



Queensland

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019



Queensland

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019

Contents

		Page
Chapter 1	Preliminary	
1	Short title	16
2	Commencement	16
Chapter 2	Amendments relating to funding and expenditure for State elections	
Part 1	Amendment of Electoral Act 1992	
3	Act amended	17
4	Amendment of s 2 (Definitions)	17
5	Amendment of s 89 (Deposit to accompany nomination)	20
6	Insertion of new s 91A	20
	91A Withdrawal of endorsement of candidate	20
7	Amendment of s 197 (Definitions)	21
8	Insertion of new s 197A	23
	197A Meaning of participant in an election	23
9	Insertion of new s 199	24
	199 Meaning of electoral expenditure	24
10	Amendment of s 200 (Meaning of fundraising contribution)	27
11	Insertion of new ss 200A and 200B	27
	200A Meaning of sponsorship arrangement	27
	200B Meaning of gifted for electoral expenditure	28
12	Replacement of s 201 (Meaning of gift)	29
	201 Meaning of gift	29
13	Insertion of new ss 201B and 201C	31
	201B Meaning of value of gift	31
	201C Application to unincorporated body	34

Contents

14	Amendment of s 203 (Electoral committee to be treated as part of candidate)	34
15	Insertion of new s 204	34
	204 Associated entity to be treated as part of registered political party for particular purposes	35
16	Insertion of new pt 11, div 1A	35
	Division 1A Provisions about the source of indirect gifts and loans	
	205A Who is the source of an indirect gift or loan	35
17	Replacement of pt 11, div 2 (Agents)	37
	Division 2 Agents	
	206 Agent of registered political party	37
	207 Agent of candidate	37
	208 Agent of registered third party	37
	209 Agent of unregistered third party	38
	210 Requirements for registration	38
	211 Register of agents	39
	212 Registration of agent	39
	213 Responsibility for action in absence of agent	41
	Division 3 Managing political donations and electoral expenditure	
	Subdivision 1 Preliminary	
	214 Application of division	41
	Subdivision 2 State campaign accounts	
	215 Requirement to keep State campaign account	42
	216 Payments into State campaign account	43
	217 Requirements for loan amounts paid into State campaign account	45
	218 Return on investment must be paid into State campaign account	46
	Subdivision 3 Managing political donations	
	219 Political donations of money must be paid into State campaign account	47
	220 Requirement to keep records about political donations of other property	48
	221 Proceeds from disposal of political donation of other property	48
	Subdivision 4 Managing payment of electoral expenditure	
	221A Electoral expenditure must be paid from State campaign account	49

	Subdivision 5	General	
	221B	Notice of State campaign account	49
18		Amendment of s 222 (Interpretation)	50
19		Amendment of s 223 (Entitlement to election funding— registered political parties)	51
20		Amendment of s 224 (Entitlement to election funding— candidates)	51
21		Amendment of s 225 (Election funding amount)	51
22		Replacement of pt 11, div 5 (Policy development payments) . . .	51
	Division 5	Policy development payments	
	239	Entitlement to policy development payment—registered political party	52
	240	Entitlement to policy development payment—independent member	53
	241	Amount of policy development payment	53
	242	Meaning of vote ratio for eligible registered political party or independent member	54
	243	Meaning of seat ratio for eligible registered political party or independent member	55
	244	Payment of policy development payment	56
	245	Application for reconsideration of decision about policy development payment	57
	246	Recalculation of policy development payment	58
	Division 6	Political donations and caps on political donations	
	Subdivision 1	Preliminary	
	247	Meaning of donation cap period	59
	248	Application to unregistered third party	60
	249	Application to political donations made to third party in by- election	60
	Subdivision 2	Political donations and donation caps	
	250	Meaning of political donation	61
	251	Meaning of donor statement	62
	252	Amount of donation cap	63
	253	Adjustment of donation cap	64
	Subdivision 3	Caps on political donations	
	254	Caps on political donations made to registered political party	65
	255	Caps on political donations made to candidates	65
	256	Caps on political donations made to third parties	66

Contents

	257	Exceptions to ss 254, 255 and 256	67
	258	Requirement to notify donor about offence to exceed political donation cap	68
	259	Cap on political donations to election participants that may be accepted	68
	259A	Recovery of unlawful political donations	69
23		Replacement of s 260A (Who is the source of a gift or loan) . . .	70
	260A	How division applies to gift for personal use used for electoral purpose	70
24		Relocation and renumbering of s 260B (Donor must disclose source of gift or loan)	71
25		Amendment of s 262 (Loans to candidates)	71
26		Amendment of s 263 (Disclosure of gifts by third parties that incur expenditure for political purposes)	72
27		Amendment of s 265 (Gifts to political parties)	73
28		Omission of pt 11, div 7, sdiv 3 (Disclosure of large gifts)	74
29		Replacement of pt 11, div 8, sdiv 3 (Loans from entities other than financial institutions)	74
		Subdivision 3 Records to be kept about loans	
	272	Requirement to keep record about loan received . . .	74
30		Amendment of s 274 (Meaning of political donation)	76
31		Insertion of new pt 11, div 9	76
		Division 9 Caps on electoral expenditure	
		Subdivision 1 Preliminary	
	280	Meaning of capped expenditure period	77
	281	When electoral expenditure is incurred	77
	281A	Electoral expenditure incurred for another election participant	78
	281B	When electoral expenditure of registered political party or third party relates to an electoral district	79
		Subdivision 2 Amount of expenditure caps for election participants	
	281C	Amount of expenditure cap—registered political party and endorsed candidate	79
	281D	Amount of expenditure cap—independent candidate	80
	281E	Amount of expenditure cap—registered third party . .	81
	281F	Adjustment of expenditure caps for election participants	81
		Subdivision 3 Caps on electoral expenditure	
	281G	Cap on electoral expenditure during capped expenditure period	83

	281H	Electoral expenditure of unregistered third party restricted to \$1,000	84
	281I	Expenditure cap exceeded because of aggregation of electoral expenditure	84
	281J	Recovery of unlawful electoral expenditure	85
	Subdivision 4 Aggregation of electoral expenditure		
	281K	Electoral expenditure incurred by elected members not contesting election	86
	281L	Electoral expenditure for candidate endorsed by registered political party for by-election	87
32		Amendment of pt 11, div 10, hdg (Disclosure of expenditure) . .	87
33		Omission of ss 282 and 282A	87
34		Replacement of s 283 (Returns of electoral expenditure)	87
	283	Returns of electoral expenditure	87
35		Amendment of s 284 (Returns by broadcasters)	89
36		Amendment of s 285 (Returns by publishers)	90
37		Omission of s 286 (Nil returns)	91
38		Amendment of s 290 (Returns by registered political parties) . . .	91
39		Amendment of s 291 (Amounts received)	91
40		Amendment of s 292 (Amounts paid)	92
41		Amendment of s 293 (Outstanding amounts)	92
42		Replacement of s 294 (Returns by associated entities)	93
	294	Returns by associated entities	93
43		Insertion of new pt 11, divs 12 and 12A	95
	Division 12 Registration of third parties		
	297	Requirement for registration	95
	298	Register of third parties	95
	299	Application for registration	96
	300	Deciding application	96
	301	Registration	97
	302	Decision to refuse application	97
	303	Obligation to notify commission of change to details	98
	304	Cancellation of registration	98
	Division 12A Records to be kept		
	305	Records to be kept by election participants	99
	305A	Records to be kept about advertisements or other election matter	101

Contents

	305B	Records to be kept by broadcaster or publisher	102
	305C	Requirements related to keeping records	102
	305D	Record must be kept for 5 years	103
	305E	Division does not limit other record-keeping provisions	103
44		Insertion of new ss 306A and 306B	103
	306A	Registered political party must notify endorsement of candidate	104
	306B	Agent’s obligation to ensure compliance	105
45		Amendment of s 307 (Offences)	105
46		Insertion of new ss 307AA and 307AB	106
	307AA	Starting proceeding for particular offences	106
	307AB	Liability for political donation or electoral expenditure offences committed by unincorporated body	107
47		Amendment of s 307B (Schemes to circumvent prohibition on particular political donations)	108
48		Amendment of s 308 (Recovery of payments)	109
49		Omission of s 309 (Records to be kept)	109
50		Amendment of s 316 (Publishing of returns)	109
51		Insertion of new s 388A	110
	388A	Particular information may be made available for public inspection	110
52		Insertion of new pt 13, div 11	111
	Division 11	Transitional provisions for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019	
	436	Definitions for division	111
	437	Application of new s 201 to particular gifts	112
	438	Appointment of agent	113
	439	Candidates for 2020 election	113
	440	State campaign accounts	113
	441	Election funding for 2020 election	114
	442	Existing entitlements to policy development payments for 2019–2020 financial year	115
	443	Commencement of policy development payments under new pt 11, div 5	116
	444	Caps for political donations do not apply to 2020 election	116
	445	Electoral expenditure for 2020 election—caps	116

	446	Electoral expenditure for 2020 election—disclosure	117
	447	Returns by associated entities	117
	448	Existing records	117
53		Insertion of new sch 1	117
		Schedule 1 Dictionary	117
Part 2		Amendment of Electoral Regulation 2013	
54		Regulation amended	118
55		Insertion of new s 11A	118
	11A	Prescribed details for application for registration of third party for an election—Act, s 299	118
Part 3		Other amendments	
56		Acts amended	119
Chapter 3		Amendments relating to signage at State elections	
57		Act amended	119
58		Insertion of new pt 10, div 2A	119
		Division 2A Offences relating to signage at polling booths	
		Subdivision 1 Interpretation	
	185A	Definitions for division	119
	185B	Meaning of election sign	120
	185C	Meaning of restricted signage area for pre-poll voting office or ordinary polling booth	121
	185D	Meaning of designated entrance to grounds	122
	185E	Meaning of primary election for a pre-poll voting office or ordinary polling booth	122
		Subdivision 2 Offences	
	185F	Displaying election signs at pre-poll voting office or ordinary polling booth	123
	185G	Setting up to display election signs at ordinary polling booth	125
59		Amendment of sch 1 (Dictionary)	126
Chapter 4		Amendments relating to dishonest conduct of Ministers	
Part 1		Amendment of Integrity Act 2009	
60		Act amended	127
61		Amendment of long title	127
62		Insertion of new ch 3A	127
		Chapter 3A Managing conflicts of interest	
		Part 1 Ministers	

Contents

	40A	Conflicts of interest	128
	40B	Proceeding for offence against s 40A	129
	40C	Use of information for investigation or prosecution	130
	Part 2	Statutory office holders	
63		Omission of ch 4A, hdg (Declaration of interests by statutory office holders)	131
64		Amendment of s 72B (Definition for ch 4A)	131
65		Relocation and renumbering of ss 72B–72D	131
66		Amendment of s 85 (Annual reports of integrity commissioner)	131
67		Insertion of new ch 8, div 3	132
	Division 3	Provision for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019	
	102	Application of s 40A to existing conflicts	132
68		Amendment of sch 1 (Statutory office holders for section 72C)	132
69		Amendment of sch 2 (Dictionary)	133
Part 2		Amendment of Parliament of Queensland Act 2001	
70		Act amended	133
71		Amendment of s 47 (Other proceedings)	133
72		Amendment of s 69B (Statement of interests)	133
73		Insertion of new ss 69D–69F	134
	69D	Dishonest disclosure or non-disclosure of interests	134
	69E	Proceeding for offence against s 69D	134
	69F	Use of evidence or information for investigation or prosecution	136
Chapter 5		Amendments relating to dishonest conduct of councillors and other local government matters	
Part 1		Amendment of City of Brisbane Act 2010	
74		Act amended	137
75		Amendment of s 4 (Local government principles underpin this Act)	137
76		Amendment of s 14 (Responsibilities of councillors)	137
77		Amendment of s 160 (When a councillor’s term ends)	137
78		Amendment s 170 (Giving directions to council staff)	138
79		Insertion of new s 171A	138
	171A	Guidelines about provision of administrative support to councillors	138
80		Omission of ss 173A and 173B	139
81		Replacement of ch 6, pt 2, div 5A (Dealing with councillors’ personal	

interests in council matters)	139
Division 5A Councillors' conflicts of interest	
Subdivision 1 Preliminary	
177A Purpose of division	139
177B When does a person participate in a decision	140
177C Personal interests in ordinary business matters of council	140
Subdivision 2 Prescribed conflicts of interest	
177D When councillor has prescribed conflict of interest—particular gifts or loans	142
177E When councillor has prescribed conflict of interest— sponsored travel or accommodation benefits	143
177F When councillor has prescribed conflict of interest—other	145
177G Who is a close associate of a councillor	146
177H Councillor must not participate in decisions	146
177I Obligation of councillor with prescribed conflict of interest	147
177J Dealing with prescribed conflict of interest at a meeting	148
Subdivision 3 Declarable conflicts of interest	
177K What is a declarable conflict of interest	149
177L Interests that are not declarable conflicts of interest	149
177M Who is a related party of a councillor	152
177N Obligation of councillor with declarable conflict of interest	152
177O Procedure if meeting informed of councillor's personal interests	155
177P Procedure if councillor has declarable conflict of interest	155
177Q Decisions of eligible councillors	157
Subdivision 4 Other matters	
177R Procedure if no quorum for deciding matter because of prescribed conflicts of interest or declarable conflicts of interest	158
177S Minister's approval for councillor to participate or be present to decide matter	159
177T Duty to report another councillor's prescribed conflict of interest or declarable conflict of interest	159
177U Obligation of councillor if conflict of interest reported under s	

Contents

	177T	160
	177V	162
	177W	162
	177X	163
82	Amendment of ch 6, pt 4 hdg (Council employees)	165
83	Amendment of s 192 (Appointing senior contract employees)	165
84	Amendment of s 193 (Appointing other council employees)	165
85	Insertion of new ch 6, pt 4, div 2A	165
	Division 2A	Councillor advisors
	194A	166
	194B	167
86	Amendment of s 196 (Improper conduct by council employees)	168
87	Amendment of s 197 (Use of information by council employees)	169
88	Amendment of s 198 (Annual report must detail remuneration)	170
89	Insertion of new ch 6, pt 4A	170
	Part 4A	Obligations of councillors and councillor advisors
	198A	171
	198B	172
	198C	173
	198D	174
	198E	175
	198F	177
90	Amendment of s 215 (False or misleading information)	179
91	Insertion of new ch 8, pt 11	179
	Part 11	Transitional provisions for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019
	294	179
	295	180
	296	181
92	Amendment of sch 1 (Serious integrity offences and integrity offences)	

	181
93	Amendment of sch 2 (Dictionary)	182
Part 2	Amendment of Local Government Act 2009	
94	Act amended	185
95	Amendment of s 4 (Local government principles underpin this Act)	185
96	Amendment of s 12 (Responsibilities of councillors)	185
97	Amendment of s 123 (Suspending or dissolving a local government)	185
98	Amendment of s 124 (Interim administrator acts for the councillors temporarily)	186
99	Insertion of new s 124A	186
	124A Minister may appoint acting interim administrator ..	186
100	Amendment of s 150C (Definitions for chapter)	187
101	Amendment of s 150L (What is misconduct)	187
102	Amendment of s 150R (Local government official must notify assessor about particular conduct)	188
103	Amendment of s 150AY (Functions of investigators)	188
104	Insertion of new ch 5B	188
	Chapter 5B Councillors' conflicts of interest	
	Part 1 Preliminary	
	150ED Purpose of chapter	189
	150EE When does a person participate in a decision	189
	150EF Personal interests in ordinary business matters of a local government	189
	Part 2 Prescribed conflicts of interest	
	150EG When councillor has prescribed conflict of interest—particular gifts or loans	191
	150EH When councillor has prescribed conflict of interest— sponsored travel or accommodation benefits	192
	150EI When councillor has prescribed conflict of interest—other	194
	150EJ Who is a close associate of a councillor	195
	150EK Councillor must not participate in decisions	196
	150EL Obligation of councillor with prescribed conflict of interest	196
	150EM Dealing with prescribed conflict of interest at a meeting	198
	Part 3 Declarable conflicts of interest	

Contents

	150EN	What is a declarable conflict of interest	198
	150EO	Interests that are not declarable conflicts of interest	199
	150EP	Who is a related party of a councillor	201
	150EQ	Obligation of councillor with declarable conflict of interest	202
	150ER	Procedure if meeting informed of councillor’s personal interests	204
	150ES	Procedure if councillor has declarable conflict of interest	205
	150ET	Decisions of eligible councillors	206
	Part 4	Other matters	
	150EU	Procedure if no quorum for deciding matter because of prescribed conflicts of interest or declarable conflicts of interest	207
	150EV	Minister’s approval for councillor to participate or be present to decide matter	208
	150EW	Duty to report another councillor’s prescribed conflict of interest or declarable conflict of interest	209
	150EX	Obligation of councillor if conflict of interest reported under s 150EW	210
	150EY	Offence to take retaliatory action	211
	150EZ	Councillor with prescribed conflict of interest or declarable conflict of interest must not influence others	211
	150FA	Records about prescribed conflicts of interest or declarable conflicts of interest—meetings	212
105		Amendment of s 160 (When a councillor’s term ends)	214
106		Replacement of s 161 (What this division is about)	214
	161	Meaning of term	214
107		Amendment of s 163 (When a vacancy in an office must be filled)	215
108		Omission of s 164 (Filling a vacancy in the office of mayor)	215
109		Replacement of s 166 (Filling a vacancy in the office of another councillor)	215
	166	Filling vacancy in office of mayor or other councillor of local government area divided into single-member divisions	216
	166A	Filling other vacancies in office of councillor	216
	166B	Filling vacancy in office of mayor or other councillor during final part of local government’s term	218
110		Amendment of s 170 (Giving directions to local government staff)	220
111		Insertion of new s 170AA	220
	170AA	Guidelines about provision of administrative support to councillors	220

112	Omission of ss 171A and 171B	221
113	Omission of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in local government matters)	221
114	Amendment of ch 6, pt 5 hdg (Local government employees)	221
115	Insertion of new ch 6, pt 5, div 2A	222
	Division 2A Councillor advisors	
	197A Appointment and functions of councillor advisors	222
	197B When appointment ends	223
	197C Minister to make councillor advisor code of conduct	224
116	Amendment of s 199 (Improper conduct by local government employees)	224
117	Amendment of s 200 (Use of information by local government employees)	225
118	Amendment of s 201 (Annual report must detail remuneration)	226
119	Insertion of new ch 6, pt 5A	227
	Part 5A Obligations of councillors and councillor advisors	
	201A Obligation of councillor or councillor advisor to inform chief executive officer of particulars of interests at start of term or on appointment	227
	201B Obligation of councillor or councillor advisor to correct register of interests	229
	201C Obligation of councillor or councillor advisor to inform chief executive officer annually about register of interests	230
	201D Dishonest conduct of councillor or councillor advisor	230
	201E Proceeding for offence against s 201D	232
	201F Prohibited conduct by councillor or councillor advisor in possession of inside information	233
120	Amendment of s 207 (End of appointment of interim management)	235
121	Amendment of s 234 (False or misleading information)	236
122	Amendment of s 242 (Proceedings for indictable offences)	236
123	Insertion of new ch 9, pt 15	236
	Part 15 Transitional provisions for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019	
	333 Proceedings for repealed integrity offences	236
	334 Continuation of Minister's approval for councillor to participate or be present to decide matter	237
124	Amendment of sch 1 (Serious integrity offences and integrity offences)	238

Contents

125	Amendment of sch 4 (Dictionary)	238
Part 3	Amendment of Local Government Electoral Act 2011	
126	Act amended	240
127	Amendment of s 43 (Register of group agents)	241
128	Amendment of s 86 (Formal and informal ballot papers—optional- preferential voting)	241
129	Amendment of s 92 (Preliminary counting of ordinary votes) . . .	241
130	Amendment of s 105 (Arrangements for fresh election)	241
131	Insertion of new s 112B	242
	112B Responsibility for compliance in absence of agent .	242
132	Amendment of s 124 (Expenditure return—candidate, groups of candidates or registered political party)	242
133	Amendment of s 125 (Summary expenditure return—candidate, group of candidates or registered political party)	243
134	Amendment of s 130B (Electoral commission must give reminder notice about requirement for return)	243
Schedule 1	Consequential or minor amendments	245
	Electoral Act 1992	245
	Local Government Electoral Act 2011	248
	Referendums Act 1997	248

2019

A Bill

for

An Act to amend the *City of Brisbane Act 2010*, the *Electoral Act 1992*, the *Electoral Regulation 2013*, the *Integrity Act 2009*, the *Local Government Act 2009*, the *Local Government Electoral Act 2011*, the *Parliament of Queensland Act 2001* and the legislation mentioned in schedule 1 in relation to electoral funding and expenditure, and for other particular purposes

The Parliament of Queensland enacts— 1

Chapter 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Electoral and Other Legislation
(Accountability, Integrity and Other Matters) Amendment Act
2019*. 4
5
6

Clause 2 Commencement 7

This Act, other than the following provisions, commences on
a day to be fixed by proclamation— 8
9

- (a) section 74; 10
- (b) section 76; 11
- (c) section 78(1) and (3); 12
- (d) sections 83 and 84; 13
- (e) section 91, to the extent it inserts new part 11 heading
and new section 294; 14
15
- (f) section 93(1), (3) and (5); 16
- (g) section 94; 17
- (h) sections 96 to 99; 18
- (i) section 102; 19
- (j) section 105; 20
- (k) section 120; 21
- (l) chapter 5, part 3. 22

Chapter 2	Amendments relating to funding and expenditure for State elections	1 2 3
Part 1	Amendment of Electoral Act 1992	4 5
Clause 3	Act amended	6
	This part amends the <i>Electoral Act 1992</i> .	7
	<i>Note—</i>	8
	See also the amendments in chapter 3 and schedule 1.	9
Clause 4	Amendment of s 2 (Definitions)	10
(1)	Section 2, definitions <i>2013–2014 financial year, disposition of property, journal, political donation, registered, relevant election, source and special reporting period—omit.</i>	11 12 13 14
(2)	Section 2— <i>insert—</i>	15 16
	<i>6-month period</i> , for part 11, see section 197.	17
	<i>bank account</i> means an account with a financial institution.	18 19
	<i>capped expenditure period</i> , for an election, for part 11, division 9, see section 280.	20 21
	<i>consideration</i> , for part 11, see section 197.	22
	<i>convicted</i> means found guilty, or having a plea of guilty accepted by a court, whether or not a conviction is recorded.	23 24 25
	<i>CPI</i> means the all groups consumer price index	26

for Brisbane published by the Australian Bureau of Statistics.	1 2
<i>donation cap</i> , for a participant in an election, for part 11, see section 252.	3 4
<i>donation cap period</i> , for an election participant, for part 11, see section 247.	5 6
<i>donor statement</i> , for part 11, see section 251.	7
<i>electoral purpose</i> means a purpose that relates to an election.	8 9
<i>extraordinary general election</i> see the <i>Constitution of Queensland 2001</i> , section 19A.	10 11
<i>gifted</i> , for an amount of electoral expenditure incurred, for part 11, see section 200B.	12 13
<i>independent candidate</i> , for an election, for part 11, see section 197.	14 15
<i>independent member</i> , for a 6-month period, for part 11, division 5, see section 240(2).	16 17
<i>normal polling day</i> , for a general election, see the <i>Constitution of Queensland 2001</i> , section 19B(1).	18 19
<i>participant</i> , in an election, for part 11, see section 197.	20 21
<i>political donation</i> —	22
(a) for part 11 generally—see section 250; or	23
(b) for part 11, division 8, subdivision 4—see section 274.	24 25
<i>registered</i> , for a third party in relation to an election, for part 11, see section 197.	26 27
<i>register of third parties</i> , for part 11, see section 197.	28 29
<i>source</i> , for part 11—	30
(a) of a gift—see section 205A(1); or	31

(b) of a loan—see section 205A(2).	1
<i>sponsorship arrangement</i> , for part 11, see section 200A.	2 3
<i>State campaign account</i> , of a participant in an election, for part 11, see section 215.	4 5
(3) Section 2, definition <i>candidate</i> , paragraph (b)—	6
<i>omit, insert—</i>	7
(b) for part 11, includes—	8
(i) an elected member; and	9
(ii) an individual, other than an elected member, who has announced, or otherwise publicly indicated, the person’s intention to be a candidate in the election; and	10 11 12 13
(iii) an individual, other than an elected member, who has otherwise indicated the person’s intention to be a candidate in the election, including, for example, by accepting a gift made to the individual for an electoral purpose.	14 15 16 17 18
(4) Section 2, definition <i>electoral expenditure</i> , ‘section 197’—	19
<i>omit, insert—</i>	20
section 199	21
(5) Section 2, definition <i>gift threshold amount</i> , ‘, for the amount or value of a gift or loan,’—	22 23
<i>omit.</i>	24
(6) Section 2, ‘In this Act—’—	25
<i>omit, insert—</i>	26
The dictionary in schedule 1 defines particular words used in this Act.	27 28
(7) Section 2, all definitions—	29
<i>relocate</i> to schedule 1, as inserted by this Act.	30

Clause 5	Amendment of s 89 (Deposit to accompany nomination)	1
	Section 89(5)(c), ‘6%’—	2
	<i>omit, insert—</i>	3
	4%	4
Clause 6	Insertion of new s 91A	5
	After section 91—	6
	<i>insert—</i>	7
	91A Withdrawal of endorsement of candidate	8
	(1) This section applies if—	9
	(a) a registered political party nominates a person as a candidate for an election under section 88(1)(a); and	10 11 12
	(b) before the election, the party withdraws the party’s endorsement of the person as a candidate for the election.	13 14 15
	<i>Note—</i>	16
	See section 306A for the requirement for a registered political party to notify the commission about—	17 18
	(a) the party’s endorsement or proposed endorsement of a person as a candidate for an election; or	19 20
	(b) changes to the endorsement or proposed endorsement.	21 22
	(2) The registered officer of the registered political party must notify the commission, in the approved form, of the withdrawal of the endorsement.	23 24 25
	Maximum penalty—40 penalty units.	26
	(3) If the notification is given to the commission before noon on the cut-off day for the nomination of candidates, the nomination of the person is of no effect.	27 28 29 30
	(4) If the notification is given to the commission after	31

-
- noon on the cut-off day for the nomination of candidates, a ballot paper is taken to comply with section 102 even if the name, or an abbreviation of the name, of the registered political party is printed adjacent to the candidate's name on the ballot paper. 1
2
3
4
5
6
- (5) As soon as practicable after the commission receives the notification, the commission must give the candidate a notice that states— 7
8
9
- (a) the contents of the notification; and 10
- (b) when the commission received the notification; and 11
12
- (c) if subsection (3) or (4) applies in relation to the notification—the effect of the subsection. 13
14
15

Clause 7 Amendment of s 197 (Definitions) 16

- (1) Section 197, definitions *2013–2014 financial year*, *electoral expenditure*, *journal*, *political donation*, *registered*, *relevant election*, *source* and *special reporting period*— 17
18
19
omit. 20
- (2) Section 197— 21
insert— 22
- 6-month period*** means the following periods in a year— 23
24
- (a) 1 January to 30 June; 25
- (b) 1 July to 31 December. 26
- capped expenditure period***, for an election, see section 280. 27
28
- consideration*** means consideration in money or money's worth. 29
30
- donation cap***, for a participant in an election, see 31

section 252.	1
<i>donation cap period</i> , for an election participant,	2
see section 247.	3
<i>donor statement</i> see section 251.	4
<i>electoral expenditure</i> see section 199.	5
<i>gifted</i> , for an amount of electoral expenditure	6
incurred, see section 200B.	7
<i>independent candidate</i> , for an election—	8
(a) means a candidate nominated for the	9
election under section 88(1)(b); and	10
(b) includes a candidate if—	11
(i) the candidate was nominated for the	12
election by a registered political party	13
under section 88(1)(a); and	14
(ii) before the polling day for the election,	15
the party gives the commission notice	16
under section 91A about the	17
withdrawal of the party's endorsement	18
of the person as a candidate.	19
<i>independent member</i> , for a 6-month period, see	20
section 240(2).	21
<i>participant</i> , in an election—	22
(a) generally—see section 197A; or	23
(b) for division 6—includes a third party to	24
which division 6 applies.	25
<i>political donation</i> —	26
(a) generally—see section 250; or	27
(b) for division 8, subdivision 4—see section	28
274.	29
<i>registered</i> , for a third party in relation to an	30
election, means the third party is registered for the	31

election under division 12.	1
<i>register of third parties</i> , for an election, means the register kept under section 298(1) for the election.	2 3 4
<i>source</i> —	5
(a) of a gift—see section 205A(1); or	6
(b) of a loan—see section 205A(2).	7
<i>sponsorship arrangement</i> see section 200A.	8
<i>State campaign account</i> , of a participant in an election, see section 215.	9 10
(3) Section 197, definition <i>disposition of property</i> — <i>relocate</i> to schedule 1, as inserted by this Act.	11 12
(4) Section 197, definition <i>loan</i> , after ‘other than by’— <i>insert</i> —	13 14
a financial institution or	15
Clause 8	
Insertion of new s 197A	16
After section 197—	17
<i>insert</i> —	18
197A Meaning of <i>participant</i> in an election	19
(1) For this part, each of the following is a <i>participant</i> in an election—	20 21
(a) a candidate in the election;	22
(b) a registered political party;	23
(c) a registered third party for the election under division 12;	24 25
(d) a third party that is not registered for the election that incurs electoral expenditure for the election.	26 27 28

(2)	Subsection (3) applies if—	1
(a)	a person becomes a candidate in an election for subsection (1)(a) because the person indicates the person’s intention to become a candidate in the election by incurring electoral expenditure; or	2 3 4 5 6
	<i>Note—</i>	7
	See section 2, definition <i>candidate</i> , paragraph (b)(iii).	8 9
(b)	a third party becomes a third party to which subsection (1)(d) applies for an election by incurring electoral expenditure for the election.	10 11 12 13
(3)	Despite section 281, the person or third party incurs the electoral expenditure when the person or third party enters a transaction to incur the expenditure, regardless of when—	14 15 16 17
(a)	the amount of the expenditure is invoiced or paid; or	18 19
(b)	the obligation to pay for the expenditure arises; or	20 21
(c)	the goods or services for which the expenditure is incurred are delivered or provided.	22 23 24
(4)	In this part, a reference to an election participant in a provision about an election is a reference to a participant in the election.	25 26 27
Clause 9	Insertion of new s 199	28
	After section 198—	29
	<i>insert—</i>	30
	199 Meaning of <i>electoral expenditure</i>	31
	(1) <i>Electoral expenditure</i> means expenditure of a	32

kind mentioned in subsection (2) incurred for, or related to, any of the following purposes—	1 2
(a) to promote or oppose (directly or indirectly) a political party in relation to an election;	3 4
(b) to promote or oppose (directly or indirectly) the election of a candidate;	5 6
(c) to otherwise influence (directly or indirectly) voting at an election.	7 8
(2) For subsection (1), the kind of expenditure is—	9
(a) expenditure for designing, producing, printing, broadcasting or publishing an advertisement or other election material, including, for example, an advertisement or material—	10 11 12 13 14
(i) for broadcast on radio or television, at a cinema, or using the internet, email or SMS; and	15 16 17
(ii) for publication in newspapers, magazines, on billboards, or as brochures, flyers, how-to-vote cards or information sheets; and	18 19 20 21
(iii) for distribution in letters; or	22
(b) expenditure for the direct cost of distributing an advertisement or other election material including, for example, the cost of postage, sending SMS messages or couriers; or	23 24 25 26
(c) expenditure for carrying out an opinion poll or research; or	27 28
(d) expenditure of another kind prescribed by regulation.	29 30
(3) For subsection (2)(a) and (b), it does not matter whether section 181 applies to the advertisement or other election material.	31 32 33

- (4) However, *electoral expenditure* does not include—
- (a) expenditure incurred substantially for or related to the election of—
 - (i) members of the Parliament of another State or the Commonwealth; or
 - (ii) councillors (however described) of a local government of the State or another State; or
 - (b) expenditure on factual advertising about a matter that relates mainly to the administration of a registered political party, including, for example, a meeting of a branch, division or committee of the party—
 - (i) for an organisational purpose; or
 - (ii) to select a candidate to nominate for election; or
 - (c) expenditure of a kind prescribed by regulation.
- (5) Expenditure incurred by a third party is only *electoral expenditure* if the dominant purpose for which the expenditure was incurred is a purpose mentioned in subsection (1).
- (6) Also, *electoral expenditure* incurred by or for an elected member does not include expenditure of a kind for which the member is entitled to receive an allowance or entitlement.
- (7) In this section—
- allowance or entitlement*, for an elected member, means—
- (a) an allowance or entitlement the member is entitled to under the *Queensland*

	<i>Independent Remuneration Tribunal Act</i>	1
	2013, section 54; or	2
	(b) accommodation, services or other	3
	entitlements mentioned in the <i>Queensland</i>	4
	<i>Independent Remuneration Tribunal Act</i>	5
	2013 supplied or paid to the member.	6
	<i>expenditure</i> includes a gift in kind.	7
Clause 10	Amendment of s 200 (Meaning of <i>fundraising contribution</i>)	8
	Section 200—	9
	<i>insert</i> —	10
	(4) A <i>fundraising contribution</i> does not include an	11
	amount that relates to the venture or function that	12
	is paid under a sponsorship arrangement.	13
		14
Clause 11	Insertion of new ss 200A and 200B	15
	After section 200—	16
	<i>insert</i> —	17
	200A Meaning of <i>sponsorship arrangement</i>	18
	(1) A <i>sponsorship arrangement</i> , between a person	19
	(the <i>sponsor</i>) and a registered political party,	20
	means an arrangement—	21
	(a) that establishes a relationship of	22
	sponsorship, approval or association	23
	between the sponsor and the party, whether	24
	or not for commercial gain; or	25
	(b) that confers a right on the sponsor to	26
	associate the sponsor, or the sponsor's goods	27
	or services, with—	28
	(i) the party; or	29

- (ii) a fundraising or other venture or event; 1
or 2
 - (iii) a program or event associated with a 3
venture or event mentioned in 4
subparagraph (ii). 5
- (2) It does not matter whether or not the sponsor is 6
entitled, under the arrangement— 7
 - (a) to be acknowledged as a sponsor; or 8
 - (b) to advertising or marketing rights; or 9
 - (c) to supply the sponsor's goods or services; or 10
 - (d) to another benefit, including, for example, 11
entry to a particular event or function. 12

200B Meaning of *gifted* for electoral expenditure 13

- (1) An amount of electoral expenditure incurred by a 14
person is *gifted* to a participant in an election if— 15
 - (a) the expenditure benefits the participant; and 16
 - (b) any of the following applies— 17
 - (i) the expenditure was incurred with the 18
participant's authority or consent; 19
 - (ii) the participant has accepted election 20
material resulting from the 21
expenditure; 22
 - (iii) another circumstance prescribed by 23
regulation happens in relation to the 24
expenditure; and 25
 - (c) the person has received no consideration, or 26
inadequate consideration, from the 27
participant for incurring the expenditure; 28
and 29
 - (d) the person has not invoiced the participant 30
for payment of the amount. 31

-
- (2) If an amount of electoral expenditure mentioned in subsection (1) (the **total amount**) is incurred under an arrangement between 2 or more election participants, the amount gifted to any 1 of the participants is the amount equal to the total amount divided by the number of participants who are parties to the arrangement.

Clause 12	Replacement of s 201 (Meaning of <i>gift</i>)	8
	Section 201—	9
	<i>omit, insert</i> —	10
	201 Meaning of <i>gift</i>	11
	(1) A <i>gift</i> made by a person to another person is the disposition of property, or provision of a service, by the person to the other person, for no consideration or inadequate consideration.	12 13 14 15
	(2) Also, a <i>gift</i> includes—	16
	(a) an amount of electoral expenditure a person gifted to a participant in an election; and	17 18
	(b) an amount, other than the amount of a loan, paid to or for the benefit of, or an amount of electoral expenditure gifted to, a registered political party by—	19 20 21 22
	(i) if the party is a part of another entity— a federal or interstate branch or division of the other entity; or	23 24 25
	(ii) a related political party of the party; and	26 27
	(c) in relation to a loan made by a person to another person—	28 29
	(i) an amount of uncharged interest on the loan; or	30 31
	(ii) an amount forgiven on the loan; and	32

- (d) the part of a fundraising contribution made by a person to another person that exceeds \$200; and
 - (e) an amount paid, or service provided, by a person to a registered political party under a sponsorship arrangement.
 - (3) A *gift* does not include—
 - (a) the disposition of property under a will; or
 - (b) a fundraising contribution of \$200 or less, or the first \$200 of a fundraising contribution that exceeds \$200; or
 - (c) the following amounts paid to a political party—
 - (i) an amount for a person’s subscription for membership of the party;
 - (ii) an amount for a person’s affiliation with the party, other than an amount paid under a sponsorship arrangement mentioned in subsection (2)(e);
 - (iii) an amount that is a compulsory levy imposed on elected members by the party under its constitution; or
 - (d) the provision of voluntary labour; or
 - (e) the incidental or ancillary use of—
 - (i) a volunteer’s vehicle or equipment; or
 - (ii) a vehicle or equipment that is ordinarily available for the personal use of a volunteer.
 - (4) A reference in this part to a gift does not include a gift made by a person to an individual (the *recipient*) if, when the gift is made—

(a)	it is made in a private capacity for the recipient's personal use; and	1 2
(b)	the recipient does not intend to use the gift for an electoral purpose.	3 4
(5)	However, if a gift, or part of a gift, mentioned in subsection (4) is used for an electoral purpose—	5 6
(a)	the gift, or that part of the gift, is a gift for this section; and	7 8
(b)	the recipient is taken to accept the gift, or that part of the gift, at the time it is used for an electoral purpose.	9 10 11
(6)	If the recipient is an elected member, a reference in subsection (4) or (5) to using a gift for an <i>electoral purpose</i> includes using the gift for the recipient's duties as an elected member.	12 13 14 15
(7)	In this section—	16
	<i>official cash rate</i> means the Reserve Bank of Australia's cash rate target.	17 18
	<i>uncharged interest</i> , on a loan, means an amount that would have been payable on the loan if—	19 20
(a)	the loan had been made on terms requiring the payment of interest at least at the official cash rate plus 3% a year; or	21 22 23
(b)	any interest payable had not been waived; or	24
(c)	any interest payments were not capitalised.	25
Clause 13	Insertion of new ss 201B and 201C	26
	After section 201A—	27
	<i>insert—</i>	28
	201B Meaning of <i>value</i> of gift	29
(1)	The <i>value</i> of a gift is the amount stated in, or	30

- worked out under, this section. 1
- (2) The value of a gift of money is the amount of 2
money given. 3
- (3) The value of a gift of property other than money 4
is— 5
- (a) the market value of the property; or 6
- (b) if a regulation prescribes principles under 7
which the value of the property is to be 8
decided—the value decided under the 9
principles. 10
- (4) The value of a gift of the provision of a service 11
is— 12
- (a) the amount that would reasonably be 13
charged for providing the service if the 14
service were provided on a commercial 15
basis; or 16
- (b) if a regulation prescribes principles under 17
which the amount that would reasonably be 18
charged for the service is to be decided—the 19
amount decided under the principles. 20
- (5) The value of a gift of an amount of electoral 21
expenditure incurred is the amount of the 22
expenditure. 23
- (6) The value of a gift that is a fundraising 24
contribution is the gross amount of the 25
contribution, regardless of the value of anything 26
received in consideration for the contribution. 27
- (7) The value of a gift provided by a person to a 28
registered political party under a sponsorship 29
arrangement is worked out— 30
- (a) as the amount paid, or value of the service 31
provided, under the arrangement; and 32

<i>Note</i> —	1
See subsection (4) for working out the value of a service provided.	2 3
(b) regardless of the value of the goods, services or other benefits provided to the person under the arrangement.	4 5 6
(8) The value of a gift of an amount of uncharged interest on a loan is—	7 8
(a) the amount of interest that would have been payable on the loan if interest on the loan were calculated—	9 10 11
(i) annually, as simple interest; and	12
(ii) at the official cash rate for the day the loan was made plus 3% a year;	13 14
less—	15
(b) any amount of interest paid on the loan.	16
(9) The value of a gift of an amount forgiven on a loan is the total amount the debtor is no longer required to pay under the loan because the amount has been forgiven, including, for example, amounts of principal, interest, fees or other charges, whether or not—	17 18 19 20 21 22
(a) the loan is legally enforceable; and	23
(b) the forgiveness of the amount is legally enforceable.	24 25
(10) If consideration is given for a gift made, other than a gift mentioned in subsection (6) or (7), the value of the gift is reduced by the amount or value of the consideration given.	26 27 28 29
(11) In this section—	30
<i>official cash rate</i> means the Reserve Bank of Australia's cash rate target.	31 32

	<i>uncharged interest</i> , on a loan, see section 201(7).	1
	201C Application to unincorporated body	2
	In this part—	3
	(a) a reference to a gift or loan made, expenditure incurred or something else done by a person includes a reference to a gift or loan made, expenditure incurred or other thing done by a person acting—	4 5 6 7 8
	(i) on behalf of an unincorporated body; and	9 10
	(ii) under the body’s actual or apparent authority; and	11 12
	(b) a reference to a gift or loan made to a person includes a reference to the gift or loan being made for the benefit of the members of an unincorporated body.	13 14 15 16
Clause 14	Amendment of s 203 (Electoral committee to be treated as part of candidate)	17 18
	(1) Section 203, ‘electorate’—	19
	<i>omit, insert</i> —	20
	electoral district	21
	(2) Section 203(1), ‘and 4’—	22
	<i>omit, insert</i> —	23
	, 4, 6 and 9	24
Clause 15	Insertion of new s 204	25
	After section 203—	26
	<i>insert</i> —	27

204 Associated entity to be treated as part of registered political party for particular purposes 1
2
3

If a registered political party has an associated entity, divisions 3, 4, 6 and 9 apply as if— 4
5

(a) the party and the entity together constitute the political party (the *recipient party*); and 6
7

(b) a gift made to, or received by, the party or the entity were a gift made to, or received by, the recipient party; and 8
9
10

(c) the State campaign account of the party were the State campaign account of the recipient party. 11
12
13

Clause 16 Insertion of new pt 11, div 1A 14

Part 11— 15

insert— 16

Division 1A Provisions about the source of indirect gifts and loans 17
18
19

205A Who is the source of an indirect gift or loan 20

(1) An entity is the *source* of a gift (the *ultimate gift*) made to another entity (the *ultimate recipient*) if— 21
22
23

(a) the entity makes a gift or loan (the *first gift or loan*) to a person (the *first recipient*); and 24
25

(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 26
27
28
29
30

- (c) the first recipient, or another person, makes the ultimate gift to the ultimate recipient; and
 - (d) the first gift or loan enabled (directly or indirectly) the first recipient, or another person, to make the ultimate gift to the ultimate recipient.
- (2) An entity is the *source* of a loan (the *ultimate loan*) made to another entity (the *ultimate recipient*) if—
 - (a) the entity makes a gift or loan (the *first gift or loan*) to a person (the *first recipient*); and
 - (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
 - (c) the first recipient, or another person, makes the ultimate loan to the ultimate recipient; and
 - (d) the first gift or loan enabled (directly or indirectly) the first recipient, or another person, to make the ultimate loan to the ultimate recipient.
- (3) For this part, when the ultimate gift or ultimate loan is made to the ultimate recipient, the gift or loan is taken—
 - (a) not to have been made to, or accepted by, the first recipient; and
 - (b) to have been made to, and accepted by, the ultimate recipient.

Clause 17	Replacement of pt 11, div 2 (Agents)	1
	Part 11, division 2—	2
	<i>omit, insert—</i>	3
	Division 2 Agents	4
	206 Agent of registered political party	5
	A registered political party must appoint a person to be the agent of the party for this part.	6 7
	207 Agent of candidate	8
	(1) A candidate in an election may appoint a person to be the agent of the candidate, for this part, for the election.	9 10 11
	(2) During any period for which no appointment is in force under subsection (1), the candidate is taken to be the candidate’s own agent for this part.	12 13 14
	(3) A person’s appointment under subsection (1) continues until the person’s obligations as the candidate’s agent for the election end, unless the appointment ends earlier under section 212.	15 16 17 18
	<i>Note—</i>	19
	A person’s obligations as a candidate’s agent under this part may end after the election to which the appointment relates, whether or not the candidate is elected at the election.	20 21 22 23
	208 Agent of registered third party	24
	(1) A registered third party for an election who is not an individual must appoint an agent, for this part, for the election.	25 26 27
	(2) A registered third party for an election who is an individual may appoint a person to be the third	28 29

party's agent, for this part, for the election. 1

(3) During any period for which no appointment is in 2
force under subsection (2), the third party is taken 3
to be the third party's own agent for this part. 4

(4) A person's appointment under subsection (1) 5
continues until the person's obligations as the 6
registered third party's agent for the election end, 7
unless the appointment ends earlier under section 8
212. 9

Note— 10

A person's obligations as a registered third party's agent 11
under this part may end after the election for which the 12
third party is registered under division 12. 13

209 Agent of unregistered third party 14

(1) A third party that is not registered for an election 15
may appoint a person to be the third party's agent, 16
for this part, for the election. 17

(2) If the third party is an individual, the third party is 18
taken to be the third party's own agent for this part 19
during any period for which no appointment is in 20
force under subsection (1). 21

(3) A person's appointment under subsection (1) 22
continues until the person's obligations as the 23
third party's agent for the election end, unless the 24
appointment ends earlier under section 212. 25

Note— 26

A person's obligations as a third party's agent under this 27
part may end after the election to which the appointment 28
relates. 29

210 Requirements for registration 30

(1) The appointment of a person as an agent has no 31
effect unless— 32

-
- (a) the person is an adult; and 1
- (b) the person has— 2
- (i) consented to the appointment in 3
writing; and 4
- (ii) signed a declaration that the person is 5
eligible for appointment. 6
- (c) the commission is given written notice of 7
the appointment that— 8
- (i) states the person’s name and address; 9
and 10
- (ii) includes or is accompanied by the 11
consent and declaration mentioned in 12
paragraph (b). 13
- (2) A person is not eligible to be appointed, or to hold 14
office, as an agent for this part if the person has 15
been convicted of an offence against this part. 16
- 211 Register of agents 17**
- (1) The commission must keep a register called the 18
register of agents. 19
- (2) The register of agents must include the name and 20
address of each person appointed as the agent of a 21
registered political party, candidate or third party 22
for this part. 23
- (3) An entry in the register of agents about a person 24
appointed as the agent of a registered political 25
party, candidate or third party, for this part, is 26
evidence that the person is the agent of the party, 27
candidate or third party. 28
- 212 Registration of agent 29**
- (1) The appointment of a person as an agent— 30
-

- (a) takes effect when the person's name is entered in the register of agents; and 1
2
- (b) ends when— 3
 - (i) the person resigns as the person's agent; or 4
5
 - (ii) the entity that appointed the person revokes the person's appointment; or 6
7
 - (iii) the person dies; or 8
 - (iv) the person is convicted of an offence against this part. 9
10
- (2) A person's name must not be removed from the register of agents unless— 11
12
 - (a) the person gives the commission written notice that the person has resigned as agent; or 13
14
15
 - (b) the entity that appointed the person gives the commission written notice that the person's appointment has been revoked; or 16
17
18
 - (c) the person dies; or 19
 - (d) the person is convicted of an offence against this part; or 20
21
 - (e) if the entity that appointed the person is a registered political party or registered third party—the entity's registration is cancelled. 22
23
24
- (3) If a person's appointment as the agent of an entity ends, the entity must, within 28 days after the person's appointment ends, give the commission— 25
26
27
28
 - (a) written notice that states— 29
 - (i) the person's appointment has ended; and 30
31
 - (ii) the day the appointment ended; and 32

(iii) the reason the appointment ended; and	1
(b) if the entity is required to have an agent	2
under this part—written notice under	3
section 210 of the appointment of another	4
person as the entity’s agent.	5
213 Responsibility for action in absence of agent	6
(1) This section applies if—	7
(a) this part imposes an obligation on the agent	8
of—	9
(i) a registered political party; or	10
(ii) a third party who is not an individual,	11
whether or not the third party is	12
registered under division 12; and	13
(b) the entity does not have an agent for this	14
part.	15
(2) Each member of the executive committee	16
(however described) of the entity is responsible	17
for the obligation as if this part applied to the	18
member of the committee.	19
Division 3 Managing political	20
donations and electoral	21
expenditure	22
Subdivision 1 Preliminary	23
214 Application of division	24
This division applies to each of the following	25
participants in an election—	26

- (a) a candidate in the election; 1
- (b) a registered political party; 2
- (c) a third party registered for the election; 3
- (d) another third party if, under section 297, the
third party is required to be registered for
the election. 4
5
6

Subdivision 2 State campaign accounts 7

215 Requirement to keep State campaign account 8

- (1) A participant in an election must keep a separate
bank account for the election until each obligation
mentioned in subsection (2) that applies to the
participant or the participant's agent for the
election ends. 9
10
11
12
13
Maximum penalty—200 penalty units. 14
- (2) For subsection (1), the obligations are each
obligation under this part that relates to— 15
16
 - (a) a political donation made during a donation
cap period for the election; or 17
18
 - (b) electoral expenditure incurred by the
election participant; or 19
20
 - (c) repayment of a loan that is paid into the
participant's State campaign account; or 21
22
 - (d) if a political donation of property other than
money is made during a donation cap period
for the election—the disposal of the
property. 23
24
25
26
- (3) The bank account mentioned in subsection (1) is
the election participant's *State campaign
account*. 27
28
29

216 Payments into State campaign account	1
(1) If an election participant is a registered political party or candidate, a person must not pay an amount into the participant's State campaign account unless the amount is—	2 3 4 5
(a) an amount of election funding paid to the participant under division 4; or	6 7
(b) a political donation of money made to the participant, other than a political donation made or received in contravention of division 6 or 8; or	8 9 10 11
(c) an amount received for the disposal of a political donation of property, other than a political donation made or received in contravention of division 6; or	12 13 14 15
(d) if the participant is a candidate—an amount contributed by the candidate from the candidate's own funds; or	16 17 18
(e) the amount of a loan to the participant, other than a loan received in contravention of division 8, subdivision 3; or	19 20 21
(f) an amount that is a return on an investment, or an amount redeemed from an investment, made by the participant if the amount invested was paid from the account; or	22 23 24 25
<i>Note—</i>	26
See section 218 for the requirement to pay amounts relating to an investment into a State campaign account.	27 28 29
(g) an amount received by the participant—	30
(i) as a disposition of money by will; or	31
(ii) for the disposal of other property received by the recipient as a disposition by will; or	32 33 34

- (h) a fundraising contribution, other than to the extent the contribution or amount is a political donation; or
 - (i) if the participant is a registered political party—
 - (i) an amount of \$500 or less, in total, paid by a person during a calendar year for—
 - (A) the person’s subscription for membership of the party payable during that year; or
 - (B) the person’s affiliation with the party payable during that year, other than to the extent the amount is paid under a sponsorship arrangement; or
 - (ii) an amount paid to the party as a compulsory levy imposed on elected members under the party’s constitution; or
 - (j) if the participant kept a State campaign account for another election and the amounts paid into that account complied with this section—an amount paid from the other State campaign account.
- Maximum penalty—200 penalty units.
- (2) If an election participant is a registered third party, a person must not pay an amount that is a gift or loan of money into the participant’s State campaign account unless the gift or loan is a political donation made and received in compliance with divisions 6 and 8.
- Maximum penalty—200 penalty units.
- (3) A person does not commit an offence against

subsection (1) or (2) if the person or another 1
person, on becoming aware an amount was paid 2
into a State campaign account in contravention of 3
that subsection, takes all reasonable steps to 4
ensure the amount is withdrawn from the account 5
within 5 business days after becoming aware. 6

(4) In this section— 7
disposition, by will, see the *Succession Act 1981*, 8
section 5. 9

217 Requirements for loan amounts paid into State 10 campaign account 11

(1) This section applies if— 12
(a) an election participant is a registered 13
political party or candidate; and 14
(b) the amount of a loan made to the participant 15
is paid into the participant’s State campaign 16
account. 17

(2) A person must not pay an amount payable under 18
the loan unless the person pays the amount from 19
the election participant’s State campaign account. 20

Maximum penalty—200 penalty units. 21

(3) If the election participant, or a person acting with 22
the participant’s authority, becomes aware an 23
amount is a non-donation loan amount, the 24
participant or person must ensure an amount equal 25
to the non-donation loan amount is withdrawn 26
from the participant’s State campaign account 27
within 5 business days after becoming aware. 28

Maximum penalty—200 penalty units. 29

(4) A person does not commit an offence against 30
subsection (2) or (3) if the person has a reasonable 31
excuse. 32

(5) In this section—	1
<i>amount payable</i> , under a loan, includes—	2
(a) an amount of the principal or interest payable on the loan; and	3 4
(b) a fee, duty or other charge payable for the loan.	5 6
<i>non-donation loan amount</i> means an amount forgiven on a loan, to the extent the amount is not a political donation.	7 8 9
<i>Note—</i>	10
See section 250(1) for the requirement for an amount to be accompanied by a donor statement to be a political donation.	11 12 13
218 Return on investment must be paid into State campaign account	14 15
(1) This section applies if—	16
(a) an election participant is a registered political party or candidate; and	17 18
(b) an amount paid from the participant’s State campaign account was invested or reinvested; and	19 20 21
(c) the participant, or a person acting with the participant’s authority, receives an amount as a return on the investment; and	22 23 24
(d) the participant or person knows, ought reasonably to know or becomes aware that the amount is a return on the investment.	25 26 27
(2) The election participant or person must ensure the amount received is paid into the participant’s State campaign account within 5 business days after the participant or person—	28 29 30 31
(a) receives the amount; or	32

(b) becomes aware that amount is a return on
the investment. 1
2

Maximum penalty—200 penalty units. 3

(3) A person does not commit an offence against
subsection (2) if the person— 4
5

(a) reinvests the amount; or 6

(b) has a reasonable excuse. 7

(4) In this section— 8

return, on an amount invested, includes an
amount received for the redemption of the
investment or part of the investment. 9
10
11

Subdivision 3 Managing political donations 12 13

219 Political donations of money must be paid into State campaign account 14 15

(1) This section applies if a political donation of
money is made to, or for the benefit of, an election
participant. 16
17
18

(2) A person who receives the donor statement that
accompanies the political donation must ensure
the donation is paid into the election participant's
State campaign account within 5 business days
after receiving the donor statement. 19
20
21
22
23

Note— 24

See section 250(1) for the requirement for a political
donation to be accompanied by a donor statement. 25
26

Maximum penalty—200 penalty units. 27

(3) A person does not commit an offence against
subsection (2) if the person has a reasonable
excuse. 28
29
30

220 Requirement to keep records about political donations of other property	1 2
(1) This section applies if a political donation of property other than money is made to, or for the benefit of, an election participant.	3 4 5
(2) The election participant, or a person acting with the participant's authority, must ensure a record about the political donation that complies with subsection (3) is kept for at least 5 years after the property is disposed of.	6 7 8 9 10
Maximum penalty—20 penalty units.	11
(3) A record about the political donation must include the following information—	12 13
(a) a description of the donation;	14
(b) the day the donation was received;	15
(c) the value of the donation;	16
(d) the name and address of the person who made the donation;	17 18
(e) if the property has been disposed of—	19
(i) the day of the disposal; and	20
(ii) the amount received for the disposal.	21
(4) A person does not commit an offence against subsection (2) if the person has a reasonable excuse.	22 23 24
221 Proceeds from disposal of political donation of other property	25 26
(1) This section applies if—	27
(a) an election participant receives a political donation of property other than money; and	28 29
(b) the property is disposed of.	30

-
- (2) A person who receives an amount for the disposal of the property must ensure the amount is paid into the election participant's State campaign account within 5 business days after the amount is received.

Maximum penalty—200 penalty units.

- (3) A person does not commit an offence against subsection (2) if the person has a reasonable excuse.

Subdivision 4 Managing payment of electoral expenditure

221A Electoral expenditure must be paid from State campaign account

- (1) If a person knows, or ought reasonably to know, that an amount to be paid is for electoral expenditure incurred by or for an election participant, the person must ensure the amount is paid from the participant's State campaign account.

Maximum penalty—200 penalty units.

- (2) A person does not commit an offence against subsection (1) if the amount is reimbursed from the participant's State campaign account within 6 weeks after the amount was paid.

Subdivision 5 General

221B Notice of State campaign account

- (1) This section applies if an entity becomes a participant in an election, including because any

of the following events happen—	1
(a) a political party is registered under part 6;	2
(b) a person becomes a candidate in an election;	3
(c) a third party—	4
(i) is registered for an election; or	5
(ii) incurs electoral expenditure for an election; or	6 7
(iii) receives a political donation during the donation cap period for an election.	8 9
(2) The agent of the election participant must give the commission a notice, in the approved form, about the participant’s State campaign account for the election within 5 business days after the entity became a participant in the election, unless the agent has a reasonable excuse.	10 11 12 13 14 15
Maximum penalty—20 penalty units.	16
(3) If a required detail of an election participant’s State campaign account changes, the agent of the participant must give the commission a notice about the change, in the approved form, within 5 business days after the change happens, unless the agent has a reasonable excuse.	17 18 19 20 21 22
Maximum penalty—20 penalty units.	23
(4) In this section—	24
<i>required detail</i> , of a State campaign account, means a detail about the account required to be stated in the approved form mentioned in subsection (2).	25 26 27 28
Clause 18 Amendment of s 222 (Interpretation)	29
Section 222(1)—	30
<i>omit, insert</i> —	31

	(1)	For this division, electoral expenditure is taken to have been incurred for an election if the expenditure is incurred during the capped expenditure period for the election.	1 2 3 4
Clause 19	Amendment of s 223 (Entitlement to election funding—registered political parties)		5 6
		Section 223(1), ‘6%’—	7
		<i>omit, insert—</i>	8
		4%	9
Clause 20	Amendment of s 224 (Entitlement to election funding—candidates)		10 11
		Section 224(1), ‘6%’—	12
		<i>omit, insert—</i>	13
		4%	14
Clause 21	Amendment of s 225 (Election funding amount)		15
		Section 225(1)(a)—	16
		<i>omit, insert—</i>	17
		(a) for the financial year that starts on 1 July 2020—	18 19
		(i) if the entity entitled to the funding is a registered political party—\$6.00; or	20 21
		(ii) if the entity entitled to the funding is a candidate—\$3.00; or	22 23
Clause 22	Replacement of pt 11, div 5 (Policy development payments)		24 25
		Part 11, division 5—	26

<i>omit, insert—</i>	1
Division 5	2
Policy development payments	3
239 Entitlement to policy development payment—registered political party	4
(1) A registered political party (an <i>eligible registered political party</i>) is entitled to a policy development payment for a 6-month period if—	5
(a) the political party was a registered political party on—	6
(i) the polling day for the most recent general election; and	7
(ii) the last day of the period; and	8
(b) the commission is satisfied—	9
(i) at least 1 elected member was a candidate endorsed by the political party for the election; and	10
(ii) during the election period for the election, the elected member claimed to be a candidate endorsed by the political party; and	11
(iii) the elected member, or another elected member, is a member of the political party on the last day of the 6-month period.	12
(2) This section does not apply if the registered political party has given the commission written notice that the party does not wish to receive policy development payments and has not withdrawn the notice in writing.	13
	14
	15
	16
	17
	18
	19
	20
	21
	22
	23
	24
	25
	26
	27
	28
	29
	30

240 Entitlement to policy development payment— independent member	1 2
(1) An elected member is entitled to a policy development payment for a 6-month period if the commission is satisfied the member is an independent member on the last day of the 6-month period.	3 4 5 6 7
(2) An <i>independent member</i> is an elected member who—	8 9
(a) was an independent candidate in the most recent general election; and	10 11
(b) is not a member of a registered political party.	12 13
(3) This section does not apply if the independent member has given the commission written notice that the member does not wish to receive policy development payments and has not withdrawn the notice in writing.	14 15 16 17 18
 241 Amount of policy development payment	 19
(1) The amount of policy development payment for a 6-month period, for an eligible registered political party or independent member, is the amount worked out using the following formula—	20 21 22 23 24
$A \times \frac{B}{C}$	
where—	25
<i>A</i> means the amount prescribed under a regulation for this definition.	26 27
<i>B</i> , for a 6-month period, means the combined vote and seat ratio for the registered political party or independent member worked out under subsection (2) for the period.	28 29 30 31

C, for a 6-month period, means the sum of the
combined vote and seat ratios for each eligible
registered political party and independent
member worked out under subsection (2) for the
period.

- (2) The *combined vote and seat ratio* for an eligible
registered political party or independent member,
for a 6-month period, is the sum of—
- (a) the vote ratio for the party or independent
member for the period under section 242;
and
- (b) the seat ratio for the party or independent
member for the period under section 243.

**242 Meaning of *vote ratio* for eligible registered
political party or independent member**

- (1) The *vote ratio* for an eligible registered political
party for a 6-month period is—
- (a) the total of the number of formal first
preference votes given to each person
who—
- (i) was a candidate endorsed by the
political party at the most recent
general election; and
- (ii) polled at least 4% of the total number
of formal first preference votes in the
election;
- divided by—
- (b) the total of the number of relevant first
preference votes at the election.
- (2) The *vote ratio* for an independent member for a
6-month period is—

-
- (a) the total number of formal first preference votes given to the member in the most recent general election; 1
2
3
divided by— 4
- (b) the total of the number of relevant first preference votes at the election. 5
6
- (3) Each of the following votes is a *relevant first preference vote* at a general election— 7
8
- (a) a formal first preference vote given to each candidate in the election who— 9
10
- (i) was endorsed for the election by a registered political party; and 11
12
- (ii) polled at least 4% of the total number of formal first preference votes in the election; 13
14
15
- (b) a formal first preference vote given to an independent candidate in the election who was elected. 16
17
18

243 Meaning of *seat ratio* for eligible registered political party or independent member 19
20

- (1) The *seat ratio* for an eligible registered political party for a 6-month period is the number of eligible seats held by the party worked out under subsection (2), divided by 93. 21
22
23
24

Note— 25

There are 93 electoral districts in the State—see section 34. 26
27

- (2) For subsection (1), the number of eligible seats held by an eligible registered political party for a 6-month period is the number of elected members who, at the most recent general election, were candidates endorsed by the political party. 28
29
30
31
32

- (3) The *seat ratio* for an independent member for a 6-month period is 1 divided by 93. 1
2

244 Payment of policy development payment 3

- (1) After the end of a 6-month period, the commission must decide— 4
5
- (a) for each registered political party—whether the party is entitled to a policy development payment for the period under section 239; and 6
7
8
9
- (b) for each elected member who is not a member of a registered political party on the last day of the period—whether the member is entitled to a policy development payment for the period under section 240; and 10
11
12
13
14
- (c) the amount of the policy development payment to which each eligible registered political party and independent member is entitled under section 241 for the period. 15
16
17
18
- (2) The commission must, after deciding the matters mentioned in subsection (1) for the 6-month period— 19
20
21
- (a) give each registered political party a notice that states the commission’s decisions under subsection (1)(a) and (c) for the party; and 22
23
24
- (b) for each elected member to which subsection (1)(b) applies—give the member a notice that states the commission’s decisions under subsection (1)(b) and (c) for the member; and 25
26
27
28
29
- (c) pay the policy development payment for the 6-month period to each eligible registered political party and independent member within 1 month after the end of the period. 30
31
32
33

-
- (3) However, if the writ for a general election has not
been returned by the end of a 6-month period, the
commission must pay a policy development
payment for the period within 1 month after the
day on which the writ for the election is returned.
- (4) For this division, a person who is elected at a
general election is taken to have been elected on
the day after the Legislative Assembly was last
dissolved before the election was held.

**245 Application for reconsideration of decision
about policy development payment**

- (1) This section applies if the commission gives a
registered political party or elected member a
notice about a decision made by the commission
under section 244(1)(a), (b) or (c).
- (2) The agent of the registered political party or
elected member may apply to the commission for
reconsideration of the decision.
- (3) The application must—
- (a) be in the approved form; and
 - (b) state the reasons for the application; and
 - (c) be made within 1 month after the notice is
given.
- (4) On receiving an application, the commission must
reconsider the decision and decide to—
- (a) affirm or vary the decision; or
 - (b) set aside the decision and make a substitute
decision.
- (5) The commission must give the agent a notice that
states the decision on the reconsideration and the
reasons for the decision.

246 Recalculation of policy development payment	1
(1) This section applies if the commission varies a decision, or makes a substitute decision, for a 6-month period under section 245.	2 3 4
(2) The commission must recalculate the amount of the policy development payment to which each eligible registered political party and independent member is entitled for the 6-month period under section 241.	5 6 7 8 9
(3) The difference between the policy development payment paid to a registered political party or elected member for a 6-month period and the amount calculated under subsection (2) is—	10 11 12 13
(a) if the amount paid is less than the recalculated amount—an underpayment; or	14 15
(b) if the amount paid is more than the recalculated amount—an overpayment.	16 17
(4) The commission must pay the amount of an underpayment to a registered political party or elected member as soon as practicable after the recalculation under subsection (2).	18 19 20 21
(5) The amount of an overpayment is payable by a registered political party or elected member to the State and may be recovered as a debt due to the State.	22 23 24 25
(6) The commission must give each registered political party and elected member given a notice for the 6-month period under section 244(2) a further notice that states—	26 27 28 29
(a) the commission’s decision on the reconsideration and the reasons for the decision; and	30 31 32
(b) the result of the commission’s recalculation under subsection (2); and	33 34

(c)	if the result of the recalculation is an overpayment—	1 2
(i)	that the party or member must repay the amount of the overpayment to the State; and	3 4 5
(ii)	the commission may recover the amount as a debt due to the State.	6 7
Division 6	Political donations and caps on political donations	8 9
Subdivision 1	Preliminary	10
247	Meaning of <i>donation cap period</i>	11
(1)	The <i>donation cap period</i> for a candidate in an election is the period that—	12 13
(a)	starts—	14
(i)	if the candidate was a candidate in a by-election held after the last general election—30 days after the polling day for the last by-election in which the candidate was a candidate; or	15 16 17 18 19
(ii)	otherwise—30 days after the polling day for the last general election; and	20 21
(b)	ends 30 days after the polling day for the election.	22 23
(2)	The <i>donation cap period</i> for a registered political party, or a third party in the next general election, is the period that—	24 25 26
(a)	starts 30 days after the polling day for the last general election; and	27 28

- (b) ends 30 days after the polling day for the next general election. 1
2

Note— 3

See section 249 for how this division applies to a third party in a by-election. 4
5

248 Application to unregistered third party 6

- (1) This division applies to a third party that is not registered for an election if the third party receives a political donation during the donation cap period for third parties for the election. 7
8
9
10
- (2) For this division, a reference to a third party in an election is a reference to a third party that— 11
12
- (a) is registered, or is required under section 297 to be registered, for the election; or 13
14
- (b) has received a political donation during the donation cap period for the election. 15
16

249 Application to political donations made to third party in by-election 17
18

- (1) This section applies if— 19
- (a) a third party is a participant in a by-election; and 20
21
- (b) the by-election is held during the donation cap period that— 22
23
- (i) if the third party is a participant in the next general election—applies to the third party for the general election; or 24
25
26
- (ii) otherwise—would apply to the third party for the next general election if the third party were a participant in that election; and 27
28
29
30

(c)	a political donation is made to the third party during the donation cap period.	1 2
(2)	For sections 256 and 259—	3
(a)	if the third party is not a participant in the next general election—the third party is taken to be a participant in the general election; and	4 5 6 7
(b)	the political donation is taken to have been made to the third party as a participant in the general election, even if the donation was made to the third party as a participant in the by-election.	8 9 10 11 12
Subdivision 2 Political donations and donation caps		13 14
250 Meaning of <i>political donation</i>		15
(1)	Each of the following is a <i>political donation</i> if it is accompanied by a donor statement—	16 17
(a)	a gift made to, or for the benefit of, a registered political party or a candidate in an election;	18 19 20
(b)	a gift made to, or for the benefit of, a third party—	21 22
(i)	to enable the third party (directly or indirectly) to make a gift mentioned in paragraph (a); or	23 24 25
(ii)	to reimburse the third party (directly or indirectly) for making a gift mentioned in paragraph (a); or	26 27 28
(iii)	to enable the third party (directly or indirectly) to incur electoral expenditure; or	29 30 31

- (iv) to reimburse the third party for incurring electoral expenditure; 1
2
- (c) a loan that, if the loan were a gift, would be a gift mentioned in paragraph (a) or (b). 3
4
- (2) However, an amount of electoral expenditure gifted to a participant in an election is a **political donation** whether or not the gift is accompanied by a donor statement. 5
6
7
8
- (3) This section applies to a gift or loan made by a person even if the person was outside Queensland when the person made the gift or loan. 9
10
11
- (4) In this division, a reference to a political donation made to a participant in an election includes a political donation made to another person if the donation is made for the benefit of the participant. 12
13
14
15
- (5) In this section— 16
loan means a loan made for no consideration or inadequate consideration. 17
18

251 Meaning of *donor statement* 19

- (1) A **donor statement** about a gift or loan is a statement about the gift or loan that complies with this section. 20
21
22
- (2) A donor statement about a gift or loan must— 23
- (a) be in writing; and 24
- (b) be made by the donor of the gift or loan; and 25
- (c) name the election participant (the **recipient**) to whom, or for the benefit of whom, the gift or loan is made; and 26
27
28
- (d) state that the gift or loan is made— 29

-
- (i) for a gift or loan mentioned in section 250(1)(b)—for a purpose mentioned in section 250(1)(b); or
- (ii) otherwise—with the intention that the gift or loan is used for an electoral purpose; and
- (e) state the relevant particulars of the donor of the gift or loan; and
- (f) be given to the recipient with the gift or loan, or within 14 days after the gift or loan is made.
- (3) For subsection (2)(c), if section 205A applies to the gift or loan, the recipient is the ultimate recipient of the ultimate gift or loan under that section.
- (4) In this section—
- donor**, of a gift or loan, means—
- (a) if section 205A applies to the gift or loan—the person who made the first gift or loan under that section; or
- (b) otherwise—the person who made the gift or loan.

252 Amount of *donation cap*

- (1) The ***donation cap*** for a participant in an election is—
- (a) for a registered political party—\$4,000; or
- (b) for a candidate in the election—\$6,000; or
- (c) for a third party for the election—\$4,000.
- (2) However, if the amount of a donation cap for an election participant has been adjusted under section 253, the ***donation cap*** is the amount most

recently published as the donation cap for the 1
election participant by the commission under 2
section 253(3). 3

253 Adjustment of donation cap 4

(1) The amount of the donation cap for an election 5
participant is adjusted 30 days after the polling 6
day for each general election (the *recent general* 7
election) to the greater of the following 8
amounts— 9

(a) the amount worked out under subsection 10
(2); 11

(b) the amount of the donation cap immediately 12
before it is adjusted under this section. 13

(2) The amount is worked out using the following 14
formula— 15
16

$$A \times \frac{B}{C}$$

where— 17

A means the amount of the donation cap 18
immediately before it is adjusted under this 19
section. 20

B means the CPI number published for the last 21
quarter that ended before the polling day for the 22
recent general election. 23

C means the CPI number published for the last 24
quarter that ended before the polling day for the 25
previous general election. 26

(3) The commission must publish the amount of the 27
donation cap for an election participant on its 28
website as soon as practicable after the amount is 29
adjusted under this section. 30

(4) In this section— 31

previous general election means the general election last held before the recent election. 1
2

quarter means the following periods in a year— 3

(a) 1 January to 31 March; 4

(b) 1 April to 30 June; 5

(c) 1 July to 30 September; 6

(d) 1 October to 31 December. 7

Subdivision 3 Caps on political donations 8 9

254 Caps on political donations made to registered political party 10 11

A person must not, during a donation cap period for a registered political party, make a political donation to, or for the benefit of, the party if the amount or value of the donation exceeds the party's donation cap— 12
13
14
15
16

(a) by itself; or 17

(b) when added to the other political donations made by the person to, or for the benefit of, the party during the donation cap period. 18
19
20

Note— 21

Section 257 provides for circumstances in which a person does not commit an offence against this section. 22
23

Maximum penalty—200 penalty units. 24

255 Caps on political donations made to candidates 25 26

A person must not, during a donation cap period for an election, make a political donation to, or for 27
28

the benefit of, a candidate in the election if the amount or value of the donation exceeds the candidate's donation cap—	1 2 3
(a) by itself; or	4
(b) when added to the other political donations made by the person to, or for the benefit of, the candidate during the donation cap period; or	5 6 7 8
(c) if the candidate is endorsed by a registered political party for the election—when added to the other political donations made, during the donation cap period, by the person to, or for the benefit of—	9 10 11 12 13
(i) the candidate; and	14
(ii) each other candidate who, when the political donation was made to or for the candidate's benefit, was endorsed by the same party.	15 16 17 18
<i>Note—</i>	19
Section 257 provides for circumstances in which a person does not commit an offence against this section.	20 21
Maximum penalty—200 penalty units.	22

256 Caps on political donations made to third parties 23
24

A person must not, during a donation cap period for an election, make a political donation to, or for the benefit of, a third party in the election if—	25 26 27
(a) the amount or value of the donation exceeds the third party's donation cap—	28 29
(i) by itself; or	30
(ii) when added to the other political donations made by the person to, or for	31 32

the benefit of, the third party during the donation cap period; or	1 2
(b) the person has made 6 or more other political donations to, or for the benefit of, third parties in the election.	3 4 5
<i>Note</i> —	6
Section 257 provides for circumstances in which a person does not commit an offence against this section.	7 8
Maximum penalty—200 penalty units.	9
257 Exceptions to ss 254, 255 and 256	10
(1) A person does not commit an offence against section 254, 255 or 256 if, within 6 weeks after the person makes the donation—	11 12 13
(a) the person asks the recipient, in writing, to refund or return the donation, or the amount by which the amount or value of the donation exceeds a donation cap mentioned in that section, to the person; or	14 15 16 17 18
(b) the donation, or the amount by which the amount or value of the donation exceeds a donation cap mentioned in that section, is refunded or returned to the person.	19 20 21 22
(2) Sections 254, 255 and 256 do not apply in relation to a political donation if, when it was made, it was a gift to which section 201(4) applied, whether or not it is used for an electoral purpose mentioned in that section.	23 24 25 26 27
(3) In this section—	28
<i>recipient</i> means the entity to whom, or for the benefit of whom, the political donation was made.	29 30

258 Requirement to notify donor about offence to exceed political donation cap	1 2
(1) If a person makes a political donation to, or for the benefit of, a participant in an election, the participant, or a person acting with the participant's authority, must, within 14 days after receiving the donation, give the person a receipt that—	3 4 5 6 7 8
(a) states the names of the participant and the person; and	9 10
(b) acknowledges the receipt by the participant of the donation from the person; and	11 12
(c) includes a statement, in the approved form, that summarises the circumstances in which it is an offence, under sections 254, 255 and 256, for a person to make a political donation to, or for the benefit of—	13 14 15 16 17
(i) a registered political party; or	18
(ii) a candidate in an election; or	19
(iii) a third party in an election.	20
Maximum penalty—20 penalty units.	21
(2) A person does not commit an offence against subsection (1) if the person has a reasonable excuse.	22 23 24
259 Cap on political donations to election participants that may be accepted	25 26
(1) This section applies if a person (the <i>donor</i>) makes a political donation to, or for the benefit of, a participant in an election during a donation cap period.	27 28 29 30
(2) The election participant, or a person acting with the participant's authority, must not accept the	31 32

political donation if—	1
(a) the amount or value of the donation, by itself, exceeds the participant’s donation cap; or	2 3 4
(b) both of the following apply—	5
(i) the amount or value of the donation exceeds the participant’s donation cap when added to other political donations made by the same donor to, or for the benefit of, the participant during the donation cap period;	6 7 8 9 10 11
(ii) the person knows, or ought reasonably to know, the donation would exceed the cap in that way.	12 13 14
Maximum penalty—200 penalty units.	15
(3) For subsection (2), a political donation of gifted electoral expenditure is accepted when the expenditure is incurred.	16 17 18
(4) A person does not commit an offence against subsection (2) if, within 6 weeks after the donation is made, the donation, or the amount by which the amount or value of the donation exceeds the donation cap mentioned in that subsection, is refunded or returned to the donor.	19 20 21 22 23 24

259A Recovery of unlawful political donations 25

(1) If a person accepts a political donation in contravention of section 259, the amount by which the amount or value of the donation exceeded a donation cap mentioned in that section is payable to the State.	26 27 28 29 30
(2) The amount may be recovered by the State as a debt due to the State from—	31 32

	(a) if the recipient is a registered political party that is not a corporation—the party’s agent; or	1 2 3
	(b) if the recipient is a candidate—the candidate or the candidate’s agent; or	4 5
	(c) if the recipient is a third party that is not a corporation—the third party’s agent; or	6 7
	(d) otherwise—the recipient.	8
	(3) The imposition of liability to pay an amount to the State under this section—	9 10
	(a) is not a punishment or sentence for an offence against section 259 or any other offence; and	11 12 13
	(b) is not a matter to which a court may have regard in sentencing an offender for an offence against section 259 or any other offence.	14 15 16 17
	(4) In this section—	18
	<i>recipient</i> means the entity to whom, or for the benefit of whom, the unlawful donation was made.	19 20 21
Clause 23	Replacement of s 260A (Who is the <i>source</i> of a gift or loan)	22 23
	Section 260A—	24
	<i>omit, insert—</i>	25
	260A How division applies to gift for personal use used for electoral purpose	26 27
	(1) This section applies in relation to a gift, to the extent section 201(5) applies to the gift.	28 29

	<i>Note—</i>	1
	Section 201(5) deals with a gift made in a private capacity for the recipient’s personal use if the gift, or part of the gift, is later used for an electoral purpose.	2 3 4
	(2) The person who made the gift is not required to comply with a requirement under this division to give the commission a return about the gift.	5 6 7
	(3) A return about the gift given under this division by a person who received the gift must state—	8 9
	(a) that, when the gift was made—	10
	(i) it was made in a private capacity for the recipient’s private use; and	11 12
	(ii) the recipient did not intend to use the gift for an electoral purpose; and	13 14
	(b) the gift was used for the electoral purpose; and	15 16
	(c) the day on which the gift was used for the electoral purpose.	17 18
	(4) In this section—	19
	<i>electoral purpose</i> see section 201(6).	20
Clause 24	Relocation and renumbering of s 260B (Donor must disclose source of gift or loan)	21 22
	Section 260B—	23
	<i>relocate</i> to part 11, division 1A, as inserted by this Act, and <i>renumber</i> as section 205B.	24 25
Clause 25	Amendment of s 262 (Loans to candidates)	26
	(1) Section 262(1), ‘, other than an exempt loan, with a value’—	27
	<i>omit, insert—</i>	28
	of an amount	29

- (2) Section 262(3)(a), ‘, other than exempt loans,’— 1
omit. 2
- (3) Section 262(5)— 3
omit. 4

- Clause 26 Amendment of s 263 (Disclosure of gifts by third parties that incur expenditure for political purposes)** 5
6
- (1) Section 263, heading— 7
omit, insert— 8
263 Disclosure by third party of gifts used for expenditure for political purposes 9
10
- (2) Section 263(2), ‘stating the relevant details of any’— 11
omit, insert— 12
about a 13
- (3) Section 263(2)(a), ‘an amount or value’— 14
omit, insert— 15
a value 16
- (4) Section 263(3), after paragraph (a)— 17
insert— 18
(aa) state— 19
(i) the value of the gift; and 20
(ii) when the gift was made; and 21
(iii) the relevant particulars of the person 22
who gave the gift; and 23
- (5) Section 263(3)(aa) and (b)— 24
renumber as section 263(3)(b) and (c). 25
- (6) Section 263— 26
insert— 27

(4)	For this section, expenditure is incurred for a political purpose if the expenditure incurred is—	1 2
(a)	electoral expenditure; or	3
(b)	a gift made to, or for the benefit of, a political party or candidate in an election; or	4 5
(c)	a gift made to, or for the benefit of, another person to enable the other person, or someone else, to use all or part of the gift for a purpose mentioned in paragraph (a) or (b).	6 7 8 9
(7)	Section 263(5)— <i>omit.</i>	10 11
(8)	Section 263(6)— <i>renumber</i> as section 263(5).	12 13
Clause 27	Amendment of s 265 (Gifts to political parties)	14
(1)	Section 265(7)— <i>omit.</i>	15 16
(2)	Section 265(8), ‘(including subsection (7)(d))’— <i>omit.</i>	17 18
(3)	Section 265(12) to (15)— <i>omit, insert—</i>	19 20
(12)	If a registered political party receives a gift from an entity for which a return is required under this section, the party must, as soon as practicable after receiving the gift, give the entity a notice that states the entity is required to give the commission a return about the gift under this section.	21 22 23 24 25 26 27
	Maximum penalty—20 penalty units.	28

Clause 28	Omission of pt 11, div 7, sdiv 3 (Disclosure of large gifts)	1
	Part 11, division 7, subdivision 3—	2
	<i>omit.</i>	3
Clause 29	Replacement of pt 11, div 8, sdiv 3 (Loans from entities other than financial institutions)	4
	Part 11, division 8, subdivision 3—	5
	<i>omit, insert—</i>	6
	Subdivision 3 Records to be kept about loans	7
		8
		9
	272 Requirement to keep record about loan received	10
		11
	(1) This section applies if a loan of an amount that equals or exceeds the gift threshold amount is received—	12
		13
		14
	(a) by or for a registered political party; or	15
	(b) by or for an associated entity of a registered political party; or	16
		17
	(c) by or for a candidate in an election during the disclosure period for the election.	18
		19
	(2) The following person must keep a record that complies with subsection (3) about the loan—	20
		21
	(a) for a loan received by or for a registered political party—the agent of the party;	22
		23
	(b) for a loan received by or for an associated entity of a registered political party—the financial controller of the entity;	24
		25
		26
	(c) for a loan received by or for a candidate in the election—the agent of the candidate.	27
		28
	(3) The record about the loan must include—	29

(a) the amount of the loan; and	1
(b) the terms and conditions of the loan; and	2
(c) if the loan was received from a registered industrial organisation—	3 4
(i) the name of the organisation; and	5
(ii) the names and addresses of the members of the executive committee (however described) of the organisation; and	6 7 8 9
(d) the relevant particulars of the entity that made the loan; and	10 11
(e) if the entity that made the loan is not the source of the loan—the relevant particulars of the entity that is the source of the loan.	12 13 14
(4) If a person contravenes subsection (2) in relation to a loan—	15 16
(a) the receipt of the loan is taken to have been unlawful; and	17 18
(b) the amount of the loan is payable by the person to the State.	19 20
(5) The amount may be recovered by the State as a debt due to the State from—	21 22
(a) for a loan received by or for a registered political party that is not a corporation—the agent of the party; or	23 24 25
(b) for a loan received by or for an associated entity of a registered political party that is not a corporation—the financial controller of the entity; or	26 27 28 29
(c) for a loan received by or for a candidate in an election—the candidate or the agent of the candidate; or	30 31 32

	(d) otherwise—the entity that received the loan or for whose benefit the loan was received.	1 2
Clause 30	Amendment of s 274 (Meaning of <i>political donation</i>)	3
(1)	Section 274(1)(a)(ii)— <i>omit.</i>	4 5
(2)	Section 274(1)(a)(iii)— <i>renumber</i> as section 274(1)(a)(ii).	6 7
(3)	Section 274(1)(c), ‘other than a financial institution’— <i>omit.</i>	8 9
(4)	Section 274(2) and (3)— <i>omit.</i>	10 11
(5)	Section 274(4), ‘section 201(4)(a) and (b)’— <i>omit, insert—</i> section 201(3)(b)	12 13 14
(6)	Section 274(5), ‘section 201(4)(d)’— <i>omit, insert—</i> section 201(3)(c)	15 16 17
(7)	Section 274(4) and (5)— <i>renumber</i> as section 274(2) and (3).	18 19
Clause 31	Insertion of new pt 11, div 9	20
	Part 11— <i>insert—</i>	21 22
	Division 9	23
	Caps on electoral expenditure	24

Subdivision 1 Preliminary	1
280 Meaning of <i>capped expenditure period</i>	2
(1) The <i>capped expenditure period</i> , for a general election, is the period that—	3 4
(a) starts on the earlier of—	5
(i) 1 year before the next normal polling day; or	6 7
(ii) if the election is an extraordinary general election—the day the writ for the election is issued; and	8 9 10
(b) ends at 6p.m. on the polling day for the election.	11 12
(2) The <i>capped expenditure period</i> , for a by-election, is the period that—	13 14
(a) starts on the day the writ for the by-election is issued; and	15 16
(b) ends at 6p.m. on the polling day for the by-election.	17 18
(3) However, if the poll at a polling booth for an election is adjourned under section 99B(3) or 100(1), the <i>capped expenditure period</i> for the election ends at 6p.m. on the day the adjourned poll is held.	19 20 21 22 23
(4) Subsection (3) applies despite section 100(6).	24
281 When electoral expenditure is incurred	25
(1) For this part, electoral expenditure is incurred when the goods or services for which the expenditure is incurred are delivered or provided, regardless of when the amount of the expenditure is invoiced or paid.	26 27 28 29 30

- | | |
|--|----------------------|
| (2) Without limiting subsection (1)— | 1 |
| (a) expenditure on advertising is incurred when the advertisement is broadcast or published; and | 2
3
4 |
| (b) expenditure on the production and distribution of material containing election matter is incurred when the material is distributed; and | 5
6
7
8 |
| (c) expenditure of another kind is incurred at the time prescribed by regulation. | 9
10 |
|
 | |
| 281A Electoral expenditure incurred for another election participant | 11
12 |
| (1) This section applies if a participant in an election (the <i>first election participant</i>) incurs electoral expenditure that benefits another election participant (the <i>recipient</i>). | 13
14
15
16 |
| (2) For this division, if the first election participant gifts the electoral expenditure to the recipient, the electoral expenditure is incurred by the first election participant. | 17
18
19
20 |
| (3) However, for this division, the recipient is taken to have incurred the electoral expenditure if— | 21
22 |
| (a) any of the following apply— | 23 |
| (i) the expenditure is incurred with the recipient's authority or consent; | 24
25 |
| (ii) the recipient accepts election material that results from the expenditure; | 26
27 |
| (iii) another circumstance prescribed by regulation happens in relation to the expenditure being incurred; and | 28
29
30 |

(b) the first election participant invoices the recipient for payment for the amount of the expenditure.	1 2 3
(4) Section 281 applies for determining when the election expenditure is incurred.	4 5
281B When electoral expenditure of registered political party or third party relates to an electoral district	6 7 8
(1) Electoral expenditure incurred by a registered political party or a third party relates to an election for an electoral district if the expenditure is for advertising or other election material for the election that—	9 10 11 12 13
(a) is communicated to electors in the electoral district; and	14 15
(b) is not mainly communicated to electors outside the electoral district.	16 17
(2) However, electoral expenditure mentioned in subsection (1) does not relate to an electoral district if the expenditure is for carrying out an opinion poll or research.	18 19 20 21
Subdivision 2 Amount of expenditure caps for election participants	22 23 24
281C Amount of expenditure cap—registered political party and endorsed candidate	25 26
(1) The <i>expenditure cap</i> , for a general election, for a registered political party is—	27 28
(a) generally—the amount that is \$92,000 multiplied by the number of electoral	29 30

districts for which the party has endorsed a candidate in the election; and	1 2
(b) for an electoral district—\$92,000.	3
(2) The <i>expenditure cap</i> , for a general election, for a candidate endorsed by a registered political party for an electoral district in the election is—	4 5 6
(a) if 2 or more candidates are endorsed concurrently by the party for the electoral district—the amount that is \$58,000 divided by the number of candidates concurrently endorsed; or	7 8 9 10 11
(b) otherwise—\$58,000.	12
(3) The <i>expenditure cap</i> , for a by-election, for a candidate endorsed by a registered political party is—	13 14 15
(a) if 2 or more candidates are endorsed concurrently by the party for the by-election—the amount that is \$87,000 divided by the number of candidates concurrently endorsed; or	16 17 18 19 20
(b) otherwise—\$87,000.	21
(4) However, if the amount of an expenditure cap mentioned in subsection (1), (2) or (3) has been adjusted under section 281F, the <i>expenditure cap</i> for a registered political party or candidate endorsed by a registered political party, for an election, is the amount most recently published as the expenditure cap by the commission under section 281F(3).	22 23 24 25 26 27 28 29
281D Amount of expenditure cap—independent candidate	30 31
(1) The <i>expenditure cap</i> for an independent candidate for a general election or by-election is	32 33

\$87,000. 1

- (2) However, if the amount of the expenditure cap 2
mentioned in subsection (1) has been adjusted 3
under section 281F, then the *expenditure cap* for 4
an independent candidate, for a general election 5
or by-election, is the amount most recently 6
published as the expenditure cap by the 7
commission under section 281F(3). 8

**281E Amount of expenditure cap—registered third 9
party 10**

- (1) The *expenditure cap* for a registered third party 11
for a general election is— 12
- (a) generally—\$1m; and 13
- (b) for an electoral district—\$87,000. 14
- (2) The *expenditure cap* for a registered third party 15
for a by-election is \$87,000. 16
- (3) However, if the amount of the expenditure cap 17
mentioned in subsection (1) or (2) has been 18
adjusted under section 281F, then the *expenditure 19
cap* for a registered third party, for an election, is 20
the amount most recently published as the 21
expenditure cap by the commission under section 22
281F(3). 23

**281F Adjustment of expenditure caps for election 24
participants 25**

- (1) The amount of an election participant's 26
expenditure cap for an election— 27
- (a) is adjusted under this section 30 days after 28
the polling day for a general election (the 29
recent general election); and 30

- (b) as adjusted under this section applies for each election that is held until the amount is next adjusted under this section. 1
2
3
- (2) The election participant's expenditure cap is adjusted to the amount worked out using the following formula— 4
5
6
- $$A \times \frac{B}{C}$$
- where— 8
- A** means the amount of the expenditure cap immediately before it is adjusted under this section. 9
10
11
- B** means the CPI number published for the last quarter that ended before the polling day for the recent general election. 12
13
14
- C** means the CPI number for the last quarter that ended before the polling day for the previous general election. 15
16
17
- (3) The commission must publish the amount of an election participant's expenditure cap as adjusted under this section on its website as soon as practicable after it is adjusted. 18
19
20
21
- (4) In this section— 22
- previous general election** means the general election that was last held before the recent general election. 23
24
25
- quarter** means the following periods in a year— 26
- (a) 1 January to 31 March; 27
- (b) 1 April to 30 June; 28
- (c) 1 July to 30 September; 29
- (d) 1 October to 31 December. 30

Subdivision 3	Caps on electoral expenditure	1
		2
281G	Cap on electoral expenditure during capped expenditure period	3
		4
(1)	A participant in an election, or a person acting with the participant's authority, must not incur electoral expenditure during the capped expenditure period for the election if—	5 6 7 8
(a)	the amount of the expenditure, by itself, exceeds the participant's expenditure cap; or	9 10
(b)	both of the following apply—	11
(i)	the amount of the expenditure exceeds the participant's expenditure cap when added to other electoral expenditure incurred by the participant or with the participant's authority during the capped expenditure period;	12 13 14 15 16 17
(ii)	the participant or person knows, or ought reasonably to know, the amount would exceed the cap in that way.	18 19 20
	Maximum penalty—the greater of the following amounts—	21 22
(a)	the amount that is equal to twice the amount by which the electoral expenditure exceeds the expenditure cap;	23 24 25
(b)	200 penalty units.	26
(2)	If an expenditure cap mentioned in subsection (1) relates to an electoral district, a reference in that subsection to electoral expenditure is a reference to electoral expenditure for the electoral district.	27 28 29 30

281H Electoral expenditure of unregistered third party restricted to \$1,000	1 2
(1) This section applies to a third party that is not registered for an election.	3 4
(2) The third party, or a person acting with the third party's authority, must not incur electoral expenditure during the capped expenditure period for the election if—	5 6 7 8
(a) the amount of the expenditure, by itself, exceeds \$1,000; or	9 10
(b) both of the following apply—	11
(i) the amount of the expenditure exceeds \$1,000 when added to other electoral expenditure incurred by the third party or with the third party's authority during the capped expenditure period;	12 13 14 15 16
(ii) the third party or person knows, or ought reasonably to know, the amount would exceed the cap in that way.	17 18 19
Maximum penalty—the greater of the following amounts—	20 21
(a) the amount that is equal to twice the amount by which the electoral expenditure exceeded \$1,000;	22 23 24
(b) 200 penalty units.	25
281I Expenditure cap exceeded because of aggregation of electoral expenditure	26 27
(1) A person who incurs electoral expenditure for an election participant does not commit an offence against section 281G in relation to the expenditure if—	28 29 30 31

-
- (a) the expenditure exceeds the participant's expenditure cap because it is added to aggregated expenditure; and
- (b) the person did not know, and could not reasonably have known, about the aggregated expenditure.
- (2) In this section—
- aggregated expenditure*, for an election participant, means electoral expenditure that is taken to have been incurred for the election participant under subdivision 4 even though the expenditure was incurred by another election participant.

281J Recovery of unlawful electoral expenditure

- (1) If a person incurs unlawful electoral expenditure, the amount that is twice the amount of the unlawful electoral expenditure is payable to the State.
- (2) The amount may be recovered by the State as a debt due to the State from—
- (a) if the person is a registered political party that is not a corporation—the party's agent; or
- (b) if the person is a candidate—the candidate or the candidate's agent; or
- (c) if the person is a third party that is not a corporation—the third party's agent; or
- (d) otherwise—the person.
- (3) The imposition of liability to pay an amount to the State under this section—

- (a) is not a punishment or sentence for an offence against section 281G or 281H or any other offence; and
- (b) is not a matter to which a court may have regard in sentencing an offender for an offence against section 281G or 281H or any other offence.
- (4) In this section—
unlawful electoral expenditure means electoral expenditure incurred in contravention of section 281G or 281H, to the extent the expenditure exceeds the expenditure cap mentioned in that section.

Subdivision 4 Aggregation of electoral expenditure

281K Electoral expenditure incurred by elected members not contesting election

- (1) This section applies if an elected member who is a member of a registered political party—
- (a) announces or otherwise publicly indicates the member's intention not to be a candidate in an election before the cut-off day for nomination of candidates for the election; or
- (b) does not become a candidate for an election when the names of the persons properly nominated for election for each electoral district are displayed under section 93.
- (2) For section 281G, electoral expenditure incurred by or for the elected member during the capped expenditure period for the election is taken to have been incurred by or for the registered political party.

	281L Electoral expenditure for candidate endorsed by registered political party for by-election	1 2
	(1) This section applies if a registered political party endorses a candidate for a by-election.	3 4
	(2) For section 281G, electoral expenditure incurred by or for the registered political party during the expenditure cap period for the by-election is taken to have been incurred by or for the candidate.	5 6 7 8
Clause 32	Amendment of pt 11, div 10, hdg (Disclosure of expenditure)	9 10
	Part 11, division 10, heading, after ‘Disclosure of’—	11
	<i>insert—</i>	12
	electoral	13
Clause 33	Omission of ss 282 and 282A	14
	Sections 282 and 282A—	15
	<i>omit.</i>	16
Clause 34	Replacement of s 283 (Returns of electoral expenditure)	17
	Section 283—	18
	<i>omit, insert—</i>	19
	283 Returns of electoral expenditure	20
	(1) Within 15 weeks after the polling day for an election, the agent of the following election participants must give the commission a return, in the approved form, about the electoral expenditure incurred for the election by the participant, or a person acting with the participant’s authority—	21 22 23 24 25 26 27
	(a) a registered political party;	28

- (b) a candidate in the election; 1
 - (c) a registered third party for the election; 2
 - (d) another third party if, under section 297, the
third party is required to be registered for
the election. 3
4
5
- (2) The return must state the following details about 6
each item of electoral expenditure incurred for the 7
election— 8
 - (a) the name and business address of the person 9
who supplied the goods or services to which 10
the expenditure relates; 11
 - (b) a description of the goods or services; 12
 - (c) the amount of the expenditure; 13
 - (d) when the expenditure was incurred. 14
- (3) For subsection (2)— 15
 - (a) a reference to electoral expenditure incurred 16
by or for an election participant includes 17
electoral expenditure that is taken to have 18
been incurred by the participant under 19
section 281K or 281L; and 20
 - (b) electoral expenditure incurred for an 21
election by an associated entity of a 22
registered political party is taken to have 23
been incurred by the party. 24
- (4) If no electoral expenditure was incurred for the 25
election by or for the election participant, a return 26
given to the commission under subsection (1) 27
must state that fact. 28
- (5) For this section, it does not matter whether 29
electoral expenditure for an election is incurred 30
during the capped expenditure period for the 31
election. 32

Clause 35	Amendment of s 284 (Returns by broadcasters)	1
(1)	Section 284, before subsection (1)—	2
	<i>insert</i> —	3
	(1A) This section applies to a broadcaster—	4
	(a) who broadcast an advertisement relating to an election—	5
	(i) with the authority of a participant in the election; and	7
	(ii) during the capped expenditure period for the election; and	10
	(b) even if the broadcaster was outside Queensland when the advertisement was broadcast.	13
(2)	Section 284(1), from ‘If an election’ to ‘the end of’—	14
	<i>omit, insert</i> —	15
	The broadcaster must, within	16
(3)	Section 284(2)—	17
	<i>omit.</i>	18
(4)	Section 284(3), ‘subsection (1)’—	19
	<i>omit, insert</i> —	20
	subsection (2)	21
(5)	Section 284(6), ‘In subsections (4) and (5)’—	22
	<i>omit, insert</i> —	23
	In this section	24
(6)	Section 284(1A) and (1)—	25
	<i>renumber</i> as section 284(1) and (2).	26

Clause 36	Amendment of s 285 (Returns by publishers)	1
(1)	Section 285, before subsection (1)—	2
	<i>insert</i> —	3
	(1A) This section applies to the publisher of a journal—	4
	(a) who published an advertisement relating to an election—	5
	(i) with the authority of a participant in the election; and	6
	(ii) during the capped expenditure period for the election; and	7
	(b) even if the publisher was outside Queensland when the advertisement was published.	8
(2)	Section 285(1), from ‘If an election’ to ‘the end of’—	9
	<i>omit, insert</i> —	10
	The publisher must, within	11
(3)	Section 285(2)—	12
	<i>omit.</i>	13
(4)	Section 285(1A) and (1)—	14
	<i>renumber</i> as section 285(1) and (2).	15
(5)	Section 285(3) and (4), ‘subsection (1)’—	16
	<i>omit, insert</i> —	17
	subsection (2)	18
(6)	Section 285—	19
	<i>insert</i> —	20
	(5) In this section—	21
	journal means a newspaper, magazine or other periodical, whether published for sale or for	22
		23

	distribution without charge.	1
Clause 37	Omission of s 286 (Nil returns)	2
	Section 286—	3
	<i>omit.</i>	4
Clause 38	Amendment of s 290 (Returns by registered political parties)	5
	(1) Section 290(1), ‘, or received before the commencement,’—	7
	<i>omit.</i>	8
	(2) Section 290(1)(a) and (2)(b)(i), ‘amount or’—	9
	<i>omit.</i>	10
	(3) Section 290(1)(b), from ‘, other than’ to ‘the loan is’—	11
	<i>omit, insert—</i>	12
	of an amount	13
	(4) Section 290(2)(b)—	14
	<i>insert—</i>	15
	(iii) if the entity is not the source of the gift—the	16
	relevant particulars of the entity that is the	17
	source of the gift; and	18
Clause 39	Amendment of s 291 (Amounts received)	19
	(1) Section 291(1), from ‘For a return’ to ‘political party’—	20
	<i>omit, insert—</i>	21
	For a return for a registered political party under	22
	section 290(4), or a return for an associated entity	23
	under section 294(4), if the sum of all amounts	24
	received	25
	(2) Section 291(3), from ‘are the amount’—	26

<i>omit, insert—</i>	1
are—	2
(a) the amount of the sum; and	3
(b) if the sum received was a gift—	4
(i) the relevant particulars of the entity that gave the sum; and	5 6
(ii) if the entity is not the source of the sum—the relevant particulars of the entity that is the source of the sum; and	7 8 9
(c) if the sum received was a loan—	10
(i) if the sum was borrowed from a financial institution—the name of the financial institution from which the sum was borrowed; or	11 12 13 14
(ii) otherwise—the information required to be kept under section 272(3) about the loan.	15 16 17

Clause 40	Amendment of s 292 (Amounts paid)	18
	Section 292(1), from ‘For a return’ to ‘political party’—	19
	<i>omit, insert—</i>	20
	For a return for a registered political party under section 290(4), or a return for an associated entity under section 294(4), if the sum of all amounts paid	21 22 23 24

Clause 41	Amendment of s 293 (Outstanding amounts)	25
	Section 293, from ‘For a return’ to ‘political party’—	26
	<i>omit, insert—</i>	27
	For a return for a registered political party under section 290(4), or a return for an associated entity	28 29

	under section 294(4), if the sum of all outstanding debts	1 2
Clause 42	Replacement of s 294 (Returns by associated entities)	3
	Section 294—	4
	<i>omit, insert—</i>	5
	294 Returns by associated entities	6
	(1) The financial controller of an entity must give the commission a return about a gift or loan if—	7 8
	(a) the entity receives the gift or loan—	9
	(i) during a reporting period; and	10
	(ii) when the entity is an associated entity; and	11 12
	(b) the value of the gift or amount of the loan is equal to or more than the gift threshold amount.	13 14 15
	(2) The return must—	16
	(a) be in the approved form; and	17
	(b) for a return about a gift—state the following—	18 19
	(i) the value of the gift;	20
	(ii) the relevant particulars of the entity that made the gift;	21 22
	(iii) if the entity is not the source of the gift—the relevant particulars of the entity that is the source of the gift; and	23 24 25
	(c) for a return about a loan—state the information required to be kept about a loan under section 272(3); and	26 27 28
	(d) be given to the commission by the day, not more than 8 weeks after the end of the	29 30

reporting period in which the gift or loan was received, prescribed by regulation.	1 2
(3) For subsection (1)—	3
(a) 2 or more gifts made during a reporting period by the same entity to the associated entity are taken to be 1 gift; and	4 5 6
(b) 2 or more loans made during a reporting period by the same entity to the associated entity are taken to be 1 loan.	7 8 9
(4) Also, if an entity was an associated entity at any time during a reporting period, the financial controller of the entity must, within 8 weeks after the end of a reporting period, give the commission a return, in the approved form, that states—	10 11 12 13 14
(a) the total amount received by or for the associated entity from all other entities during the reporting period; and	15 16 17
(b) the total amount paid by or for the associated entity to all other entities during the reporting period; and	18 19 20
(c) if the entity is an associated entity at the end of the reporting period, the total amount outstanding at the end of the reporting period of all debts incurred by or for the entity to all other entities.	21 22 23 24 25
<i>Note—</i>	26
Additional information may be required to be included in the return under section 291, 292 or 293.	27 28
(5) A reference in subsection (4)(a) or (b) to an amount received or paid does not include an amount received or paid when the entity was not an associated entity.	29 30 31 32

Clause 43	Insertion of new pt 11, divs 12 and 12A	1
	Part 11—	2
	<i>insert—</i>	3
	Division 12	Registration of third
		parties
		4
		5
	297 Requirement for registration	6
	(1) A third party must be registered for an election	7
	under this part if the electoral expenditure	8
	incurred by, or with the authority of, the third	9
	party during the capped expenditure period for the	10
	election exceeds \$1,000.	11
	(2) To remove any doubt, it is declared that a third	12
	party does not commit an offence against this Act	13
	or another Act only because the person omits to	14
	do an act required under subsection (1).	15
	298 Register of third parties	16
	(1) The commission must, for each election, keep a	17
	register of the third parties registered for the	18
	election under this part.	19
	(2) A register kept under subsection (1)—	20
	(a) is called the register of third parties for the	21
	election for which the register is kept; and	22
	(b) must be kept up to date; and	23
	(c) may be kept in the way and form the	24
	commission considers appropriate.	25
	(3) The commission must publish a register of third	26
	parties for an election on the commission's	27
	website.	28

<i>Note—</i>	1
See section 388A for restrictions that apply to information published by the commission.	2 3

299 Application for registration 4

- (1) A third party that intends to incur electoral
expenditure for an election may apply to the
commission for registration for the election. 5
6
7

Note— 8

See sections 281E and 281H, which provide for
different caps for the amount of electoral expenditure
that may be incurred by registered third parties and third
parties that are not registered under this division. 9
10
11
12

- (2) The application must— 13
- (a) be in the approved form; and 14
 - (b) include the details prescribed by regulation
for the application; and 15
16
 - (c) if the third party is not an individual—be
accompanied by an appointment of an
individual as the third party’s agent under
division 2; and 17
18
19
20
 - (d) be made to the commission before the
polling day for the election. 21
22

300 Deciding application 23

- (1) As soon as practicable after receiving a third
party’s application under section 299 (the
application), the commission must decide to
approve or refuse the application. 24
25
26
27
- (2) The commission must refuse the application if it
was not made before the day required under
section 299(2)(d). 28
29
30
- (3) Otherwise, the commission may refuse the 31

application only if it is incomplete or incorrect. 1

301 Registration 2

- (1) This section applies if the commission decides to 3
approve the application. 4
- (2) As soon as practicable after making the decision, 5
the commission must— 6
- (a) enter the details about the third party stated 7
in the application in the register of third 8
parties kept for the election; and 9
- (b) give the third party written notice that the 10
third party has been registered for the 11
election. 12

302 Decision to refuse application 13

- (1) If the commission decides to refuse the 14
application, the commission must give the third 15
party written notice of the decision as soon as 16
practicable after making the decision. 17
- (2) The notice must state— 18
- (a) the commission has decided to refuse the 19
application for registration; and 20
- (b) the reason for the refusal; and 21
- (c) if the reason for the refusal is the application 22
is incomplete or incorrect—that the third 23
party may— 24
- (i) amend the application in the way stated 25
in the notice; and 26
- (ii) resubmit the application to the 27
commission within 30 days after 28
receiving the notice. 29
- (3) An application that is amended and resubmitted to 30

the commission under subsection (2)(c) is taken to 1
have been made on the day the original 2
application was made. 3

**303 Obligation to notify commission of change to 4
details 5**

(1) If a relevant detail about a registered third party 6
changes, the agent of the third party must give the 7
commission notice, in the approved form, about 8
the change within 30 days after the change 9
happens. 10

Maximum penalty—20 penalty units. 11

(2) A person does not commit an offence against 12
subsection (1) if the person has a reasonable 13
excuse. 14

(3) In this section— 15

relevant detail, about a registered third party, 16
means— 17

(a) a detail about the third party stated in the 18
party's application for registration for an 19
election; or 20

(b) if a detail mentioned in paragraph (a) has 21
been the subject of a notice under subsection 22
(1)—the changed detail as stated in the 23
notice. 24

304 Cancellation of registration 25

(1) The agent of a third party may ask the 26
commission, in writing, to cancel the third party's 27
registration for an election. 28

(2) The commission must cancel the third party's 29
registration for the election if the commission is 30
satisfied that the obligations that apply to the third 31

-
- party for the election under this part have ended. 1
- (3) If the commission cancels the registration, the 2
commission must— 3
- (a) record the cancellation and the day of the 4
cancellation in the register; and 5
- (b) give the third party notice about the 6
cancellation. 7
- (4) The cancellation takes effect on— 8
- (a) the day the third party receives the notice; or 9
- (b) a later day stated in the notice. 10
- (5) If the commission refuses to cancel the 11
registration, the commission must give the third 12
party a notice that states the commission’s 13
decision and reasons for the decision. 14

Division 12A Records to be kept 15

305 Records to be kept by election participants 16

- (1) A participant in an election, or a person authorised 17
by the participant, must make a record that 18
complies with section 305C about— 19
- (a) each matter stated in subsection (2); and 20
- (b) the financial transactions and financial 21
position of the participant, as they relate to 22
the matters stated in subsection (2). 23
- Maximum penalty—20 penalty units. 24
- (2) For subsection (1), the matters are as follows— 25
- (a) a gift or loan made to, or for the benefit of, 26
the election participant, including the value 27
of the gift or amount of the loan; 28

- (b) a political donation made to, or for the benefit of the election participant, including—
 - (i) the value or amount of the political donation; and
 - (ii) the donor statement that accompanied the donation; and
 - (iii) any refund or return of the donation or part of the donation;
- (c) a gift, loan or political donation the election participant made to another participant in the election;
- (d) electoral expenditure incurred by the election participant or with the participant's authority, including electoral expenditure incurred for, or gifted to, another participant in the election;
- (e) without limiting paragraph (a), (b), (c) or (d), a return given, or required to be given, under division 7, 10 or 11 and the matters required to be stated in the return;
- (f) without limiting paragraph (d), a claim made under division 4 and the matters required to be stated in the return;
- (g) an amount of policy development funding paid to the participant under division 5 and any application for reconsideration of a decision made under section 245;
- (h) amounts paid into and from the participant's State campaign account;
- (i) an investment that includes amounts paid from the participant's State campaign account;

-
- (j) the appointment of a person as the participant's agent; 1
2
- (k) steps taken by an agent of the participant under section 306B; 3
4
- (l) the authorisation of a person to act for the participant under this part; 5
6
- (m) a matter about which the participant has given, or is required to give, the commission notice under this part; 7
8
9
- (n) if the participant is a registered political party or member of a registered political party—fees and levies received or paid for membership of, or association with, the party; 10
11
12
13
14
- (o) another matter prescribed by regulation. 15
- (3) Subsection (2) applies for a gift, loan, political donation or electoral expenditure whether or not a return about the gift, loan, political donation or electoral expenditure is required to be given to the commission under this part. 16
17
18
19
20
- 305A Records to be kept about advertisements or other election matter** 21
22
- (1) This section applies if— 23
- (a) electoral expenditure was incurred to print, publish or broadcast an advertisement or other election material; and 24
25
26
- (b) a person is required to give the commission a return about the expenditure under section 283. 27
28
29
- (2) The person must make a record, that complies with subsection (3) and section 305C, about the printing, publishing or broadcast of the advertisement or other election material. 30
31
32
33

Maximum penalty—20 penalty units.	1
(3) The record must—	2
(a) be accompanied by a copy of the advertisement or other material; and	3 4
(b) contain—	5
(i) a description of the audience to which the advertisement or other material was distributed, published or broadcast; and	6 7 8
(ii) other details about the advertisement or other material, or its distribution, publication or broadcast, required by regulation; and	9 10 11 12
(iii) if the distribution, publication or broadcast relates to the election for an electoral district—the name of the electoral district.	13 14 15 16
305B Records to be kept by broadcaster or publisher	17 18
(1) This section applies to—	19
(a) a broadcaster who is required to give the commission a return under section 284; or	20 21
(b) a publisher who is required to give the commission a return under or 285.	22 23
(2) The broadcaster or publisher must make a record, that complies with section 305C, about the return and the matters required to be stated in the return.	24 25 26
Maximum penalty—20 penalty units.	27
305C Requirements related to keeping records	28
A record about a matter must—	29

-
- (a) contain the information about the matter required by regulation; and
 - (b) be accompanied by a copy of each document from which the information contained in the record, including the information mentioned in paragraph (a), is obtained; and
 - (c) be accurate; and
 - (d) be kept in a way—
 - (i) required by regulation; and
 - (ii) that enables the record to be conveniently and properly investigated or externally examined; and

305D Record must be kept for 5 years

- (1) This section applies to a person who makes a record that the person is required to make under this division.
- (2) The person must keep the record for 5 years after the day it is made.
Maximum penalty—20 penalty units.

305E Division does not limit other record-keeping provisions

This division does not limit another provision of this Act about making or keeping a record.

Clause 44 Insertion of new ss 306A and 306B

After section 306—

insert—

306A Registered political party must notify endorsement of candidate	1 2
(1) This section applies to a registered political party if any of the following events happens—	3 4
(a) the party endorses a person to be a candidate in an election;	5 6
(b) the party proposes to endorse a person to be a candidate in an election by—	7 8
(i) publicly announcing the party’s intention to endorse the person as a candidate for the election; or	9 10 11
(ii) starting to incur electoral expenditure for the benefit of the person as a candidate for the election;	12 13 14
(c) if the party notifies the commission under this section about the endorsement or proposed endorsement of a person to be a candidate in an election—the party’s endorsement or proposed endorsement of the person changes before the polling day for the election;	15 16 17 18 19 20 21
(d) an elected member stops being a member of the party.	22 23
(2) The registered officer of the registered political party must notify the commission, in the approved form, about the event within 7 days after the event happens.	24 25 26 27
Maximum penalty—40 penalty units.	28
(3) As soon as practicable after the commission receives the notification, the commission must give the candidate a notice that states—	29 30 31
(a) the contents of the notification; and	32

	(b) when the commission received the notification.	1 2
(4)	If a change mentioned in subsection (1)(c) is the withdrawal of the registered political party's endorsement of a person as a candidate for an election, a notice given by the party under section 91A about the withdrawal is taken to be a notice given about the change under this section.	3 4 5 6 7 8
	<i>Note—</i>	9
	Section 91A requires a registered political party to notify the commission about the withdrawal of the party's endorsement of a candidate nominated by the party for election.	10 11 12 13
	306B Agent's obligation to ensure compliance	14
	The agent of a participant in an election must take all reasonable steps to ensure the participant, and a person the participant authorises to act for the participant under this part—	15 16 17 18
	(a) is aware of the obligations that apply under this part to the participant and a person authorised to act for the participant; and	19 20 21
	(b) complies with, and does not contravene, the obligations.	22 23
	Maximum penalty—200 penalty units.	24
Clause 45	Amendment of s 307 (Offences)	25
	(1) Section 307(2), from 'who' to 'is guilty'—	26
	<i>omit, insert—</i>	27
	who gives a return that the person is required to give under division 7, 10 or 11 that is incomplete is guilty	28 29 30
	(2) Section 307(12) to (14)—	31

omit. 1

Clause 46 Insertion of new ss 307AA and 307AB 2

After section 307— 3

insert— 4

307AA Starting proceeding for particular offences 5

A proceeding for an offence against any of the 6
following provisions must start within 4 years 7
after the offence was allegedly committed— 8

- section 215 9
- section 216(1) or (2) 10
- section 217(2) or (3) 11
- section 218 12
- section 219 13
- section 221 14
- section 221A 15
- section 254 16
- section 255 17
- section 256 18
- section 258 19
- section 259 20
- section 270(1) 21
- section 281G 22
- section 281H 23
- section 305 24
- section 305A 25
- section 305B 26
- section 305D 27

-
- section 306B 1
 - section 307(1), (2), (2A), (3), (4), (5), (9),
(10) or (11) 2
3
 - section 307AB. 4

**307AB Liability for political donation or electoral
expenditure offences committed by
unincorporated body** 5
6
7

- (1) A liable person of an unincorporated body 8
commits an offence if— 9
- (a) a gift or political donation is accepted by, or 10
electoral expenditure is incurred by— 11
 - (i) the unincorporated body; or 12
 - (ii) a person acting on behalf of the 13
unincorporated body; and 14
 - (b) accepting the gift or political donation, or 15
incurring the electoral expenditure, is an 16
offence against a deemed liability provision; 17
and 18
 - (c) the liable person— 19
 - (i) authorised or permitted the conduct 20
constituting the offence; or 21
 - (ii) was, directly or indirectly, knowingly 22
concerned in the conduct constituting 23
the offence. 24

Maximum penalty—the penalty for a 25
contravention of the deemed liability provision by 26
an individual. 27

- (2) This section does not affect the liability, under the 28
Criminal Code, chapter 2, of any person, whether 29
or not the person is a liable person of an 30
unincorporated body, for an offence against a 31
deemed liability provision. 32

	(3) In this section—	1
	<i>deemed liability provision</i> means any of the	2
	following provisions—	3
	• section 254	4
	• section 255	5
	• section 259	6
	• section 270(1)	7
	• section 281G	8
	• section 281H.	9
	<i>liable person</i> , for an unincorporated body,	10
	means—	11
	(a) for a registered political party—	12
	(i) the registered officer of the party; or	13
	(ii) the secretary of the party; or	14
	(iii) the agent of the party; or	15
	(b) for an associated entity—the financial	16
	controller of the associated entity; or	17
	(c) for a third party—an officer, member or	18
	agent (however described) of the third party.	19
Clause 47	Amendment of s 307B (Schemes to circumvent	20
	prohibition on particular political donations)	21
	(1) Section 307B, heading, after ‘donations’—	22
	<i>insert—</i>	23
	or electoral expenditure	24
	(2) Section 307B(1), from ‘circumvent’ to ‘donations.’—	25
	<i>omit, insert—</i>	26
	circumvent—	27

	(a) a prohibition under division 8, subdivision 4 about political donations; or	1 2
	(b) an offence against this part related to making or accepting political donations or incurring electoral expenditure.	3 4 5
Clause 48	Amendment of s 308 (Recovery of payments)	6
	(1) Section 308(1), ‘section 236(3), 271(6) or 276’— <i>omit, insert—</i> this Act	7 8 9
	(2) Section 308— <i>insert—</i>	10 11
	(3) The commission may deduct an amount payable by a person to the State under this Act from another amount payable by the commission to the person under this Act, including, for example—	12 13 14 15
	(a) an amount of election funding payable to the person under division 4; or	16 17
	(b) a policy development payment payable to the person under division 5.	18 19
Clause 49	Omission of s 309 (Records to be kept)	20
	Section 309— <i>omit.</i>	21 22
Clause 50	Amendment of s 316 (Publishing of returns)	23
	Section 316(3)— <i>insert—</i>	24 25
	(c) details of an election participant’s State campaign account.	26 27

Clause 51	Insertion of new s 388A	1
	After section 388—	2
	<i>insert—</i>	3
	388A Particular information may be made available for public inspection	4
		5
	(1) This section applies if the commission—	6
	(a) is required to keep a register under this Act;	7
	or	8
	(b) receives a form under section 88 nominating a person as a candidate for an election; or	9
		10
	(c) receives a notice under section 306A from a registered political party about the party's endorsement, or proposed endorsement, of a person as a candidate for an election.	11
		12
		13
		14
	(2) The commission may make information from the register, form or notice available for public inspection, including, for example, by publishing the information on the commission's website.	15
		16
		17
		18
	(3) However, the commission must not make restricted information available for public inspection under subsection (2).	19
		20
		21
	(4) The following information is <i>restricted information</i> —	22
		23
	(a) if the commission is informed that an individual identified in the document is a silent elector or enrolled on the electoral roll of the Commonwealth or another State with status equivalent or similar to a silent elector—the address of the individual;	24
		25
		26
		27
		28
		29
	(b) the street address of another individual (but not the individual's suburb, town, city or other locality, or State);	30
		31
		32
	(c) an individual's date of birth;	33

	(d) an individual’s contact details, including, for example, a telephone number or email address, unless the individual has consented to the contact details being made public;	1 2 3 4	
	(e) the details of a bank account of an entity, including a State campaign account kept under section 215.	5 6 7	
	(5) In this section— <i>information</i> , from a register, form or notice, includes—	8 9 10	
	(a) a copy of—	11	
	(i) a document included in the register; or	12	
	(ii) the form or notice; and	13	
	(b) personal information about an individual. <i>personal information</i> see the <i>Information Privacy Act 2009</i> , section 12.	14 15 16	
Clause 52	Insertion of new pt 13, div 11	17	
	Part 13—	18	
	<i>insert</i> —	19	
	Division 11	Transitional provisions for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019	20 21 22 23 24 25
	436 Definitions for division	26	
	In this division—	27	

2020 election means—	1
(a) the 2020 general election; or	2
(b) a by-election held after the commencement and before the general election mentioned in paragraph (a).	3 4 5
2020 general election means the general election to be held, or held, in 2020.	6 7
amended , for a provision of this Act, means the provision as in force after the commencement.	8 9
amending Act means the <i>Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019</i> .	10 11 12
new , for a provision of this Act, means the provision as inserted into this Act by the amending Act.	13 14 15
previous , for a provision of this Act, means the provision as in force from time to time before the commencement.	16 17 18

437 Application of new s 201 to particular gifts 19

(1) An amount forgiven on a loan mentioned in new section 201(2)(c)(ii) is a gift if the amount is forgiven after the commencement, even if the loan was made before the commencement.	20 21 22 23
(2) An amount or service mentioned in new section 201(2)(e) is a gift if the amount was paid, or service was provided, under a sponsorship arrangement after the commencement, even if the sponsorship arrangement was entered into before the commencement.	24 25 26 27 28 29
(3) New section 201(5) does not apply to a gift, or part of a gift, mentioned in new section 201(4) that was made before the commencement.	30 31 32

438 Appointment of agent	1
(1) This section applies to the appointment of a person as the agent of a registered political party or a candidate in an election under part 11, division 2 as in force immediately before the commencement.	2 3 4 5 6
(2) The appointment is not affected by the amendment of this Act by the amending Act.	7 8
439 Candidates for 2020 election	9
(1) An individual is a candidate in a 2020 election, even if the individual announced or otherwise indicated the individual's intended candidacy in the election in a relevant way before the commencement.	10 11 12 13 14
(2) In this section—	15
<i>relevant way</i> means a way stated in schedule 1, amended definition <i>candidate</i> , paragraph (b)(ii) or (iii).	16 17 18
440 State campaign accounts	19
(1) This section applies to an entity if, under new section 197A, the entity—	20 21
(a) is a participant in a 2020 election on the commencement; or	22 23
(b) becomes a participant in a 2020 election after the commencement.	24 25
(2) If the election participant is a registered political party or a candidate mentioned in subsection (1)(a), the agent of the party or candidate must notify the commission of the details of the party's State campaign account for the 2020 election within 14 days after the commencement, unless	26 27 28 29 30 31

the agent has a reasonable excuse.	1
Maximum penalty—20 penalty units.	2
(3) New sections 214, 215, 221A and 221B apply to the election participant for a 2020 election.	3 4
(4) Otherwise, new part 11, division 3 does not apply to the election participant for a 2020 election.	5 6
(5) Despite new section 216, the following amounts may be paid into the election participant’s State campaign account—	7 8 9
(a) money held by the election participant before the commencement;	10 11
(b) if the election participant held other property before the commencement—any proceeds from the disposal of the property, whether the disposal happened before or after the commencement;	12 13 14 15 16
(c) if the election participant held an investment before the commencement—a return on the investment, whether the return was received before or after the commencement;	17 18 19 20
(d) if, after the commencement, the election participant used the proceeds or a return mentioned in paragraph (b) or (c) to purchase property or make an investment—any proceeds from the disposal of the property or a return on the investment.	21 22 23 24 25 26
441 Election funding for 2020 election	27
(1) For a claim for election funding that relates to a 2020 election—	28 29
(a) despite new section 281, new section 199 applies to expenditure incurred before the commencement as if the expenditure were incurred after the commencement; and	30 31 32 33

-
- (b) previous section 222 continues to apply as if the amending Act had not been enacted. 1
2
- (2) If a by-election is held before 1 July 2020, previous section 225 continues to apply for working out an amount of election funding payable for the by-election as if the amending Act had not been enacted. 3
4
5
6
7
- (3) If an extraordinary general election is held before 1 July 2020, amended section 225 applies for working out an amount of election funding payable for the election as if the election were held in the financial year that starts on 1 July 2020. 8
9
10
11
12
13
- 442 Existing entitlements to policy development payments for 2019–2020 financial year** 14
15
- (1) This section applies if, under previous part 11, division 5, a registered political party was entitled to a policy development payment for the 2019–2020 financial year. 16
17
18
19
- (2) Previous part 11, division 5 continues to apply as if the amending Act had not been enacted in relation to the instalment of the policy development payment that would have been payable to the registered political party on or before 31 July 2020. 20
21
22
23
24
25
- (3) Without limiting subsection (2)— 26
- (a) the commission must pay the instalment to the registered political party on or before 31 July 2020; and 27
28
29
- (b) the agent of a registered political party may apply to the commission under previous section 242 for the commission to reconsider a decision mentioned in that section in relation to the instalment; and 30
31
32
33
34

(c)	if an application mentioned in paragraph (b) is made—previous sections 243 and 244 apply for the application.	1 2 3
(4)	Despite the <i>Acts Interpretation Act 1954</i> , section 20, the registered political party is no longer entitled to be paid the instalment of the policy development payment that would have been payable to the registered political party on or before 31 January 2021 under previous part 11, division 5.	4 5 6 7 8 9 10
(5)	In this section— <i>2019–2020 financial year</i> means the financial year that started on 1 July 2019.	11 12 13
443	Commencement of policy development payments under new pt 11, div 5	14 15
	New part 11, division 5 does not apply to the 6-month period that started on 1 January 2020.	16 17
	<i>Note—</i>	18
	The first policy development payments payable under new part 11, division 5 are for the 6-month period that starts on 1 July 2020.	19 20 21
444	Caps for political donations do not apply to 2020 election	22 23
	New part 11, division 6 does not apply in relation to a 2020 election.	24 25
445	Electoral expenditure for 2020 election—caps	26
(1)	Despite new section 280, the capped expenditure period for the 2020 general election starts on the earlier of the following days—	27 28 29
(a)	30 March 2020;	30

	(b) if the election is an extraordinary general election and the writ for the election is issued before 30 March 2020—the day the writ for the election is issued.	1 2 3 4
	(2) New section 199 applies to expenditure incurred before the commencement as if the expenditure were incurred after the commencement.	5 6 7
	446 Electoral expenditure for 2020 election—disclosure	8 9
	New section 283 does not apply in relation to electoral expenditure incurred for a 2020 election before the commencement.	10 11 12
	447 Returns by associated entities	13
	New section 294 does not apply to a loan made to an associated entity before the commencement.	14 15
	448 Existing records	16
	Previous section 309 continues to apply to a record that, immediately before the commencement, was required to be kept under that section as if the amending Act had not been enacted.	17 18 19 20 21
Clause 53	Insertion of new sch 1	22
	After part 13—	23
	<i>insert—</i>	24
	Schedule 1 Dictionary	25
	section 2	26

Part 2	Amendment of Electoral Regulation 2013	1
		2
Clause 54	Regulation amended	3
	This part amends the <i>Electoral Regulation 2013</i> .	4
Clause 55	Insertion of new s 11A	5
	After section 11—	6
	<i>insert—</i>	7
	11A Prescribed details for application for registration of third party for an election—Act, s 299	8
		9
		10
	For section 299(2)(b) of the Act, the following details are prescribed—	11
		12
	(a) the election to which the application relates;	13
	(b) in relation to the third party—	14
	(i) if the third party is an individual—	15
	(A) date of birth; and	16
	(B) address as shown on the electoral roll; and	17
		18
	(ii) if the third party is not an individual—	19
	ABN or ACN; and	20
	(iii) business address; and	21
	(iv) telephone number and email address.	22

Part 3	Other amendments	1	
Clause 56	Acts amended	2	
	Schedule 1 amends the Acts it mentions.	3	
Chapter 3	Amendments relating to signage at State elections	4	
		5	
Clause 57	Act amended	6	
	This chapter amends the <i>Electoral Act 1992</i> .	7	
	<i>Note—</i>	8	
	See also the amendments in chapter 2, part 1 and schedule 1.	9	
Clause 58	Insertion of new pt 10, div 2A	10	
	Part 10—	11	
	<i>insert—</i>	12	
	Division 2A	Offences relating to signage at polling booths	13
			14
	Subdivision 1	Interpretation	15
	185A	Definitions for division	16
		In this division—	17
		<i>designated entrance</i> , to grounds on which a pre-poll voting office or ordinary polling booth is located, see section 185D.	18
			19
			20

<i>election sign</i> see section 185B.	1
<i>grounds</i> means land that has a boundary fence or another structure or feature to mark the boundary of the land.	2 3 4
<i>official sign</i> means a sign for an election prepared by, or with the authority of, the commission.	5 6
<i>primary election</i> , for a pre-poll voting office or ordinary polling booth, see section 185E.	7 8
<i>restricted signage area</i> , for a pre-poll voting office or ordinary polling booth, see section 185C.	9 10

185B Meaning of *election sign* 11

- (1) An *election sign* is a sign, including a continuous sign, that— 12
13
- (a) contains anything that could— 14
- (i) influence an elector in relation to voting at an election; or 15
16
- (ii) otherwise affect the result of an election; or 17
18
- (b) is the colour or colours that are ordinarily associated with a registered political party; or 19
20
21
- Example—* 22
- streamers in the colours that are ordinarily associated with a registered political party 23
24
- (c) is prescribed by regulation to be an election sign. 25
26
- (2) However, none of the following things that contain something, or are of a colour, mentioned in subsection (1)(a) or (b) is an *election sign*— 27
28
29
- (a) an official sign; 30
- (b) an item of clothing being worn by a person; 31

(c) an umbrella or portable shade structure;	1
(d) a small thing, including, for example, a lapel pin, a badge, a hat, a pen or pencil, or a sticker;	2 3 4
(e) another thing prescribed by regulation.	5
(3) In this section—	6
<i>continuous sign</i> means a sign comprised of a length of flexible material, including, for example—	7 8 9
(a) a continuous piece of flexible material; or	10
(b) 1 or more pieces of flexible material joined into a continuous piece; or	11 12
(c) bunting; or	13
(d) streamers.	14
185C Meaning of <i>restricted signage area</i> for pre-poll voting office or ordinary polling booth	15 16
(1) The <i>restricted signage area</i> for a pre-poll voting office or ordinary polling booth is the area—	17 18
(a) within 100m of the building in which the voting compartments for the voting office or polling booth are located; and	19 20 21
(b) if the building is located in grounds and the commission has designated entrances to the grounds under section 185D—	22 23 24
(i) in the grounds; and	25
(ii) on a boundary fence or another structure or feature that marks the boundary of the grounds; and	26 27 28
(iii) within 100m of each designated entrance to the grounds.	29 30
(2) However, the <i>restricted signage area</i> for a	31

pre-poll voting office or ordinary polling booth	1
does not include premises in the area mentioned	2
in subsection (1) that are—	3
(a) used as a residence; or	4
(b) lawfully occupied by a person, other than	5
the commission, for a purpose that is not	6
related to the voting office or polling booth	7
being used for the election; or	8
(c) used by a candidate in the election or a	9
registered political party as an office.	10

185D Meaning of *designated entrance* to grounds 11

(1) A <i>designated entrance</i> to grounds on which a	12
pre-poll voting office or ordinary polling booth is	13
located is an entrance to the grounds—	14
(a) designated by the commission for this	15
section; and	16
(b) indicated by an official sign displayed at the	17
entrance.	18
(2) In deciding whether to designate an entrance to	19
grounds for a pre-poll voting office or ordinary	20
polling booth under subsection (1), the	21
commission must consider—	22
(a) the routes that electors will use to access the	23
voting office or polling booth, including	24
paths, hallways and doorways; and	25
(b) the need to ensure unobstructed access to	26
the voting office or polling booth for	27
electors.	28

185E Meaning of *primary election* for a pre-poll 29
voting office or ordinary polling booth 30

(1) A <i>primary election</i> for a pre-poll voting office or	31
ordinary polling booth is—	32

-
- (a) the election for the electoral district in which the voting office or polling booth is located; or
- (b) if the commission has made a declaration under subsection (2) about the election for another electoral district—the election for the other electoral district.
- (2) The commission may declare that the election for an electoral district being conducted at the pre-poll voting office or ordinary polling booth, other than the electoral district in which the voting office or polling booth is located, is a primary election being conducted at the voting office or polling booth.
- (3) The commission must publish a declaration made under subsection (2) in the ways the commission considers appropriate, including, for example—
- (a) on the commission’s website; or
- (b) by displaying an official sign at the pre-poll voting office or ordinary polling booth to which the declaration relates.

Subdivision 2 Offences

185F Displaying election signs at pre-poll voting office or ordinary polling booth

- (1) A person must not display an election sign in the restricted signage area of a pre-poll voting office or ordinary polling booth during voting hours unless the display of the sign is permitted under subsection (2).
- Maximum penalty—10 penalty units.
- (2) The display of an election sign is permitted if the sign is—

- (a) displayed in a designated area at the pre-poll voting office or ordinary polling booth; and 1
2
- (b) displayed by or for— 3
 - (i) a candidate in a primary election being conducted at the voting office or polling booth; or 4
5
6
 - (ii) a registered political party that has endorsed a candidate in a primary election being conducted at the voting office or polling booth; and 7
8
9
10
- (c) 1 of the maximum number of signs that may be displayed in each designated area by or for the candidate or party; and 11
12
13
- (d) no larger than 900mm by 600mm; and 14
- (e) not attached to a building, fence or other permanent structure; and 15
16
- (f) accompanied by a person who— 17
 - (i) is responsible for the sign; and 18
 - (ii) is at the voting office or polling booth. 19
- (3) For subsection (2)(c), the maximum number of election signs that may be displayed in each designated area at the pre-poll voting office or ordinary polling booth by or for a candidate or a registered political party is— 20
21
22
23
24
 - (a) for a candidate endorsed for election by a registered political party—2, less the number of signs displayed by the party; or 25
26
27
 - (b) for a registered political party that has endorsed a candidate for election—2, less the number of signs displayed by any candidate endorsed by the party; or 28
29
30
31
 - (c) otherwise—2. 32
- (4) Also, for subsection (2)(c), an A-frame sign is 33

taken to be 1 sign—	1
(a) even though a sign may be displayed on each side of the A-frame sign; and	2 3
(b) whether the same election sign, or different election signs, are displayed on the 2 sides of the A-frame sign.	4 5 6
(5) If a member of the commission’s staff considers a sign is displayed in contravention of subsection (1), the staff member may remove the sign.	7 8 9
(6) In this section—	10
<i>designated area</i> , for a pre-poll voting office or ordinary polling booth, means each of the following areas—	11 12 13
(a) the area within 100m of the building within which the voting compartments for the voting office or polling booth are located;	14 15 16
(b) if the building is located in grounds—the area within 100m of each designated entrance to the grounds.	17 18 19
185G Setting up to display election signs at ordinary polling booth	20 21
(1) This section applies during the period that—	22
(a) starts when the election period for an election starts; and	23 24
(b) ends at 6a.m. on the polling day for the election.	25 26
(2) A person must not do any of the following in the area around an ordinary polling booth—	27 28
(a) display an election sign;	29
(b) set up a table, chair, umbrella, portable shade structure or other thing to be used for a purpose related to the election.	30 31 32

	Maximum penalty—10 penalty units.	1
(3)	The <i>area around an ordinary polling booth</i> is the area—	2 3
(a)	within 100m of the building in which the voting compartments for an ordinary polling booth are to be located; and	4 5 6
(b)	if the building is located in grounds—	7
(i)	in the grounds; and	8
(ii)	on a boundary fence or another structure or feature that marks the boundary of the grounds; and	9 10 11
(iii)	within 100m of any entrance to the grounds.	12 13
(4)	If a member of the commission’s staff considers a sign is displayed, or another thing is situated, in contravention of subsection (2), the staff member may remove the sign or other thing.	14 15 16 17
Clause 59	Amendment of sch 1 (Dictionary)	18
	Schedule 1, as inserted by this Act—	19
	<i>insert—</i>	20
	<i>designated entrance</i> , to grounds on which a pre-poll voting office or ordinary polling booth is located, for part 10, division 2A, see section 185D.	21 22 23 24
	<i>election sign</i> , for part 10, division 2A, see section 185B.	25 26
	<i>grounds</i> , for part 10, division 2A, see section 185A.	27 28
	<i>official sign</i> , for part 10, division 2A, see section 185A.	29 30
	<i>primary election</i> , for a pre-poll voting office or ordinary polling booth, for part 10, division 2A,	31 32

	see section 185E.	1
	<i>restricted signage area</i> , for a pre-poll voting office or ordinary polling booth, for part 10, division 2A, see section 185C.	2 3 4
Chapter 4	Amendments relating to dishonest conduct of Ministers	5 6 7
Part 1	Amendment of Integrity Act 2009	8 9
Clause 60	Act amended	10
	This part amends the <i>Integrity Act 2009</i> .	11
Clause 61	Amendment of long title	12
	Long title, after ‘issues’—	13
	<i>insert—</i>	14
	, to ensure Ministers and others appropriately manage conflicts of interest,	15 16
Clause 62	Insertion of new ch 3A	17
	After chapter 3—	18
	<i>insert—</i>	19
	Chapter 3A Managing conflicts of interest	20 21

Part 1	Ministers	1
40A Conflicts of interest		2
(1)	This section applies if a Minister has an interest that conflicts or may conflict with the discharge of the Minister’s responsibilities.	3 4 5
(2)	The Minister must not, with intent to dishonestly obtain a benefit for the Minister or another person, or to dishonestly cause a detriment to another person, fail to disclose the nature of the interest and conflict to—	6 7 8 9 10
(a)	for a conflict relating to a matter being considered by Cabinet—Cabinet or, for a Minister other than the Premier, Cabinet or the Premier; or	11 12 13 14
(b)	for a conflict relating to a matter being considered by a committee of Cabinet—the committee or Cabinet or, for a Minister other than the Premier, the committee, Cabinet or the Premier; or	15 16 17 18 19
(c)	otherwise—Cabinet or, for a Minister other than the Premier, Cabinet or the Premier.	20 21
	Maximum penalty—200 penalty units or 2 years imprisonment.	22 23
(3)	In this section—	24
	<i>benefit</i> includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute.	25 26 27 28 29
	<i>detriment</i> , caused to a person, includes detriment caused to a person’s property.	30 31

40B Proceeding for offence against s 40A	1
(1) An offence against section 40A is a misdemeanour.	2 3
(2) A proceeding for an offence against section 40A may be started only with the written consent of the director of public prosecutions.	4 5 6
(3) A proceeding for an offence against section 40A may be taken, at the election of the prosecution—	7 8
(a) by way of summary proceeding under the <i>Justices Act 1886</i> ; or	9 10
(b) on indictment.	11
(4) However, a magistrate must not hear an indictable offence against section 40A summarily if the magistrate is satisfied, on an application made by the defence, that because of exceptional circumstances the offence should not be heard and decided summarily.	12 13 14 15 16 17
<i>Note—</i>	18
For examples of exceptional circumstances, see the examples stated in the Criminal Code, section 552D(2).	19 20
(5) If subsection (4) applies—	21
(a) the court must stop treating the proceeding as a proceeding to hear and decide the charge summarily; and	22 23 24
(b) the proceeding for the charge must be conducted as a committal proceeding; and	25 26
(c) a plea of the defendant at the start of the hearing must be disregarded; and	27 28
(d) the evidence already heard by the court is taken to be evidence in the committal proceeding; and	29 30 31

- (e) the *Justices Act 1886*, section 104 must be complied with for the committal proceeding. 1
2
3
- (6) A Magistrates Court that summarily deals with a charge of an offence against section 40A— 4
5
- (a) must be constituted by a magistrate; and 6
- (b) has jurisdiction despite the time that has elapsed from the time when the matter of complaint of the charge arose. 7
8
9
- (7) In this section— 10
- director of public prosecutions* means the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1984*. 11
12
13
- 40C Use of information for investigation or prosecution** 14
15
- (1) This section applies to information about a person given to the integrity commissioner under this Act, including, for example— 16
17
18
- (a) information given in a request for advice under chapter 3, part 2; and 19
20
- (b) information given in a meeting under chapter 3, part 3. 21
22
- (2) The information may be— 23
- (a) recorded, used and disclosed for the purpose of the investigation or prosecution of an offence against section 40A; and 24
25
26
- (b) given in a proceeding against a person for an offence against section 40A to the extent necessary to prosecute the person for the offence. 27
28
29
30
- (3) Subsection (2) applies despite— 31

	(a) section 24; and	1
	(b) any other law, rule or practice to the contrary.	2 3
	Part 2	
	Statutory office holders	4
Clause 63	Omission of ch 4A, hdg (Declaration of interests by statutory office holders)	5 6
	Chapter 4A, heading—	7
	<i>omit.</i>	8
Clause 64	Amendment of s 72B (Definition for ch 4A)	9
	(1) Section 72B, heading, ‘ch 4A’—	10
	<i>omit, insert—</i>	11
	part	12
	(2) Section 72B, ‘chapter’—	13
	<i>omit, insert—</i>	14
	part	15
Clause 65	Relocation and renumbering of ss 72B–72D	16
	Sections 72B to 72D—	17
	<i>relocate</i> to chapter 3A, part 2 as inserted by this Act, and	18
	<i>renumber</i> as sections 40D to 40F.	19
Clause 66	Amendment of s 85 (Annual reports of integrity commissioner)	20 21
	Section 85(2)(a) and (4)(a), ‘72C’—	22
	<i>omit, insert—</i>	23

	40E	1
Clause 67	Insertion of new ch 8, div 3	2
	Chapter 8—	3
	<i>insert—</i>	4
	Division 3	5
	Provision for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019	6
		7
		8
		9
	102 Application of s 40A to existing conflicts	10
	(1) This section applies if, on the commencement, a Minister has an interest that conflicts or may conflict with the discharge of the Minister’s responsibilities.	11 12 13 14
	(2) Section 40A applies in relation to the interest and the conflict.	15 16
	(3) However, the Minister does not contravene section 40A for a failure to disclose the interest or the conflict within the first month after the commencement.	17 18 19 20
Clause 68	Amendment of sch 1 (Statutory office holders for section 72C)	21 22
	(1) Schedule 1, heading, ‘72C’—	23
	<i>omit, insert—</i>	24
	40E	25
	(2) Schedule 1, authorising provision, ‘72C(1)(a)’—	26
	<i>omit, insert—</i>	27

	40E(1)(a)	1
Clause 69	Amendment of sch 2 (Dictionary)	2
	Schedule 2, definition <i>relevant Minister</i> , ‘72B’—	3
	<i>omit, insert—</i>	4
	40D	5
Part 2	Amendment of Parliament of Queensland Act 2001	6 7
Clause 70	Act amended	8
	This part amends the <i>Parliament of Queensland Act 2001</i> .	9
Clause 71	Amendment of s 47 (Other proceedings)	10
	(1) Section 47(1), ‘another Act’—	11
	<i>omit, insert—</i>	12
	an Act	13
	(2) Section 47, ‘other’—	14
	<i>omit.</i>	15
Clause 72	Amendment of s 69B (Statement of interests)	16
	(1) Section 69B(1), notes, note 2, after ‘section 37.’—	17
	<i>insert—</i>	18
	See also sections 69D and 47.	19
	(2) Section 69B(2), note, after ‘section 37.’—	20
	<i>insert—</i>	21
	See also sections 69D and 47.	22

- (3) Section 69B(4), note, after ‘section 37.’— 1
insert— 2
See also sections 69D and 47. 3

Clause 73 Insertion of new ss 69D–69F 4

After section 69C— 5

insert— 6

69D Dishonest disclosure or non-disclosure of interests 7
8

- (1) A Minister must not, with intent to dishonestly 9
obtain a benefit for the Minister or another person, 10
or to dishonestly cause a detriment to another 11
person, contravene section 69B(1), (2) or (4). 12

Maximum penalty—200 penalty units or 2 years 13
imprisonment. 14

- (2) In this section— 15

benefit includes property, advantage, service, 16
entertainment, the use of or access to property or 17
facilities, and anything of benefit to a person 18
whether or not it has any inherent or tangible 19
value, purpose or attribute. 20

detriment, caused to a person, includes detriment 21
caused to a person’s property. 22

69E Proceeding for offence against s 69D 23

- (1) An offence against section 69D is a 24
misdemeanour. 25

- (2) A proceeding for an offence against section 69D 26
may be started only with the written consent of the 27
director of public prosecutions. 28

- (3) A proceeding for an offence against section 69D 29
may be taken, at the election of the prosecution— 30

-
- (a) by way of summary proceeding under the *Justices Act 1886*; or 1
2
- (b) on indictment. 3
- (4) However, a magistrate must not hear an indictable 4
offence against section 69D summarily if the 5
magistrate is satisfied, on an application made by 6
the defence, that because of exceptional 7
circumstances the offence should not be heard and 8
decided summarily. 9
- Note—* 10
- For examples of exceptional circumstances, see the 11
examples stated in the Criminal Code, section 552D(2). 12
- (5) If subsection (4) applies— 13
- (a) the court must stop treating the proceeding 14
as a proceeding to hear and decide the 15
charge summarily; and 16
- (b) the proceeding for the charge must be 17
conducted as a committal proceeding; and 18
- (c) a plea of the defendant at the start of the 19
hearing must be disregarded; and 20
- (d) the evidence already heard by the court is 21
taken to be evidence in the committal 22
proceeding; and 23
- (e) the *Justices Act 1886*, section 104 must be 24
complied with for the committal 25
proceeding. 26
- (6) A Magistrates Court that summarily deals with a 27
charge of an offence against section 69D— 28
- (a) must be constituted by a magistrate; and 29
- (b) has jurisdiction despite the time that has 30
elapsed from the time when the matter of 31
complaint of the charge arose. 32
- (7) In this section— 33
-

director of public prosecutions means the 1
Director of Public Prosecutions appointed under 2
the *Director of Public Prosecutions Act 1984*. 3

**69F Use of evidence or information for 4
investigation or prosecution 5**

- (1) This section applies to the following— 6
- (a) evidence of anything said or done during 7
proceedings in the Assembly; 8
 - (b) any information given to the registrar under 9
this part. 10
- (2) The evidence or information may be— 11
- (a) recorded, used and disclosed for the purpose 12
of the investigation or prosecution of an 13
offence against section 69D; and 14
 - (b) given in a proceeding against a person for an 15
offence against section 69D to the extent 16
necessary to prosecute the person for the 17
offence. 18
- (3) Subsection (2) applies despite— 19
- (a) sections 8 and 36; and 20
 - (b) any other law, rule or practice to the 21
contrary. 22

Chapter 5	Amendments relating to dishonest conduct of councillors and other local government matters	1 2 3 4
Part 1	Amendment of City of Brisbane Act 2010	5 6
Clause 74	Act amended This part amends the <i>City of Brisbane Act 2010</i> .	7 8
Clause 75	Amendment of s 4 (Local government principles underpin this Act) Section 4(2)(e), ‘and council employees’— <i>omit, insert—</i> , council employees and councillor advisors	9 10 11 12 13
Clause 76	Amendment of s 14 (Responsibilities of councillors) Section 14(4)(h), from ‘contract’— <i>omit, insert—</i> executive employees of the council under section 170.	14 15 16 17 18
Clause 77	Amendment of s 160 (When a councillor’s term ends) Section 160(b), after ‘regulation’— <i>insert—</i> under section 160AA	19 20 21 22

Clause 78	Amendment s 170 (Giving directions to council staff)	1
	(1) Section 170(1), ‘contract’—	2
	<i>omit, insert—</i>	3
	executive	4
	(2) Section 170(2), after ‘employee’—	5
	<i>insert—</i>	6
	, except in accordance with guidelines made	7
	under section 171A about the provision of	8
	administrative support to councillors	9
	(3) Section 170—	10
	<i>insert—</i>	11
	(3) A direction under subsection (1) must not be	12
	inconsistent with a resolution, or a document	13
	adopted by resolution, of the council.	14
Clause 79	Insertion of new s 171A	15
	After section 171—	16
	<i>insert—</i>	17
	171A Guidelines about provision of administrative	18
	support to councillors	19
	(1) The chief executive officer may make guidelines	20
	about the provision of administrative support by	21
	council employees to a councillor.	22
	(2) The guidelines must include—	23
	(a) when a councillor may be provided with	24
	administrative support by a council	25
	employee; and	26
	(b) how and when a councillor may give a	27
	direction to a council employee in relation	28

	to the provision of administrative support;	1
	and	2
	(c) a requirement that a councillor may give a direction to a council employee only if the direction relates directly to administrative support to be provided by the council employee to the councillor under the guidelines.	3 4 5 6 7 8
	(3) A direction purportedly given by a councillor to a council employee is of no effect if the direction does not comply with the guidelines.	9 10 11
Clause 80	Omission of ss 173A and 173B	12
	Sections 173A and 173B—	13
	<i>omit.</i>	14
Clause 81	Replacement of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in council matters)	15 16
	Chapter 6, part 2, division 5A—	17
	<i>omit, insert—</i>	18
	Division 5A Councillors' conflicts of interest	19 20
	Subdivision 1 Preliminary	21
	177A Purpose of division	22
	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	23 24 25 26

expectations.	1
177B When does a person participate in a decision	2
In this division, a reference to a councillor or other person participating in a decision includes a reference to the councillor or other person—	3 4 5
(a) considering, discussing or voting on the decision in a council meeting; and	6 7
(b) considering or making the decision under—	8
(i) an Act; or	9
(ii) a delegation; or	10
(iii) another authority.	11
177C Personal interests in ordinary business matters of council	12 13
(1) This division does not apply in relation to a conflict of interest in a matter if the matter—	14 15
(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	16 17 18
(b) is solely, or relates solely to, making a planning scheme that applies to the whole of Brisbane; or	19 20 21
(c) is solely, or relates solely to, a resolution required for the adoption of a budget for the council; or	22 23 24
(d) is solely, or relates solely to—	25
(i) the remuneration or reimbursement of expenses of councillors or members of a committee of the council; or	26 27 28

-
- (ii) the provision of superannuation entitlements or public liability, professional indemnity or accident insurance for councillors; or 1
2
3
4
- (iii) a matter of interest to the councillor solely as a candidate for election or appointment as mayor, deputy mayor, councillor or member of a committee of the council. 5
6
7
8
9
- (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. 10
11
12
13
14
15
- (3) However, if a councillor decides to voluntarily comply with this division in relation to personal interests of the councillor in the matter— 16
17
18
- (a) the personal interests are taken to be a declarable conflict of interest; and 19
20
- (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. 21
22
23
24
- Note—* 25
- See section 177P for requirements for dealing with a conflict of interest mentioned in this subsection. 26
27

Subdivision 2 Prescribed conflicts of interest 28
29

177D When councillor has <i>prescribed conflict of interest</i>—particular gifts or loans	1 2
(1) A councillor has a <i>prescribed conflict of interest</i> in a matter if—	3 4
(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	5 6 7 8
(b) the gift or loan is given during the relevant term for the councillor; and	9 10
(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.	11 12 13 14
(2) For subsection (1)(a), the circumstances are—	15
(a) where—	16
(i) the donor gives the gift or loan to the councillor; and	17 18
(ii) the gift or loan is required to be the subject of a return under the <i>Local Government Electoral Act 2011</i> , part 6; or	19 20 21 22
(b) where—	23
(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	24 25 26 27
(ii) the councillor is a candidate in the election; and	28 29
(iii) the gift or loan is required to be the subject of a return under the <i>Local Government Electoral Act 2011</i> , part 6	30 31 32

or the Electoral Act, part 11, division 11; or	1 2
(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 4 5 6
(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.	7 8 9 10 11
177E When councillor has <i>prescribed conflict of interest</i>—sponsored travel or accommodation benefits	12 13 14
(1) A councillor has a <i>prescribed conflict of interest</i> in a matter if—	15 16
(a) a sponsored travel or accommodation benefit is given by an entity (the <i>donor</i>) that has an interest in the matter to—	17 18 19
(i) the councillor; or	20
(ii) a close associate of the councillor; and	21
(b) the sponsored travel or accommodation benefit is given—	22 23
(i) during the relevant term for the councillor; and	24 25
(ii) while the councillor holds office as councillor; and	26 27
(c) all sponsored travel or accommodation benefits given to the councillor or close associate during the councillor’s relevant term total \$2,000 or more.	28 29 30 31

- (2) In this section— 1
- employment-related or upgraded***, in relation to a 2
person’s travel or accommodation, means— 3
- (a) the travel or accommodation is paid for by 4
the State or a local government; or 5
- (b) the travel or accommodation— 6
- (i) is undertaken or used by the person in 7
the course of the person’s employment; 8
and 9
- (ii) is contributed to, whether financially or 10
non-financially, by the person’s 11
employer; or 12
- (c) if the person is a director of a corporation— 13
the travel or accommodation— 14
- (i) is undertaken or used by the person in 15
the course of carrying out the person’s 16
duties as a director; and 17
- (ii) is contributed to, whether financially or 18
non-financially, by the corporation; or 19
- (d) if the travel is airline travel—an upgrade to 20
the travel is given by the provider of the 21
travel for no charge; or 22
- Example—* 23
- a free air travel upgrade to business class 24
- (e) an upgrade to the accommodation is given 25
by the provider of the accommodation for 26
no charge. 27
- Example—* 28
- a free accommodation upgrade to a larger room 29
- sponsored travel or accommodation benefit***, 30
received by a person, means travel or 31
accommodation undertaken or used by the person, 32

other than employment-related or upgraded travel	1
or accommodation, if—	2
(a) another entity contributes, whether	3
financially or non-financially, to the cost of	4
the travel or accommodation; and	5
(b) the other entity is not the person’s spouse,	6
other family member or friend.	7

177F When councillor has *prescribed conflict of interest*—other 8
9

A councillor has a *prescribed conflict of interest* 10
in a matter if— 11

(a) the matter is or relates to a contract between	12
the council and the councillor, or a close	13
associate of the councillor, for—	14
(i) the supply of goods or services to the	15
council; or	16
(ii) the lease or sale of assets by the	17
council; or	18
(b) the chief executive officer is a close	19
associate of the councillor and the matter is	20
or relates to the appointment, discipline,	21
termination, remuneration or other	22
employment conditions of the chief	23
executive officer; or	24
(c) the matter is or relates to an application	25
made to the council for the grant of a	26
licence, permit, registration or approval or	27
consideration of another matter under a	28
local government related law, if—	29
(i) the application was made to the council	30
by the councillor or a close associate of	31
the councillor; or	32

- (ii) the councillor or a close associate of the councillor makes or has made a written submission to the council in relation to the application before it is or was decided. 1
2
3
4
5

177G Who is a *close associate* of a councillor 6

- (1) A person is a *close associate* of a councillor if the person is any of the following in relation to the councillor— 7
8
9
 - (a) a spouse; 10
 - (b) a parent, child or sibling; 11
 - (c) a partner in a partnership; 12
 - (d) an employer, other than a government entity; 13
14
 - (e) an entity, other than a government entity, for which the councillor is an executive officer or board member; 15
16
17
 - (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. 18
19
20
21
22
23
- (2) However, a parent, child or sibling is a close associate of the councillor in relation to a matter only if the councillor knows, or ought reasonably to know, about the parent's, child's or sibling's involvement in the matter. 24
25
26
27
28

177H Councillor must not participate in decisions 29

- (1) If a councillor has a prescribed conflict of interest 30

-
- in a matter, the councillor must not participate in 1
a decision relating to the matter. 2
- Note—* 3
- Contravention of this section is misconduct under the 4
Local Government Act that could result in disciplinary 5
action being taken against a councillor—see section 6
150L(1)(c)(v) of that Act. Also, this section is a relevant 7
integrity provision for the offence against section 8
198D—see section 198D(2), definition *relevant* 9
integrity provision. 10
- (2) However, the councillor does not contravene 11
subsection (1) by participating in a decision under 12
an approval given under section 177S. 13

**177I Obligation of councillor with prescribed 14
conflict of interest 15**

- (1) This section applies to a councillor if— 16
- (a) the councillor may participate, or is 17
participating, in a decision about a matter; 18
and 19
- (b) the councillor becomes aware the councillor 20
has a prescribed conflict of interest in the 21
matter. 22
- (2) If the councillor first becomes aware the 23
councillor has the prescribed conflict of interest in 24
the matter at a council meeting, the councillor 25
must immediately inform the meeting of the 26
prescribed conflict of interest, including the 27
particulars stated in subsection (4). 28
- (3) If subsection (2) does not apply, the councillor 29
must— 30
- (a) as soon as practicable, give the chief 31
executive officer written notice of the 32
prescribed conflict of interest, including the 33
particulars stated in subsection (4); and 34

[s 81]

- (b) give notice of the prescribed conflict of interest, including the particulars stated in subsection (4), at—
 - (i) the next meeting of the council; or
 - (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.
- Note—*
- Contravention of subsection (2) or (3) is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(v) of that Act. Also, this section is a relevant integrity provision for the offence against section 198D—see section 198D(2), definition *relevant integrity provision*.
- (4) For subsections (2) and (3), the particulars for the prescribed conflict of interest are the following—
 - (a) for a gift, loan or contract—the value of the gift, loan or contract;
 - (b) for an application for which a submission has been made—the matters the subject of the application and submission;
 - (c) the name of any entity, other than the councillor, that has an interest in the matter;
 - (d) the nature of the councillor’s relationship with the entity mentioned in paragraph (c);
 - (e) details of the councillor’s, and any other entity’s, interest in the matter.

177J Dealing with prescribed conflict of interest at a meeting

- (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.	1 2
(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.	3 4 5 6
Maximum penalty—200 penalty units or 2 years imprisonment.	7 8
(3) However, the councillor does not contravene subsection (2) by participating in a decision or being present under an approval given under section 177S.	9 10 11 12
Subdivision 3 Declarable conflicts of interest	13 14
177K What is a <i>declarable conflict of interest</i>	15
Subject to section 177L, a councillor has a <i>declarable conflict of interest</i> in a matter if—	16 17
(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	18 19 20 21 22
(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.	23 24 25 26
177L Interests that are not declarable conflicts of interest	27 28
(1) A councillor who has a conflict of interest in a	29

[s 81]

matter does not have a <i>declarable conflict of interest</i> in the matter if—	1 2
(a) the conflict of interest is a prescribed conflict of interest in the matter; or	3 4
(b) the conflict of interest arises solely because—	5 6
(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	7 8 9 10 11 12
(ii) the councillor, or a related party of the councillor, is a member or patron of a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or	13 14 15 16 17 18
(iii) the councillor, or a related party of the councillor, is a member of a political party; or	19 20 21
(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	22 23 24 25 26 27 28
(c) the conflict of interest arises solely because of the religious beliefs of the councillor or a related party of the councillor; or	29 30 31
(d) the councillor, or a related party of the councillor, stands to gain a benefit or suffer a loss in relation to the matter that is no	32 33 34

-
- greater than the benefit or loss that a significant proportion of persons in Brisbane stand to gain or lose; or
- (e) the conflict of interest arises solely because the councillor, or a related party of the councillor—
- (i) receives a gift, loan or sponsored travel or accommodation benefit from an entity in circumstances that would constitute a prescribed conflict of interest if the gifts, loans or sponsored travel or accommodation benefits were to total \$2,000 or more during the councillor’s relevant term; but
- (ii) the gifts, loans or sponsored travel or accommodation benefits total \$500 or less during the councillor’s relevant term; or
- (f) the conflict of interest relates to the appointment, discipline, termination, remuneration or other employment conditions of a councillor advisor for the councillor, if the conflict of interest arises solely because the councillor advisor is a related party, other than a close associate, of the councillor.
- (2) For subsection (1)(e), for assessing whether the receipt of a gift, loan or sponsored travel or accommodation benefit in particular circumstances by a councillor or a related party of a councillor constitutes a declarable conflict of interest, a reference in section 177D or 177E to a close associate of a councillor is taken to be a reference to a related party of the councillor.
- (3) In this section—

patron, of a community group, sporting club or similar organisation, means a person who, under a formal arrangement, provides public support to the group, club or organisation as its ambassador or representative. 1
2
3
4
5

sponsored travel or accommodation benefit see section 177E. 6
7

177M Who is a *related party* of a councillor 8

- (1) A person is a *related party* of a councillor if the person is any of the following in relation to the councillor— 9
10
11
- (a) an entity in which the councillor, or a person mentioned in paragraph (b), (c) or (d), has an interest; 12
13
14
 - (b) a close associate of the councillor, other than an entity mentioned in section 177G(1)(f); 15
16
17
 - (c) a parent, child or sibling of the councillor’s spouse; 18
19
 - (d) a person who has a close personal relationship with the councillor. 20
21
- (2) However, a parent, child or sibling of the councillor’s spouse, or a person who has a close personal relationship with the councillor, is a related party of the councillor in relation to a matter only if the councillor knows, or ought reasonably to know, about the parent’s, child’s, sibling’s or person’s involvement in the matter. 22
23
24
25
26
27
28

177N Obligation of councillor with declarable conflict of interest 29
30

- (1) This section applies to a councillor if— 31

-
- (a) the councillor may participate, or is participating, in a decision about a matter; and
- (b) the councillor becomes aware the councillor has a declarable conflict of interest in the matter.
- (2) If the councillor first becomes aware the councillor has the declarable conflict of interest at a council meeting, the councillor—
- (a) must stop participating, and must not further participate, in a decision relating to the matter; and
- (b) must immediately inform the meeting of the declarable conflict of interest, including the particulars stated in subsection (4).
- (3) If subsection (2) does not apply, the councillor—
- (a) must stop participating, and must not further participate, in a decision relating to the matter; and
- (b) as soon as practicable, must 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) must give notice of the declarable conflict of interest, including the particulars stated in subsection (4), at—
- (i) the next meeting of the council; or
- (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.

<i>Note—</i>	1
Contravention of subsection (2) or (3) is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(v) of that Act. Also, this section is a relevant integrity provision for the offence against section 198D—see section 198D(2), definition <i>relevant integrity provision</i> .	2 3 4 5 6 7 8
(4) For subsections (2) and (3), the particulars for the declarable conflict of interest are the following—	9 10
(a) the nature of the declarable conflict of interest;	11 12
(b) if the declarable conflict of interest arises because of the councillor’s relationship with a related party—	13 14 15
(i) the name of the related party; and	16
(ii) the nature of the relationship of the related party to the councillor; and	17 18
(iii) the nature of the related party’s interests in the matter;	19 20
(c) if the councillor’s or related party’s personal interests arise because of the receipt of a gift or loan from another person—	21 22 23
(i) the name of the other person; and	24
(ii) the nature of the relationship of the other person to the councillor or related party; and	25 26 27
(iii) the nature of the other person’s interests in the matter; and	28 29
(iv) the value of the gift or loan, and the date the gift was given or loan was made.	30 31 32
(5) A councillor does not contravene subsection	33

(2)(a) or (3)(a) if—	1
(a) the councillor has otherwise complied with this section; and	2 3
(b) either—	4
(i) a decision has been made under section 177P(3)(a)(i) or (b)(i) that the councillor may participate in the decision despite having a declarable conflict of interest in the matter; or	5 6 7 8 9
(ii) the councillor is participating in the decision under an approval given under section 177S.	10 11 12
177O Procedure if meeting informed of councillor’s personal interests	13 14
(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.	15 16 17
(2) The eligible councillors at the meeting must decide whether the councillor has a declarable conflict of interest in the matter.	18 19 20
177P Procedure if councillor has declarable conflict of interest	21 22
(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).	23 24 25 26 27
(2) However, this section does not apply in relation to a decision about the matter if the councillor who has the declarable conflict of interest voluntarily decides not to participate in the decision.	28 29 30 31

- (3) The eligible councillors at the meeting must, by resolution, decide— 1
2
- (a) for a matter that would, other than for the councillor’s declarable conflict of interest, have been decided by the councillor under an Act, delegation or other authority, whether the councillor— 3
4
5
6
7
- (i) may participate in the decision despite the councillor’s conflict of interest; or 8
9
- (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 10
11
12
13
14
15
16
- (b) for another matter, whether the councillor— 17
- (i) may participate in a decision about the matter at the meeting, including by voting on the matter; or 18
19
20
- (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. 21
22
23
24
25
26
- (4) The eligible councillors may impose conditions on the councillor under a decision mentioned in subsection (3)(a)(i) or (b)(i). 27
28
29
- Example—* 30
- The eligible councillors may decide that the councillor may participate in a decision about the matter by discussing it at the meeting under subsection (3)(b)(i), but may impose the condition that the councillor must 31
32
33
34

leave the place at which the meeting is being held while the matter is voted on.	1 2
(5) The councillor must comply with—	3
(a) a decision under subsection (3)(a)(ii) or (b)(ii); or	4 5
(b) any conditions imposed on a decision under subsection (4).	6 7
Maximum penalty—100 penalty units or 1 year’s imprisonment.	8 9
(6) However, the councillor does not contravene subsection (5) by participating in a decision or being present under an approval given under section 177S.	10 11 12 13
177Q Decisions of eligible councillors	14
(1) A decision by eligible councillors may be made under section 177O or 177P, other than in relation to a matter mentioned in section 177R, even if—	15 16 17
(a) the number of eligible councillors is less than a majority; or	18 19
(b) the eligible councillors do not form a quorum for the meeting.	20 21
(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.	22 23 24 25 26 27 28
(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(3)(a)(ii) or (b)(ii) that the councillor	29 30 31 32

must leave, and stay away from, the place where 1
the meeting is being held while the eligible 2
councillors discuss and vote on the matter. 3

- (4) A decision about a councillor under section 177O 4
or 177P for a matter applies in relation to the 5
councillor for participating in the decision, and all 6
subsequent decisions, about the matter. 7

Subdivision 4 Other matters 8

177R Procedure if no quorum for deciding matter 9 because of prescribed conflicts of interest or 10 declarable conflicts of interest 11

- (1) This section applies in relation to a meeting if— 12
- (a) a matter in which 1 or more councillors have 13
a prescribed conflict of interest or declarable 14
conflict of interest is to be decided at the 15
meeting; and 16
 - (b) there is less than a quorum remaining at the 17
meeting after any of the councillors 18
mentioned in paragraph (a) leave, and stay 19
away from, the place where the meeting is 20
being held. 21
- (2) The council must do 1 of the following— 22
- (a) delegate deciding the matter under section 23
238, unless the matter can not be delegated 24
under that section; 25
 - (b) decide, by resolution, to defer the matter to a 26
later meeting; 27
 - (c) decide, by resolution, not to decide the 28
matter and take no further action in relation 29
to the matter. 30

-
- (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.
- (4) A councillor does not contravene section 177H(1), 177J(2), 177N(2)(a) or (3)(a) or 177P(5) by participating in a decision, or being present while the matter is discussed and voted on, for the purpose of delegating the matter or deferring the matter to a later meeting under subsection (2).
- 177S Minister’s approval for councillor to participate or be present to decide matter**
- (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—
- (a) the matter could not otherwise be decided at the meeting because of a circumstance mentioned in section 177R(1); and
- (b) deciding the matter can not be delegated under section 238.
- (2) The Minister may give the approval subject to the conditions stated in the notice.
- 177T Duty to report another councillor’s prescribed conflict of interest or declarable conflict of interest**
- (1) This section applies if a councillor reasonably believes or reasonably suspects—

[s 81]

- (a) another councillor who has a prescribed conflict of interest in a matter is participating in a decision in contravention of section 177H(1); or 1
2
3
4
 - (b) another councillor who has a declarable conflict of interest in a matter is participating in a decision in contravention of section 177N(2)(a) or (3)(a). 5
6
7
8
 - (2) The councillor who has the belief or suspicion must— 9
10
 - (a) if the belief or suspicion arises in a council meeting—immediately inform the person who is presiding at the meeting about the belief or suspicion; or 11
12
13
14
 - (b) otherwise—as soon as practicable, inform the chief executive officer of the belief or suspicion. 15
16
17
 - (3) The councillor must also inform the person presiding, or the chief executive officer, of the facts and circumstances forming the basis of the belief or suspicion. 18
19
20
21
- Note—* 22
- Contravention of subsection (2) or (3) is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(v) of that Act. 23
24
25
26

177U Obligation of councillor if conflict of interest reported under s 177T 27
28

- (1) If, under section 177T, a councillor (the *informing councillor*) informs the person presiding at a council meeting of a belief or suspicion about another councillor (the *relevant councillor*), the relevant councillor must do 1 of 29
30
31
32
33

-
- the following— 1
- (a) if the relevant councillor has a prescribed 2
conflict of interest—comply with section 3
177I(2); 4
 - (b) if the relevant councillor has a declarable 5
conflict of interest—comply with section 6
177N(2); 7
 - (c) if the relevant councillor considers there is 8
no prescribed conflict of interest or 9
declarable conflict of interest—inform the 10
meeting of the relevant councillor’s belief, 11
including reasons for the belief. 12
- (2) If subsection (1)(c) applies— 13
- (a) the informing councillor must inform the 14
meeting about the particulars of the 15
informing councillor’s belief or suspicion; 16
and 17
 - (b) the eligible councillors at the meeting must 18
decide whether or not the relevant 19
councillor has a prescribed conflict of 20
interest or declarable conflict of interest in 21
the matter. 22
- (3) If the eligible councillors at the meeting decide 23
the relevant councillor has a prescribed conflict of 24
interest in the matter, section 177J is taken to 25
apply to the relevant councillor for the matter. 26
- (4) If the eligible councillors decide the relevant 27
councillor has a declarable conflict of interest in 28
the matter, sections 177N(2) and 177P are taken 29
to apply in relation to the relevant councillor for 30
the matter. 31

177V Offence to take retaliatory action	1
A person must not, because a councillor complied with section 177T—	2 3
(a) prejudice, or threaten to prejudice, the safety or career of the councillor or another person;	4 5
or	6
(b) intimidate or harass, or threaten to intimidate or harass, the councillor or another person; or	7 8 9
(c) take any action that is, or is likely to be, detrimental to the councillor or another person.	10 11 12
Maximum penalty—167 penalty units or 2 years imprisonment.	13 14
177W Councillor with prescribed conflict of interest or declarable conflict of interest must not influence others	15 16 17
(1) This section applies to a councillor who has a prescribed conflict of interest or declarable conflict of interest in a matter.	18 19 20
(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 council relating to the matter.	21 22 23 24
<i>Note—</i>	25
Contravention of this section is misconduct under the Local Government Act that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(v) of that Act. Also, this section is a relevant integrity provision for the offence against section 198D—see section 198D(2), definition <i>relevant integrity provision</i> .	26 27 28 29 30 31 32
(3) A councillor does not contravene subsection (2)	33

-
- solely by participating in a decision relating to the matter, including by voting on the matter, if the participation is—
- (a) permitted under a decision mentioned in section 177P(3)(a)(i) or (b)(i); or
 - (b) approved under section 177S.
- (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—
- (a) factual information about a matter;
 - (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.

177X Records about prescribed conflicts of interest or declarable conflicts of interest—meetings

- (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.
- (2) The following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by regulation—
 - (a) the names of the councillor and any other councillor who may have a prescribed conflict of interest or declarable conflict of interest;

[s 81]

- | | |
|--|----------------------------|
| (b) the particulars of the prescribed conflict of interest or declarable conflict of interest; | 1
2 |
| (c) if section 177U applies— | 3 |
| (i) the action the councillor takes under section 177U(1); and | 4
5 |
| (ii) any decision made by the eligible councillors under section 177U(2); | 6
7 |
| (d) whether the councillor participated in deciding the matter, or was present for deciding the matter, under an approval under section 177S; | 8
9
10
11 |
| (e) for a matter to which the prescribed conflict of interest or declarable conflict of interest relates—the name of each eligible councillor who voted on the matter, and how each eligible councillor voted. | 12
13
14
15
16 |
| (3) Subsection (4) applies if the councillor has a declarable conflict of interest. | 17
18 |
| (4) In addition to the information mentioned in subsection (2), the following information must be recorded in the minutes of the meeting or, if minutes are not required for the meeting, in another way prescribed by regulation— | 19
20
21
22
23 |
| (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; | 24
25
26
27
28 |
| (b) for a decision under section 177P— | 29 |
| (i) the decision, and reasons for the decision; and | 30
31 |

	(ii) the name of each eligible councillor who voted on the decision, and how each eligible councillor voted.	1 2 3
Clause 82	Amendment of ch 6, pt 4 hdg (Council employees) Chapter 6, part 4, heading, after ‘employees’— <i>insert</i> — , councillor advisors etc.	4 5 6 7
Clause 83	Amendment of s 192 (Appointing senior contract employees) (1) Section 192, heading, ‘contract’— <i>omit, insert</i> — executive (2) Section 192(1) and (2), ‘contract’— <i>omit, insert</i> — executive (3) Section 192(3) and (4)— <i>omit.</i>	8 9 10 11 12 13 14 15 16 17
Clause 84	Amendment of s 193 (Appointing other council employees) Section 193(3), ‘contract’— <i>omit, insert</i> — executive	18 19 20 21 22
Clause 85	Insertion of new ch 6, pt 4, div 2A Chapter 6, part 4—	23 24

insert—

Division 2A Councillor advisors

194A Appointment and functions of councillor advisors

- (1) The council may, by resolution, allow a councillor to appoint 1 or more appropriately qualified persons (each a *councillor advisor*) to assist the councillor in performing responsibilities under this Act.

Examples of assistance—

administrative support, coordinating media activities,
event management functions, policy development, office
management

- (2) However, the councillor must not appoint a close associate of the councillor as a councillor advisor.
- (3) If the councillor appoints a councillor advisor, the councillor advisor must enter into a written contract of employment with the council.
- (4) The contract of employment must provide for—
- (a) the councillor advisor's conditions of employment, including remuneration, leave and superannuation entitlements; and
 - (b) the councillor advisor's functions and key responsibilities; and
 - (c) a requirement that the councillor advisor comply with the councillor advisor code of conduct made by the Minister under the Local Government Act, section 197C; and
 - (d) when disciplinary action may be taken, and the types of disciplinary action that may be taken, against the councillor advisor.

-
- (5) The councillor advisor's functions and responsibilities can not include— 1
2
- (a) carrying out or assisting in an activity relating to a councillor's campaign for re-election; or 3
4
5
- (b) directing a council employee. 6
- (6) The councillor who appointed the councillor advisor may give a direction to the councillor advisor. 7
8
9
- (7) A regulation may— 10
- (a) prescribe the number of councillor advisors each councillor may appoint; or 11
12
- (b) limit the functions and key responsibilities that may be provided for in a councillor advisor's contract of employment. 13
14
15

194B When appointment ends 16

- (1) A councillor advisor's appointment automatically ends on the day the councillor advisor is convicted of an offence against any of the following provisions— 17
18
19
20
- (a) section 197(2) or (4); 21
- (b) section 198D; 22
- (c) section 198F(2) or (3); 23
- (d) section 215(1). 24
- (2) Also, a councillor advisor's appointment automatically ends 2 weeks after the day either of the following happens— 25
26
27
- (a) the term of the councillor who appointed the councillor advisor ends; 28
29

	(b) the councillor who appointed the councillor advisor is suspended.	1 2
Clause 86	Amendment of s 196 (Improper conduct by council employees)	3 4
(1)	Section 196(1) and (2)— <i>omit, insert—</i>	5 6
	(1) This section applies to the following persons—	7
	(a) a council employee;	8
	(b) a contractor of the council;	9
	(c) another type of person prescribed by regulation.	10 11
(2)	Section 196(3), from ‘A council’ to ‘a council employee’— <i>omit, insert—</i>	12 13
	The person must not ask for, or accept, a fee or other benefit for doing something as a person mentioned in subsection (1)(a), (b) or (c)	14 15 16
(3)	Section 196(4), ‘subsection (3)’— <i>omit, insert—</i>	17 18
	subsection (2)	19
(4)	Section 196(5), ‘A council employee’— <i>omit, insert—</i>	20 21
	The person	22
(5)	Section 196(5), penalty, ‘for subsection (5)’— <i>omit.</i>	23 24
(6)	Section 196(3) to (5)— <i>renumber</i> as section 196(2) to (4).	25 26

Clause 87	Amendment of s 197 (Use of information by council employees)	1 2
(1)	Section 197, heading, after ‘employees’— <i>insert</i> — and councillor advisors	3 4 5
(2)	Section 197(1) and (2)— <i>omit, insert</i> — (1) This section applies to a person who is, or has been, any of the following— (a) a council employee; (b) a councillor advisor; (c) a contractor of the council; (d) another type of person prescribed by regulation.	6 7 8 9 10 11 12 13 14
(3)	Section 197(3), from ‘A person’ to ‘employee to’— <i>omit, insert</i> — The person must not use information acquired as a person mentioned in subsection (1)(a), (b), (c) or (d) to	15 16 17 18 19
(4)	Section 197(4), ‘Subsection (3)’— <i>omit, insert</i> — Subsection (2)	20 21 22
(5)	Section 197(5), ‘A person who is, or has been, a council employee’— <i>omit, insert</i> — The person	23 24 25 26
(6)	Section 197(5), penalty, ‘for subsection (5)’— <i>omit.</i>	27 28

- (7) Section 197(3) to (5)— 1
renumber as section 197(2) to (4). 2

Clause 88 Amendment of s 198 (Annual report must detail remuneration) 3
4

- (1) Section 198, heading, ‘remuneration’— 5
omit, insert— 6
particular information about council 7
employees and councillor advisors 8
- (2) Section 198(1)(a), ‘(in the year to which the annual report relates)’— 9
omit, insert— 10
for the year 11
12
- (3) Section 198(1)— 13
insert— 14
(c) for each councillor— 15
(i) the number of councillor advisors 16
appointed by the councillor for the 17
year; and 18
(ii) the total remuneration payable to all 19
councillor advisors appointed by the 20
councillor for the year. 21

Clause 89 Insertion of new ch 6, pt 4A 22

Chapter 6— 23
insert— 24

Part 4A Obligations of 25
councillors and 26
councillor advisors 27

198A Obligation of councillor or councillor advisor to inform chief executive officer of particulars of interests at start of term or on appointment	1
	2
	3
(1) This section applies if—	4
(a) a councillor, at the start of the councillor’s term, has an interest that must, under a regulation, be recorded in a register of interests for the councillor or a person who is related to the councillor; or	5 6 7 8 9
(b) a councillor advisor, when the advisor is appointed, has an interest that must, under a regulation, be recorded in a register of interests for the advisor or a person who is related to the advisor.	10 11 12 13 14
(2) The councillor or councillor advisor must, in the approved form, inform the chief executive officer of the particulars required to be included in a register of interests under a regulation within 30 days after the day the councillor’s term starts or the advisor is appointed.	15 16 17 18 19 20
<i>Note—</i>	21
Contravention of this section by a councillor is misconduct under the Local Government Act that could result in disciplinary action being taken against the councillor—see section 150L(1)(c)(v) of that Act. Also, this section is a relevant integrity provision for the offence against section 198D—see section 198D(2), definition <i>relevant integrity provision</i> .	22 23 24 25 26 27 28
(3) A person is <i>related</i> to a councillor if—	29
(a) the person is the councillor’s spouse; or	30
(b) the person is totally or substantially dependent on the councillor and—	31 32
(i) the person is the councillor’s child; or	33

- (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. 1
2
3
4
5
- (4) A person is *related* to a councillor advisor if— 6
 - (a) the person is the advisor's spouse; or 7
 - (b) the person is totally or substantially dependent on the advisor and— 8
 - (i) the person is the advisor's child; or 10
 - (ii) the person's affairs are so closely connected with the affairs of the advisor that a benefit derived by the person, or a substantial part of it, could pass to the advisor. 11
12
13
14
15
- 198B Obligation of councillor or councillor advisor to correct register of interests** 16
17
- (1) This section applies if— 18
 - (a) a councillor or councillor advisor, or a person who is related to the councillor or councillor advisor, acquires an interest that must be, but is not, recorded in a register of interests under a regulation; or 19
20
21
22
23
 - (b) there is a change to the particulars required to be included in a register of interests under a regulation for— 24
25
26
 - (i) a councillor or councillor advisor; or 27
 - (ii) a person who is related to the councillor or advisor. 28
29
- (2) The councillor or councillor advisor must, in the approved form, inform the chief executive officer 30
31

of the particulars required to be included in a register of interests under a regulation for the new interest or the change to the particulars within 30 days after the interest is acquired or the change happens.

Note—

Contravention of this section by a councillor is misconduct under the Local Government Act that could result in disciplinary action being taken against the councillor—see section 150L(1)(c)(v) of that Act. Also, this section is a relevant integrity provision for the offence against section 198D—see section 198D(2), definition *relevant integrity provision*.

198C Obligation of councillor or councillor advisor to inform chief executive officer annually about register of interests

Each councillor and councillor advisor must, within 30 days after the end of each financial year, inform the chief executive officer, in the approved form, of the following—

- (a) if the councillor or councillor advisor, or a person related to the councillor or councillor advisor, has acquired an interest that must be, but is not, recorded in a register of interests under a regulation—the particulars of the interest that must be recorded in the register of interests under a regulation;
- (b) if there has been a change to the particulars required to be included in a register of interests under a regulation for the councillor or councillor advisor, or a person who is related to the councillor or advisor—the change to the particulars;

- (c) if paragraphs (a) and (b) do not apply—that 1
there has been no interest acquired or 2
change to the particulars for an interest. 3
- Note—* 4
- Contravention of this section by a councillor is 5
misconduct under the Local Government Act that could 6
result in disciplinary action being taken against the 7
councillor—see section 150L(1)(c)(v) of that Act. Also, 8
this section is a relevant integrity provision for the 9
offence against section 198D—see section 198D(2), 10
definition *relevant integrity provision*. 11

**198D Dishonest conduct of councillor or councillor 12
advisor 13**

- (1) A person who is a councillor or councillor advisor 14
must not contravene a relevant integrity provision 15
with intent to— 16
- (a) dishonestly obtain a benefit for the person or 17
someone else; or 18
- (b) dishonestly cause a detriment to someone 19
else. 20
- Maximum penalty—200 penalty units or 2 years 21
imprisonment. 22
- (2) In this section— 23
- benefit* includes property, advantage, service, 24
entertainment, the use of or access to property or 25
facilities, and anything of benefit to a person 26
whether or not it has any inherent or tangible 27
value, purpose or attribute. 28
- detriment*, caused to a person, includes detriment 29
caused to the person’s property. 30
- relevant integrity provision—* 31

-
- (a) for a councillor, means each of the following provisions—
- (i) section 177H;
 - (ii) section 177I;
 - (iii) section 177N;
 - (iv) section 177W;
 - (v) section 198A;
 - (vi) section 198B;
 - (vii) section 198C;
 - (viii) section 215, if the information mentioned in that section is given under section 198A, 198B or 198C; or
- (b) for a councillor advisor, means each of the following provisions—
- (i) section 198A;
 - (ii) section 198B;
 - (iii) section 198C;
 - (iv) section 215, if the information mentioned in that section is given under section 198A, 198B or 198C.

198E Proceeding for offence against s 198D

- (1) An offence against section 198D is a misdemeanour.
- (2) A proceeding for an offence against section 198D may be started only with the written consent of the director of public prosecutions.
- (3) A proceeding for an offence against section 198D may be taken, at the election of the prosecution—

- (a) by way of summary proceeding under the *Justices Act 1886*; or 1
2
- (b) on indictment. 3
- (4) However, a magistrate must not hear an indictable 4
offence against section 198D summarily if the 5
magistrate is satisfied, on an application made by 6
the defence, that because of exceptional 7
circumstances the offence should not be heard and 8
decided summarily. 9
- Note—* 10
- For examples of exceptional circumstances, see the 11
examples stated in the Criminal Code, section 552D(2). 12
- (5) If subsection (4) applies— 13
- (a) the court must stop treating the proceeding 14
as a proceeding to hear and decide the 15
charge summarily; and 16
- (b) the proceeding for the charge must be 17
conducted as a committal proceeding; and 18
- (c) a plea of the defendant at the start of the 19
hearing must be disregarded; and 20
- (d) the evidence already heard by the court is 21
taken to be evidence in the committal 22
proceeding; and 23
- (e) the *Justices Act 1886*, section 104 must be 24
complied with for the committal 25
proceeding. 26
- (6) A Magistrates Court that summarily deals with a 27
charge of an offence against section 198D— 28
- (a) must be constituted by a magistrate; and 29
- (b) has jurisdiction despite the time that has 30
elapsed from the time when the matter of 31
complaint of the charge arose. 32

(7) In this section—	1
<i>director of public prosecutions</i> means the	2
Director of Public Prosecutions appointed under	3
the <i>Director of Public Prosecutions Act 1984</i> .	4
198F Prohibited conduct by councillor or	5
councillor advisor in possession of inside	6
information	7
(1) This section applies to a person (the <i>insider</i>) who	8
is, or has been, a councillor or councillor advisor	9
if the insider—	10
(a) acquired inside information as a councillor	11
or councillor advisor; and	12
(b) knows, or ought reasonably to know, the	13
inside information is not generally available	14
to the public.	15
(2) The insider must not cause the purchase or sale of	16
an asset if knowledge of the inside information	17
would be likely to influence a reasonable person	18
in deciding whether or not to buy or sell the asset.	19
Maximum penalty—1,000 penalty units or 2	20
years imprisonment.	21
(3) The insider must not cause the inside information	22
to be provided to another person the insider	23
knows, or ought reasonably to know, may use the	24
information in deciding whether or not to buy or	25
sell an asset.	26
Maximum penalty—1,000 penalty units or 2	27
years imprisonment.	28
(4) In this section—	29
<i>cause</i> , in relation to an action, includes the	30
following—	31

(a) carry out the action;	1
(b) instigate the action;	2
(c) direct, or otherwise influence, another person to carry out or instigate the action.	3 4
corporate entity means a corporation owned by the council.	5 6
inside information means information about any of the following—	7 8
(a) the operations or finances of the council (including any business activity of the council) or any of its corporate entities;	9 10 11
(b) a proposed policy of the council, including proposed changes to an existing policy;	12 13
(c) a contract entered into, or proposed to be entered into, by the council or any of its corporate entities;	14 15 16
(d) a tender process being conducted by or for the council or any of its corporate entities;	17 18
(e) a decision, or proposed decision, of the council or any of its committees;	19 20
(f) the exercise of a power, under a local government related law, by the council, a councillor or a council employee;	21 22 23
(g) the exercise of a power, under an Act, by the State, a Minister, a statutory body or an employee of the State or statutory body, that affects the council, any of its corporate entities or land or infrastructure within Brisbane;	24 25 26 27 28 29
(h) any legal or financial advice created for the council, any of its committees or any of its corporate entities.	30 31 32

Clause 90	Amendment of s 215 (False or misleading information)	1	
	Section 215(1), after the penalty—	2	
	<i>insert—</i>	3	
	<i>Note—</i>	4	
	In certain circumstances this section is a relevant integrity provision for the offence against section 198D—see section 198D(2), definition <i>relevant</i> <i>integrity provision.</i>	5 6 7 8	
Clause 91	Insertion of new ch 8, pt 11	9	
	Chapter 8—	10	
	<i>insert—</i>	11	
	Part 11	Transitional provisions for Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019	12 13 14 15 16 17 18
	294 Existing senior contract employees	19	
	(1) Subsection (2) applies to a person who, immediately before the commencement, was a senior contract employee of the council if the person—	20 21 22 23	
	(a) reported directly to the chief executive officer; and	24 25	
	(b) held a position that would ordinarily be considered to be a senior position in the council’s corporate structure.	26 27 28	

(2) On the commencement—	1
(a) the person’s contract and conditions of employment continue; and	2 3
(b) the person is taken to have been appointed by the council as a senior executive employee under section 192.	4 5 6
(3) Subsection (4) applies to a person who, immediately before the commencement, was a senior contract employee of the council other than a person mentioned in subsection (1).	7 8 9 10
(4) On the commencement—	11
(a) the person’s contract and conditions of employment continue; and	12 13
(b) the person is taken to have been appointed by the chief executive officer as a council employee under section 193; and	14 15 16
(c) section 193(4) does not apply in relation to the person’s employment.	17 18
295 Proceedings for repealed integrity offences	19
(1) This section applies in relation to an offence against a repealed integrity offence provision committed by a person before the commencement.	20 21 22 23
(2) Without limiting the <i>Acts Interpretation Act 1954</i> , section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the <i>Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Act 2019</i> , sections 80 and 81 had not commenced.	24 25 26 27 28 29 30 31
(3) From the commencement, an offence against a	32

	repealed integrity offence provision continues,	1
	despite the repeal of the provision, to be—	2
	(a) an integrity offence for section 153(5); and	3
	(b) a disqualifying offence for section 153(6).	4
(4)	In this section—	5
	<i>repealed integrity offence provision</i> means the	6
	following provisions as in force from time to time	7
	before the commencement—	8
	(a) section 173A(2) and (3);	9
	(b) section 173B(2);	10
	(c) section 177C(2);	11
	(d) section 177E(2) and (5);	12
	(e) section 177H;	13
	(f) section 177I(2) and (3).	14
296	Continuation of Minister’s approval for	15
	councillor to participate or be present to	16
	decide matter	17
(1)	This section applies to a notice given before the	18
	commencement by the Minister to a councillor	19
	under section 177F, if the notice is in force	20
	immediately before the commencement.	21
(2)	The notice is taken to be a notice given to the	22
	councillor under section 177S.	23
Clause 92	Amendment of sch 1 (Serious integrity offences and	24
	integrity offences)	25
(1)	Schedule 1, part 1, before entry for Criminal Code—	26
	<i>insert—</i>	27

This Act

198D	Dishonest conduct of councillor or councillor advisor	
(2)	Schedule 1, part 2, under heading ‘This Act’, entries for sections 173A(2) or (3), 173B(2), 177C(2), 177E(2) or (5), 177H and 177I(2) or (3)—	1 2 3
	<i>omit.</i>	4
(3)	Schedule 1, part 2, under heading ‘This Act’—	5
	<i>insert—</i>	6
177J(2)	Dealing with prescribed conflict of interest at a meeting	
177V	Offence to take retaliatory action	
198F(2) or (3)	Prohibited conduct by councillor or councillor advisor in possession of inside information	
Clause 93	Amendment of sch 2 (Dictionary)	7
(1)	Schedule 2, definition <i>senior contract employee</i> —	8
	<i>omit.</i>	9
(2)	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> —	10 11 12
	<i>omit.</i>	13
(3)	Schedule 2—	14
	<i>insert—</i>	15
	<i>senior executive employee</i> means an employee of the council—	16 17

-
- (a) who reports directly to the chief executive officer; and 1
2
- (b) whose position ordinarily would be considered to be a senior position in the council's corporate structure. 3
4
5
- (4) Schedule 2— 6
insert— 7
- close associate***, of a councillor, see section 177G. 8
- councillor advisor*** see section 194A(1). 9
- council meeting*** means a meeting of— 10
- (a) the council; or 11
- (b) a committee of the council. 12
- declarable conflict of interest*** see sections 177K and 177L. 13
14
- eligible councillor***, for a matter at a council meeting, means a councillor at the meeting who does not have a prescribed conflict of interest or declarable conflict of interest in the matter. 15
16
17
18
- executive officer***, of an entity, means— 19
- (a) if the entity has a board or management committee—each member of the board or committee; or 20
21
22
- (b) each person, by whatever name called, who is concerned, or takes part, in the management of the entity. 23
24
25
- gift*** includes— 26
- (a) a gift under the *Local Government Electoral Act 2011*, section 107; and 27
28
- (b) a gift that is required, under a regulation, to be recorded in a register of interests. 29
30

[s 93]

<i>group of candidates</i> see the <i>Local Government Electoral Act 2011</i> , schedule 2.	1 2
<i>interest</i> means a financial or other interest.	3
<i>loan</i> includes—	4
(a) a loan under the <i>Local Government Electoral Act 2011</i> , section 106; and	5 6
(b) a loan that is required, under a regulation, to be recorded in a register of interests.	7 8
<i>prescribed conflict of interest</i> see section 177D, 177E or 177F.	9 10
<i>related</i> , for chapter 6, part 4A—	11
(a) to a councillor—see section 198A(3); or	12
(b) to a councillor advisor—see section 198A(4).	13 14
<i>related party</i> , of a councillor, see section 177M.	15
<i>relevant term</i> , for a councillor, means the councillor’s current term of office and the period—	16 17 18
(a) starting on the day after the conclusion of the quadrennial election held before the most recent quadrennial election; and	19 20 21
(b) ending on the day immediately before the councillor’s current term of office started.	22 23
(5) Schedule 2, definition <i>council employee</i> , paragraph (b), ‘contract’—	24 25
<i>omit, insert</i> —	26
executive	27

Part 2	Amendment of Local Government Act 2009	1
		2
Clause 94	Act amended	3
	This part amends the <i>Local Government Act 2009</i> .	4
Clause 95	Amendment of s 4 (Local government principles underpin this Act)	5
	Section 4(2)(e), ‘and local government employees’—	6
	<i>omit, insert—</i>	7
	, local government employees and councillor advisors	8
		9
		10
Clause 96	Amendment of s 12 (Responsibilities of councillors)	11
	Section 12(4)(c)—	12
	<i>omit, insert—</i>	13
	(c) directing the chief executive officer of the local government under section 170;	14
		15
Clause 97	Amendment of s 123 (Suspending or dissolving a local government)	16
	(1) Section 123(3)(b), from ‘conclusion of’—	17
	<i>omit, insert—</i>	18
	earlier of—	19
	(i) the conclusion of a fresh election of councillors to be held on a stated date; or	20
		21
		22
	(ii) the conclusion of the next quadrennial election.	23
		24

- (2) Section 123(6)— 1
omit. 2

- Clause 98 Amendment of s 124 (Interim administrator acts for the councillors temporarily)** 3
4
Section 124(6), from ‘for the costs’— 5
omit, insert— 6
for the costs and expenses of— 7
(a) the interim administrator; and 8
(b) an advisory committee mentioned in subsection (10); and 9
10
(c) a committee appointed for the interim administrator under chapter 6, part 7. 11
12

- Clause 99 Insertion of new s 124A** 13
After section 124— 14
insert— 15
124A Minister may appoint acting interim administrator 16
17
(1) This section applies if— 18
(a) an interim administrator is appointed to act in place of the councillors of a local government; and 19
20
21
(b) during the interim administrator’s term— 22
(i) there is a vacancy in the office of the interim administrator; or 23
24
(ii) the interim administrator is absent or can not perform the duties of interim administrator. 25
26
27

	(2) The Minister may appoint a person to act as the interim administrator.	1 2
	(3) Subject to any regulation made under section 124 for the interim administrator, the powers and responsibilities of the acting interim administrator may be limited by the Minister under the acting interim administrator's instrument of appointment.	3 4 5 6 7 8
	(4) The person can not be appointed for more than 6 months in a 12-month period.	9 10
	(5) The Minister must publish, by gazette notice, the name of the acting interim administrator.	11 12
Clause 100	Amendment of s 150C (Definitions for chapter)	13
	Section 150C, definition <i>local government meeting</i> —	14
	<i>omit.</i>	15
Clause 101	Amendment of s 150L (What is <i>misconduct</i>)	16
	(1) Section 150L(1)(c)(iv)—	17
	<i>omit, insert—</i>	18
	(iv) section 150R(2), 150EK, 150EL, 150EQ, 150EW, 150EZ, 170(3), 171(3), 201A, 201B or 201C;	19 20 21
	(2) Section 150L(1)(c)(v)—	22
	<i>omit, insert—</i>	23
	(v) the <i>City of Brisbane Act 2010</i> , section 170(2), 173(3), 177H, 177I, 177N, 177T, 177W, 198A, 198B or 198C.	24 25 26

Clause 102	Amendment of s 150R (Local government official must notify assessor about particular conduct)	1
	Section 150R(2)—	2
	<i>insert</i> —	3
	<i>Note</i> —	4
	Contravention of subsection (2) by a councillor is misconduct that could result in disciplinary action being taken against the councillor—see section 150L(1)(c)(iv).	5
		6
		7
		8
		9
Clause 103	Amendment of s 150AY (Functions of investigators)	10
	(1) Section 150AY(b), second dot point—	11
	<i>omit, insert</i> —	12
	• section 150EM(2), 150ES(5), 150EY, 171(1), 201D or 201F(2) or (3)	13
		14
	(2) Section 150AY(b), fourth dot point—	15
	<i>omit, insert</i> —	16
	• the <i>City of Brisbane Act 2010</i> , section 173(1), 177J(2), 177P(5), 177V, 198D or 198F(2) or (3)	17
		18
		19
Clause 104	Insertion of new ch 5B	20
	After chapter 5A—	21
	<i>insert</i> —	22
	Chapter 5B Councillors’ conflicts of interest	23
		24
	Part 1 Preliminary	25

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, making a planning scheme that applies to the whole of 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
- (d) is solely, or relates solely to—
 - (i) the remuneration or reimbursement of expenses of councillors or members of a committee of the local government; or
 - (ii) the provision of superannuation entitlements or public liability, professional indemnity or accident insurance for councillors; or
 - (iii) a matter of interest to the councillor solely as a candidate for election or appointment as mayor, deputy mayor, councillor or member of a committee of the local government.
- (2) Also, this chapter 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 local government to be a member of the board of the corporation or association.
- (3) However, if a councillor decides to voluntarily comply with this chapter in relation to personal interests of the councillor in the matter—
 - (a) the personal interests are taken to be a declarable conflict of interest; and
 - (b) this chapter applies as if eligible councillors had, under section 150ER(2), decided the councillor has a declarable conflict of interest in the matter.

<i>Note—</i>	1
See section 150ES for requirements for dealing with a conflict of interest mentioned in this subsection.	2 3

Part 2	Prescribed conflicts of interest	4 5
---------------	---	--------

150EG When councillor has <i>prescribed conflict of interest—particular gifts or loans</i>	6 7
---	--------

- | | |
|--|----------------------|
| (1) A councillor has a <i>prescribed conflict of interest</i>
in a matter if— | 8
9 |
| (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 | 10
11
12
13 |
| (b) the gift or loan is given during the relevant
term for the councillor; and | 14
15 |
| (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. | 16
17
18
19 |
| (2) For subsection (1)(a), the circumstances are— | 20 |
| (a) where— | 21 |
| (i) the donor gives the gift or loan to the
councillor; and | 22
23 |
| (ii) the gift or loan is required to be the
subject of a return under the Local
Government Electoral Act, part 6; or | 24
25
26 |
| (b) where— | 27 |
| (i) the donor gives the gift or loan to a
group of candidates or a political party | 28
29 |

for an election, of which the councillor is a member; and	1 2
(ii) the councillor is a candidate in the election; and	3 4
(iii) the gift or loan is required to be the subject of a return under the Local Government Electoral Act, part 6 or the Electoral Act, part 11, division 11; or	5 6 7 8
(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).	9 10 11 12
(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.	13 14 15 16 17
150EH When councillor has <i>prescribed conflict of interest</i>—sponsored travel or accommodation benefits	18 19 20
(1) A councillor has a <i>prescribed conflict of interest</i> in a matter if—	21 22
(a) a sponsored travel or accommodation benefit is given by an entity (the <i>donor</i>) that has an interest in the matter to—	23 24 25
(i) the councillor; or	26
(ii) a close associate of the councillor; and	27
(b) the sponsored travel or accommodation benefit is given—	28 29
(i) during the relevant term for the councillor; and	30 31

-
- (ii) while the councillor holds office as councillor; and 1
2
- (c) all sponsored travel or accommodation benefits given to the councillor or close associate during the councillor's relevant term total \$2,000 or more. 3
4
5
6
- (2) In this section— 7
- employment-related or upgraded***, in relation to a person's travel or accommodation, means— 8
9
- (a) the travel or accommodation is paid for by the State or a local government; or 10
11
- (b) the travel or accommodation— 12
- (i) is undertaken or used by the person in the course of the person's employment; and 13
14
15
- (ii) is contributed to, whether financially or non-financially, by the person's employer; or 16
17
18
- (c) if the person is a director of a corporation— 19
the travel or accommodation— 20
- (i) is undertaken or used by the person in the course of carrying out the person's duties as a director; and 21
22
23
- (ii) is contributed to, whether financially or non-financially, by the corporation; or 24
25
- (d) if the travel is airline travel—an upgrade to the travel is given by the provider of the travel for no charge; or 26
27
28
- Example*— 29
- a free air travel upgrade to business class 30

- (e) an upgrade to the accommodation is given 1
by the provider of the accommodation for 2
no charge. 3
- Example—* 4
- a free accommodation upgrade to a larger room 5
- sponsored travel or accommodation benefit***, 6
received by a person, means travel or 7
accommodation undertaken or used by the person, 8
other than employment-related or upgraded travel 9
or accommodation, if— 10
- (a) another entity contributes, whether 11
financially or non-financially, to the cost of 12
the travel or accommodation; and 13
- (b) the other entity is not the person’s spouse, 14
other family member or friend. 15

150EI When councillor has *prescribed conflict of interest—other* 16
17

- A councillor has a ***prescribed conflict of interest*** 18
in a matter if— 19
- (a) the matter is or relates to a contract between 20
the local government and the councillor, or a 21
close associate of the councillor, for— 22
- (i) the supply of goods or services to the 23
local government; or 24
- (ii) the lease or sale of assets by the local 25
government; or 26
- (b) the chief executive officer is a close 27
associate of the councillor and the matter is 28
or relates to the appointment, discipline, 29
termination, remuneration or other 30
employment conditions of the chief 31
executive officer; or 32

-
- (c) the matter is or relates to an application 1
made to the local government for the grant 2
of a licence, permit, registration or approval 3
or consideration of another matter under a 4
Local Government Act, if— 5
- (i) the application was made to the local 6
government by the councillor or a close 7
associate of the councillor; or 8
- (ii) the councillor or a close associate of 9
the councillor makes or has made a 10
written submission to the local 11
government in relation to the 12
application before it is or was decided. 13

150EJ Who is a *close associate* of a councillor 14

- (1) A person is a *close associate* of a councillor if the 15
person is any of the following in relation to the 16
councillor— 17
- (a) a spouse; 18
- (b) a parent, child or sibling; 19
- (c) a partner in a partnership; 20
- (d) an employer, other than a government 21
entity; 22
- (e) an entity, other than a government entity, for 23
which the councillor is an executive officer 24
or board member; 25
- (f) an entity in which the councillor or a person 26
mentioned in any of paragraphs (a) to (e) for 27
the councillor has an interest, other than an 28
interest of less than 5% in an entity that is a 29
listed corporation under the Corporations 30
Act, section 9. 31
- (2) However, a parent, child or sibling is a close 32

associate of the councillor in relation to a matter 1
only if the councillor knows, or ought reasonably 2
to know, about the parent's, child's or sibling's 3
involvement in the matter. 4

150EK Councillor must not participate in decisions 5

(1) If a councillor has a prescribed conflict of interest 6
in a matter, the councillor must not participate in 7
a decision relating to the matter. 8

Note— 9

Contravention of this section is misconduct that could 10
result in disciplinary action being taken against a 11
councillor—see section 150L(1)(c)(iv). Also, this 12
section is a relevant integrity provision for the offence 13
against section 201D—see section 201D(2), definition 14
relevant integrity provision. 15

(2) However, the councillor does not contravene 16
subsection (1) by participating in the decision 17
under an approval given under section 150EV. 18

**150EL Obligation of councillor with prescribed 19
conflict of interest** 20

(1) This section applies to a councillor if— 21

(a) the councillor may participate, or is 22
participating, in a decision about a matter; 23
and 24

(b) the councillor becomes aware the councillor 25
has a prescribed conflict of interest in the 26
matter. 27

(2) If the councillor first becomes aware the 28
councillor has the prescribed conflict of interest in 29
the matter at a local government meeting, the 30
councillor must immediately inform the meeting 31
of the prescribed conflict of interest, including the 32

-
- particulars stated in subsection (4). 1
- (3) If subsection (2) does not apply, the councillor 2
must— 3
- (a) as soon as practicable, give the chief 4
executive officer written notice of the 5
prescribed conflict of interest, including the 6
particulars stated in subsection (4); and 7
- (b) give notice of the prescribed conflict of 8
interest, including the particulars stated in 9
subsection (4), at— 10
- (i) the next meeting of the local 11
government; or 12
- (ii) if the matter is to be considered and 13
decided at a meeting of a committee of 14
the local government—the next 15
meeting of the committee. 16
- Note—* 17
- Contravention of subsection (2) or (3) is misconduct that 18
could result in disciplinary action being taken against a 19
councillor—see section 150L(1)(c)(iv). Also, this 20
section is a relevant integrity provision for the offence 21
against section 201D—see section 201D(2), definition 22
relevant integrity provision. 23
- (4) For subsections (2) and (3), the particulars for the 24
prescribed conflict of interest are the following— 25
- (a) for a gift, loan or contract—the value of the 26
gift, loan or contract; 27
- (b) for an application for which a submission 28
has been made—the matters the subject of 29
the application and submission; 30
- (c) the name of any entity, other than the 31
councillor, that has an interest in the matter; 32

(d) the nature of the councillor's relationship with the entity mentioned in paragraph (c);	1 2	
(e) details of the councillor's, and any other entity's, interest in the matter.	3 4	
150EM Dealing with prescribed conflict of interest at a meeting	5 6	
(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.	7 8 9	
(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.	10 11 12 13	
Maximum penalty—200 penalty units or 2 years imprisonment.	14 15	
(3) However, the councillor does not contravene subsection (2) by participating in a decision or being present under an approval given under section 150EV.	16 17 18 19	
Part 3	Declarable conflicts of interest	20 21
150EN What is a <i>declarable conflict of interest</i>		22
Subject to section 150EO, a councillor has a <i>declarable conflict of interest</i> in a matter if—		23 24
(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		25 26 27 28 29

-
- (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. 1
2
3
4

150EO Interests that are not declarable conflicts of interest 5
6

- (1) A councillor who has a conflict of interest in a matter does not have a *declarable conflict of interest* in the matter if— 7
8
9
- (a) the conflict of interest is a prescribed conflict of interest in the matter; or 10
11
- (b) the conflict of interest arises solely because— 12
13
- (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 14
15
16
17
18
19
- (ii) the councillor, or a related party of the councillor, is a member or patron of a community group, sporting club or similar organisation, and is not appointed as an executive officer of the organisation; or 20
21
22
23
24
25
- (iii) the councillor, or a related party of the councillor, is a member of a political party; or 26
27
28
- (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 29
30
31
32
33

grandparent of a student, of the facility or service; or	1 2
(c) the conflict of interest arises solely because of the religious beliefs of the councillor or a related party of the councillor; or	3 4 5
(d) the councillor, or a related party of the councillor, stands to gain a benefit or suffer a loss in relation to the matter 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	6 7 8 9 10 11
(e) the conflict of interest arises solely because the councillor, or a related party of the councillor—	12 13 14
(i) receives a gift, loan or sponsored travel or accommodation benefit from an entity in circumstances that would constitute a prescribed conflict of interest if the gifts, loans or sponsored travel or accommodation benefits were to total \$2,000 or more during the councillor’s relevant term; but	15 16 17 18 19 20 21 22
(ii) the gifts, loans or sponsored travel or accommodation benefits total \$500 or less during the councillor’s relevant term; or	23 24 25 26
(f) the conflict of interest relates to the appointment, discipline, termination, remuneration or other employment conditions of a councillor advisor for the councillor, if the conflict of interest arises solely because the councillor advisor is a related party, other than a close associate, of the councillor.	27 28 29 30 31 32 33 34
(2) For subsection (1)(e), for assessing whether the	35

receipt of a gift, loan or sponsored travel or
accommodation benefit in particular
circumstances by a councillor or a related party of
a councillor constitutes a declarable conflict of
interest, a reference in section 150EG or 150EH to
a close associate of a councillor is taken to be a
reference to a related party of the councillor.

- (3) In this section—
- patron*, of a community group, sporting club or
similar organisation, means a person who, under a
formal arrangement, provides public support to
the group, club or organisation as its ambassador
or representative.
- sponsored travel or accommodation benefit* see
section 150EH.

150EP Who is a *related party* of a councillor

- (1) A person is a *related party* of a councillor if the
person is any of the following in relation to the
councillor—
- (a) an entity in which the councillor, or a person
mentioned in paragraph (b), (c) or (d), has
an interest;
- (b) a close associate of the councillor, other
than an entity mentioned in section
150EJ(1)(f);
- (c) a parent, child or sibling of the councillor's
spouse;
- (d) a person who has a close personal
relationship with the councillor.
- (2) However, a parent, child or sibling of the
councillor's spouse, or a person who has a close
personal relationship with the councillor, is a

related party of the councillor in relation to a matter only if the councillor knows, or ought reasonably to know, about the parent's, child's, sibling's or person's involvement in the matter. 1
2
3
4

150EQ Obligation of councillor with declarable conflict of interest 5
6

- (1) This section applies to a councillor if— 7
- (a) the councillor may participate, or is participating, in a decision about a matter; and 8
9
10
 - (b) the councillor becomes aware the councillor has a declarable conflict of interest in the matter. 11
12
13
- (2) If the councillor first becomes aware the councillor has the declarable conflict of interest at a local government meeting, the councillor— 14
15
16
- (a) must stop participating, and must not further participate, in a decision relating to the matter; and 17
18
19
 - (b) must immediately inform the meeting of the declarable conflict of interest, including the particulars stated in subsection (4). 20
21
22
- (3) If subsection (2) does not apply, the councillor— 23
- (a) must stop participating, and must not further participate, in a decision relating to the matter; and 24
25
26
 - (b) as soon as practicable, must 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 27
28
29
30
31

-
- (c) must 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.
- Note—*
- Contravention of subsection (2) or (3) is misconduct that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(iv). Also, this section is a relevant integrity provision for the offence against section 201D—see section 201D(2), definition *relevant integrity provision*.
- (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

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

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) However, this section does not apply in relation to a decision about the matter if the councillor who has the declarable conflict of interest voluntarily decides not to participate in the decision.	8 9 10 11
(3) The eligible councillors at the meeting must, by resolution, decide—	12 13
(a) for a matter that would, other than for the councillor’s declarable conflict of interest, have been decided by the councillor under an Act, delegation or other authority, whether the councillor—	14 15 16 17 18
(i) may participate in the decision despite the councillor’s conflict of interest; or	19 20
(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	21 22 23 24 25 26 27
(b) for another matter, whether the councillor—	28
(i) may participate in a decision about the matter at the meeting, including by voting on the matter; or	29 30 31
(ii) must leave the place at which the meeting is being held, including any area set aside for the public, and stay	32 33 34

away from the place while the eligible councillors discuss and vote on the matter.	1 2 3
(4) The eligible councillors may impose conditions on the councillor under a decision mentioned in subsection (3)(a)(i) or (b)(i).	4 5 6
<i>Example—</i>	7
The eligible councillors may decide that the councillor may participate in a decision about the matter by discussing it at the meeting under subsection (3)(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 voted on.	8 9 10 11 12 13
(5) The councillor must comply with—	14
(a) a decision under subsection (3)(a)(ii) or (b)(ii); or	15 16
(b) any conditions imposed on a decision under subsection (4).	17 18
Maximum penalty—100 penalty units or 1 year’s imprisonment.	19 20
(6) However, the councillor does not contravene subsection (5) by participating in a decision or being present under an approval given under section 150EV.	21 22 23 24
150ET Decisions of eligible councillors	25
(1) A decision by eligible councillors may be made under section 150ER or 150ES, other than in relation to a matter mentioned in section 150EU, even if—	26 27 28 29
(a) the number of eligible councillors is less than a majority; or	30 31

-
- (b) the eligible councillors do not form a quorum for the meeting. 1
2
- (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. 3
4
5
6
7
8
9
- (3) If the eligible councillors can not make a decision under section 150ER or 150ES, the eligible councillors are taken to have decided under section 150ES(3)(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. 10
11
12
13
14
15
16
17
- (4) A decision about a councillor under section 150ER or 150ES for a matter applies in relation to the councillor for participating in the decision, and all subsequent decisions, about the matter. 18
19
20
21

Part 4 Other matters 22

150EU Procedure if no quorum for deciding matter because of prescribed conflicts of interest or declarable conflicts of interest 23 24 25

- (1) This section applies in relation to a meeting if— 26
- (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 27
28
29
30

- (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. 1
2
3
4
5
- (2) The local government must do 1 of the following— 6
7
- (a) delegate deciding the matter under section 257, unless the matter can not be delegated under that section; 8
9
10
- (b) decide, by resolution, to defer the matter to a later meeting; 11
12
- (c) decide, by resolution, not to decide the matter and take no further action in relation to the matter. 13
14
15
- (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. 16
17
18
19
20
21
- (4) A councillor does not contravene section 150EK(1), 150EM(2), 150EQ(2)(a) or (3)(a) or 150ES(5) by participating in a decision, or being present while the matter is discussed and voted on, for the purpose of delegating the matter or deferring the matter to a later meeting under subsection (2). 22
23
24
25
26
27
28
- 150EV Minister’s approval for councillor to participate or be present to decide matter** 29
30
- (1) The Minister may, by signed notice given to a councillor, approve the councillor participating in deciding a matter in a meeting, including being 31
32
33

present while the matter is discussed and voted on, if—	1 2
(a) the matter could not otherwise be decided at the meeting because of a circumstance mentioned in section 150EU(1); and	3 4 5
(b) deciding the matter can not be delegated under section 257.	6 7
(2) The Minister may give the approval subject to the conditions stated in the notice.	8 9
150EW Duty to report another councillor’s prescribed conflict of interest or declarable conflict of interest	10 11 12
(1) This section applies if a councillor reasonably believes or reasonably suspects—	13 14
(a) another councillor who has a prescribed conflict of interest in a matter is participating in a decision in contravention of section 150EK(1); or	15 16 17 18
(b) another councillor who has a declarable conflict of interest in a matter is participating in a decision in contravention of section 150EQ(2)(a) or (3)(a).	19 20 21 22
(2) The councillor who has the belief or suspicion must—	23 24
(a) if the belief or suspicion arises in a local government meeting—immediately inform the person who is presiding at the meeting about the belief or suspicion; or	25 26 27 28
(b) otherwise—as soon as practicable, inform the chief executive officer of the belief or suspicion.	29 30 31
(3) The councillor must also inform the person	32

presiding, or the chief executive officer, of the facts and circumstances forming the basis of the belief or suspicion. 1
2
3

Note— 4

Contravention of subsection (2) or (3) is misconduct that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(iv). 5
6
7

150EX Obligation of councillor if conflict of interest reported under s 150EW 8
9

- (1) If, under section 150EW, a councillor (the *informing councillor*) informs the person presiding at a local government meeting of a belief or suspicion about another councillor (the *relevant councillor*), the relevant councillor must do 1 of the following— 10
11
12
13
14
15
- (a) if the relevant councillor has a prescribed conflict of interest—comply with section 150EL(2); 16
17
18
 - (b) if the relevant councillor has a declarable conflict of interest—comply with section 150EQ(2); 19
20
21
 - (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. 22
23
24
25
26
- (2) If subsection (1)(c) applies— 27
- (a) the informing councillor must inform the meeting about the particulars of the informing councillor’s belief or suspicion; and 28
29
30
31
 - (b) the eligible councillors at the meeting must decide whether or not the relevant 32
33

councillor has a prescribed conflict of interest or declarable conflict of interest in the matter.	1 2 3
(3) If the eligible councillors at the meeting decide the relevant councillor has a prescribed conflict of interest in the matter, section 150EM is taken to apply to the relevant councillor for the matter.	4 5 6 7
(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.	8 9 10 11 12
150EY Offence to take retaliatory action	13
A person must not, because a councillor complied with section 150EW—	14 15
(a) prejudice, or threaten to prejudice, the safety or career of the councillor or another person; or	16 17 18
(b) intimidate or harass, or threaten to intimidate or harass, the councillor or another person; or	19 20 21
(c) take any action that is, or is likely to be, detrimental to the councillor or another person.	22 23 24
Maximum penalty—167 penalty units or 2 years imprisonment.	25 26
150EZ Councillor with prescribed conflict of interest or declarable conflict of interest must not influence others	27 28 29
(1) This section applies to a councillor of a local government who has a prescribed conflict of	30 31

interest or declarable conflict of interest in a matter.	1 2
(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.	3 4 5 6
<i>Note—</i>	7
Contravention of this section is misconduct that could result in disciplinary action being taken against a councillor—see section 150L(1)(c)(iv). Also, this section is a relevant integrity provision for the offence against section 201D—see section 201D(2), definition <i>relevant integrity provision</i> .	8 9 10 11 12 13
(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—	14 15 16 17
(a) permitted under a decision mentioned in section 150ES(3)(a)(i) or (b)(i); or	18 19
(b) approved under section 150EV.	20
(4) A councillor does not contravene subsection (2) solely because the councillor gives the chief executive officer the following information in compliance with this chapter—	21 22 23 24
(a) factual information about a matter;	25
(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.	26 27 28 29
150FA Records about prescribed conflicts of interest or declarable conflicts of interest—meetings	30 31 32
(1) Subsection (2) applies if a councillor gives notice	33

-
- 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.
- (2) The following information must be recorded in
the minutes of the meeting or, if minutes are not
required for the meeting, in another way
prescribed by regulation—
- (a) the name of the councillor and any other
councillor who may have a prescribed
conflict of interest or declarable conflict of
interest;
- (b) the particulars of the prescribed conflict of
interest or declarable conflict of interest;
- (c) if section 150EX applies—
- (i) the action the councillor takes under
section 150EX(1); and
- (ii) any decision made by the eligible
councillors under section 150EX(2);
- (d) whether the councillor participated in
deciding the matter, or was present for
deciding the matter, under an approval under
section 150EV;
- (e) for a matter to which the prescribed conflict
of interest or declarable conflict of interest
relates—the name of each eligible
councillor who voted on the matter, and how
each eligible councillor voted.
- (3) Subsection (4) applies if the councillor has a
declarable conflict of interest.
- (4) In addition to the information mentioned in
subsection (2), the following information must be
recorded in the minutes of the meeting or, if

	minutes are not required for the meeting, in another way prescribed by regulation—	1 2
	(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;	3 4 5 6 7
	(b) for a decision under section 150ES—	8
	(i) the decision and reasons for the decision; and	9 10
	(ii) the name of each eligible councillor who voted on the decision, and how each eligible councillor voted.	11 12 13
Clause 105	Amendment of s 160 (When a councillor’s term ends)	14
	Section 160(b), after ‘regulation’—	15
	<i>insert</i> —	16
	under section 160A	17
Clause 106	Replacement of s 161 (What this division is about)	18
	Section 161—	19
	<i>omit, insert</i> —	20
	161 Meaning of <i>term</i>	21
	The <i>term</i> of a local government is the period—	22
	(a) starting on the day when the last quadrennial election was held; and	23 24
	(b) ending on the day before the next quadrennial election is held.	25 26

Clause 107	Amendment of s 163 (When a vacancy in an office must be filled)	1 2
(1)	Section 163(2), ‘office becomes vacant 6 months’— <i>omit, insert—</i>	3 4
	office, other than a mayor’s office, becomes vacant 3 months	5 6
(2)	Section 163— <i>insert—</i>	7 8
	(2A) If a mayor’s office becomes vacant before quadrennial elections are required to be held, the local government must fill the vacant office.	9 10 11
(3)	Section 163(3), ‘12 weeks’— <i>omit, insert—</i>	12 13
	2 months	14
(4)	Section 163(5), ‘office becomes vacant within 6 months’— <i>omit, insert—</i>	15 16
	office, other than a mayor’s office, becomes vacant within 3 months	17 18
Clause 108	Omission of s 164 (Filling a vacancy in the office of mayor)	19 20
	Section 164— <i>omit.</i>	21 22
Clause 109	Replacement of s 166 (Filling a vacancy in the office of another councillor)	23 24
	Section 166— <i>omit, insert—</i>	25 26

166 Filling vacancy in office of mayor or other councillor of local government area divided into single-member divisions	1 2 3
(1) This section applies if a local government is to fill a vacant office of the following (each a <i>former councillor</i>) during the first 36 months of the local government's term—	4 5 6 7
(a) a mayor;	8
(b) a councillor for a local government area divided into single-member divisions.	9 10
(2) The vacant office must be filled by a by-election.	11
166A Filling other vacancies in office of councillor	12
(1) This section applies if a local government is to fill a vacant office of a councillor (the <i>former councillor</i>), other than a vacancy to which section 166 applies, during the first 36 months of the local government's term.	13 14 15 16 17
(2) The chief executive officer must ask the electoral commission to comply with subsection (3).	18 19
(3) The electoral commission must—	20
(a) give a vacancy notice to the runner-up who is first in the order of priority; and	21 22
(b) if consent is not given by the runner-up on or before the deadline, give a vacancy notice to the runner-up who is next in the order of priority; and	23 24 25 26
(c) if consent is not given by the runner-up who is next in the order of priority on or before the deadline, repeat the step mentioned in paragraph (b) until a runner-up consents to the appointment on or before the deadline for the runner-up.	27 28 29 30 31 32

-
- | | | |
|-----|---|----------------------------|
| (4) | If a runner-up consents to the appointment on or before the deadline for the runner-up— | 1
2 |
| (a) | the electoral commission must notify the chief executive officer that the runner-up has consented; and | 3
4
5 |
| (b) | the local government must fill the vacant office by appointing the runner-up. | 6
7 |
| (5) | If there are no runners-up remaining, the vacant office must be filled by a by-election. | 8
9 |
| (6) | The electoral commission may agree to extend the day and time stated in a vacancy notice if the electoral commission considers it reasonable to do so in the circumstances. | 10
11
12
13 |
| (7) | For deciding the order of priority, if 2 or more runners-up in a quadrennial election have an equal number of votes— | 14
15
16 |
| (a) | the electoral commission must, in the presence of 2 witnesses, follow the process stated in the Local Government Electoral Act, section 98(7)(a) to (g) and (8) for the runners-up; and | 17
18
19
20
21 |
| (b) | the runner-up whose name is recorded as mentioned in section 98(7)(g) of that Act is taken to be higher in the order of priority; and | 22
23
24
25 |
| (c) | the process mentioned in paragraph (a) must be repeated until the order of priority for each runner-up has been decided. | 26
27
28 |
| (8) | The electoral commission must allow each runner-up mentioned in subsection (7), or their representative, to be present for the process mentioned in that subsection. | 29
30
31
32 |
| (9) | In this section— | 33 |

<i>deadline</i> , in relation to a runner-up giving consent, means—	1 2
(a) the day and time stated in a vacancy notice given to the runner-up; or	3 4
(b) if the day and time is extended under subsection (6)—day and time as extended.	5 6
<i>order of priority</i> , for runners-up in a quadrennial election, means the order of runners-up ranked according to the number of votes received by each runner-up in the election, starting with the runner-up who received the highest number of votes in the election.	7 8 9 10 11 12
<i>runner-up</i> , for a vacant office of a councillor, means a person who was a candidate for the office in the last quadrennial election, other than—	13 14 15
(a) the former councillor; or	16
(b) a person who holds office as a councillor or mayor when the office becomes vacant.	17 18
<i>vacancy notice</i> , in relation to a runner-up, means a notice stating—	19 20
(a) that the office of a former councillor is vacant; and	21 22
(b) if the runner-up is qualified to be a councillor, the runner-up may consent to being appointed to the vacant office; and	23 24 25
(c) the day and time by which consent must be given to the electoral commission.	26 27

166B Filling vacancy in office of mayor or other councillor during final part of local government's term 28
29
30

(1) This section applies if a local government is to fill 31

-
- a vacant office of a mayor or another councillor 1
during the final part of a local government's term. 2
- (2) The vacant office must be filled by the local 3
government appointing, by resolution— 4
- (a) if the former councillor was the mayor— 5
another councillor to the office; or 6
- (b) otherwise—a person who is— 7
- (i) qualified to be a councillor; and 8
- (ii) if the former councillor was elected or 9
appointed to office as a political party's 10
nominee—the political party's 11
nominee. 12
- (3) For subsection (2)(b), if the person who is to be 13
appointed must be a political party's nominee, the 14
chief executive officer must request the political 15
party to advise the full name and address of its 16
nominee. 17
- (4) The request must be made by a notice given to the 18
political party's registered officer within 14 days 19
after the office becomes vacant. 20
- (5) For subsection (2)(b), if the person who is to be 21
appointed need not be a political party's nominee, 22
the chief executive officer must, within 14 days 23
after the office becomes vacant, invite 24
nominations— 25
- (a) from any person who is qualified to be a 26
councillor, by notice published— 27
- (i) on the local government's website; and 28
- (ii) in other ways the chief executive 29
officer considers appropriate; and 30

	(b) from each person who was a candidate for the office of the former councillor at the most recent quadrennial election, by notice.	1 2 3
	(6) If the chief executive officer receives any nominations from qualified persons or candidates, the local government must fill the vacant office by appointing 1 of those persons or candidates.	4 5 6 7
	(7) In this section— <i>final part</i> , of a local government’s term, means the period—	8 9 10
	(a) starting 36 months after the start of the term of the local government; and	11 12
	(b) ending on the day before the next quadrennial election is held.	13 14
Clause 110	Amendment of s 170 (Giving directions to local government staff)	15 16
	Section 170(3), after ‘employee’— <i>insert</i> —	17 18
	, except in accordance with guidelines made under section 170AA about the provision of administrative support to councillors	19 20 21
Clause 111	Insertion of new s 170AA	22
	After section 170A— <i>insert</i> —	23 24
	170AA Guidelines about provision of administrative support to councillors	25 26
	(1) The chief executive officer of a local government may make guidelines about the provision of administrative support by local government	27 28 29

	employees to a councillor.	1
	(2) The guidelines must include—	2
	(a) when a councillor may be provided with administrative support by a local government employee; and	3 4 5
	(b) how and when a councillor may give a direction to a local government employee in relation to the provision of administrative support; and	6 7 8 9
	(c) a requirement that a councillor may give a direction to a local government employee only if the direction relates directly to administrative support to be provided by the local government employee to the councillor under the guidelines.	10 11 12 13 14 15
	(3) A direction purportedly given by a councillor to a local government employee is of no effect if the direction does not comply with the guidelines.	16 17 18
Clause 112	Omission of ss 171A and 171B	19
	Sections 171A and 171B—	20
	<i>omit.</i>	21
Clause 113	Omission of ch 6, pt 2, div 5A (Dealing with councillors' personal interests in local government matters)	22 23
	Chapter 6, part 2, division 5A—	24
	<i>omit.</i>	25
Clause 114	Amendment of ch 6, pt 5 hdg (Local government employees)	26 27
	Chapter 6, part 5, heading, after 'employees'—	28

insert— 1

, **councillor advisors etc.** 2

Clause 115 Insertion of new ch 6, pt 5, div 2A 3

Chapter 6, part 5— 4

insert— 5

Division 2A Councillor advisors 6

197A Appointment and functions of councillor advisors 7
8

- (1) A local government prescribed by regulation may, 9
by resolution, allow a councillor to appoint 1 or 10
more appropriately qualified persons (each a 11
councillor advisor) to assist the councillor in 12
performing responsibilities under this Act. 13

Examples of assistance— 14

administrative support, coordinating media activities, 15
event management functions, policy development, office 16
management 17

- (2) However, the councillor must not appoint a close 18
associate of the councillor as a councillor advisor. 19

- (3) If the councillor appoints a councillor advisor, the 20
councillor advisor must enter into a written 21
contract of employment with the local 22
government. 23

- (4) The contract of employment must provide for— 24

(a) the councillor advisor's conditions of 25
employment, including remuneration, leave 26
and superannuation entitlements; and 27

(b) the councillor advisor's functions and key 28
responsibilities; and 29

-
- (c) a requirement that the councillor advisor 1
comply with the councillor advisor code of 2
conduct made by the Minister under section 3
197C; and 4
- (d) when disciplinary action may be taken, and 5
the types of disciplinary action that may be 6
taken, against the councillor advisor. 7
- (5) The councillor advisor's functions and 8
responsibilities can not include— 9
- (a) carrying out or assisting in an activity 10
relating to a councillor's campaign for 11
re-election; or 12
- (b) directing a local government employee. 13
- (6) The councillor who appointed the councillor 14
advisor may give a direction to the councillor 15
advisor. 16
- (7) A regulation may— 17
- (a) prescribe the number of councillor advisors 18
each councillor may appoint; or 19
- (b) limit the functions and key responsibilities 20
that may be provided for in a councillor 21
advisor's contract of employment. 22

197B When appointment ends 23

- (1) A councillor advisor's appointment automatically 24
ends on the day the councillor advisor is 25
convicted of an offence against any of the 26
following provisions— 27
- (a) section 200(2) or (4); 28
- (b) section 201D; 29
- (c) section 201F(2) or (3); 30

	(d) section 234(1).	1
	(2) Also, a councillor advisor's appointment automatically ends 2 weeks after the day either of the following happens—	2 3 4
	(a) the term of the councillor who appointed the councillor advisor ends;	5 6
	(b) the councillor who appointed the councillor advisor is suspended.	7 8
	197C Minister to make councillor advisor code of conduct	9 10
	(1) The Minister must make a councillor advisor code of conduct that sets out standards of behaviour for councillor advisors in performing their functions for a local government or the council under this Act or the <i>City of Brisbane Act 2010</i> .	11 12 13 14 15
	(2) The councillor advisor code of conduct—	16
	(a) must be consistent with the local government principles; and	17 18
	(b) may contain anything the Minister considers necessary for, or incidental to, the standards of behaviour.	19 20 21
	(3) The approved councillor advisor code of conduct must be published on the department's website.	22 23
Clause 116	Amendment of s 199 (Improper conduct by local government employees)	24 25
	(1) Section 199(1) and (2)—	26
	<i>omit, insert—</i>	27
	(1) This section applies to the following persons—	28
	(a) a local government employee;	29

	(b) a contractor of the local government;	1
	(c) another type of person prescribed by regulation.	2 3
(2)	Section 199(3), from ‘A local government’ to ‘a local government employee’—	4 5
	<i>omit, insert—</i>	6
	The person must not ask for, or accept, a fee or other benefit for doing something as a person mentioned in subsection (1)(a), (b) or (c)	7 8 9
(3)	Section 199(4), ‘subsection (3)’—	10
	<i>omit, insert—</i>	11
	subsection (2)	12
(4)	Section 199(5), ‘A local government employee’—	13
	<i>omit, insert—</i>	14
	The person	15
(5)	Section 199(3) to (5)—	16
	<i>renumber</i> as section 199(2) to (4).	17
Clause 117	Amendment of s 200 (Use of information by local government employees)	18 19
(1)	Section 200, heading, after ‘employees’—	20
	<i>insert—</i>	21
	and councillor advisors	22
(2)	Section 200(1) and (2)—	23
	<i>omit, insert—</i>	24
	(1) This section applies to a person who is, or has been, any of the following—	25 26
	(a) a local government employee;	27

[s 118]

- (b) a councillor advisor; 1
- (c) a contractor of the local government; 2
- (d) another type of person prescribed by regulation. 3
4
- (3) Section 200(3), from ‘A person’ to ‘employee to’— 5
omit, insert— 6
The person must not use information acquired as 7
a person mentioned in subsection (1)(a), (b), (c) or 8
(d) to 9
- (4) Section 200(4), ‘Subsection (3)’— 10
omit, insert— 11
Subsection (2) 12
- (5) Section 200(5), ‘A person who is, or has been, a local 13
government employee’— 14
omit, insert— 15
The person 16
- (6) Section 200(3) to (5)— 17
renumber as section 200(2) to (4). 18

Clause 118 Amendment of s 201 (Annual report must detail remuneration) 19
20

- (1) Section 201, heading, ‘remuneration’— 21
omit, insert— 22
particular information about local government 23
employees and councillor advisors 24
- (2) Section 201(1)(a), ‘(in the year to which the annual report 25
relates)’— 26
omit, insert— 27

for the year	1
(3) Section 201(1)—	2
<i>insert—</i>	3
(c) if the local government has resolved to allow a councillor to appoint councillor advisors—for each councillor—	4 5 6
(i) the number of councillor advisors appointed by the councillor for the year; and	7 8 9
(ii) the total remuneration payable to all councillor advisors appointed by the councillor for the year.	10 11 12
Clause 119 Insertion of new ch 6, pt 5A	13
Chapter 6—	14
<i>insert—</i>	15
Part 5A Obligations of councillors and councillor advisors	16 17 18
201A Obligation of councillor or councillor advisor to inform chief executive officer of particulars of interests at start of term or on appointment	19 20 21
(1) This section applies if—	22
(a) a councillor, at the start of the councillor’s term, has an interest that must, under a regulation, be recorded in a register of interests for the councillor or a person who is related to the councillor; or	23 24 25 26 27
(b) a councillor advisor, when the advisor is appointed, has an interest that must, under a	28 29

- regulation, be recorded in a register of interests for the advisor or a person who is related to the advisor. 1
2
3
- (2) The councillor or councillor advisor must, in the approved form, inform the chief executive officer of the particulars required to be included in a register of interests under a regulation within 30 days after the day the councillor's term starts or the advisor is appointed. 4
5
6
7
8
9
- Note—* 10
- Contravention of this section by a councillor is misconduct that could result in disciplinary action being taken against the councillor—see section 150L(1)(c)(iv). Also, this section is a relevant integrity provision for the offence against section 201D—see section 201D(2), definition *relevant integrity provision*. 11
12
13
14
15
16
- (3) A person is *related* to a councillor if— 17
- (a) the person is the councillor's spouse; or 18
- (b) the person is totally or substantially dependent on the councillor and— 19
20
- (i) the person is the councillor's child; or 21
- (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. 22
23
24
25
26
- (4) A person is *related* to a councillor advisor if— 27
- (a) the person is the advisor's spouse; or 28
- (b) the person is totally or substantially dependent on the advisor and— 29
30
- (i) the person is the advisor's child; or 31
- (ii) the person's affairs are so closely connected with the affairs of the 32
33

advisor that a benefit derived by the 1
person, or a substantial part of it, could 2
pass to the advisor. 3

**201B Obligation of councillor or councillor advisor 4
to correct register of interests 5**

- (1) This section applies if— 6
- (a) a councillor or councillor advisor, or a 7
person who is related to the councillor or 8
councillor advisor, acquires an interest that 9
must be, but is not, recorded in a register of 10
interests under a regulation; or 11
 - (b) there is a change to the particulars required 12
to be included in a register of interests under 13
a regulation for— 14
 - (i) a councillor or councillor advisor; or 15
 - (ii) a person who is related to the 16
councillor or advisor. 17
- (2) The councillor or councillor advisor must, in the 18
approved form, inform the chief executive officer 19
of the particulars required to be included in a 20
register of interests under a regulation for the new 21
interest or the change to the particulars within 30 22
days after the interest is acquired or the change 23
happens. 24

Note— 25

Contravention of this section by a councillor is 26
misconduct that could result in disciplinary action being 27
taken against the councillor—see section 28
150L(1)(c)(iv). Also, this section is a relevant integrity 29
provision for the offence against section 201D—see 30
section 201D(2), definition *relevant integrity provision*. 31

**201C Obligation of councillor or councillor advisor
to inform chief executive officer annually
about register of interests** 1
2
3

Each councillor and councillor advisor must, 4
within 30 days after the end of each financial year, 5
inform the chief executive officer, in the approved 6
form, of the following— 7

- (a) if the councillor or councillor advisor, or a 8
person related to the councillor or councillor 9
advisor, has acquired an interest that must 10
be, but is not, recorded in a register of 11
interests under a regulation—the particulars 12
of the interest that must be recorded in the 13
register of interests under a regulation; 14
- (b) if there has been a change to the particulars 15
required to be included in a register of 16
interests under a regulation for the 17
councillor or councillor advisor, or a person 18
who is related to the councillor or advisor— 19
the change to the particulars; 20
- (c) if paragraphs (a) and (b) do not apply—that 21
there has been no interest acquired or 22
change to the particulars for an interest. 23

Note— 24

Contravention of this section by a councillor is 25
misconduct that could result in disciplinary action being 26
taken against the councillor—see section 27
150L(1)(c)(iv). Also, this section is a relevant integrity 28
provision for the offence against section 201D—see 29
section 201D(2), definition *relevant integrity provision*. 30

**201D Dishonest conduct of councillor or councillor
advisor** 31
32

- (1) A person who is a councillor or councillor advisor 33
must not contravene a relevant integrity provision 34
with intent to— 35

(a) dishonestly obtain a benefit for the person or someone else; or	1 2
(b) dishonestly cause a detriment to someone else.	3 4
Maximum penalty—200 penalty units or 2 years imprisonment.	5 6
(2) In this section—	7
<i>benefit</i> includes property, advantage, service, entertainment, the use of or access to property or facilities, and anything of benefit to a person whether or not it has any inherent or tangible value, purpose or attribute.	8 9 10 11 12
<i>detriment</i> , caused to a person, includes detriment caused to the person’s property.	13 14
<i>relevant integrity provision</i> —	15
(a) for a councillor, means each of the following provisions—	16 17
(i) section 150EK;	18
(ii) section 150EL;	19
(iii) section 150EQ;	20
(iv) section 150EZ;	21
(v) section 201A;	22
(vi) section 201B;	23
(vii) section 201C;	24
(viii) section 234, if the information mentioned in that section is given under section 201A, 201B or 201C; or	25 26 27
(b) for a councillor advisor, means each of the following provisions—	28 29
(i) section 201A;	30

- (ii) section 201B; 1
- (iii) section 201C; 2
- (iv) section 234, if the information 3
mentioned in that section is given 4
under section 201A, 201B or 201C. 5

201E Proceeding for offence against s 201D 6

- (1) An offence against section 201D is a 7
misdemeanour. 8
- (2) A proceeding for an offence against section 201D 9
may be started only with the written consent of the 10
director of public prosecutions. 11
- (3) A proceeding for an offence against section 201D 12
may be taken, at the election of the prosecution— 13
 - (a) by way of summary proceeding under the 14
Justices Act 1886; or 15
 - (b) on indictment. 16
- (4) However, a magistrate must not hear an indictable 17
offence against section 201D summarily if the 18
magistrate is satisfied, on an application made by 19
the defence, that because of exceptional 20
circumstances the offence should not be heard and 21
decided summarily. 22

Note— 23

For examples of exceptional circumstances, see the 24
examples stated in the Criminal Code, section 552D(2). 25

- (5) If subsection (4) applies— 26
 - (a) the court must stop treating the proceeding 27
as a proceeding to hear and decide the 28
charge summarily; and 29
 - (b) the proceeding for the charge must be 30
conducted as a committal proceeding; and 31

-
- (c) a plea of the defendant at the start of the hearing must be disregarded; and
- (d) the evidence already heard by the court is taken to be evidence in the committal proceeding; and
- (e) the *Justices Act 1886*, section 104 must be complied with for the committal proceeding.
- (6) A Magistrates Court that summarily deals with a charge of an offence against section 201D—
- (a) must be constituted by a magistrate; and
- (b) has jurisdiction despite the time that has elapsed from the time when the matter of complaint of the charge arose.
- (7) In this section—
- director of public prosecutions* means the Director of Public Prosecutions appointed under the *Director of Public Prosecutions Act 1984*.
- 201F Prohibited conduct by councillor or councillor advisor in possession of inside information**
- (1) This section applies to a person (the *insider*) who is, or has been, a councillor or councillor advisor if the insider—
- (a) acquired inside information as a councillor or councillor advisor; and
- (b) knows, or ought reasonably to know, the inside information is not generally available to the public.
- (2) The insider must not cause the purchase or sale of an asset if knowledge of the inside information

would be likely to influence a reasonable person in deciding whether or not to buy or sell the asset.	1 2
Maximum penalty—1,000 penalty units or 2 years imprisonment.	3 4
(3) The insider must not cause the inside information to be provided to another person the insider knows, or ought reasonably to know, may use the information in deciding whether or not to buy or sell an asset.	5 6 7 8 9
Maximum penalty—1,000 penalty units or 2 years imprisonment.	10 11
(4) In this section—	12
<i>cause</i> , in relation to an action, includes the following—	13 14
(a) carry out the action;	15
(b) instigate the action;	16
(c) direct, or otherwise influence, another person to carry out or instigate the action.	17 18
<i>corporate entity</i> means a corporation owned by the local government.	19 20
<i>inside information</i> , in relation to a local government, means information about any of the following—	21 22 23
(a) the operations or finances of the local government (including any business activity of the local government) or any of its corporate entities;	24 25 26 27
(b) a proposed policy of the local government, including proposed changes to an existing policy;	28 29 30

	(c) a contract entered into, or proposed to be entered into, by the local government or any of its corporate entities;	1 2 3
	(d) a tender process being conducted by or for the local government or any of its corporate entities;	4 5 6
	(e) a decision, or proposed decision, of the local government or any of its committees;	7 8
	(f) the exercise of a power, under a Local Government Act, by the local government, a councillor or a local government employee;	9 10 11
	(g) the exercise of a power, under an Act, by the State, a Minister, a statutory body or an employee of the State or statutory body, that affects the local government, any of its corporate entities or land or infrastructure within the local government's area;	12 13 14 15 16 17
	(h) any legal or financial advice created for the local government, any of its committees or any of its corporate entities.	18 19 20
Clause 120	Amendment of s 207 (End of appointment of interim management)	21 22
	Section 207(c)—	23
	<i>omit, insert—</i>	24
	(c) at the conclusion of the earlier of—	25
	(i) a fresh election of the councillors of the local government; or	26 27
	(ii) the next quadrennial election.	28

Clause 121	Amendment of s 234 (False or misleading information)	1
	Section 234(1), after the penalty—	2
	<i>insert—</i>	3
	<i>Note—</i>	4
	In certain circumstances this section is a relevant integrity provision for the offence against section 201D—see section 201D(2), definition <i>relevant integrity provision</i> .	5 6 7 8
Clause 122	Amendment of s 242 (Proceedings for indictable offences)	9 10
	Section 242—	11
	<i>insert—</i>	12
	(4) This section does not apply to a charge of an indictable offence against section 201D.	13 14
Clause 123	Insertion of new ch 9, pt 15	15
	Chapter 9—	16
	<i>insert—</i>	17
	Part 15	Transitional provisions 18
		for Electoral and Other 19
		Legislation 20
		(Accountability, 21
		Integrity and Other 22
		Matters) Amendment 23
		Act 2019 24
	333 Proceedings for repealed integrity offences	25
	(1) This section applies in relation to an offence	26

against a repealed integrity offence provision 1
committed by a person before the 2
commencement. 3

(2) Without limiting the *Acts Interpretation Act 1954*, 4
section 20, a proceeding for the offence may be 5
continued or started, and the person may be 6
convicted of and punished for the offence, as if 7
the *Electoral and Other Legislation* 8
(Accountability, Integrity and Other Matters) 9
Amendment Act 2019, sections 112 and 113 had 10
not commenced. 11

(3) From the commencement, an offence against a 12
repealed integrity offence provision continues, 13
despite the repeal of the provision, to be— 14

(a) an integrity offence for section 153(5); and 15

(b) a disqualifying offence for section 153(6). 16

(4) In this section— 17

repealed integrity offence provision means the 18
following provisions as in force from time to time 19
before the commencement— 20

(a) section 171A(2) and (3); 21

(b) section 171B(2); 22

(c) section 175C(2); 23

(d) section 175E(2) and (5); 24

(e) section 175H; 25

(f) section 175I(2) and (3). 26

**334 Continuation of Minister's approval for 27
councillor to participate or be present to 28
decide matter 29**

(1) This section applies to a notice given before the 30

	commencement by the Minister to a councillor under section 175F, if the notice is in force immediately before the commencement.	1 2 3
	(2) The notice is taken to be a notice given to the councillor under section 150EV.	4 5
Clause 124	Amendment of sch 1 (Serious integrity offences and integrity offences)	6 7
	(1) Schedule 1, part 1, before entry for Criminal Code— <i>insert—</i>	8 9
This Act		
201D	Dishonest conduct of councillor or councillor advisor	
	(2) Schedule 1, part 2, under heading ‘This Act’, entries for sections 171A(2) or (3), 171B(2), 175C(2), 175E(2) or (5), 175H and 175I(2) or (3)— <i>omit.</i>	10 11 12 13
	(3) Schedule 1, part 2, under heading ‘This Act’— <i>insert—</i>	14 15
150EM(2)	Dealing with prescribed conflict of interest at a meeting	
150EY	Offence to take retaliatory action	
201F	Prohibited conduct by councillor or councillor advisor in possession of inside information	
Clause 125	Amendment of sch 4 (Dictionary)	16
	(1) Schedule 4, definitions <i>beginning, conflict of interest, final part, local government meeting, material personal interest,</i>	17 18

<i>middle, ordinary business matter, perceived conflict of interest and real conflict of interest—</i>	1 2
<i>omit.</i>	3
(2) Schedule 4—	4
<i>insert—</i>	5
<i>close associate</i> , of a councillor, see section 150EJ.	6 7
<i>councillor advisor</i> see section 197A(1).	8
<i>declarable conflict of interest</i> see sections 150EN and 150EO.	9 10
<i>eligible councillor</i> , for a matter at a local government 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 12 13 14 15
<i>executive officer</i> , of an entity, means—	16
(a) if the entity has a board or management committee—each member of the board or committee; or	17 18 19
(b) each person, by whatever name called, who is concerned, or takes part, in the management of the entity.	20 21 22
<i>gift</i> includes—	23
(a) a gift under the Local Government Electoral Act, section 107; and	24 25
(b) a gift that is required, under a regulation, to be recorded in a register of interests.	26 27
<i>group of candidates</i> see the Local Government Electoral Act, schedule 2.	28 29
<i>interest</i> means a financial or other interest.	30
<i>loan</i> includes—	31

(a) a loan under the Local Government Electoral Act, section 106; and	1 2
(b) a loan that is required, under a regulation, to be recorded in a register of interests.	3 4
local government meeting means a meeting of—	5
(a) a local government; or	6
(b) a committee of a local government.	7
prescribed conflict of interest see section 150EG, 150EH or 150EI.	8 9
related , for chapter 6, part 5A—	10
(a) to a councillor—see section 201A(3); or	11
(b) to a councillor advisor—see section 201A(4).	12 13
related party , of a councillor, see section 150EP.	14
relevant term , for a councillor, means the councillor’s current term of office, and the period—	15 16 17
(a) starting on the day after the conclusion of the quadrennial election held before the most recent quadrennial election; and	18 19 20
(b) ending on the day immediately before the councillor’s current term of office started.	21 22
term , of a local government, see section 161.	23

Part 3	Amendment of Local Government Electoral Act 2011	24 25
---------------	---	----------

Clause 126	Act amended	26
	This part amends the <i>Local Government Electoral Act 2011</i> .	27

Clause 127	Amendment of s 43 (Register of group agents)	1
	Section 43(5)—	2
	<i>omit.</i>	3
Clause 128	Amendment of s 86 (Formal and informal ballot papers— optional-preferential voting)	4
	Section 86(3), from ‘as required by this Act’—	5
	<i>omit, insert—</i>	6
	the envelope must have been signed, and the	7
	signature witnessed, as required under this part.	8
		9
Clause 129	Amendment of s 92 (Preliminary counting of ordinary votes)	10
	Section 92(11), ‘The’—	11
	<i>omit, insert—</i>	12
	If the presiding officer is a person other than the	13
	returning officer, the	14
		15
Clause 130	Amendment of s 105 (Arrangements for fresh election)	16
	Section 105(1)—	17
	<i>omit, insert—</i>	18
	(1) This section applies if—	19
	(a) the Governor in Council gives effect to a	20
	recommendation by the Minister to dissolve	21
	a local government under the <i>Local</i>	22
	<i>Government Act 2009</i> , section 123(3)(b)(i);	23
	or	24

	<i>Note—</i>	1
	The dissolution does not take effect until it is ratified by the Legislative Assembly under the <i>Constitution of Queensland 2001</i> , section 75(2).	2 3 4
	(b) a fresh election is required under a regulation implementing a recommendation of the change commission under the <i>Local Government Act 2009</i> , chapter 2, part 3.	5 6 7 8
Clause 131	Insertion of new s 112B	9
	After section 112A—	10
	<i>insert—</i>	11
	112B Responsibility for compliance in absence of agent	12 13
	(1) This section applies if this Act imposes an obligation on the agent of a registered political party or group of candidates.	14 15 16
	(2) If a registered political party does not have an agent for a period, each member of the executive committee of the party (however described) is responsible for compliance with the obligation during the period, as if the obligation were imposed on the member of the committee.	17 18 19 20 21 22
	(3) If no agent is recorded for a group of candidates in the register of group agents under section 43 for a period, each member of the group is responsible for compliance with the obligation during the period, as if the obligation were imposed on the member.	23 24 25 26 27 28
Clause 132	Amendment of s 124 (Expenditure return—candidate, groups of candidates or registered political party)	29 30
	Section 124(5)—	31

omit.

1

**Clause 133 Amendment of s 125 (Summary expenditure return—
candidate, group of candidates or registered political
party)**

2

3

4

Section 125—

5

insert—

6

(7) In this section—

7

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.

8

9

10

11

12

**Clause 134 Amendment of s 130B (Electoral commission must give
reminder notice about requirement for return)**

13

14

(1) Section 130B(1)(a), ‘return under division 3 or 4’—

15

omit, insert—

16

summary return

17

(2) Section 130B(2)(a), ‘return’—

18

omit, insert—

19

summary return

20

(3) Section 130B(2)(b), ‘of this division’—

21

omit.

22

(4) Section 130B(2)(c)(vi) to (x)—

23

omit, insert—

24

(vi) section 125;

25

(vii) section 125A;

26

(viii) section 195;

27

(ix) section 197.	1
(5) Section 130B(4)—	2
<i>insert—</i>	3
<i>summary return</i> means a return required to be given under the following provisions—	4 5
(a) section 117(4);	6
(b) section 118(4);	7
(c) section 118A(4);	8
(d) section 120(7);	9
(e) section 125(2);	10
(f) section 125A(4).	11

Schedule 1	Consequential or minor amendments	1
		2
	section 56	3
Electoral Act 1992		4
1	Section 35(5)—	5
	<i>omit.</i>	6
2	Section 183(12), definition <i>required number</i>, 'electorate'—	7
	<i>omit, insert—</i>	8
	electoral district	9
		10
3	Section 186(7), 'voter'—	11
	<i>omit, insert—</i>	12
	elector	13
4	Section 186—	14
	<i>insert—</i>	15
	(9) In this section—	16
	<i>Antarctic elector</i> see the Commonwealth	17
	Electoral Act, section 246(1).	18
5	Section 201A, ' , for the amount or value of a gift or loan,'—	19
	<i>omit.</i>	20
		21

6	Section 225(5)—	1
	<i>omit.</i>	2
7	Section 227(1), after ‘registered’—	3
	<i>insert—</i>	4
	political	5
8	Part 11, division 7, heading, after ‘gifts’—	6
	<i>insert—</i>	7
	and particular loans	8
9	Part 11, division 7, subdivision 2, heading, ‘of gifts generally’—	9
	<i>omit.</i>	10
		11
10	Section 261(1), ‘, other than an exempt gift,’—	12
	<i>omit, insert—</i>	13
	that has a value	14
11	Section 261(3)(a), ‘, other than exempt gifts,’—	15
	<i>omit.</i>	16
12	Section 261(5)—	17
	<i>omit.</i>	18
13	Section 265(9)(b), after ‘(the <i>enabling gift</i>)’—	19
	<i>insert—</i>	20
	that has a value	21

14	Section 267(4)—	1
	<i>omit.</i>	2
15	Section 271(3)—	3
	<i>omit.</i>	4
16	Section 271(4) to (6)—	5
	<i>renumber</i> as section 271(3) to (5).	6
17	Section 310(1)(c), ‘, 265 or 266B’—	7
	<i>omit, insert—</i>	8
	or 265	9
18	Section 385(2), ‘section 307(14)’—	10
	<i>omit, insert—</i>	11
	section 307AA	12
19	Schedule 1, as inserted by this Act, definitions <i>Antarctic elector, Commonwealth electoral roll and illegal election practice</i>—	13
	<i>omit.</i>	14
		15
		16
20	Amendment of various provisions	17
	Each of the following provisions is amended by omitting ‘amount or’—	18
		19
	• section 260(3)	20
	• section 261	21
	• section 264	22
	• section 265	23
	• section 270(2)	24

Schedule 1

- section 271 1
- section 289(3). 2

Local Government Electoral Act 2011 3

- 1 **Schedule 2, definitions *registered officer* and *registered political party*, ‘section 2’—** 4
5
omit, insert— 6
schedule 1 7

Referendums Act 1997 8

- 1 **Section 32C(6), definition *political party*, ‘section 2’—** 9
omit, insert— 10
schedule 1 11
- 2 **Schedule 3, definitions *cut-off day for electoral rolls*, *institution* and *issuing officer*, ‘section 2’—** 12
13
omit, insert— 14
schedule 1 15