

Clause 223 Insertion of new s 107A

After section 107—

insert—

107A Meaning of *fundraising contribution*

- (1) A *fundraising contribution* is an amount paid by a person as a contribution, entry fee or other payment to entitle the person or another person to participate in, or otherwise obtain a benefit from, a fundraising venture or function.
- (2) Without limiting subsection (1), a *fundraising contribution* includes—
- (a) an amount paid for a raffle ticket; and
 - (b) an amount paid for an item at a fundraising auction.
- (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.

Clause 224 Amendment of s 108 (Meaning of *value of gifts*)

Section 108(d)—

omit, insert—

- (d) if the gift is a fundraising contribution—the gross amount of the contribution, regardless of the value of anything received in consideration for the contribution.

| | | |
|-------------------|--|----|
| Clause 225 | Replacement of s 109 (Meaning of <i>relevant details</i> for gifts) | 1 |
| | | 2 |
| | Section 109— | 3 |
| | <i>omit, insert</i> — | 4 |
| | 109 Meaning of <i>relevant details</i> for a gift or loan | 5 |
| | (1) All of the following are <i>relevant details</i> for a gift or loan— | 6 |
| | | 7 |
| | (a) the value of the gift or loan; | 8 |
| | (b) when the gift or loan was made; | 9 |
| | (c) for a loan—the terms of the loan; | 10 |
| | (d) if the person making the gift or loan has an interest in a local government matter that is greater than that of other persons in the local government area— | 11 |
| | | 12 |
| | | 13 |
| | | 14 |
| | (i) that fact; and | 15 |
| | (ii) the nature of the person’s interest; | 16 |
| | (e) for a gift or loan made by an individual— | 17 |
| | (i) the individual’s name and residential or business address; and | 18 |
| | | 19 |
| | (ii) the individual’s occupation; and | 20 |
| | (iii) if the individual is employed, carries on a business or is otherwise engaged in an industry—the industry in which the individual is employed, carries on a business or is otherwise engaged; | 21 |
| | | 22 |
| | | 23 |
| | | 24 |
| | | 25 |
| | (f) for a gift or loan made by a corporation— | 26 |
| | (i) the corporation’s name; and | 27 |
| | (ii) the names and residential or business addresses of the directors or members of the executive committee (however described) of the corporation; and | 28 |
| | | 29 |
| | | 30 |
| | | 31 |

-
- (iii) if the corporation has a holding company—the names and residential or business addresses of the directors or members of the executive committee (however described) of the holding company; and
- (iv) a description of the type of business the corporation carries on;
- (g) for a gift or loan made on behalf of the members of an unincorporated association—
- (i) the association’s name; and
- (ii) unless the organisation is a registered industrial organisation—the names and residential or business addresses of the members of the executive committee (however described) of the association;
- (h) for a gift or loan made out of a trust fund or out of the funds of a foundation—
- (i) the names and residential or business addresses of the trustees of the fund or other persons responsible for the funds of the foundation; and
- (ii) the name or other description of the trust fund or foundation; and
- (iii) if the gift is given, or loan is made, out of a trust account of a lawyer or accountant under the instructions of a person who is in substance the giver of the gift or lender—the name and residential or business address of the person;
- (i) for a gift or loan not mentioned in paragraph (e), (f), (g) or (h)—the name and residential or business address of the person who made the gift or loan.

- (2) If a gift or loan is made by an entity that is not the source of the gift or loan, the *relevant details* for the gift or loan include—
- (a) that fact; and
 - (b) the details mentioned in subsection (1)(d) to (i) for the entity that is the source of the gift or loan.
- (3) In this section—
- holding company*, of a corporation, see the Corporations Act, section 9.
- local government matter*, in relation to a local government, means—
- (a) a transaction, contract or other arrangement entered into by the local government; or
 - (b) another matter to be decided or otherwise dealt with by the local government.

Clause 226 Insertion of new s 112A 17

After section 112— 18

insert— 19

112A When expenditure is incurred 20

- (1) For this part, expenditure is incurred when the goods or services for which the expenditure is incurred are delivered or provided. 21
22
23
- (2) Without limiting subsection (1)— 24
- (a) expenditure on advertising is incurred when the advertisement is broadcast or published; 25
and 26
27
 - (b) expenditure on the production and distribution of material for an election is incurred when the material is distributed. 28
29
30
- (3) A regulation may prescribe when expenditure of 31

another kind is incurred.

1

Clause 227 Amendment of s 113A (Meaning of political donation)

2

Section 113A(4)—

3

omit, insert—

4

(4) Despite section 107(4)(b), a reference in this section to a gift includes a fundraising contribution, to the extent the amount of the contribution forms part of the proceeds of the fundraising venture or function to which the contribution relates.

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(5) Despite section 107(4)(c), a reference in this section to a gift includes any of the following amounts paid by a person to a political party, to the extent the total amount of the person's payments in a calendar year exceeds \$1,000—

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(a) an amount paid as a subscription for a person's membership of the party;

16

17

(b) an amount paid for a person's affiliation with the party.

18

19

(6) In this section—

20

electoral expenditure means expenditure incurred for the purposes of a campaign for an election, whether or not the expenditure is incurred during the election period for the election.

21

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Clause 228 Omission of pt 6, div 2 (Disclosure periods)

26

Part 6, division 2—

27

omit.

28

| | | |
|-------------------|--|----------------|
| Clause 229 | Replacement of pt 6, div 3, hdg (Disclosure by candidates) | 1 2 |
| | Part 6, division 3, heading— | 3 |
| | <i>omit, insert—</i> | 4 |
| | Division 3 Gifts and loans | 5 |
| | Subdivision 1 Disclosure of gifts and prohibited gifts | 6 7 |
| Clause 230 | Insertion of new s 118A | 8 |
| | After section 118— | 9 |
| | <i>insert—</i> | 10 |
| | 118A Gifts to third parties to enable political expenditure | 11 12 |
| | (1) This section applies to a third party for an election if— | 13 14 |
| | (a) the third party receives a gift of a value of \$500 or more from an entity during the disclosure period for an election; and | 15 16 17 |
| | (b) the entity that is the source of the gift intended the gift to be used, wholly or in part— | 18 19 20 |
| | (i) by the recipient of the gift to incur political expenditure; or | 21 22 |
| | (ii) as reimbursement for political expenditure incurred by the recipient of the gift; and | 23 24 25 |
| | (c) the third party used the gift, wholly or in part— | 26 27 |
| | (i) to incur political expenditure for the election; or | 28 29 |

| | | |
|-------------------|---|----------------------|
| | (ii) as reimbursement for political expenditure for the election incurred by the third party. | 1 2 3 |
| (2) | The third party must give the electoral commission a return about the gift by the disclosure date for the return. | 4 5 6 |
| (3) | The return must— | 7 |
| | (a) be in the approved form; and | 8 |
| | (b) state the relevant details for the gift. | 9 |
| (4) | Also, the third party must give the electoral commission a return, in the approved form, within the required period for the election that states— | 10 11 12 |
| | (a) the total value of all gifts received by the party during the disclosure period; and | 13 14 |
| | (b) the number of entities that made the gifts. | 15 |
| (5) | For subsection (1)(a), the value of a gift made to the third party by an entity is taken to include the value of all other gifts made to the third party by the same entity during the disclosure period. | 16 17 18 19 |
| (6) | In this section— | 20 |
| | <i>political expenditure</i> , for an election, means expenditure mentioned in section 125A(1)(a), (b) or (c) for the election. | 21 22 23 |
| Clause 231 | Amendment of s 119 (Particular gifts not to be received) | 24 |
| (1) | Section 119, heading— | 25 |
| | <i>omit, insert—</i> | 26 |
| | 119 Receiving anonymous gifts prohibited | 27 |
| (2) | Section 119(3)— | 28 |
| | <i>omit.</i> | 29 |
| (3) | Section 119(4) and (5)— | 30 |

renumber as section 119(3) and (4). 1

Clause 232 Insertion of new pt 6, div 3, sdiv 2 hdg 2

After section 119— 3

insert— 4

**Subdivision 2 Disclosure of loans and 5
prohibited loans 6**

**Clause 233 Amendment of s 120 (Loans to candidates or groups of 7
candidates) 8**

Section 120(6)(b) to (e)— 9

omit, insert— 10

(b) state the relevant details for the loan. 11

Clause 234 Amendment of s 121 (Particular loans not to be received) 12

(1) Section 121(4)— 13

omit, 14

(2) Section 121(5)— 15

renumber as section 121(4). 16

Clause 235 Insertion of new pt 6, div 3, sdiv 3 17

After section 121— 18

insert— 19

**Subdivision 3 Other provisions about 20
gifts and loans 21**

121A When an entity is the *source* of a gift or loan 22

(1) An entity is the *source* of a gift (the *ultimate gift*) 23
made to another entity (the *ultimate recipient*) 24

-
- if— 1
- (a) the entity makes a gift or loan (the *first gift or loan*) to another entity (the *first recipient*); and 2
3
4
 - (b) the entity’s main purpose in making the first gift or loan is to enable (directly or indirectly) the first recipient, or another person, to make the ultimate gift to the ultimate recipient; and 5
6
7
8
9
 - (c) the first recipient, or another person, makes the ultimate gift to the ultimate recipient; and 10
11
12
 - (d) the first gift or loan enabled (directly or indirectly) the first recipient, or the other person, to make the ultimate gift. 13
14
15
- (2) An entity is the *source* of a loan (the *ultimate loan*) made to another entity (the *ultimate recipient*) if— 16
17
18
- (a) the entity makes a gift or loan (the *first gift or loan*) to another entity (the *first recipient*); and 19
20
21
 - (b) the entity’s main purpose in making the first gift or loan is to enable (directly or indirectly) the first recipient, or another person, to make the ultimate loan to the ultimate recipient; and 22
23
24
25
26
 - (c) the first recipient, or another person, makes the ultimate loan to the ultimate recipient; and 27
28
29
 - (d) the first loan enabled (directly or indirectly) the first recipient, or the other person, to make the ultimate loan. 30
31
32

| | |
|---|----------------------------|
| 121B Donor must disclose source of gift or loan | 1 |
| (1) This section applies to an entity that— | 2 |
| (a) makes a gift of a value of \$500 or more, or a loan or \$500 or more, to a candidate in an election, a group of candidates for an election or a registered political party; or | 3 4 5 6 |
| (b) makes a gift mentioned in section 118A(1) to a third party. | 7 8 |
| (2) When the entity makes the gift or loan, the entity must give the recipient of the gift or loan a notice that states— | 9 10 11 |
| (a) the relevant details of the gift or loan in relation to the entity; and | 12 13 |
| (b) if the entity is not the source of the gift or loan— | 14 15 |
| (i) that fact; and | 16 |
| (ii) the relevant details of the gift or loan in relation to the entity that is the source of the gift or loan. | 17 18 19 |
| Maximum penalty—20 penalty units. | 20 |
| | |
| 121C Recovery of prohibited gifts or loans | 21 |
| (1) If a person receives a gift in contravention of section 119, or a loan in contravention of section 121, an amount equal to the amount or value of the gift or loan is payable by the person to the State. | 22 23 24 25 26 |
| (2) The amount may be recovered by the State as a debt due to the State from— | 27 28 |
| (a) if the recipient is a group of candidates—the members of the group or the group’s agent; or | 29 30 31 |
| (b) otherwise—the recipient. | 32 |

| | | |
|-------------------|---|----------------|
| | (3) If, under subsection (2), the amount may be recovered from 2 or more persons, those persons are jointly and severally liable for the amount. | 1 2 3 |
| | (4) An action in a court to recover an amount due to the State under this section may be brought in the name of the electoral commission. | 4 5 6 |
| | (5) Any process in the action required to be served on the State may be served on the electoral commission. | 7 8 9 |
| Clause 236 | Insertion of new pt 6, div 3, sdiv 4 hdg | 10 |
| | After section 121— | 11 |
| | <i>insert—</i> | 12 |
| | Subdivision 4 Notification obligations | 13 |
| Clause 237 | Replacement of s 122 (Electoral commission to give reminder notice to candidates) | 14 15 |
| | Section 122— | 16 |
| | <i>omit, insert—</i> | 17 |
| | 122 Requirement to notify the public about disclosure obligations | 18 19 |
| | (1) This section applies if any of the following are required, under this division, to give the electoral commission a return about a gift or loan— | 20 21 22 |
| | (a) a candidate; | 23 |
| | (b) the agent for a group of candidates; | 24 |
| | (c) a third party for an election. | 25 |
| | (2) The candidate, agent or third party must take reasonable steps to notify the public that the candidate, agent or third party is required to— | 26 27 28 |
| | (a) give the return to the electoral commission; | 29 |
| | and | 30 |

| | | |
|-------------------|---|----------------------------|
| (b) | state the relevant details for the gift or loan in the return. | 1 2 |
| | <i>Examples of reasonable steps—</i> | 3 |
| | • publishing a notice on a website | 4 |
| | • including a notice on a brochure distributed in the local government area or division or a local government area for which a candidate has been nominated for election | 5 6 7 8 |
| | Maximum penalty—1 penalty unit. | 9 |
| (3) | A notification under subsection (2) must include a fair summary of the provisions under which the requirement arises. | 10 11 12 |
| | 122A Requirement to notify third party of obligation to give return under s 125A | 13 14 |
| (1) | This section applies if— | 15 |
| (a) | a candidate or group of candidates receives a gift— | 16 17 |
| (i) | of a value of \$500 or more; and | 18 |
| (ii) | comprised of expenditure mentioned in section 125A(1) incurred by a third party for an election; or | 19 20 21 |
| (b) | a third party for an election receives a gift mentioned in section 118A(1)(a) from another third party for the election. | 22 23 24 |
| (2) | Within 7 business days after receiving the gift, the recipient must give the third party who gave the gift a notice that states the third party may be required, under section 125A, to give a return about the gift. | 25 26 27 28 29 |
| | Maximum penalty—20 penalty units. | 30 |
| Clause 238 | Replacement of pt 6, div 4 (Disclosure by third parties) | 31 |
| | Part 6, division 4— | 32 |

omit, insert—

1

Division 4 Electoral expenditure

2

123 Meaning of *electoral expenditure*

3

- (1) *Electoral expenditure*, in relation to an election, 4
is expenditure incurred (whether or not during the 5
election period for the election) on, or a gift in 6
kind given that consists of— 7
- (a) broadcasting a political advertisement 8
during the election period; or 9
- (b) publishing a political advertisement in a 10
journal during the election period; or 11
- (c) publishing a political advertisement on the 12
internet during the election period, even if 13
the internet site on which the publication is 14
made is located outside Queensland; or 15
- (d) displaying a political advertisement at a 16
theatre or other place of entertainment 17
during the election period; or 18
- (e) producing and distributing a political 19
advertisement mentioned in paragraph (a), 20
(b), (c) or (d); or 21
- (f) producing and distributing other material 22
used during the election period that— 23
- (i) advocates a vote for or against a 24
candidate, group of candidates or 25
registered political party; and 26
- (ii) is required under section 177 to include 27
the name and address of the author of 28
the material or of the person 29
authorising the material; or 30
- (g) carrying out an opinion poll or other 31
research relating to the election during the 32
election period if the dominant purpose of 33

| | |
|---|----------------------|
| the opinion poll or research is to, directly or indirectly— | 1 2 |
| (i) promote or oppose the election of a candidate or group of candidates; or | 3 4 |
| (ii) promote or oppose a registered political party in relation to the election; or | 5 6 7 |
| (iii) otherwise influence voting at the election. | 8 9 |
| (2) In this section— | 10 |
| <i>journal</i> means a newspaper, magazine or other periodical, whether published for sale or for distribution without charge. | 11 12 13 |
| <i>political advertisement</i> means an advertisement that advocates a vote for or against a candidate, group of candidates or registered political party. | 14 15 16 |
| 124 Expenditure return—candidate, groups of candidates or registered political party | 17 18 |
| (1) This section applies if, during the disclosure period for an election, any of the following election participants incur electoral expenditure for the election that totals \$500 or more— | 19 20 21 22 |
| (a) a candidate in the election; | 23 |
| (b) a group of candidates for the election, a member of the group or another person acting on behalf of the group; | 24 25 26 |
| (c) a registered political party; | 27 |
| (d) an associated entity. | 28 |
| (2) A return for each amount of electoral expenditure incurred by the election participant during the disclosure period must be given to the electoral commission by— | 29 30 31 32 |

-
- (a) for expenditure incurred by a candidate— 1
the candidate; or 2
- (b) for expenditure incurred by or on behalf of a 3
group of candidates—the group’s agent; or 4
- (c) for expenditure incurred by a registered 5
political party—the party’s agent; or 6
- (d) for expenditure incurred by an associated 7
entity—the entity. 8
- (3) The return must— 9
- (a) be in the approved form; and 10
- (b) be given to the electoral commission by the 11
disclosure date for the return; and 12
- (c) state the following— 13
- (i) the name and business address of the 14
person who supplied the goods or 15
service to which the expenditure 16
relates; 17
- (ii) a description of the goods or service; 18
- (iii) the amount of the electoral 19
expenditure; 20
- (iv) when the expenditure was incurred; 21
- (v) the purpose for incurring the 22
expenditure; and 23
- (d) for a return for a candidate or group of 24
candidates—be accompanied by a copy of a 25
bank statement for the dedicated account of 26
the candidate or group for the disclosure 27
period. 28
- (4) For subsection (1), an amount of expenditure 29
incurred by a person, group or entity for 2 or more 30
elections is taken to have been incurred by the 31
person, group or entity for each of the elections. 32
- (5) In this section— 33
-

bank statement, for an account with a financial institution, means a written record issued by the financial institution of all of the transactions carried out in relation to the account during a stated period.

125 Summary expenditure return—candidate, group of candidates or registered political party

- (1) This section applies to the following election participants—
 - (a) a candidate in an election;
 - (b) a group of candidates for an election;
 - (c) a registered political party that endorsed a candidate for an election;
 - (d) if section 124 applies to an associated entity for an election—the associated entity.
- (2) A return, in the approved form, must be given to the electoral commission within the required period for the election by—
 - (a) the election participant; or
 - (b) for a group of candidates or registered political party—the agent for the group or party.
- (3) The return must state the total amount of electoral expenditure the electoral participant incurred during the disclosure period for the election.
- (4) However, if the electoral participant did not incur electoral expenditure during the disclosure period for the election, the return must state that fact.

125A Expenditure returns—political expenditure by third party

- (1) This section applies to a third party for an election

-
- if, during the disclosure period for the election, 1
the third party incurs expenditure for the election 2
that totals \$500 or more and is comprised of— 3
- (a) electoral expenditure; or 4
 - (b) a gift made to or for the benefit of— 5
 - (i) a political party; or 6
 - (ii) a candidate for an election; or 7
 - (iii) a group of candidates for an election, a 8
member of the group or a person acting 9
on behalf of the group; or 10
 - (c) a gift made to another person on the 11
understanding that the person, or another 12
person, uses the gift (directly or indirectly) 13
to incur expenditure mentioned in paragraph 14
(a) or (b). 15
- (2) The third party must give the electoral 16
commission a return for each amount of 17
expenditure the third party incurs during the 18
disclosure period. 19
- (3) The return must— 20
- (a) be in the approved form; and 21
 - (b) be given to the electoral commission by the 22
disclosure date for the return; and 23
 - (c) state the following— 24
 - (i) the name and business address of the 25
person who supplied the goods or 26
service to which the expenditure 27
relates; 28
 - (ii) a description of the goods or service; 29
 - (iii) the value of the electoral expenditure; 30
 - (iv) when the expenditure was incurred; 31

| | | |
|-------------------|--|----------------------------|
| | (v) the purpose for incurring the expenditure; | 1 2 |
| | (vi) if the expenditure was incurred to benefit, support or oppose a particular candidate, group of candidates or political party in the election—that fact and the name of the candidate, group of candidates or political party; | 3 4 5 6 7 8 |
| | (vii) if the expenditure was incurred to support or oppose a particular issue in the election that fact and a description of the issue. | 9 10 11 12 |
| | (4) Also, the third party must give the electoral commission a return— | 13 14 |
| | (a) in the approved form; and | 15 |
| | (b) that states the total amount of political expenditure the third party incurred during the disclosure period for the election; and | 16 17 18 |
| | (c) within the required period for the election. | 19 |
| | (5) For subsection (1), an amount of expenditure incurred by the third party for 2 or more elections is taken to have been incurred by the third party for each of the elections. | 20 21 22 23 |
| Clause 239 | Amendment of pt 6, div 6, hdg (Gifts register) | 24 |
| | Part 6, division 6, heading— | 25 |
| | <i>omit, insert—</i> | 26 |
| | Division 6 | |
| | Publication of returns | 27 |
| Clause 240 | Amendment of s 128 (Register of gifts) | 28 |
| | (1) Section 128, heading— | 29 |
| | <i>omit, insert—</i> | 30 |

**128 Electoral commission must publish returns
and other documents**

- (2) Section 128(1)— 3
omit. 4
- (3) Section 128(2), all words before paragraph (a)— 5
omit, insert— 6
The electoral commission must publish the 7
following returns and other documents on its 8
website— 9
- (4) Section 128— 10
insert— 11
- (3) A return or other document must be published 12
within 5 business days after it is given to the 13
commission. 14
- (4) However, if publishing a return or other document 15
would disclose any of the following information, 16
the electoral commission must publish a copy of 17
the return or document from which the 18
information has been deleted— 19
- (a) the address of a silent elector; 20
- (b) a copy of, or extract from, a bank statement 21
mentioned in section 124(3)(d) that 22
accompanied a return given under that 23
section; 24
- (c) information prescribed by regulation for this 25
subsection. 26
- (5) Section 128(2) to (4)— 27
renumber as section 128(1) to (3). 28

- Clause 241 Replacement of s 129 (Access to gifts register)** 29
Section 129— 30
omit, insert— 31

129 Access to published returns and other documents 1
2

The electoral commission must ensure that the public may inspect a return or other document published under section 128— 3
4
5

(a) at the commission’s public office; and 6

(b) on the commission’s website. 7

Clause 242 Amendment of s 130 (Queries on contents of gifts register) 8
9

Section 130, heading, ‘gifts register’— 10

omit, insert— 11

return 12

Clause 243 Insertion of new s 130A 13

Part 6, division 7, before section 131— 14

insert— 15

130A Electoral commission must give reminder notice about requirement for return 16
17

(1) This section applies if a person— 18

(a) is required to give the electoral commission a return under division 3 or 4; and 19
20

(b) has not given the return to the electoral commission by the reminder day. 21
22

(2) As soon as practicable after the reminder day, the electoral commission must give the person a written notice that states— 23
24
25

(a) the person is required to give the return; and 26

(b) the provision of this division under which the return is required to be given; and 27
28

| | |
|---|------------------|
| (c) the following provisions, or a general outline of them, to the extent they are relevant to the requirement to give the return— | 1 2 3 4 |
| (i) the <i>Local Government Act 2009</i> , sections 153 and 175K and the <i>City of Brisbane Act 2010</i> , sections 153 and 186B; | 5 6 7 8 |
| (ii) section 117; | 9 |
| (iii) section 118; | 10 |
| (iv) section 118A; | 11 |
| (v) section 120; | 12 |
| (vi) section 125A; | 13 |
| (vii) section 131(6); | 14 |
| (viii) section 162A; | 15 |
| (ix) section 195; | 16 |
| (x) section 197. | 17 |
| (3) In this section— | 18 |
| <i>reminder day</i> , for an election, means the day that is 10 weeks after— | 19 20 |
| (a) the polling day for the election; or | 21 |
| (b) if no poll is conducted for the election—the day a poll would have been held under this Act. | 22 23 24 |
| Clause 244 Amendment of s 131 (Inability to complete returns) | 25 |
| Section 131— | 26 |
| <i>insert</i> — | 27 |
| (6) For this section, a person who is required to give a return under this part, or particulars under subsection (3), in relation to a gift or loan made to | 28 29 30 |

| | | |
|-------------------|--|----------------------------|
| | an election participant is presumed to know the following matters, unless the contrary is proven— | 1 2 |
| | (a) that the gift or loan was made to the election participant; | 3 4 |
| | (b) the identity of the entity that is the source of the gift or loan. | 5 6 |
| | (7) In this section— | 7 |
| | <i>election participant</i> means— | 8 |
| | (a) a candidate in an election; or | 9 |
| | (b) a group of candidates for an election; or | 10 |
| | (c) a third party to which section 118A or 125A applies for an election. | 11 12 |
| Clause 245 | Amendment of s 132 (Amendment of returns) | 13 |
| | Section 132(3)(b)— | 14 |
| | <i>omit, insert—</i> | 15 |
| | (b) publish, under section 128, the amended return and the day and time the amendment was made. | 16 17 18 |
| Clause 246 | Insertion of new s 162A | 19 |
| | After section 162— | 20 |
| | <i>insert—</i> | 21 |
| | 162A Knowledge about gift or loan presumed | 22 |
| | (1) In a proceeding for an offence against this Act relating to a gift or loan made to an election participant, the participant is presumed to know the following matters unless the contrary is proven— | 23 24 25 26 27 |
| | (a) that the gift or loan was made to the election participant; | 28 29 |

| | | |
|-------------------|---|-----------------------|
| | (b) the identity of the entity that is the source of the gift or loan. | 1 2 |
| | (2) If the gift or loan mentioned in subsection (1) is made to a group of candidates for an election, the agent of the group is also presumed to know the matters mentioned in subsection (1)(a) and (b) unless the contrary is proven. | 3 4 5 6 7 |
| | (3) In this section— <i>election participant</i> means— | 8 9 |
| | (a) a candidate in an election; or | 10 |
| | (b) a group of candidates for an election; or | 11 |
| | (c) a third party to which section 118A or 125A applies for an election; or | 12 13 |
| | (d) an agent of a group of candidates. | 14 |
| Clause 247 | Amendment of s 179 (Giving of how-to-vote cards to electoral commission) | 15 16 |
| | Section 179(3)(b)— | 17 |
| | <i>omit, insert</i> — | 18 |
| | (b) the electoral commission is satisfied, on reasonable grounds, that the how-to-vote card— | 19 20 21 |
| | (i) is likely to mislead or deceive an elector in voting under this Act; or | 22 23 |
| | (ii) constitutes a group campaign activity relating to a candidate who is not a member of a group of candidates, in contravention of section 183. | 24 25 26 27 |
| Clause 248 | Replacement of s 183 (Offence for group of candidates to advertise or fundraise if particular requirements not complied with) | 28 29 30 |
| | Section 183— | 31 |

| | |
|--|----------------------|
| <i>omit, insert—</i> | 1 |
| 183 Engaging in group campaign activities | 2 |
| (1) A person must not engage in a group campaign activity for an election, unless the activity relates to— | 3 4 5 |
| (a) candidates who are members of a group of candidates for the election, as stated in the record for the group published under section 41(4); or | 6 7 8 9 |
| (b) candidates who are endorsed by the same political party for the election. | 10 11 |
| Maximum penalty—100 penalty units. | 12 |
| (2) A <i>group campaign activity</i> is any of the following activities for an election campaign, if the activity is carried out in an intentionally coordinated way by or for 2 or more candidates for the election— | 13 14 15 16 |
| (a) using a common platform to promote the election of the candidates, including, for example, the same political policies; | 17 18 19 |
| (b) using any of the following in relation to the candidates— | 20 21 |
| (i) the same advertisements, including pamphlets, billboards and any other media; | 22 23 24 |
| (ii) the same campaign slogans; | 25 |
| (iii) the same brands or images; | 26 |
| (iv) the same how-to-vote cards; | 27 |
| (v) other election material that promotes the election of the candidates; | 28 29 |
| (c) participating in the same fundraising activities or events; | 30 31 |
| (d) sharing the same resources for election campaigns, including human resources | 32 33 |

| | | |
|-------------------|---|----------------------|
| | (other than volunteers), between the candidates; | 1 2 |
| (e) | giving or sharing gifts or loans between the candidates; | 3 4 |
| (f) | another activity prescribed by regulation for this section. | 5 6 |
| | <i>Examples of group campaign activities—</i> | 7 |
| | • a person erecting electoral signs with the names or images of 2 or more candidates | 8 9 |
| | • a candidate giving a donation to another candidate or group of candidates during a campaign | 10 11 |
| | • a candidate publishing a notice or letter on a website encouraging electors to vote for another candidate or group of candidates | 12 13 14 |
| (3) | A proceeding for an offence against subsection (1) must be brought within 4 years after the commission of the offence. | 15 16 17 |
| Clause 249 | Insertion of new s 195A | 18 |
| | After section 195— | 19 |
| | <i>insert—</i> | 20 |
| | 195A False or misleading information about gift | 21 |
| (1) | A person must not publish information about a gift made to, or received by, any of the following election participants that the person knows is false or misleading in a material particular— | 22 23 24 25 |
| (a) | a candidate in an election; | 26 |
| (b) | a group of candidates for an election; | 27 |
| (c) | a registered political party; | 28 |
| (d) | an associated entity; | 29 |
| (e) | a third party to which section 118A or 125A applies for an election. | 30 31 |
| | Maximum penalty—20 penalty units. | 32 |

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| | (2) A person does not commit an offence against subsection (1) if the information published is a true copy, or fair summary, of information in a return published by the electoral commission under section 128. | 1 2 3 4 5 |
| Clause 250 | Amendment of s 196 (Records to be kept) | 6 |
| | Section 196(2), definition <i>relevant record</i> , paragraph (b), from ‘in part,’— | 7 8 |
| | <i>omit, insert—</i> | 9 |
| | in part— | 10 |
| | (i) to incur political expenditure mentioned in section 125A(1) for the election; or | 11 12 |
| | (ii) as reimbursement for political expenditure mentioned in section 125A(1) for the election incurred by the receiver. | 13 14 15 |
| Clause 251 | Insertion of new pt 11, div 4, sdiv 2 | 16 |
| | Part 11, division 4— | 17 |
| | <i>insert—</i> | 18 |
| | Subdivision 2 Transitional provisions commencing by proclamation | 19 20 21 |
| | 216 Disclosure period for an election | 22 |
| | (1) A reference in section 106A to an election held before the polling day for the election to which the section applies, or the last quadrennial election, includes an election held before the commencement. | 23 24 25 26 27 |
| | (2) A reference in section 106A to a nomination as a candidate in an election, or an announcement or | 28 29 |

other indication of a person's intention to be a candidate in an election, includes a nomination, announcement or other indication made before the commencement.

- 217 Disclosure obligations for councillors**
- (1) This section applies to a person who, on the commencement, is a candidate for an election under part 6 if, immediately before the commencement, the person was—
- (a) a councillor; or
- (b) another person who was not a candidate for the election.
- (2) For part 6, the disclosure period for the candidate is taken to start on the commencement.
- (3) Within 14 days after the commencement, the candidate must give a return under part 6 for any gifts or loans received by the candidate for the period—
- (a) starting 30 days after the polling day for the most recently held election for which the councillor was a candidate; and
- (b) ending on the commencement.
- (4) However, subsection (3) does not apply in relation to a gift or loan that is the subject of a return given to the electoral commission under part 6 before the commencement.
- (5) Part 9, division 5 applies in relation to the candidate as if a reference in the division to part 6 included a reference to this section.

218 Disclosure obligations for electoral expenditure

- (1) This section applies to the following, each an

| | |
|---|----------------------------------|
| <i>election participant</i> , for applying part 6, division 4 in relation to an election to be held after the commencement— | 1 2 3 |
| (a) a candidate in the election; | 4 |
| (b) a group of candidates for the election; | 5 |
| (c) a registered political party; | 6 |
| (d) an associated entity; | 7 |
| (e) a third party to which section 125A applies for the election. | 8 9 |
| (2) It is immaterial whether the election participant incurred electoral expenditure for the election before or after the commencement. | 10 11 12 |
| (3) If, under section 106A, the election participant's disclosure period for the election, other than for this section, started before the introduction day, the disclosure period for the election, for a provision of part 6, division 4, is taken to have started on the introduction day. | 13 14 15 16 17 18 |
| (4) Within 14 days after the commencement, the election participant must give a return under part 6, division 4 for any electoral expenditure the participant incurred during the period— | 19 20 21 22 |
| (a) starting on the introduction day; and | 23 |
| (b) ending on the commencement. | 24 |
| (5) Part 9, division 5 applies in relation to the election participant as if a reference in the division to part 6 includes a reference to this section. | 25 26 27 |
| (6) In this section— | 28 |
| <i>introduction day</i> means the day the Bill for the <i>Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Act 2019</i> was introduced into the Legislative Assembly. | 29 30 31 32 |

| | | |
|-------------------|---|----|
| Clause 252 | Insertion of new sch 1 | 1 |
| | Before schedule 2— | 2 |
| | <i>insert—</i> | 3 |
| | Schedule 1 Other matters nomination must contain | 4 |
| | | 5 |
| | | 6 |
| | section 27(2)(b)(v) | 7 |
| | 1 Definitions for schedule | 8 |
| | In this schedule— | 9 |
| | <i>close associate</i> see section 2. | 10 |
| | <i>contractual arrangement</i> means— | 11 |
| | (a) a contractual arrangement for which the | 12 |
| | <i>Local Government Act 2009</i> or the <i>City of</i> | 13 |
| | <i>Brisbane Act 2010</i> prescribes contracting | 14 |
| | procedures that the local government must | 15 |
| | comply with in making the arrangement; or | 16 |
| | <i>Note—</i> | 17 |
| | See the <i>Local Government Regulation 2012</i> , | 18 |
| | chapter 6, parts 2 and 3 and the <i>City of Brisbane</i> | 19 |
| | <i>Regulation 2012</i> , chapter 6, parts 2 and 3. | 20 |
| | (b) an arrangement provided for under the | 21 |
| | <i>Local Government Act 2009</i> or the <i>City of</i> | 22 |
| | <i>Brisbane Act 2010</i> that allows a local | 23 |
| | government to enter into a contract without | 24 |
| | first inviting quotes or tenders. | 25 |
| | <i>Note—</i> | 26 |
| | See the <i>Local Government Regulation 2012</i> , | 27 |
| | chapter 6, part 3 and the <i>City of Brisbane</i> | 28 |
| | <i>Regulation 2012</i> , chapter 6, part 3. | 29 |
| | <i>contractual process</i> means a process provided for | 30 |
| | under the <i>Local Government Act 2009</i> or the <i>City</i> | 31 |

| | |
|---|----------------------------|
| <i>of Brisbane Act 2010</i> that is preliminary to the making of a contractual arrangement with a local government. | 1 2 3 |
| <i>Examples—</i> | 4 |
| a tender process, an expressions of interest process for a list of appropriately qualified suppliers | 5 6 |
| 2 Who is a <i>close associate</i> | 7 |
| A person is a <i>close associate</i> of a candidate if the person is any of the following in relation to the candidate— | 8 9 10 |
| (a) a spouse; | 11 |
| (b) a partner in a partnership; | 12 |
| (c) an entity, other than a government entity, for which the candidate is an executive officer or board member. | 13 14 15 |
| 3 Membership of political party or trade or professional organisation | 16 17 |
| (1) If a candidate is, or has been within the previous year, a member of a registered political party or trade or professional organisation, the nomination must contain, for each party or organisation— | 18 19 20 21 |
| (a) the name and address of the party or organisation; and | 22 23 |
| (b) the date on which the candidate became a member and, if the candidate is no longer a member, the date the candidate stopped being a member. | 24 25 26 27 |
| (2) If subsection (1) does not apply, the nomination must contain a statement that the candidate is not, and has not been within the previous year, a member of a registered political party or trade or professional organisation. | 28 29 30 31 32 |

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- 4 Contractual arrangements** 1
- (1) Subsection (2) applies to a candidate if the candidate, or a close associate of the candidate, is, or has been within the previous year, a party to a contractual arrangement with the local government. 2
3
4
5
6
- (2) The nomination must contain, for each contractual arrangement— 7
8
- (a) the nature of the arrangement; and 9
- (b) if the arrangement is a medium-sized contractual arrangement or a large-sized contractual arrangement under the *Local Government Regulation 2012* or the *City of Brisbane Regulation 2012*—a statement about that fact; and 10
11
12
13
14
15
- (c) if a close associate of the candidate is a party to the arrangement— 16
17
- (i) the name and address of the close associate; and 18
19
- (ii) the nature of the candidate’s relationship with the close associate. 20
21
- (3) If subsection (2) does not apply to the candidate, the nomination must contain a statement that the candidate, and each close associate of the candidate, is not, and has not been within the previous year, a party to a contractual arrangement with the local government. 22
23
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27
- 5 Contractual processes** 28
- (1) Subsection (2) applies to a candidate if the candidate, or a close associate of the candidate, is engaged in a contractual process with the local government. 29
30
31
32
- (2) The nomination must contain, for each contractual process— 33
34

- (a) the nature of the process; and 1
 - (b) if a close associate of the candidate is engaged in the process— 2
3
 - (i) the name and address of the close associate; and 4
5
 - (ii) the nature of the candidate's relationship with the close associate. 6
7
 - (3) If subsection (2) does not apply to the candidate, the nomination must contain a statement that the candidate, and each close associate of the candidate, is not engaged in a contractual process with the local government. 8
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12
- 6 Particular applications or representations 13**
- (1) Subsection (2) applies to a candidate if any of the following applications or representations made by the candidate, or a close associate of the candidate, have not been decided before the nomination is made— 14
15
16
17
18
 - (a) a development application under the *Planning Act 2016* for which the local government is the assessment manager under that Act; 19
20
21
22
 - (b) a development application under the repealed *Sustainable Planning Act 2009* for which the local government is the assessment manager under that Act; 23
24
25
26
 - (c) a change representation under the *Planning Act 2016* for which the local government is the assessment manager under that Act; 27
28
29
 - (d) a change application under the *Planning Act 2016* for which the local government is the responsible entity under that Act; 30
31
32

-
- (e) an extension application under the *Planning Act 2016* for which the local government is the assessment manager under that Act. 1
2
3
- (2) The nomination must contain, for each application or representation— 4
5
- (a) the nature of the application or representation; and 6
7
- (b) if the application or representation was made by a close associate of the candidate— 8
9
- (i) the name and address of the close associate; and 10
11
- (ii) the nature of the candidate's relationship with the close associate. 12
13
- (3) If subsection (1) does not apply to the candidate, the nomination must contain a statement that the candidate, and each close associate of the candidate, has not made an application or representation to which subsection (1) applies. 14
15
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7 Training course approved under Act, s 26 19

The nomination must contain a statement that the candidate has, within 6 months before the nomination day for the election, successfully completed a training course approved under section 26(2) of the Act. 20
21
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24

Clause 253 Amendment of sch 2 (Dictionary) 25

- (1) Schedule 2, as numbered by this Act, definitions *agent*, *candidate*, *candidate's disclosure period*, *electoral expenditure*, *gifts register*, *group of candidates*, *group's disclosure period*, *political activity* and *third party*— 26
27
28
29
omit. 30
- (2) Schedule 2, as numbered by this Act— 31

| | |
|---|----------------------------|
| <i>insert—</i> | 1 |
| <i>agent—</i> | 2 |
| (a) of a group of candidates—means the agent for the group recorded in a register of group agents under section 43; or | 3 4 5 |
| (b) of a registered political party—means the party’s agent under the <i>Electoral Act 1992</i> . | 6 7 |
| <i>candidate—</i> | 8 |
| (a) means a person whose nomination as a candidate for an election has been certified by the returning officer under section 27(3)(a); and | 9 10 11 12 |
| (b) for part 4, division 2, subdivision 3 and parts 6 and 9—includes another person who— | 13 14 |
| (i) is an elected or appointed councillor at any time during the disclosure period mentioned in section 106A for a candidate; or | 15 16 17 18 |
| (ii) has announced or otherwise publicly indicated an intention to be a candidate in the election; or | 19 20 21 |
| (iii) has otherwise indicated the person’s intention to be a candidate in the election, including, for example, by accepting a gift made for the purpose of the election. | 22 23 24 25 26 |
| <i>dedicated account</i> means— | 27 |
| (a) for a candidate in an election—an account the candidate must operate under section 126; or | 28 29 30 |
| (b) for a group of candidates for an election—an account the group must operate under section 127. | 31 32 33 |
| <i>disclosure period</i>, for an election, for part 6— | 34 |

| | |
|---|----------------------------|
| (a) for a candidate in the election—see section 106A(1); or | 1 2 |
| (b) for a group of candidates in the election or a third party to which section 118A or 125A applies for the election—see section 106A(3). | 3 4 5 6 |
| <i>disposition of property</i> means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including, for example— | 7 8 9 10 |
| (a) the allotment of shares in a company; and | 11 |
| (b) the creation of a trust in property; and | 12 |
| (c) the grant or creation of a lease, mortgage, charge, servitude, licence, power, partnership or interest in property; and | 13 14 15 |
| (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in property; and | 16 17 18 19 |
| (e) the exercise by a person of a general power of appointment of property in favour of another person; and | 20 21 22 |
| (f) any transaction entered into by a person with intent to diminish, directly or indirectly, the value of the person’s own property and to increase the value of the property of another person. | 23 24 25 26 27 |
| <i>electoral expenditure</i> , for part 6, see section 123. | 28 |
| <i>fundraising contribution</i> , for part 6, see section 107A. | 29 30 |
| <i>group campaign activity</i> see section 183(2). | 31 |
| <i>recipient</i> , of a gift or loan, for part 6, see section 106. | 32 33 |
| <i>silent elector</i> see the <i>Electoral Act 1992</i> , section | 34 |

| | |
|--|----------|
| 2. | 1 |
| <i>source</i> , for part 6— | 2 |
| (a) of a gift—see section 121A(1); or | 3 |
| (b) of a loan—see section 121A(2). | 4 |
| <i>third party</i> , for an election, for part 6, see section 106. | 5 6 |
| (3) Schedule 2, as numbered by this Act— | 7 |
| <i>insert</i> — | 8 |
| <i>close associate</i> , for schedule 1, see schedule 1, section 2. | 9 10 |
| <i>contractual arrangement</i> , for schedule 1, see schedule 1, section 1. | 11 12 |
| <i>contractual process</i> , for schedule 1, see schedule 1, section 1. | 13 14 |
| (4) Schedule 2, as numbered by this Act, definition <i>formal ballot paper</i> , paragraph (a), ‘optional-preferential’— | 15 16 |
| <i>omit, insert</i> — | 17 |
| full-preferential | 18 |
| (5) Schedule 2, as numbered by this Act, definition <i>how-to-vote card</i> , paragraph (a), ‘optional-preferential’— | 19 20 |
| <i>omit, insert</i> — | 21 |
| full-preferential | 22 |
| (6) Schedule 2, as numbered by this Act, definition <i>informal ballot paper</i> , paragraph (a), ‘optional-preferential’— | 23 24 |
| <i>omit, insert</i> — | 25 |
| full-preferential | 26 |

| | | |
|-------------------|---|----------------------------------|
| Part 5 | Amendment of Referendums Act 1997 | 1 2 |
| Clause 254 | Act amended This part amends the <i>Referendums Act 1997</i> . | 3 4 |
| Clause 255 | Amendment of s 96AC (Application of division 1) Section 96AC(2), definition <i>division</i> , after ‘schedule’— <i>insert</i> — 2 | 5 6 7 8 |
| Part 6 | Amendment of Right to Information Act 2009 | 9 10 |
| Clause 256 | Act amended This part amends the <i>Right to Information Act 2009</i> . | 11 12 |
| Clause 257 | Amendment of s 21 (Requirement for publication scheme) (1) Section 21(4)— <i>omit</i> . (2) Section 21(5)— <i>renumber</i> as section 21(4). | 13 14 15 16 17 18 |
| Clause 258 | Insertion of new ch 7, pt 6 Chapter 7— <i>insert</i> — | 19 20 21 |

| | | |
|--|--|----------------------------------|
| Part 6 | Transitional provision for Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Act 2019 | 1 2 3 4 5 6 7 |
| 206C Exempt information—BCC Establishment and Coordination Committee information | | 8 9 |
| (1) This section applies to information that was exempt information under schedule 3, former section 4A before the commencement. | | 10 11 12 |
| (2) The information continues to be exempt information under schedule 3 for 10 years after— | | 13 14 |
| (a) for information considered by the committee—the date the information was most recently considered by the committee before the commencement; or | | 15 16 17 18 |
| (b) for other information—the date the information was brought into existence. | | 19 20 |
| (3) This section does not apply to the information if the information is officially published by decision of the Brisbane City Council after the commencement. | | 21 22 23 24 |
| (4) In this section— | | 25 |
| <i>committee</i> means the Establishment and Coordination Committee under the <i>City of Brisbane Act 2010</i> and includes the Establishment and Coordination Committee, as constituted from time to time before 1 July 2010, under a local law of the Brisbane City Council. | | 26 27 28 29 30 31 |
| <i>former</i> , for a provision, means as in force before | | 32 |

the commencement. 1

Clause 259 Amendment of sch 3 (Exempt information) 2

Schedule 3, section 4A— 3

omit. 4

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