UNOFFICIAL CONSOLIDATION

of the

Commonwealth Electoral Act 1918

incorporating amendments in the

Electoral Legislation Amendment (Electoral Reform) Act 2025

as the Act will read when those amendments have commenced (at 01 July 2026)

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An Act to Consolidate and Amend the Law relating to Parliamentary Elections and for other purposes

Part I—Preliminary

1 Short title

This Act may be cited as the *Commonwealth Electoral Act 1918*.

2 Commencement

The several Parts and sections of this Act shall commence on such dates as are respectively fixed by proclamation.

3 Repeal

(1) The several Parts and sections of the following Acts, namely: the *Commonwealth Electoral Act 1902*, the *Commonwealth Electoral Act 1905*, the *Commonwealth Electoral Act 1906*, the *Disputed Elections and Qualifications Act 1907*, the *Commonwealth Electoral Act 1909*, the *Commonwealth Electoral Act 1911*, the *Commonwealth Franchise Act 1902*, and the *Electoral Divisions Act 1903*, are repealed as from such dates as are respectively fixed by proclamation.

(2) All appointments, divisions, subdivisions, polling places, electoral rolls, regulations, notices, proceedings, and all other matters and things duly appointed, made, commenced, or done under the Acts hereby repealed and in force, current, operative, or pending at the commencement of this Act shall, subject to this Act, be of the same force or effect in all respects as if this Act had been in force when they were so appointed, made, commenced, or done, and they had been respectively appointed, made, commenced, or done hereunder.

4 Interpretation

(1) In this Act unless the contrary intention appears:

abbreviation of the name of a political party means a shortened version, or an acronym, of the party's name and does not include an alternative name of the party.

above the line: a square is printed ***above the line*** on a ballot paper if the square is printed on the ballot paper in accordance with subparagraph 210(1)(f)(ii).

AFP officer or staff member means:

(a) a member or special member of the Australian Federal Police, within the meaning of the *Australian Federal Police Act 1979*; or

(b) a special protective service officer, within the meaning of that Act; or

(c) an AFP employee, within the meaning of that Act; or

(d) a person assisting the Australian Federal Police in the performance of its functions under an agreement under section 69D of that Act.

answers: a person ***answers*** a mandatory question in the qualification checklist if the person marks one (and only one) box that is:

(a) directly under the question; and

(b) adjacent to the word "Yes" or "No", or (if applicable) "Unknown" or "N/A".

Antarctica means the Australian Antarctic Territory and includes:

(a) the Territory of Heard Island and McDonald Islands; and

(b) Macquarie Island.

Antarctic elector means an elector who is, in the course of the elector's employment:

(a) in Antarctica; or

(b) on a ship at sea in transit to or from Antarctica.

approved form means:

(a) a form that:
  (i) is approved by the Electoral Commissioner in writing; and
  (ii) has been published by the Electoral Commissioner; or
(b) a manner, approved by the Electoral Commissioner in writing, for giving a notice (however described).

Note 1: An approved form under paragraph (a) might be published by the Electoral Commissioner on the Electoral Commission's website.

Note 2: An example of an approved form under paragraph (b) is giving a notice by using a specified web portal.

approved list of voters for a Division means a list in electronic form that:

(a) contains the same information as the certified list of voters for the Division most recently prepared before the preparation of the list in electronic form; and
(b) is approved by the Electoral Commissioner for use in connection with voting under this Act.

Australia includes:

(a) Norfolk Island; and
(b) the Territory of Cocos (Keeling) Islands; and
(c) the Territory of Christmas Island.

Australian Capital Territory includes (except in Part III) Norfolk Island and the Jervis Bay Territory.

Note: For the definition of ***Australian Capital Territory*** in Part III, see section 38A.

Australian passport means a passport issued under the *Australian Passports Act 2005*.

below the line: a square is printed ***below the line*** on a ballot paper if the square is printed on the ballot paper in accordance with subparagraph 210(1)(f)(i).

bulk nomination has the meaning given by subsection 167(3).

capital city office of the Electoral Commission has the meaning given by subsection 90A(3).

carriage service provider has the meaning given by section 87 of the *Telecommunications Act 1997*.

Census means a Census of the population taken under section 8 of the *Census and Statistics Act 1905*.

certified list of voters, in respect of a Division, means a list prepared and certified under subsection 208(1).

child of a person includes:

(a) an ex-nuptial child of the person; and

(b) a child adopted by the person; and

(c) a child of the person within the meaning of the *Family Law Act 1975*.

civil penalty order has the meaning given by subsection 82(4) of the Regulatory Powers Act.

civil penalty provision has the meaning given by the Regulatory Powers Act.

compartment means:

(a) in relation to a polling booth—a compartment constructed in the polling booth pursuant to section 206; and

(b) in relation to a place at which pre-poll ordinary voting is available—a compartment constructed in the place pursuant to section 200DE.

Note: For the places at which pre-poll ordinary voting is available, see section 200DD.

Controller-General of Prisons:

(a) of a State, the Australian Capital Territory (not including a non-self-governing Territory) or the Northern Territory (not including a non-self-governing Territory)—means the principal officer (however described) having control of the prisons and gaols of the State or Territory; and

(b) of a non-self-governing Territory—means the principal officer (however described) having control of the prisons and gaols of the non-self-governing Territory.

courier service means a service that provides for the collection, at the request of a person using the service, of an article from a place specified by or on behalf of that person and the delivery of the article to another place so specified, being a service approved by an Australian Electoral Officer or by the Electoral Commissioner.

declaration time has the meaning given by subsection 175(2).

declaration vote means:

(a) a postal vote;
(b) a pre-poll declaration vote;
(c) an absent vote; or
(d) a provisional vote.

de facto partner of a person has the meaning given by the *Acts Interpretation Act 1901*.

defence civilian has the same meaning as in the *Defence Force Discipline Act 1982*.

defence member has the same meaning as in the *Defence Force Discipline Act 1982*.

Deputy Electoral Commissioner means the Deputy Electoral Commissioner referred to in section 19.

designated elector: see subsection 202AH(1).

dividing line means the line on a ballot paper that separates the voting method described in subsection 239(1) from the voting method described in subsection 239(2).

Division means an Electoral Division for the election of a member of the House of Representatives.

DRO means Divisional Returning Officer.

election and ballot matters means matters relating to Parliamentary elections, elections, ballots under the *Fair Work Act 2009* or the *Fair Work (Registered Organisations) Act 2009*, and referendums.

Elector means any person whose name appears on a Roll as an elector.

Electoral Commission means the Australian Electoral Commission established by section 6.

Electoral Commissioner means the Electoral Commissioner referred to in section 18.

electoral matter has the meaning given by section 4AA.

Eligible overseas elector means an elector who is entitled under section 94 or 95 to be treated as an eligible overseas elector.

Finance Minister means the Minister administering the *Public Governance, Performance and Accountability Act 2013*.

Foreign Affairs Minister means the Minister administering the *Diplomatic Privileges and Immunities Act 1967*.

foreign campaigner means a person or entity referred to in a paragraph of section 287AA.

Note: A person or entity referred to in a paragraph of section 287AA is also a foreign donor for the purposes of Part XX.

General election means a general election of the members of the House of Representatives.

Hospital includes a convalescent home or an institution similar to a hospital or to a convalescent home.

House of Representatives election means an election of a member of the House of Representatives.

how-to-vote card means a card, handbill or pamphlet:

(a) that:

(i) is, or includes, a representation of a ballot paper or part of a ballot paper for an election (or something apparently intended to represent a ballot paper or part of a ballot paper for an election); and

(ii) is apparently intended to affect, or is likely to affect, how votes are cast for any or all of the candidates in the election; or

(b) that lists the names of 2 or more of the candidates or registered political parties in an election, with a number indicating the order of voting preference in conjunction with the names of 2 or more of the candidates or parties; or

(c) that otherwise directs or encourages the casting of votes in an election in a particular way, other than a card, handbill or pamphlet:

(i) that only relates to first preference votes; or

(ii) that only relates to last preference votes.

Immigration Department means the Department administered by the Minister who administers the *Migration Act 1958*.

Issuing point, in relation to a polling booth, means a place within the polling booth at which ballot papers are issued to persons voting at the booth.

Itinerant elector means an elector who is entitled under section 96 to be treated as an itinerant elector.

Justice of the Peace means a Justice of the Peace of the Commonwealth, or part of the Commonwealth, or of a State, or part of a State.

listed carriage service has the meaning given by section 16 of the *Telecommunications Act 1997*.

mandatory question in the qualification checklist means a question to which the answer is "Yes" or "No", or (if applicable) "Unknown" or "N/A".

next of kin has a meaning affected by subsection (11).

non-self-governing Territory means Norfolk Island, the Jervis Bay Territory, the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands.

Northern Territory includes (except in Part III) the Territory of Cocos (Keeling) Islands and the Territory of Christmas Island.

Note: For the definition of ***Northern Territory*** in Part III, see section 38A.

nursing home means an institution (other than a hospital) in which infirm, ill or disabled persons needing continuing nursing care are provided with accommodation and nursing care.

officer includes the Electoral Commissioner, the Deputy Electoral Commissioner, the Australian Electoral Officer for a State or Territory, a Divisional Returning Officer, an Assistant Returning Officer, an Assistant Divisional Returning Officer, a presiding officer, a deputy presiding officer, a substitute presiding officer, an assistant presiding officer, a pre-poll voting officer, a mobile polling team leader and a mobile polling team member, and any other member of the staff of the Electoral Commission who is a delegate of the Electoral Commissioner under section 28.

Organization includes:

(a) a body corporate;

(b) an association or other body of persons;

(c) an association that consists of 2 or more organizations within the meaning of the preceding paragraphs; and

(d) a part of an organization within the meaning of a preceding paragraph.

Part, in relation to an organization, includes:

(a) a branch or division of the organization; and

(b) a part of a part of the organization.

police officer means a member of the Australian Federal Police or of the police force of a State or Territory.

political entity means any of the following:

(a) a registered political party;

(b) a State branch (within the meaning of Part XX) of a registered political party;

(c) a candidate (within the meaning of Part XX) in an election (including a by-election).

Note: For candidates, see subsection 287(9).

Political party means an organization the object or activity, or one of the objects or activities, of which is the promotion of the election to the Senate or to the House of Representatives of a candidate or candidates endorsed by it.

Polling booth means a building, structure, vehicle or enclosure, or a part of a building, structure, vehicle or enclosure, provided at a polling place, in pursuance of paragraph 203(1)(a), for the purpose of taking votes during polling.

polling official means a deputy presiding officer or an assistant presiding officer.

Polling place means a place appointed as a polling place in pursuance of section 80.

pre-poll declaration vote: see subsection 200AA(2).

pre-poll ordinary vote: see subsection 200AA(2).

pre-poll voting office for an election means a place declared by the Electoral Commissioner under subsection 200BA(1) to be a pre-poll voting office for the election.

pre-poll voting officer means:

(a) an Assistant Divisional Returning Officer; or

(b) an officer appointed under section 200B.

prescribed authority means:

(a) the Agency Head of an Agency (within the meaning of the *Public Service Act 1999*) that is specified in regulations made for the purposes of this definition; or

(b) the chief executive officer of an authority of the Commonwealth that is specified in regulations made for the purposes of this definition.

provisionally enrolled has the meaning given by subsection (1B).

provisional vote means a vote cast under section 235.

qualification checklist means the checklist in Form DB of Schedule 1.

real place of living includes the place of living to which a person, when temporarily living elsewhere, has a fixed intention of returning for the purpose of continuing to live at that place.

Registered medical practitioner means a person registered or licensed as a medical practitioner under the law of a State or Territory, being a law that provides for the registration or licensing of medical practitioners.

Registered political party means a political party that is registered under Part XI.

Register of Political Parties means the Register of Political Parties established under section 125.

Registrar-General:

(a) of a State, the Australian Capital Territory (not including a non-self-governing Territory) or the Northern Territory (not including a non-self-governing Territory)—means the principal officer (however described) who is charged with the duty of registering births, deaths and marriages occurring in the State or Territory; and

(b) of a non-self-governing Territory—means the principal officer (however described) who is charged with the duty of registering births, deaths and marriages occurring in the non-self-governing Territory.

Regulatory Powers Act means the *Regulatory Powers (Standard Provisions) Act 2014*.

Returning Officer includes Divisional Returning Officer, Assistant Returning Officer and Assistant Divisional Returning Officer.

Roll means an Electoral Roll under this Act.

Senate election means an election of Senators for a State or Territory.

sentence of imprisonment has the meaning given subsection (1A).

Subdivision means a subdivision of a Division.

substitute presiding officer means a person holding an appointment under section 204.

Territory means (except in Part III) the Australian Capital Territory or the Northern Territory.

Note: For the definition of ***Territory*** in Part III, see section 38A.

video recording includes a video recording that is recorded on means other than a videotape.

(1A) For the purposes of this Act, a person is serving a ***sentence of imprisonment*** only if:

(a) the person is in detention on a full-time basis for an offence against a law of the Commonwealth or a State or Territory; and

(b) that detention is attributable to the sentence of imprisonment concerned.

(1B) A person is ***provisionally enrolled*** if the person is provisionally enrolled under section 99B.

(2) For the purposes of this Act, an organization shall be taken to endorse a candidate in an election if a part of the organization, or an organization of which the first-mentioned organization is a part, endorses the candidate in that election.

(3) A reference in this Act to age 16 enrolment shall be read as a reference to enrolment in pursuance of section 100.

(4) Where a Division is not divided into Subdivisions, a reference in this Act to a Subdivision shall, in relation to that Division, be read as a reference to that Division.

(5) In this Act, unless the contrary intention appears:

(a) a reference to a Division shall be read as including a reference to a Territory to which section 55A does not apply; and

(b) a reference to a Subdivision shall be read as including a reference to a District of that Territory specified in a notice published under subsection 79(1).

(6) This Act extends to:

(a) Norfolk Island; and
(b) the Territory of Cocos (Keeling) Islands; and
(c) the Territory of Christmas Island.

(7) In relation to a Senate election, a provision of this Act that:
(a) provides for the giving of a document to; or
(b) confers a power or function on;
the Australian Electoral Officer shall be taken to refer to the Australian Electoral Officer for the State or Territory in which the election is to be conducted.

(7A) Unless the contrary intention appears, a reference in this Act to an election or poll in, for or in relation to, a Division or Subdivision, includes a reference to a Senate election, or a poll for a Senate election, for the State or Territory that includes the Division or Subdivision.

(8) In relation to an election of a member of the House of Representatives for a Division, a provision of this Act that:
(a) provides for the giving of a document to; or
(b) confers a power or function on;
the Divisional Returning Officer shall be taken to refer to the Divisional Returning Officer for that Division.

(10) In this Act, a reference to the principal office of the Electoral Commission in a place is a reference to the office for the time being declared by the Electoral Commissioner, by notice published in the *Gazette*, to be the principal office of the Commission in that place.

(11) In determining whether a person is next of kin of another person, the following persons are also to be taken into account:
(a) a de facto partner of the person;
(b) a child of the person, or someone of whom the person is a child, because of the definition of ***child*** in this section;
(c) anyone else who would be a relative of the person because someone mentioned in paragraph (a) or (b) is taken into account.

(12) In this Act:

(a) a reference to a postal vote certificate printed on an envelope is taken to include a reference to a postal vote certificate that is placed inside an envelope; and

(b) a reference to an envelope on which a postal vote certificate is printed is taken to include a reference to an envelope that has a postal vote certificate placed inside.

4AA Meaning of *electoral matter*

(1) ***Electoral matter*** means matter communicated or intended to be communicated for the dominant purpose of influencing the way electors vote in an election (a ***federal election***) of a member of the House of Representatives or of Senators for a State or Territory, including by promoting or opposing:

(a) a political entity, to the extent that the matter relates to a federal election; or

(b) a member of the House of Representatives or a Senator.

Note: Communications whose dominant purpose is to educate their audience on a public policy issue, or to raise awareness of, or encourage debate on, a public policy issue, are not for the dominant purpose of influencing the way electors vote in an election (as there can be only one dominant purpose for any given communication).

(2) For the purposes of subsection (1), each creation, recreation, communication or recommunication of matter is to be treated separately for the purposes of determining whether matter is electoral matter.

Note: For example, matter that is covered by an exception under subsection (5) when originally communicated may become electoral matter if recommunicated for the dominant purpose referred to in subsection (1).

Rebuttable presumption for matter that expressly promotes or opposes political entities etc.

(3) Without limiting subsection (1), the dominant purpose of the communication or intended communication of matter that expressly promotes or opposes:

(a) a political entity, to the extent that the matter relates to a federal election; or

(b) a member of the House of Representatives or a Senator, to the extent that the matter relates to a federal election;

is presumed to be the purpose referred to in subsection (1), unless the contrary is proved.

Matters to be taken into account

(4) Without limiting subsection (1), the following matters must be taken into account in determining the dominant purpose of the communication or intended communication of matter:

(a) whether the communication or intended communication is or would be to the public or a section of the public;

(b) whether the communication or intended communication is or would be by a political entity or significant third party (within the meaning of Part XX);

(c) whether the matter contains an express or implicit comment on a political entity, a member of the House of Representatives or a Senator;

(d) whether the communication or intended communication is or would be received by electors near a polling place;

(e) how soon a federal election is to be held after the creation or communication of the matter;

(f) whether the communication or intended communication is or would be unsolicited.

Exceptions

(5) Despite subsections (1) and (3), matter is not ***electoral matter*** if the communication or intended communication of the matter:

(a) forms or would form part of the reporting of news, the presenting of current affairs or any genuine editorial content in news media; or

(b) is or would be by a person for a dominant purpose that is a satirical, academic, educative or artistic purpose, taking into account any relevant consideration including the dominant purpose of any other communication of matter by the person; or

(c) is or would be a private communication by a person to another person who is known to the first person; or

(d) is or would be by or to a person who is a Commonwealth public official (within the meaning of the *Criminal Code*) in that person's capacity as such an official; or

(e) is or would be a private communication to a political entity (who is not a Commonwealth public official) in relation to public policy or public administration; or

(f) occurs or would occur in the House of Representatives or the Senate, or is or would be to a parliamentary committee.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

4A Extraterritorial operation of Act

This Act extends to officers outside Australia.

4B Act to bind Crown

This Act binds the Crown in right of the Commonwealth, of each of the States, of the Australian Capital Territory and of the Northern Territory, but nothing in this Act renders the Crown liable to be prosecuted for an offence.

4C Registered officer of political party

(1) Subject to subsection (2), a reference in this Act to the registered officer of a registered political party is a reference to the person shown in the Register of Political Parties as the registered officer of the party.

Note: A person must not be the registered officer or a deputy registered officer of more than one registered political party at a particular time (see subsection 126(2B)).

(2) A reference in Part XIV or XVI to the registered officer of a registered political party includes a reference to a person for the time being nominated by the registered officer of a party as a deputy registered officer of the party for the purposes of this Act.

(3) A nomination under subsection (2):

(a) must be in writing, signed by the registered officer and lodged with the Commission; and

(b) must specify the name and address of the person nominated and bear the signature of that person; and

(ba) must include a signed declaration by the person nominated that subsection 126(2B) is not contravened by lodging the nomination of the person as the deputy registered officer; and

(c) may be revoked at any time by the registered officer by written notice lodged with the Commission.

(4) A nomination of a person as a deputy registered officer under subsection (2) is invalid if subsection 126(2B) is contravened by lodging the nomination of the person as the deputy registered officer.

4D Application of the *Criminal Code*

Chapter 2 of the *Criminal Code* applies to all offences against this Act.

Note: Chapter 2 of the *Criminal Code* sets out the general principles of criminal responsibility.

Part II—Administration

Division 1—Preliminary

5 Interpretation

In this Part:

acting Commissioner includes a person acting as the Electoral Commissioner.

appointed Commissioner means the Chairperson or the non-judicial appointee.

Chairperson means the Chairperson of the Commission.

Commission means the Commission established by section 6.

Commissioner means a member of the Commission, and includes the Chairperson.

electoral officer means the Electoral Commissioner, the Deputy Electoral Commissioner or an Australian Electoral Officer for a State.

eligible Judge means:

(a) a Judge, other than the Chief Justice, of the Federal Court of Australia who has been a Judge of that Court for a period of at least 3 years; or

(b) a former Judge of that Court who was such a Judge for a period of at least 3 years.

non-judicial appointee means the Commissioner referred to in paragraph 6(2)(c).

Parliamentary matters includes matters relating to the role and functions of the Parliament.

5A Application of Part in relation to Northern Territory

This Part has effect as if a reference to a State included a reference to the Northern Territory.

Division 2—The Australian Electoral Commission

6 Establishment of Commission

(1) There is established by this section a Commission by the name of the Australian Electoral Commission.

(2) The Commission shall consist of:
  (a) a Chairperson;
  (b) the Electoral Commissioner; and
  (c) one other member.

(2A) For the purposes of the finance law (within the meaning of the *Public Governance, Performance and Accountability Act 2013*):
  (a) the Commission is a listed entity; and
  (b) the Electoral Commissioner is the accountable authority of the Commission; and
  (c) the following persons are officials of the Commission:
    (i) the Electoral Commissioner;
    (ii) the Deputy Electoral Commissioner;
    (iii) the Australian Electoral Officer for a State or Territory;
    (iv) the staff of the Commission referred to in section 29; and
  (d) the purposes of the Commission include:
    (i) the functions of the Commission referred to in section 7; and
    (ii) the functions of the Electoral Commissioner referred to in subsection 18(2).

(3) The Chairperson and the non-judicial appointee shall be appointed by the Governor-General and shall hold office on a part-time basis.

(4) The person appointed as Chairperson shall be a person whose name is included in a list of the names of 3 eligible Judges submitted to the Governor-General for the purposes of this section by the Chief Justice of the Federal Court of Australia.

(5) A person shall not be appointed as the non-judicial appointee unless the person is the holder of:

(a) an office of Agency Head (within the meaning of the *Public Service Act 1999*); or

(b) an office established by or under an Act and having, in the opinion of the Governor-General, a status equivalent to that of an office referred to in paragraph (a).

(6) The performance of the functions or the exercise of the powers of the Commission is not affected by reason only of there being one vacancy in the membership of the Commission.

7 Functions and Powers of Commission

(1) The functions of the Commission are:

(a) to perform functions that are permitted or required to be performed by or under this Act, not being functions that:

(i) a specified person or body, or the holder of a specified office, is expressly permitted or required to perform; or

(ii) consist of the appointment of a person to an office; and

(b) to consider, and report to the Minister on, election and ballot matters referred to it by the Minister and such other election and ballot matters as it thinks fit; and

(c) to promote public awareness of election and ballot matters, and Parliamentary matters, by means of the conduct of education and information programs and by other means; and

(d) to provide information and advice on election and ballot matters to the Parliament, the Government, Departments and authorities of the Commonwealth; and

(e) to conduct and promote research into election and ballot matters and other matters that relate to its functions; and

(f) to publish material on matters that relate to its functions; and

(fa) to provide, in cases approved by the Foreign Affairs Minister, assistance in matters relating to elections and referendums (including the secondment of personnel and the supply or loan of materiel) to authorities of foreign countries or to foreign organisations; and

(g) to perform such other functions as are conferred on it by or under any law of the Commonwealth.

(2) The Commission may perform any of the functions referred to in paragraphs (1)(b) to (f) (inclusive) in conjunction with the electoral authorities of a State, of the Australian Capital Territory or of the Northern Territory.

(3) The Commission may do all things necessary or convenient to be done for or in connection with the performance of its functions.

7A Supply of goods and services

(1) Subject to this section, the Commission may make arrangements for the supply of goods or services to any person or body. The arrangements that may be made by the Commission include an arrangement under which an authorised person enters into an agreement, on behalf of the Commonwealth, for the supply of goods or services to a person or body. For this purpose, ***authorised person*** means a person who is authorised in writing by the Commission to enter into agreements under this subsection.

(1A) The arrangements the Commission may make under subsection (1) may cover the same matters that may be covered by a section 84 arrangement.

(1B) An arrangement under subsection (1) may supplement a section 84 arrangement.

(1C) The use by the Commission of personal information (including information contained in a Roll) for the purposes of conducting an activity (such as a plebiscite) under an arrangement under subsection (1) is taken to be authorised by this Act.

Note: The effect of this subsection includes (but is not limited to) an authorisation for the purposes of paragraph 6.2(b) of Australian Privacy Principle 6.

(1D) To avoid doubt, the disclosure by the Commission of personal information (including information contained in a Roll) for the purposes of conducting an activity (such as a plebiscite) under an arrangement under subsection (1) is taken:

(a) to be authorised by this Act; and

(b) not to contravene any provision of this Act.

Note: The effect of paragraph (a) includes (but is not limited to) an authorisation for the purposes of paragraph 6.2(b) of Australian Privacy Principle 6.

(1E) A law of a State or Territory has no effect to the extent to which the law in any way prohibits a person or body from, or penalises or discriminates against a person or body for:

(a) entering into, or proposing to enter into, an arrangement under subsection (1); or

(b) taking part in or assisting with, or proposing to take part in or assist with, the conduct of an activity (such as a plebiscite) to which an arrangement under subsection (1) relates.

(1F) If the operation of subsection (1E) would, but for this subsection, exceed the legislative powers of the Commonwealth, it is the intention of the Parliament that it operate to the extent that the law of the State or Territory would be inconsistent with Article 19, or paragraph (a) of Article 25, of the International Covenant on Civil and Political Rights.

Note: Articles 19 and 25 of the International Covenant on Civil and Political Rights are set out in Schedule 2 to the *Australian Human Rights Commission Act 1986*.

(1G) Subsection (1F) does not limit the operation of section 15A of the *Acts Interpretation Act 1901*.

(2) The Commission may make arrangements for the supply of goods or services only to the extent that it can do so by using:

(a) information or materiel in its possession or in the possession of its officers or members of its staff, either under this Act or any other law; or

(b) expertise that it has acquired or that has been acquired by its officers or members of its staff, either under this Act or any other law.

7B Fees for goods and services

Unless otherwise provided by or under this Act or another Act, reasonable fees may be charged for goods or services supplied under section 7A.

8 Tenure and terms of office

(1) Subject to this Division, an appointed Commissioner holds office for such period, not exceeding 7 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(3) Where:

(a) at any time, a person who is the non-judicial appointee holds an office of a kind referred to in paragraph 6(5)(a);

(b) the person ceases to be the holder of that office; and

(c) the person does not, immediately upon ceasing to hold that office, commence to hold another such office;

the person shall cease to be a Commissioner.

(4) Where:

(a) a person who was appointed as the non-judicial appointee by virtue of holding an office referred to in paragraph 6(5)(b) ceases to hold that office; and

(b) the person does not, immediately upon ceasing to hold that office, commence to hold an office of a kind referred to in paragraph 6(5)(a);

the person shall cease to be a Commissioner.

(5) An appointed Commissioner holds office on such terms and conditions not provided for by this Act as are determined by the Governor-General.

9 Leave of absence

The Commission may grant the non-judicial appointee leave of absence from a meeting of the Commission.

10 Resignation

An appointed Commissioner may resign by delivering to the Governor-General a signed notice of resignation.

11 Disclosure of interests

(1) A Commissioner or an acting Commissioner who has a direct or indirect pecuniary interest in a matter being considered or about to be considered by the Commission shall, as soon as possible after the relevant facts have come to his or her knowledge, disclose the nature of his or her interest at a meeting of the Commission.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Commission and the Commissioner or acting Commissioner shall not, unless the Minister otherwise determines:

(a) be present during any deliberation of the Commission with respect to that matter; or

(b) take part in any decision of the Commission with respect to that matter.

(3) This section applies in addition to section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to disclose interests).

12 Termination of appointment

If the non-judicial appointee:

(a) is absent, except on leave granted by the Commission in accordance with section 9, from 3 consecutive meetings of the Commission; or

(b) fails, without reasonable excuse, to comply with his or her obligations under section 11;

the Governor-General shall terminate the appointment of the non-judicial appointee.

13 Acting Chairperson

The Governor-General may appoint a person to act as Chairperson:

(a) during a vacancy in the office of Chairperson, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when the Chairperson is absent from duty or from Australia or is, for

any other reason, unable to perform the functions of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

14 Acting non-judicial appointee

The Governor-General may appoint a person to act as the non-judicial appointee:

(a) during a vacancy in the office of the non-judicial appointee, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when the non-judicial appointee is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

14A Remuneration

(1A) This section applies to:

(a) a person who is acting as Chairperson or as the non-judicial appointee; or

(b) the Chairperson, if he or she is a former Judge of the Federal Court of Australia.

(1) A person to whom this section applies is to be paid such remuneration as is determined by the Remuneration Tribunal, but, if no determination of that remuneration by the Tribunal is in operation, the person shall be paid such remuneration as is prescribed.

(2) The person shall be paid such allowances as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

15 Meetings of Commission

(1) The Chairperson may, at any time, convene a meeting of the Commission.

(2) The Chairperson shall convene such meetings of the Commission as, in his or her opinion, are necessary for the efficient performance of its functions.

(3) At a meeting of the Commission, 2 Commissioners constitute a quorum.

(4) The Chairperson shall preside at all meetings of the Commission at which he or she is present.

(5) If the Chairperson is not present at a meeting of the Commission, the Commissioners present shall elect one of their number to preside at that meeting.

(6) Questions arising at a meeting of the Commission shall be determined by a majority of the votes of the Commissioners present and voting.

(7) The person presiding at a meeting of the Commission has a deliberative vote, and, in the event of an equality of votes, also has a casting vote.

(8) If, at any meeting of the Commission at which 2 Commissioners only are present, not being a meeting from which a Commissioner is absent by reason of section 11, the Commissioners differ in opinion on any matter, the determination of that matter shall be postponed to a full meeting of the Commission.

(9) The Commission may regulate the conduct of proceedings at its meetings as it thinks fit.

(10) In this section:

(a) a reference to the Chairperson shall, if a person is acting as Chairperson, be construed as a reference to the person so acting; and

(b) a reference to a Commissioner shall, if a person is acting as the Chairperson, the non-judicial appointee or the Electoral

Commissioner, be construed as including a reference to the person so acting.

16 Delegation by Commission

(1) The Commission may by resolution delegate to an appointed Commissioner, an electoral officer or a member of the staff of the Commission all or any of its powers under:

(a) this Act, other than its powers under Part IV; or

(b) any other law.

(2) A certificate signed by the Chairperson stating any matter with respect to a delegation of a power under this section is prima facie evidence of that matter.

(3) A document purporting to be a certificate under subsection (2) shall, unless the contrary is established, be taken to be such a certificate.

17 Reports by the Commission

(1A) A report prepared by the Electoral Commissioner and given to the Minister under section 46 of the *Public Governance, Performance and Accountability Act 2013* for a period must include particulars for the period of:

(a) each person or organisation to whom the Commission has provided a copy of a Roll under subsection 90B(1); and

(b) each person or organisation to whom the Commission has given a copy of a Roll, or an extract of a Roll, under subsection 90B(4).

(2) The Commission shall, as soon as practicable after the polling day in:

(a) a general election and any Senate election that had the same polling day as that general election; or

(b) a Senate election (other than a Senate election referred to in paragraph (a));

prepare and furnish to the Minister a report of the operation of Part XX in relation to that election or those elections.

(2A) A report under subsection (2) in relation to an election must include a list of the names of all persons who, in the opinion of the Commission, are or may be required to give a notice under section 303E in relation to a gift given to a candidate in that election.

(2B) The Commission may prepare and furnish to the Minister, otherwise than under subsection (2), such reports on the operation of Part XX as the Commission thinks appropriate.

(2C) Subject to section 17A, the Commission must include in any report referred to in this section particulars of the operation of section 314AN since the preparation of the last report referred to in this section that included particulars of the operation of that section.

(3) Section 34C of the *Acts Interpretation Act 1901* does not apply in relation to a report under subsection (2).

(4) The Minister shall cause a copy of a report furnished under subsection (2) or (2B) to be laid before each House of the Parliament within 15 sitting days of that House after the day on which he or she receives the report.

(5) A report referred to in this section need not include particulars of a matter if those particulars have been included in an earlier report referred to in this section.

17A Certain particulars not to be included in reports

(1) If:

(a) a notice is given to a prescribed person, or an officer of a prescribed person, under subsection 314AN(2); and

(b) information is given, or documents or things are produced, in compliance with that notice;

a report referred to in section 17 must not include particulars of any such information given or contained in such documents or other things, unless, in the opinion of the Electoral Commission, the information relates to a contravention or potential contravention of a civil penalty provision in this Act.

(2) In this section:

prescribed person means a person whose name is included in a list in a report mentioned in subsection 17(2A).

Division 3—Electoral Commissioner, Deputy Electoral Commissioner and Australian Electoral Officers for States

18 Electoral Commissioner

(1) There shall be an Electoral Commissioner.

(2) The Electoral Commissioner shall be the chief executive officer of the Commission and shall have such other functions, and such powers, as are conferred upon him or her by or under any law of the Commonwealth.

(3) The Electoral Commissioner may give written directions to officers with respect to the performance of their functions, and the exercise of their powers, under this Act.

19 Deputy Electoral Commissioner

(1) There shall be a Deputy Electoral Commissioner.

(2) The Deputy Electoral Commissioner shall perform such duties as the Electoral Commissioner directs.

(3) Subject to subsection (4), the Deputy Electoral Commissioner shall act as the Electoral Commissioner:

(a) during a vacancy in the office of the Electoral Commissioner, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when the Electoral Commissioner is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office.

Note: For rules that apply to persons acting as the Electoral Commissioner, see section 33A of the *Acts Interpretation Act 1901*.

(4) The Deputy Electoral Commissioner shall not act as the Electoral Commissioner during a vacancy in the office of Electoral Commissioner while a person appointed under section 26 is acting in that office.

20 Australian Electoral Officers for States

(1) There shall be an Australian Electoral Officer for each State who shall, subject to the directions of the Electoral Commissioner, be the principal electoral officer in the State.

(2) An Australian Electoral Officer for a State shall have such other functions, and such powers, as are conferred on him or her by any law of the Commonwealth or of a Territory.

(3) An Australian Electoral Officer for a State may, subject to any directions given by the Electoral Commissioner, give written directions to officers with respect to the performance of their functions and the exercise of their powers under this Act in, or in relation to, the State.

21 Terms and conditions of appointment etc.

(1) An electoral officer shall be appointed by the Governor-General.

(2) Subject to this Act, an electoral officer holds office for such period, not exceeding 7 years, as is specified in the instrument of appointment, but is eligible for re-appointment.

(4) An electoral officer holds office on such terms and conditions not provided for by this Act as are determined by the Governor-General.

22 Remuneration

(1) An electoral officer shall be paid such remuneration as is determined by the Remuneration Tribunal but, if no determination of that remuneration by the Tribunal is in operation, the officer shall be paid such remuneration as is prescribed.

(2) An electoral officer shall be paid such allowances (if any) as are prescribed.

(3) This section has effect subject to the *Remuneration Tribunal Act 1973*.

23 Leave of absence

(1) An electoral officer has such recreation leave entitlements as are determined by the Remuneration Tribunal.

(2) The Commission may grant an electoral officer leave of absence, other than recreation leave, on such terms and conditions as to remuneration or otherwise as the Commission determines.

24 Resignation

An electoral officer may resign by delivering to the Governor-General a signed notice of resignation.

25 Termination of appointment

(1) The Governor-General may terminate the appointment of an electoral officer by reason of misbehaviour or physical or mental incapacity.

(2) If an electoral officer:

(a) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit;

(b) is absent, except on leave of absence, for 14 consecutive days or for 28 days in any 12 months; or

(c) engages in paid employment outside the duties of his or her office without the approval of the Commission;

the Governor-General shall terminate the appointment of the electoral officer.

(3) The Governor-General must terminate the appointment of the Electoral Commissioner, or the Deputy Electoral Commissioner while acting as the Electoral Commissioner, if the Commissioner or Deputy fails, without reasonable excuse, to comply with his or her obligations under:

(a) section 11; or

(b) section 29 of the *Public Governance, Performance and Accountability Act 2013* (which deals with the duty to

disclose interests) or rules made for the purposes of that section.

26 Acting Electoral Commissioner

The Governor-General may appoint a person to act as the Electoral Commissioner:

(a) during a vacancy in the office of the Electoral Commissioner, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when:

(i) the Electoral Commissioner is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office; and

(ii) no person is acting as the Electoral Commissioner by virtue of holding the office of, or acting as, the Deputy Electoral Commissioner.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

27 Acting Deputy Electoral Commissioner

The Governor-General may appoint a person to act as the Deputy Electoral Commissioner:

(a) during a vacancy in the office of the Deputy Electoral Commissioner, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when the Deputy Electoral Commissioner is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

28 Delegation by Electoral Commissioner

(1) The Electoral Commissioner may, in writing, delegate all or any of his or her powers or functions under this Act, other than the powers and functions conferred by Parts III and IV and sections 240A,

241, 242 and 396, and sections 273AA, 273AB and 273AC, to any of the following:

(a) any officer;

(b) any other member of the staff of the Electoral Commission.

Note: The definition of ***officer*** covers Australian Electoral Officers and Divisional Returning Officers, as well as various other people.

(2) In exercising powers or performing functions delegated under subsection (1), the delegate must comply with any directions of the Electoral Commissioner.

Division 4—Staff of the Commission

29 Staff

(1) Subject to subsection (2), the staff of the Commission shall consist of:

(a) persons engaged under the *Public Service Act 1999* (including such persons holding offices established by this Division); and

(b) persons employed or engaged by the Commission under this Division.

(2) For the purposes of the *Public Service Act 1999*:

(a) the Electoral Commissioner and the APS employees assisting the Electoral Commissioner together constitute a Statutory Agency; and

(b) the Electoral Commissioner is the Head of that Statutory Agency.

30 Australian Electoral Officer for the Australian Capital Territory

(1) The Commission shall, for the purposes of each election, appoint an Australian Electoral Officer for the Australian Capital Territory and such an appointment shall terminate upon the completion of the election.

(2) The Commission may appoint a person to act as Australian Electoral Officer for the Australian Capital Territory during any period, or during all periods, when the Australian Electoral Officer for the Territory is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office.

Note: For rules that apply to acting appointments, see section 33A of the *Acts Interpretation Act 1901*.

31 Assistant Australian Electoral Officers for States

(1) The Commission shall appoint an Assistant Australian Electoral Officer for each State.

(2) An Assistant Australian Electoral Officer for a State shall assist the Australian Electoral Officer for the State.

(3) An Assistant Australian Electoral Officer for a State shall act as Australian Electoral Officer for the State:

(a) during a vacancy in the office of Australian Electoral Officer for the State, whether or not an appointment has previously been made to the office; or

(b) during any period, or during all periods, when the Australian Electoral Officer for the State is absent from duty or from Australia or is, for any other reason, unable to perform the functions of the office.

Note: For rules that apply to persons acting as the Australian Electoral Officer for a State, see section 33A of the *Acts Interpretation Act 1901*.

32 Divisional Returning Officers

(1) There shall be a Divisional Returning Officer for each Division, who shall be charged with the duty of giving effect to this Act within or for the Division subject to the directions of the Electoral Commissioner and the Australian Electoral Officer for the State or, if the Division is, or is part of, the Australian Capital Territory, the directions of the Electoral Commissioner.

(2) A Divisional Returning Officer for a Division may, subject to any directions given by the Electoral Commissioner and, if the Division is part of a State, the Australian Electoral Officer for the State, give written directions to officers with respect to the performance of their functions and the exercise of their powers under this Act in, or in relation to, the Division.

33 Assistant Returning Officers

(1) The Electoral Commissioner may, for the purposes of a particular election, appoint a person to be an Assistant Returning Officer.

(2) A person appointed to be an Assistant Returning Officer may, subject to the control of the Electoral Commissioner, perform such functions and exercise such powers as are conferred on the person by this Act.

(3) An appointment under subsection (1) terminates upon completion of the election.

34 Assistant Divisional Returning Officers

(1) A person may be appointed to be an Assistant Divisional Returning Officer for a Subdivision.

(2) The Electoral Commissioner may appoint an Assistant Divisional Returning Officer for a District referred to in subsection 79(2).

(3) A person appointed to be an Assistant Divisional Returning Officer for a Subdivision may, subject to the control of the Divisional Returning Officer for the Division in which the Subdivision is situated, perform the functions and exercise the powers of the Divisional Returning Officer in relation to that Subdivision.

35 Employment of additional staff, consultants etc.

(1) The Commission may, on behalf of the Commonwealth, employ, under agreements in writing:

(a) such temporary staff as the Commission thinks necessary for the purposes of:

(i) the conduct of an election, referendum, ballot or Roll review; or

(ii) the conduct of education and information programs referred to in paragraph 7(1)(c); and

(b) such senior executive staff as the Commission thinks necessary to assist the Commission in the performance of its functions and otherwise for the purposes of this Act.

(2) The Commission may, on behalf of the Commonwealth, engage, under agreements in writing, persons having suitable qualifications and experience as consultants to, or to perform services for, the Commission.

(3) The terms and conditions of employment of persons employed under subsection (1) are such as are from time to time determined by the Commission.

(4) The terms and conditions of engagement of persons engaged under subsection (2) are such as are from time to time determined by the Commission.

Division 5—Miscellaneous

36 Candidates not to be officers

No candidate shall be appointed an officer, and an officer who becomes a candidate shall thereby vacate his or her office.

37 AEC staff may act as Divisional Returning Officers or Assistant Divisional Returning Officers

(1) The Electoral Commissioner may, in writing, authorise one or more persons who are members of the staff of the Electoral Commission to exercise or perform:

(a) in relation to one or more specified Divisions, powers, functions or duties that are conferred on a Divisional Returning Officer for those Divisions; or

(b) in relation to one or more specified Subdivisions, powers, functions or duties that are conferred on an Assistant Divisional Returning Officer for those Subdivisions.

(2) An authorisation:

(a) may be made subject to conditions or limitations specified in the authorisation; and

(b) does not limit the power of a Divisional Returning Officer or Assistant Divisional Returning Officer (as the case requires) to act in any matter.

Effect of authorisation relating to DROs

(3) If an authorisation is given in relation to the powers, functions or duties of a Divisional Returning Officer for a specified Division:

(a) the person authorised in relation to the Division may exercise or perform any power, function or duty of a Divisional Returning Officer for the Division, subject to:

(i) any condition or limitation under paragraph (2)(a); and

(ii) any direction of a Divisional Returning Officer for the Division; and

(b) a reference to a Divisional Returning Officer or DRO in this Act is taken to include a reference to the person.

Effect of authorisation relating to Assistant Divisional Returning Officers

(4) If an authorisation is given in relation to the powers, functions or duties of an Assistant Divisional Returning Officer for a specified Subdivision:

(a) the person authorised in relation to the Subdivision may exercise or perform any power, function or duty of an Assistant Divisional Returning Officer for the Subdivision, subject to:

(i) any condition or limitation under paragraph (2)(a); and

(ii) any direction of an Assistant Divisional Returning Officer for the Subdivision, or of a Divisional Returning Officer for the Division in which the Subdivision is situated; and

(b) a reference to an Assistant Divisional Returning Officer in this Act is taken to include a reference to the person.

Note: As a result of subsection 34(3), the person authorised may also exercise or perform, in relation to the Subdivision, any power, function or duty of the Divisional Returning Officer for the Division in which the Subdivision is situated.

38 Offices of Divisional Returning Officers

(1) The office of a Divisional Returning Officer must be located within the Division, unless the Minister has given written authority for the office not to be so located.

(2) However, subsection (1) does not apply if:

(a) the office was located within a Division, but immediately after a redistribution of the State or Territory that includes the Division, the office is no longer located within the Division; and

(b) either:

(i) within a reasonable time, the Electoral Commissioner seeks written authority for the office not to be located within the Division; or

(ii) the office is currently being relocated within the Division.

(3) A written authority given under subsection (1) is not a legislative instrument.

Part III—Representation in the Parliament

Division 1AA—Preliminary

38AA Simplified outline of this Part

This Part deals with how members and Senators are chosen for the Parliament, and related rules.

Division 1 deals with Senators for Queensland. These Senators are chosen by the people of Queensland voting as one electorate.

Division 2 deals with Senators for the Territories, setting out some rules relating to Senators of Territories (such as numbers of Senators, powers, privileges and immunities, and term of service).

Division 3 deals with representation of States and Territories in the House of Representatives. The number of members of the House of Representatives is based on the population of the Commonwealth, the States and the Territories, as determined by the Australian Statistician.

The number of members is worked out using a quota, which is the number of people of the Commonwealth (excluding the populations of Territories) divided by twice the number of Senators for the States. This produces a national average population for each member.

For States, the number of members is worked out by dividing the population which is worked out for the State by the quota (rounding up if the remainder is more than 0.5).

For Territories, the number of members is worked out the same way, except that the result is rounded using the harmonic mean. The harmonic mean is a method of rounding that improves proportionality and addresses under-representation of Territories by minimising the gap between the average population per member

in the Territories, compared with the national average population for the States (as measured by the quota).

38A Interpretation

In this Part, unless the contrary intention appears:

Australian Capital Territory includes the Jervis Bay Territory but does not include Norfolk Island.

harmonic mean has the meaning given by subsection 48(2AA).

Northern Territory does not include the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island.

quota has the meaning given by paragraph 48(2)(a).

Territory means the Australian Capital Territory, the Northern Territory or an external territory.

Division 1—Choosing of senators for Queensland

39 Senators to be directly chosen by people of State etc.

(1) Senators for the State of Queensland shall be directly chosen by the people of the State voting as one electorate.

(2) The Parliament of the State of Queensland may not make laws pursuant to section 7 of the Constitution dividing the State into divisions and determining the number of senators to be chosen for each division.

Division 2—Representation of the Territories in the Senate

40 Representation of the Territories in the Senate

(1) Subject to subsection (2), the Australian Capital Territory and the Northern Territory shall each be represented in the Senate by 2 senators for the Territory directly chosen by the people of the Territory voting as one electorate.

(2) Where the number of members of the House of Representatives to be chosen in the Australian Capital Territory or the Northern Territory at a general election is 6 or more, that Territory shall, on and from the day of the general election, be represented in the Senate by one senator for every 2 members of the House of Representatives to be chosen in that Territory.

(3) Where the number of members of the House of Representatives to be chosen in the Australian Capital Territory or the Northern Territory at a general election is an odd number, subsection (2) applies as if the number were reduced by one.

(4) Subject to subsection (5), a Territory (other than the Australian Capital Territory and the Northern Territory) is not entitled to separate representation in the Senate.

(5) Where 2 or more members of the House of Representatives are to be chosen in a Territory (other than the Australian Capital Territory or the Northern Territory) at a general election, that Territory shall, on and from the day of the general election, be represented in the Senate by one senator for every 2 members of the House of Representatives to be chosen in that Territory.

(6) Where the number of members of the House of Representatives to be chosen in a Territory (other than the Australian Capital Territory or the Northern Territory) at a general election is an odd number, subsection (5) applies as if the number were reduced by one.

(6A) Until Norfolk Island becomes entitled to separate representation in the Senate under subsection (5), this section has effect as if Norfolk Island were a part of the Australian Capital Territory.

(7) Until the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island becomes entitled to separate representation in the Senate under subsection (5), this section has effect as if the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island, as the case may be, were a part of the Northern Territory.

41 Powers, privileges and immunities of senator for Territory

(1) A senator for a Territory has all the powers, privileges and immunities of a senator for a State and:

(a) shall be included in the whole number of the senators for the purpose of ascertaining the number of senators necessary to constitute a meeting of the Senate for the exercise of its powers and, if present, shall be counted for the purpose of determining whether the necessary number of senators are present; and

(b) has a vote on all questions arising in the Senate.

(2) The provisions contained in sections 16, 19 and 20 and sections 42 to 48 (inclusive) of the Constitution, to the extent (if any) to which they do not apply, by virtue of the Constitution, in relation to a senator for a Territory, apply, by force of this subsection, in relation to such a senator in the same way as they apply in relation to a senator for a State.

42 Term of service of senator for Territory

The term of service of a senator for a Territory commences on the day of his or her election and expires at the close of the day immediately before the polling day for the next general election.

43 Time of elections of senators for Territories

An election of the senators for each Territory shall be held at the same time as each general election.

44 Casual vacancies in places of senators for Territories

(1) If the place of a Senator for the Australian Capital Territory becomes vacant before the expiration of his or her term of service,

the Legislative Assembly for the Australian Capital Territory shall choose a person to hold the place until the expiration of the term, but if the Legislative Assembly is not in session when the vacancy is notified, the Chief Minister for the Australian Capital Territory may appoint a person to hold the place until the expiration of 14 days from the beginning of the next session of the Legislative Assembly or the expiration of the term, whichever first happens.

(2) If the place of a senator for the Northern Territory becomes vacant before the expiration of his or her term of service, the Legislative Assembly of the Territory shall choose a person to hold the place until the expiration of the term, but if the Legislative Assembly is not in session when the vacancy is notified, the Administrator of the Territory, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of 14 days from the beginning of the next session of the Legislative Assembly or the expiration of the term, whichever first happens.

(2A) If the place of a senator for a Territory other than the Northern Territory or the Australian Capital Territory becomes vacant before the expiration of his or her term of service, the members of the Senate and the House of Representatives, sitting and voting together at a joint sitting convened by the Governor-General, shall choose a person to hold the place until the expiration of the term, but if the Parliament is not in session when the vacancy is notified, the Governor-General may appoint a person to hold the place until the expiration of 14 days from the beginning of the next session of the Parliament or the expiration of the term, whichever first happens.

(3) Where a vacancy has at any time occurred in the place of a senator chosen by the people of a Territory and, when chosen, the senator was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself or herself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

(4) Where:

(a) in accordance with subsection (3), a person who is a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and

(b) before commencing to hold the place, the person ceases to be a member of that party (otherwise than by reason of the party having ceased to exist);

the person shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with subsection (5).

(5) Whenever the place of a senator for a Territory becomes vacant before the expiration of his or her term of service:

(a) in the case of a senator for the Australian Capital Territory—the President of the Senate shall notify the Chief Minister for the Australian Capital Territory of the vacancy;

(b) in the case of a senator for the Northern Territory—the President of the Senate shall notify the Administrator of the Northern Territory of the vacancy; and

(c) in the case of a senator for a Territory other than the Northern Territory or the Australian Capital Territory—the President of the Senate shall notify the Governor-General of the vacancy.

(6) The name of any senator chosen or appointed under subsection (1) or (2) shall be certified by the Chief Minister for the Australian Capital Territory or the Administrator of the Northern Territory, as the case may be, to the Governor-General.

(6A) The name of any senator chosen by the members of the Senate and the House of Representatives under subsection (2A) shall be certified by the President of the Senate to the Governor-General.

(7) Except in so far as the contrary intention appears in this section, an expression that is used in this section and in section 15 of the Constitution has, in this section, the same meaning as in section 15 of the Constitution.

Division 3—Representation of the States and Territories in the House of Representatives

45 Interpretation

In this Division, ***people of the Commonwealth*** does not include the people of any Territory that is referred to in section 122 of the Constitution.

46 Ascertainment of numbers of people of Commonwealth, States and Territories

(1) If a House of Representatives has continued for a period of 12 months after the day of the first meeting of that House, the Electoral Commissioner must ascertain the number of the people of each of the following:

(a) the Commonwealth;

(b) each of the States;

(c) the Australian Capital Territory;

(d) the Northern Territory;

(da) Norfolk Island;

(e) the Territory of Cocos (Keeling) Islands;

(f) the Territory of Christmas Island;

(g) each of the other Territories.

(1A) The Electoral Commissioner must ascertain the numbers under subsection (1) on:

(a) the first day (the ***reference day***) after the end of the period of 12 months referred to in that subsection; or

(b) if the reference day is a Saturday, a Sunday or a public holiday in the Australian Capital Territory—the next day that is not a Saturday, a Sunday or a public holiday in the Australian Capital Territory.

(1B) The Electoral Commissioner must ascertain the numbers under subsection (1) using the statistics for the following populations that the Australian Statistician has, most recently before the reference day, compiled and published in a regular series under the *Census and Statistics Act 1905*:

(a) the population of each State;

(b) the population of the Australian Capital Territory (not including the Jervis Bay Territory);

(c) the population of the Northern Territory;

(ca) the population of Norfolk Island;

(d) the population of the Jervis Bay Territory;

(e) the population of the Territory of Cocos (Keeling) Islands;

(f) the population of the Territory of Christmas Island;

(g) the population of each of the other Territories.

(1C) The reference in subsection (1B) to statistics being published includes a reference to statistics being published electronically or in an electronic format.

47 Supply of statistical information by Australian Statistician

The Australian Statistician must, on request by the Electoral Commissioner, supply the Electoral Commissioner with:

(a) the statistics referred to in subsection 46(1B); and

(c) any other statistical information that the Electoral Commissioner requires for the purposes of this Division.

48 Determination of number of members of House of Representatives to be chosen in States and Territories

(1) Subject to subsection (2G), the Electoral Commissioner shall, as soon as possible after he or she has ascertained, in accordance with section 46, the numbers of the people of the Commonwealth and of the several States and Territories:

(a) determine, in accordance with subsection (2), the number of members of the House of Representatives to be chosen in the several States at a general election; and

(b) determine, in accordance with subsections (2A), (2AA), (2B), (2BA) and (2C), the number of members (if any) of the House of Representatives to be chosen in the several Territories at a general election.

Determining number of members for States

(2) The number of members of the House of Representatives to be chosen in the several States at a general election shall, subject to the Constitution, be determined by the Electoral Commissioner in the following manner:

(a) a ***quota*** shall be ascertained by dividing the number of people of the Commonwealth, as ascertained in accordance with section 46, by twice the number of the senators for the States;

(b) the number of members to be chosen in each State shall be determined by dividing the number of people of the State, as ascertained in accordance with section 46, by the quota and, if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

Determining number of members for Territories

(2A) The Electoral Commissioner shall divide the number of people of each Territory, as ascertained in accordance with section 46, by the quota ascertained under paragraph (2)(a) and, subject to subsections (2AA), (2B), (2BA) and (2C), shall determine:

(a) if the result of the division is less than or equal to 0.5—that no member of the House of Representatives be chosen in the Territory at a general election;

(b) if the result of the division is greater than 0.5 and less than 1—that one member of the House of Representatives be chosen in the Territory at a general election; or

(ba) if the result of the division is 1 or more, and less than 3—that the number of members to be chosen for the Territory at a general election is the result of the division, rounding the result using the harmonic mean in accordance with subsection (2AA); or

(c) in any other case—that the number of members of the House of Representatives to be chosen in the Territory at a general election is the number ascertained by the division or, if there

is a remainder greater than one-half of the quota, that number increased by one.

Note: For the definition of ***Territory***, see section 38A.

Rounding using harmonic mean for Territories

(2AA) If paragraph (2A)(ba) applies in relation to a Territory, the result of the division under subsection (2A) is to be rounded up if the result is equal to or greater than the amount worked out using the following formula (the ***harmonic mean***):

$$\frac{\left(2 \times \text{Minimum number of members} \times \text{Minimum number plus 1}\right)}{\left(\text{Minimum number of members} + \text{Minimum number plus 1}\right)}$$

where:

minimum number of members for a Territory means the number of members for the Territory worked out under subsection (2A) (disregarding any remainder).

minimum number plus 1 for a Territory means the minimum number of members for the Territory plus 1.

Minimum number of members for the Australian Capital Territory and Northern Territory

(2B) At least one member of the House of Representatives shall be chosen in the Australian Capital Territory and in the Northern Territory at a general election.

Note: For the definitions of ***Australian Capital Territory*** and ***Northern Territory***, see section 38A.

When no separate member for Norfolk Island is determined

(2BA) If the Electoral Commissioner determines that, at a general election, no member of the House of Representatives is to be chosen in Norfolk Island, the following provisions have effect:

(a) the ascertainments under section 46, and the determinations under this section, in respect of Norfolk Island, and in respect of the Australian Capital Territory, are taken never to have been made;

(b) Norfolk Island is taken to be part of the Australian Capital Territory;

(c) subject to subsections (2B) and (2G), the Electoral Commissioner must, as soon as possible:

(i) ascertain, under section 46, the number of the people of the Australian Capital Territory; and

(ii) determine, under this section, the number of members of the House of Representatives to be chosen in the Australian Capital Territory at a general election.

(2BB) To avoid doubt, subsection 46(1A) does not apply to the ascertainment of the number of the people of the Australian Capital Territory under subparagraph (2BA)(c)(i) of this section.

Note: Subsection 46(1A) might otherwise require the fresh ascertainment of the number of the people of the Australian Capital Territory under subparagraph (2BA)(c)(i) of this section to be made immediately after the end of the 12 month period referred to in subsection 46(1).

When no separate member for Cocos (Keeling) Islands or Christmas Island is determined

(2C) If the Electoral Commissioner determines that, at a general election, no member of the House of Representatives is to be chosen in either or both of the following Territories:

(a) the Territory of Cocos (Keeling) Islands;

(b) the Territory of Christmas Island;

the following provisions shall have effect:

(c) the ascertainments under section 46, and the determinations under this section, in respect of that Territory or those Territories, as the case may be, and in respect of the Northern Territory shall be deemed never to have been made;

(d) that Territory, or those Territories, as the case may be, shall be taken to be part of the Northern Territory;

(e) subject to subsections (2B) and (2G), the Electoral Commissioner shall, as soon as possible:

(i) ascertain, under section 46, the number of the people of the Northern Territory; and

(ii) determine, under this section, the number of members of the House of Representatives to be chosen in the Northern Territory at a general election.

(2D) To avoid doubt, subsection 46(1A) does not apply to the ascertainment of the number of the people of the Northern Territory under subparagraph (2C)(e)(i) of this section.

Note: Subsection 46(1A) might otherwise require the fresh ascertainment of the number of the people of the Northern Territory under subparagraph (2C)(e)(i) of this section to be made immediately after the end of the 12 month period referred to in subsection 46(1).

When determinations must be made

(2G) The determinations made under subsection (1), and paragraphs (2BA)(c) and (2C)(e), must be made within 1 month after the end of the period of 12 months referred to in subsection 46(1).

Decision final and conclusive

(3) Notwithstanding anything contained in any other law, but subject to the Constitution and to section 39B and Part VII of the *Judiciary Act 1903*, a decision by the Electoral Commissioner made, or purporting to be made, under subsection (1):

(a) is final and conclusive;

(b) shall not be challenged, appealed against, reviewed, quashed, set aside or called in question in any court or tribunal on any ground; and

(c) is not subject to mandamus, prohibition, certiorari or injunction, or the making of a declaratory or other order, in any court on any ground.

Determination to be in writing

(4) A determination under subsection (1) shall be made by instrument in writing.

48A Setting aside 2020 determination in relation to the Northern Territory

(1) The determination made by the Electoral Commissioner under subsection 48(1) on 3 July 2020 (the ***2020 determination***) is set aside, on and from the day on which the *Electoral Amendment (Territory Representation) Act 2020* commences (the ***commencement day***), to the extent to which that determination relates to the Northern Territory.

(2) To avoid doubt:

(a) for the purposes of sections 50 and 59, the number of members of the House of Representatives to be chosen in the Northern Territory at a general election that is held:

(i) on or after the commencement day; and

(ii) before the first determination that is made by the Electoral Commissioner under subsection 48(1) after the commencement day;

is to be in accordance with the determination made by the Electoral Commissioner under subsection 48(1) most recently before the 2020 determination; and

(b) for the purposes of section 86, 2 new Divisions are taken to be created for the Northern Territory on the commencement day.

Note 1: The 2020 determination specified that there would be 1 member of the House of Representatives to be chosen in the Northern Territory at a general election.

Note 2: The determination the Electoral Commissioner made under subsection 48(1) most recently before the 2020 determination was the determination made on 31 August 2017. That determination specified that there would be 2 members of the House of Representatives to be chosen in the Northern Territory at a general election.

49 Notification of determination

(1) The Electoral Commissioner shall, forthwith after he or she has determined, in accordance with section 48, the number of members of the House of Representatives to be chosen in the several States and Territories at a general election:

(a) forward to the Minister a certificate setting out:

(i) the number, ascertained under section 46, of the people of each of the following:

(A) the Commonwealth;

(B) each of the States;

(C) the Australian Capital Territory;

(D) the Northern Territory;

(DA) Norfolk Island;

(E) the Territory of Cocos (Keeling) Islands;

(F) the Territory of Christmas Island;

(G) each of the other Territories; and

(ii) the number of members of the House of Representatives so determined by him or her; and

(iii) details of any adjustments that were made to the statistical information supplied by the Australian Statistician in arriving at the numbers referred to in subparagraph (i) in order to give effect to the provisions of this Division; and

(iv) any calculations involved in arriving at those numbers, making those adjustments or determining the number of members of the House of Representatives to be chosen in a State or Territory at a general election; and

(b) cause a copy of the certificate to be published forthwith in the *Gazette*.

Note: Subparagraph (a)(iii)—Adjustments may be necessary to give effect, for example, to subsection 48(2BA) or (2C).

(1A) The certificate must be published in the *Gazette* within 1 month after the end of the period of 12 months referred to in subsection 46(1).

(2) The Minister shall cause copies of the certificate to be laid before each House of the Parliament within 5 sitting days of that House after receiving the certificate.

50 Number of members of House of Representatives to be chosen in States and Territories

The number of members of the House of Representatives to be chosen in each State and Territory at a general election shall be in accordance with the last determination made under subsection 48(1) before that general election.

51 Choice of member for Territory

A member of the House of Representatives representing a Territory shall be directly chosen by the people of the Territory.

53 Powers, privileges and immunities of member for Territory

(1) A member of the House of Representatives chosen in a Territory has all the powers, privileges and immunities of a member of the House of Representatives chosen in a State and:

(a) shall be included in the whole number of the members of the House of Representatives for the purpose of ascertaining the number of members necessary to constitute a meeting of the House for the exercise of its powers and, if present, shall be counted for the purpose of determining whether the necessary number of members are present; and

(b) has a vote on all questions arising in the House.

(2) The provisions contained in sections 32, 33, 37 and 38 and sections 42 to 48 (inclusive) of the Constitution, to the extent (if any) to which they do not apply, by virtue of the Constitution, in relation to a member of the House of Representatives chosen in a Territory, apply, by force of this subsection, in relation to such a member in the same way as they apply in relation to a member of the House of Representatives chosen in a State.

54 Time of elections of members for Territories

An election of the members of the House of Representatives to be chosen in a Territory shall be held at the same time as each general election.

54A Review of this Division

(1) The Joint Standing Committee on Electoral Matters, or any other parliamentary committee determined in writing by the Minister, is to:

(a) review the operation of this Division as soon as practicable after the Electoral Commissioner makes the first determination under subsection 48(2A) for the Australian Capital Territory or the Northern Territory after this section commences; and

(b) report the Committee's comments and recommendations to each House of the Parliament.

(2) The determination is not a legislative instrument.

Part IV—Electoral Divisions

55 Interpretation

(1) In this Part:

average divisional enrolment, in relation to a State, the Australian Capital Territory or the Northern Territory, means:

(a) subject to paragraph (b), the number ascertained by dividing the number of electors enrolled in the State or Territory by the number of Divisions into which the State or Territory is for the time being distributed; or

(b) in a case where the number ascertained in accordance with paragraph (a) includes a fraction—the number so ascertained:

(i) if the fraction is less than one-half—reduced to the nearest whole number; or

(ii) if the fraction is one-half or more—increased to the nearest whole number.

redistribution quota has the meaning given by section 65.

(2) A person:

(a) whose name has been placed on a Roll in pursuance of a claim made under section 100; and

(b) who has not attained 18 years of age;

shall be taken, for the purposes of this Part, not to be an elector.

55A Application to Territories with 2 or more members

A reference in this Part to a State includes (except in section 59) a reference to a Territory that has 2 or more members to be chosen at a general election.

Note: Section 59 deals with times at which redistributions are to commence. Subsection 62(3) expressly excludes the Australian Capital Territory.

56 States to be distributed into Electoral Divisions

Each State shall be distributed into Electoral Divisions.

56AA Inclusion of Territories in Australian Capital Territory Divisions

(1) Any distribution or redistribution of the Australian Capital Territory into Electoral Divisions under this Act must be such that the whole of the Jervis Bay Territory is included in one Electoral Division.

(2) Until the Electoral Commissioner, under subsection 48(2A), determines that a member of the House of Representatives be chosen in Norfolk Island at a general election, any distribution or redistribution of the Australian Capital Territory into Electoral Divisions under this Act must be such that:

(a) the whole of Norfolk Island is included in one Electoral Division; and

(b) if there is more than one Electoral Division—Norfolk Island and the Jervis Bay Territory are included in different Electoral Divisions.

56A Inclusion of Territories in Northern Territory Divisions

Until the Electoral Commissioner, under subsection 48(2A), determines that a member of the House of Representatives be chosen in the Territory of Cocos (Keeling) Islands or the Territory of Christmas Island at a general election, any distribution or redistribution of the Northern Territory into electoral divisions under this Act shall be such that those territories are included in the same Division.

57 One member to be chosen for each Electoral Division

One member of the House of Representatives shall be chosen for each Electoral Division.

58 Monthly ascertainment of enrolment etc.

(1) The Electoral Commissioner shall, forthwith after the end of each month:

(a) ascertain, in respect of each State, as at the close of a day in the month, the number of electors enrolled in each Division;

(b) determine, in respect of each State, as at the close of that day in the month:
(i) the average divisional enrolment; and
(ii) the extent to which the number of electors enrolled in each Division differs from the average divisional enrolment; and
(c) cause a statement setting out the matters so ascertained and determined to be published forthwith in the *Gazette*.

(2) Nothing in subsection (1) shall be taken to require a determination under that subsection to be made in respect of the several States as at the close of the same day in a month.

(3) A determination under subsection (1) shall be made by instrument in writing.

59 Times at which redistributions are to commence

(1) A redistribution of a State, the Australian Capital Territory or the Northern Territory into Divisions shall commence whenever the Electoral Commission so directs by notice published in the *Gazette*.

Redistributions of States

(2) Subject to subsections (3) and (5), a direction under subsection (1) shall be made in relation to a State:
(a) forthwith after the making of a determination under subsection 48(1) that results in an alteration of the number of members of the House of Representatives to be chosen in the State at a general election;
(b) whenever it appears to the Electoral Commission, from statements published under subsection 58(1), that more than one-third of the Divisions in the State are, and have, for a period of more than 2 months, been, malapportioned Divisions; and
(c) if a period of 7 years after the day on which the State was last distributed into Electoral Divisions by a determination under

subsection 73(1) expires, within 30 days after the expiration of the period of 7 years;

and not otherwise.

(3) A direction under subsection (1) shall not be made in relation to a State by virtue of paragraph (2)(b) or (c):

(a) if the State is undergoing redistribution into Divisions; or

(b) within one year before the date of expiry of a House of Representatives by effluxion of time.

(4) If a period of 7 years after the day on which a State was last distributed into Electoral Divisions by a determination under subsection 73(1) expires within one year before the date of expiry of a House of Representatives by effluxion of time, subsection (2) of this section has effect, in relation to the expiration of that first-mentioned period, as if the reference in paragraph (c) to within 30 days after the expiration of the period of 7 years were a reference to within 30 days after the day of the first meeting of the next following House of Representatives.

(5) Where:

(a) a direction under subsection (1) is, but for this subsection, required by subsection (2) (including that subsection as affected by subsection (4)) to be made in relation to a State at any time within 13 months after the day of the first meeting of a House of Representatives;

(b) a determination under subsection 48(1) has not been made after the day of that first meeting; and

(c) the Electoral Commission is of the opinion that the next following determination under subsection 48(1) will or may result in an alteration of the number of members of the House of Representatives to be chosen in the State at a general election;

the Electoral Commission may, by notice published in the *Gazette*, direct that subsection (2) does not apply in relation to the State until the making of the determination referred to in paragraph (c).

(6) Where:

(a) a State is undergoing redistribution into Divisions; and

(b) a direction under subsection (1) is made in relation to the State by virtue of paragraph (2)(a);

the redistribution of the State into Divisions, being the redistribution referred to in paragraph (a) of this subsection, is, by force of this subsection, terminated.

Redistributions of Australian Capital Territory or Northern Territory

(7) Subject to subsections (8) and (9A), a direction under subsection (1) shall be made in relation to the Australian Capital Territory or the Northern Territory:

(aa) forthwith after the making of a determination under subsection 48(1) that results in an alteration of the number of members of the House of Representatives to be chosen in the Territory at a general election; and

(a) whenever it appears to the Electoral Commission, from statements published under subsection 58(1), that a Division in the Territory is, and has, for a period of more than 2 months, been, a malapportioned Division; and

(b) if a period of 7 years after the day on which the Territory was last distributed into Electoral Divisions by a determination under subsection 73(1) expires, within 30 days after the expiration of the period of 7 years;

and not otherwise.

(8) A direction under subsection (1) shall not be made in relation to the Australian Capital Territory or the Northern Territory by virtue of paragraph (7)(a) or (b):

(a) if the Territory is undergoing redistribution into Divisions; or

(b) within one year before the date of expiry of a House of Representatives by effluxion of time.

(9) If a period of 7 years after the day on which the Australian Capital Territory or the Northern Territory was last distributed into Electoral Divisions by a determination under subsection 73(1) expires within one year before the date of expiry of a House of Representatives by effluxion of time, subsection (7) of this section has effect, in relation to the expiration of that first-mentioned period, as if the reference in paragraph (b) to within 30 days after

the expiration of the period of 7 years were a reference to within 30 days after the day of the first meeting of the next following House of Representatives.

(9A) Where:

(a) a direction under subsection (1) is, but for this subsection, required by subsection (7) (including that subsection as affected by subsection (9)) to be made in relation to the Australian Capital Territory or the Northern Territory at any time within 13 months after the day of the first meeting of a House of Representatives; and

(b) a determination under subsection 48(1) has not been made after the day of that first meeting; and

(c) the Electoral Commission is of the opinion that the next following determination under subsection 48(1) will or may result in an alteration of the number of members of the House of Representatives to be chosen in the Territory at a general election;

the Electoral Commission may, by notice published in the *Gazette*, direct that subsection (7) does not apply in relation to the Territory until the making of the determination referred to in paragraph (c).

(9B) Where:

(a) the Australian Capital Territory or the Northern Territory is undergoing redistribution into Divisions; and

(b) a direction under subsection (1) is made in relation to the Territory by virtue of paragraph (7)(aa);

the redistribution of the Territory into Divisions, being the redistribution referred to in paragraph (a), is, by force of this subsection, terminated.

Interpretation

(10) A reference in this section to a malapportioned Division is a reference to a Division in a State, the Australian Capital Territory or the Northern Territory in which the number of electors enrolled differs from the average divisional enrolment of the State or Territory to a greater extent than one-tenth more or one-tenth less.

(11) For the purposes of this section, a State, the Australian Capital Territory or the Northern Territory is undergoing redistribution into Divisions if:

(a) a redistribution of the State or Territory into Divisions has commenced by virtue of a direction under subsection (1);

(b) the redistribution of the State or Territory has not been terminated under subsection (6) or (9B), as the case requires; and

(c) the State or Territory has not been distributed into Electoral Divisions as a result of the redistribution so commenced.

60 Redistribution Committee

(1) For the purposes of each redistribution of a State, the Electoral Commission shall, as soon as practicable after the commencement of the redistribution, appoint, by instrument in writing, a Redistribution Committee for the State.

(2) Subject to subsections (3), (3A) and (4), the members of a Redistribution Committee for a State shall be:

(a) the Electoral Commissioner; and

(b) the Australian Electoral Officer for the State; and

(c) either:

(i) the Surveyor-General for the State; or

(ii) if there is no office of Surveyor-General for the State—the person nominated by the relevant State Minister as the person holding the office equivalent to the office of Surveyor-General for the State; and

(d) the Auditor-General of the State.

(3) If the Surveyor-General for the State is not available to serve as a member of the Redistribution Committee, the Electoral Commission shall appoint:

(a) in a case where there is a Deputy Surveyor-General for the State who is available to serve as a member of the Redistribution Committee—a Deputy Surveyor-General for the State who is so available; or

(b) in any other case—a person nominated for the purpose by the Governor-General, being a senior person appointed or engaged under the *Public Service Act 1999* from the State;

as a member of the Redistribution Committee in lieu of the Surveyor-General for the State.

(3A) If:

(a) the person nominated under subparagraph (2)(c)(ii) is not available to serve as a member of the Redistribution Committee; or

(b) no nomination is in force under that subparagraph;

the Electoral Commission must appoint:

(c) a person who:

(i) is available to serve as a member of the Redistribution Committee; and

(ii) has been nominated by the relevant State Minister as a person holding an office equivalent to an office of Deputy Surveyor-General for the State; or

(d) if there is no such person—a senior person appointed or engaged under the *Public Service Act 1999* from the State nominated for the purpose by the Governor-General;

as a member of the Redistribution Committee.

(3B) For the purposes of this section, an office is equivalent to an office of Surveyor-General for a State if, in the opinion of the relevant State Minister, the functions of the office are the same as, substantially the same as, or include, functions that would be performed by a Surveyor-General for the State.

(3C) For the purposes of this section, an office is equivalent to an office of Deputy Surveyor-General for a State if, in the opinion of the relevant State Minister, the functions of the office are the same as, substantially the same as, or include, functions that would be performed by a Deputy Surveyor-General for the State.

(4) If the Auditor-General of the State is not available to serve as a member of the Redistribution Committee, the Electoral Commission shall appoint:

(a) in a case where there is a Deputy Auditor-General of the State who is available to serve as a member of the Redistribution Committee—a Deputy Auditor-General of the State who is so available; or

(b) in any other case—a person nominated for the purpose by the Governor-General, being a senior person appointed or engaged under the *Public Service Act 1999* from the State;

as a member of the Redistribution Committee in lieu of the Auditor-General of the State.

(5) Subject to subsection (6), the performance of the functions, and the exercise of the powers, of a Redistribution Committee for a State are not affected by reason only of there being a vacancy, or a change or changes, in the membership of the Redistribution Committee.

(6) Where, within any period of not more than 30 days (being a period before the making under subsection 66(1) of a proposed redistribution of the State by the Redistribution Committee), 2 or more persons who are members of the Redistribution Committee die or become unable, by reason of physical or mental incapacity, to serve or continue to serve as members of the Redistribution Committee, the Electoral Commission shall, by instrument in writing, revoke the appointment of the Redistribution Committee and appoint, for the purposes of the redistribution, another Redistribution Committee for the State in accordance with subsections (2), (3), (3A) and (4).

(7) Where, in pursuance of subsection (6), the Electoral Commission revokes the appointment of a Redistribution Committee for a State and appoints another Redistribution Committee for the State, the provisions of this Part apply as if the first-mentioned Redistribution Committee had never been appointed.

(7A) This section applies to the Australian Capital Territory as if a reference to an Australian Electoral Officer for the Australian Capital Territory were a reference to the member of the staff of the Electoral Commission appointed under subsection (7B).

(7B) For the purposes of a redistribution for the Australian Capital Territory, the Electoral Commission must appoint, in writing, a

member of the staff of the Electoral Commission to act as a member of the Redistribution Committee for that Territory.

(8) In this section:

relevant State Minister, in relation to a State, means:

(a) the Minister of State of that State who has responsibility, or the principal responsibility, for matters relating to land surveying and mapping in that State; or

(b) another Minister of State of that State acting for and on behalf of the Minister referred to in paragraph (a).

62 Proceedings at meetings of Redistribution Committee etc.

(1) The Electoral Commissioner may, at any time, convene a meeting of a Redistribution Committee for a State.

(2) The Electoral Commissioner shall preside at all meetings of a Redistribution Committee at which he or she is present.

(3) If the Electoral Commissioner is not present at a meeting of a Redistribution Committee for a State (except the Australian Capital Territory), the Australian Electoral Officer for the State shall preside.

(4) If the Electoral Commissioner is not present at a meeting of a Redistribution Committee for the Australian Capital Territory, the member of the Redistribution Committee appointed under subsection 60(7B) is to preside.

(5) At a meeting of a Redistribution Committee, 3 members constitute a quorum.

(6) Questions arising at a meeting of a Redistribution Committee shall be determined by a majority of the votes of the members present and voting.

(7) The member presiding at a meeting of a Redistribution Committee has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8) A Redistribution Committee may regulate the conduct of proceedings at its meetings as it thinks fit.

(9) A Redistribution Committee may inform itself on any matter in such manner as it thinks fit and may consult with such persons as it thinks fit.

(10) The Electoral Commission shall, on request by a Redistribution Committee, supply the Redistribution Committee with all such information, and provide the Redistribution Committee with all such assistance, as it requires for the purposes of this Part.

63 Sub-committees

(1) A Redistribution Committee for a State may, by instrument in writing, appoint sub-committees to assist it.

(2) A sub-committee shall consist of 3 members of the Redistribution Committee.

63A Projection time for equality of enrolments

(1) This section defines the ***projection time*** for the purpose of applying sections 66 and 73 in relation to a redistribution (the ***current redistribution***) of a State.

(2) The projection time is the end of the period of 3 years and 6 months after the starting time for the projection, unless the Electoral Commission determines an earlier time under subsection (3) of this section.

(3) If the Electoral Commission is of the opinion that a further redistribution of the State will or may be required, as a result of a determination under section 48, sooner than 7 years after the starting time for the projection, the Electoral Commission may determine that the projection time will be a time that is half-way between:

(a) the starting time for the projection; and

(b) the time when, in the opinion of the Electoral Commission, the further redistribution will or may be required.

(4) A determination under subsection (3) must be published in the *Gazette* not later than the time when a notice is published in the *Gazette* under subsection 64(1) in relation to the current redistribution.

(5) In this section:

starting time for the projection means the time of making the determination referred to in subsection 73(4).

64 Suggestions and comments relating to redistribution

(1) As soon as practicable after the commencement of a redistribution of a State, the Electoral Commissioner must publish a notice in the *Gazette* and in 2 newspapers circulating throughout the State (or, if there is only 1 such newspaper, in that newspaper):

(a) inviting written suggestions relating to the redistribution of the State to be lodged with the Redistribution Committee for the State before 6 pm on the 5th Friday after publication of the notice in the *Gazette*; and

(b) inviting written comments on suggestions lodged under paragraph (a) to be lodged with the Redistribution Committee for the State before 6 pm on the 7th Friday after publication of the notice in the *Gazette*; and

(c) stating that the suggestions and comments may be (but are not required to be) lodged at an office specified in the notice.

(2) The notice in the *Gazette* must be published on a Wednesday. The notice need not be published on the same day in the newspapers.

(3) The Redistribution Committee must cause to be published on the Electoral Commission's website, and in any other way the Redistribution Committee considers appropriate, the suggestions lodged under paragraph (1)(a) on or before the fifth Monday after publication of the notice in the *Gazette*.

(4) The Redistribution Committee must consider all the suggestions and comments lodged with it under subsection (1).

65 Redistribution quota

(1) For the purposes of each redistribution of a State, the Electoral Commissioner shall, by instrument in writing, determine, in accordance with subsection (2), the ***redistribution quota*** for the State.

(2) As soon as practicable after the redistribution commences, the redistribution quota for a State shall be determined by the Electoral Commissioner by dividing the number, as nearly as can be ascertained by him or her, of electors enrolled in the State at the end of the day on which the redistribution commenced by the number of members of the House of Representatives to be chosen in the State at a general election and:

(a) if the number so obtained includes a fraction that is less than one-half—reducing that number to the nearest whole number; or

(b) if the number so obtained includes a fraction that is one-half or more—increasing that number to the nearest whole number.

Note: This section rounds the number of electors for a State or Territory. Section 48 rounds the number of members for a State or Territory (and the method of rounding for Territories under that section may be different).

66 Redistribution Committee to make proposed redistribution

(1) A Redistribution Committee for a State shall, in accordance with subsections (2), (3) and (4), make a proposed redistribution of the State.

(2) The proposed redistribution shall propose the distribution of the State into Electoral Divisions equal in number to the number of members of the House of Representatives to be chosen in the State at a general election.

(3) In making the proposed redistribution, the Redistribution Committee:

(a) shall, as far as practicable, endeavour to ensure that, if the State were redistributed in accordance with the proposed redistribution, the number of electors enrolled in each

Electoral Division in the State would not, at the projection time determined under section 63A, be less than 96.5% or more than 103.5% of the average divisional enrolment of that State at that time; and

(b) subject to paragraph (a), shall give due consideration, in relation to each proposed Electoral Division, to:

(i) community of interests within the proposed Electoral Division, including economic, social and regional interests;

(ii) means of communication and travel within the proposed Electoral Division;

(iv) the physical features and area of the proposed Electoral Division; and

(v) the boundaries of existing Divisions in the State;

and subject thereto the redistribution quota for the State shall be the basis for the proposed redistribution, and the Redistribution Committee may adopt a margin of allowance, to be used whenever necessary, but in no case shall the redistribution quota be departed from to a greater extent than one-tenth more or one-tenth less.

(3A) When applying subsection (3), the Redistribution Committee must treat the matter in subparagraph (3)(b)(v) as subordinate to the matters in subparagraphs (3)(b)(i), (ii) and (iv).

Note: See also sections 56AA and 56A in relation to redistributions of the Australian Capital Territory and the Northern Territory.

67 Reasons for proposed redistribution

A Redistribution Committee for a State shall state, in writing, its reasons for the proposed redistribution made by it under subsection 66(1) and any member of the Redistribution Committee who disagrees with the proposed redistribution may state in writing the reasons for his or her disagreement.

67A Outline of proposed redistribution

At any time before the publication of the notice referred to in paragraph 68(1)(c), a Redistribution Committee for a State may, whether by issuing a statement to the media or otherwise, make

publicly known the outline of its plan for the proposed redistribution of the State.

68 Notice of proposed redistribution

(1) A Redistribution Committee for a State shall, as soon as practicable after it has made its proposed redistribution of the State:

(a) cause to be published on the Electoral Commission's website, and in any other way the Redistribution Committee considers appropriate, a map or maps showing the names and boundaries of each proposed Electoral Division in the State; and

(b) cause to be published on the Electoral Commission's website, and in any other way the Redistribution Committee considers appropriate:

(i) the suggestions and comments lodged under subsection 64(1); and

(ii) descriptions (whether by reference to a map or plan or otherwise) of the boundaries of each proposed Electoral Division; and

(iii) its reasons for the proposed redistribution; and

(iv) if a member of the Redistribution Committee has stated in writing reasons for his or her disagreement with the proposed redistribution—those reasons; and

(c) by notice published in the *Gazette* on a Friday, invite public attention to the publication of the map or maps referred to in paragraph (a) and the suggestions, comments, descriptions and reasons referred to in paragraph (b); and

(d) cause to be published in:

(i) 2 newspapers circulating throughout the State; and

(ii) such regional newspapers circulating in the region or regions affected by the proposed redistribution as the Redistribution Committee determines;

a notice in writing inviting public attention to the publication of the comments and suggestions, descriptions and reasons referred to in paragraph (b), together with:

(iii) in the case of a notice published in a newspaper referred to in subparagraph (i), a map or maps showing the names and boundaries of each proposed Electoral Division in the State; and

(iv) in the case of a notice published in a regional newspaper, a map or maps showing the effects of the proposed redistribution in the region or regions in which that newspaper circulates.

(2) A notice published under paragraph (1)(c) or (d) must include a statement:

(a) inviting written objections against the proposed redistribution to be lodged with the Electoral Commission before 6 pm on the 4th Friday after publication of the notice in the *Gazette* under paragraph (1)(c); and

(b) inviting written comments on objections lodged under subsection 69(1) to be lodged with the Electoral Commission before 6 pm on the 6th Friday after publication of the notice in the *Gazette*.

70 Augmented Electoral Commission

(1) For the purposes of each redistribution of a State, there is established by this subsection an augmented Electoral Commission for the State.

(2) The members of an augmented Electoral Commission for a State shall be:

(a) the Chairperson of the Electoral Commission;

(b) the member of the Electoral Commission referred to in paragraph 6(2)(c); and

(c) the members of the Redistribution Committee for the State.

(3) Subject to subsection (4), the performance of the functions, and the exercise of the powers, of an augmented Electoral Commission for a State are not affected by reason only of there being a vacancy or vacancies, or a change or changes, in the membership of the augmented Electoral Commission.

(4) Where, within any period (in paragraph (b) referred to as the ***relevant period***) of not more than 30 days (being a period after the making under subsection 66(1) of a proposed redistribution of the State by the Redistribution Committee for the State), 2 or more persons who are members of the augmented Electoral Commission die or become unable, by reason of physical or mental incapacity, to serve or continue to serve as members of the augmented Electoral Commission:

(a) the augmented Electoral Commission must reconsider all objections and comments lodged with the Electoral Commission under section 69 in relation to the proposed redistribution, being objections and comments that had previously been considered by the augmented Electoral Commission;

(b) subsection 72(2) has effect as if the reference in that subsection to 60 days after the expiration of the period referred to in section 69 were a reference to 60 days after the expiration of the relevant period.

71 Proceedings at meetings of augmented Electoral Commission etc.

(1) The Chairperson of the Electoral Commission may, at any time, convene a meeting of an augmented Electoral Commission for a State.

(2) The Chairperson of the Electoral Commission shall preside at all meetings of an augmented Electoral Commission at which he or she is present.

(3) If the Chairperson of the Electoral Commission is not present at a meeting of an augmented Electoral Commission:

(a) the Electoral Commissioner shall preside; or

(b) if the Electoral Commissioner is not present at the meeting—the members present shall appoint one of their number to preside.

(4) At a meeting of an augmented Electoral Commission, 4 members constitute a quorum.

(5) Subject to subsection (6), questions arising at a meeting of an augmented Electoral Commission shall be determined by a majority of the votes of the members present and voting.

(6) A determination under subsection 73(1) shall not be made unless not less than 4 members of the augmented Electoral Commission, of whom not less than 2 are members of the Electoral Commission, vote in favour of the making of the determination.

(7) Subject to subsection (8), the member presiding at a meeting of an augmented Electoral Commission has a deliberative vote and, in the event of an equality of votes, also has a casting vote.

(8) The casting vote of the member presiding at a meeting of an augmented Electoral Commission shall not be used to vote in favour of the making of a determination under subsection 73(1).

(9) An augmented Electoral Commission may regulate the conduct of proceedings at its meetings as it thinks fit.

(10) Subject to section 72, an augmented Electoral Commission may inform itself on any matter in such manner as it thinks fit.

(11) The Electoral Commission shall, on request by an augmented Electoral Commission, supply the augmented Electoral Commission with all such information, and provide the augmented Electoral Commission with all such assistance, as it requires for the purposes of this Part.

72 Consideration of objections

(1) An augmented Electoral Commission for a State shall consider all initial objections, initial comments and further objections.

(2) The augmented Electoral Commission shall complete its consideration of the initial objections as soon as is practicable and, in any event, before the expiration of the period of 60 days after the expiration of the period referred to in subsection 69(3).

(3) The augmented Electoral Commission shall hold an inquiry into an objection unless it is of the opinion that:

(a) the matters raised in the objection were raised, or are substantially the same as matters that were raised, in:
(i) suggestions relating to the redistribution lodged with the Redistribution Committee for the State in pursuance of paragraph 64(1)(a); or
(ii) comments lodged with the Redistribution Committee in pursuance of paragraph 64(1)(b); or
(b) the objection is frivolous or vexatious.

(4) The augmented Electoral Commission may hold one inquiry into a number of initial objections.

(5) Proceedings before the augmented Electoral Commission at an inquiry into an initial objection shall be held in public.

(6) At an inquiry into an initial objection, submissions in relation to the objection may be made to the augmented Electoral Commission by any person or organisation.

(7) At an inquiry into an initial objection, the augmented Electoral Commission shall consider all of the submissions made to it in relation to the objection.

(8) The augmented Electoral Commission is not bound by the legal rules of evidence and may regulate the conduct of proceedings at an inquiry into an initial objection as it thinks fit.

(9) Without limiting the generality of subsection (8), the manner in which submissions may be made to the augmented Electoral Commission, the time within which submissions may be made to the augmented Electoral Commission and the extent to which the augmented Electoral Commission may be addressed, and the persons by whom it may be addressed, on any submission are within the absolute discretion of the augmented Electoral Commission.

(10) As soon as is practicable after the augmented Electoral Commission has concluded its inquiries into initial objections, it shall:
(a) make a proposed redistribution of the State; and

(b) make a public announcement, in accordance with subsection (12), whether by the issuing of a statement to the media or by some other expeditious means.

(11) Section 66 applies to the making of a proposed redistribution under subsection (10) as if a reference in that section to a Redistribution Committee were a reference to an augmented Electoral Commission.

(12) The public announcement referred to in subsection (10) shall include:

(a) the substance of the findings or conclusions of the augmented Electoral Commission concerning the initial objections and concerning the Redistribution Committee proposal;

(b) the augmented Electoral Commission proposal;

(c) a statement whether, in the opinion of the augmented Electoral Commission, its proposal is significantly different from the Redistribution Committee proposal; and

(d) if, in the opinion of the augmented Electoral Commission, its proposal is significantly different from the Redistribution Committee proposal—a statement to the effect that:

(i) any person or organisation may, before the end of the period of 7 days beginning on the day of the announcement, lodge with the Electoral Commission a written further objection; and

(ii) subject to subsection (3), the augmented Electoral Commission will hold an inquiry into a further objection.

(13) If the public announcement made pursuant to subsection (10) includes a statement under paragraph (12)(d):

(a) any person or organisation may, before the end of the period of 7 days beginning on the day of the announcement, lodge with the Electoral Commission a written further objection; and

(b) subject to subsection (3), the augmented Electoral Commission shall hold an inquiry into a further objection; and

(ba) the augmented Electoral Commission must complete its inquiry into a further objection as soon as is practicable and, in any event, before the end of the period of 14 days after the end of the period referred to in paragraph (a); and

(c) subsections (3), (4), (5), (6), (7), (8) and (9) apply to an inquiry into a further objection as if the further objection were an initial objection.

(14) In this section:

augmented Electoral Commission proposal means the redistribution proposed by the augmented Electoral Commission under subsection (10).

further objection means an objection against the augmented Electoral Commission proposal lodged with the Electoral Commission under paragraph (13)(a).

initial comments means comments lodged with the Electoral Commission under subsection 69(3).

initial objection means an objection against the Redistribution Committee proposal lodged with the Electoral Commission under section 69.

Redistribution Committee proposal means the redistribution proposed by the Redistribution Committee under section 66.

73 Redistribution of State

(1) An augmented Electoral Commission for a State shall, in accordance with subsections (3), (4) and (5), determine, by notice published in the *Gazette*, the names and boundaries of the Electoral Divisions into which the State is to be distributed and, subject to subsections (6) and (7), those Electoral Divisions shall, until altered by a determination under this subsection or subsection 76(6), be the Divisions in the State.

Note: See also sections 56AA and 56A in relation to redistributions of the Australian Capital Territory and the Northern Territory.

(2) The augmented Electoral Commission shall make a determination under subsection (1) as soon as practicable after it has considered,

in accordance with section 72, all the initial objections and any further objections.

(3) The determination shall distribute the State into Electoral Divisions equal in number to the number of members of the House of Representatives to be chosen in the State at a general election.

(4) In making the determination, the augmented Electoral Commission:

(a) shall, as far as practicable, endeavour to ensure that the number of electors enrolled in each Electoral Division in the State will not, at the projection time determined under section 63A, be less than 96.5% or more than 103.5% of the average divisional enrolment of that State at that time; and

(b) subject to paragraph (a), shall give due consideration, in relation to each Electoral Division, to:

(i) community of interests within the Electoral Division, including economic, social and regional interests;

(ii) means of communication and travel within the Electoral Division;

(iv) the physical features and area of the Electoral Division; and

(v) the boundaries of existing Divisions in the State;

and subject thereto the redistribution quota for the State shall be the basis for the redistribution, and the augmented Electoral Commission may adopt a margin of allowance, to be used whenever necessary, but in no case shall the redistribution quota be departed from to a greater extent than one-tenth more or one-tenth less.

(4A) When applying subsection (4), the augmented Electoral Commission must treat the matter in subparagraph (4)(b)(v) as subordinate to the matters in subparagraphs (4)(b)(i), (ii) and (iv).

(6) Until the next following expiration or dissolution of the House of Representatives, the redistribution does not affect the election of a new member to fill a vacancy happening in the House of Representatives.

(7) For the purposes of any such election, the Divisions that existed before the redistribution, and the Rolls for those Divisions, continue to have full force and effect, notwithstanding the redistribution and that new Rolls have been prepared for the new Divisions.

(8) The augmented Electoral Commission may, when it makes a determination under subsection (1), make a public announcement as to:

(a) the substance of its findings or conclusions concerning the initial objections and any further objections; and

(b) its determination.

(9) In this section:

further objection has the same meaning as in section 72.

initial objection has the same meaning as in section 72.

74 Reasons for determination made by augmented Electoral Commission

An augmented Electoral Commission for a State shall state, in writing, its reasons for the determination made by it under subsection 73(1) and any member of the augmented Electoral Commission who disagrees with the determination may state in writing the reasons for his or her disagreement.

75 Copies of certain documents to be forwarded to Minister

(1) The Electoral Commission shall, as soon as practicable after an augmented Electoral Commission for a State has determined under subsection 73(1) the names and boundaries of the Electoral Divisions into which the State is to be distributed, forward to the Minister a copy of:

(a) the suggestions relating to the redistribution of the State lodged with the Redistribution Committee for the State in pursuance of paragraph 64(1)(a);

(b) the comments lodged with the Redistribution Committee in pursuance of paragraph 64(1)(b);

(c) the proposed redistribution made by the Redistribution Committee and its reasons for the proposed redistribution;

(d) if a member of the Redistribution Committee has stated in writing the reasons for his or her disagreement with the proposed redistribution—those reasons;

(e) the objections and comments lodged with the Electoral Commission under section 69;

(ea) the written record (if any) of the proceedings at any inquiry held under subsection 72(3);

(f) the determination of the augmented Electoral Commission under subsection 73(1) and its reasons for the determination; and

(g) if a member of the augmented Electoral Commission has stated in writing the reasons for his or her disagreement with the determination made by the augmented Electoral Commission—those reasons.

(2) The Minister shall cause copies of the suggestions, comments, proposed redistribution, reasons, objections, written record and determination referred to in subsection (1) to be laid before each House of the Parliament within 5 sitting days of that House after receiving a copy of them.

76 Mini-redistribution

(1) Where, on a day (in this section referred to as the ***relevant day***) on which the Governor-General causes writs (in this section referred to as the ***writs***) for a general election to be issued, the number (in this section referred to as the ***present entitlement of the State***) of members of the House of Representatives to be chosen in a State at the general election differs from the number (in this section referred to as the ***previous entitlement of the State***) of Divisions in accordance with which the State is for the time being distributed, a redistribution of the State into Divisions shall take place under this section.

(2) For the purposes of the redistribution, the Electoral Commissioner and the Australian Electoral Officer for the State shall be the Redistribution Commissioners for the State.

(3) Forthwith after the issue of the writs, the Redistribution Commissioners for the State shall, subject to subsections (4) and (5):

(a) in a case where the present entitlement of the State is greater than the previous entitlement of the State:

(i) prepare a list of all possible pairs of contiguous Divisions in the State;

(ii) ascertain the number of electors enrolled in each possible pair of contiguous Divisions;

(iii) set aside the pair of contiguous Divisions that has the greatest number of electors enrolled;

(iv) if the difference between the present entitlement of the State and the previous entitlement of the State is 2—delete from the list all possible pairs of contiguous Divisions containing a Division included in the pair of contiguous Divisions set aside in pursuance of subparagraph (iii) and set aside the pair of contiguous Divisions remaining on the list that has the greatest number of electors enrolled; and

(v) if the difference between the present entitlement of the State and the previous entitlement of the State is greater than 2—continue successively deleting from the list all possible pairs of contiguous Divisions containing a Division included in a pair of contiguous Divisions set aside in pursuance of subparagraph (iv) or of this subparagraph, and setting aside the pair of contiguous Divisions remaining on the list that has the greatest number of electors enrolled, until the number of pairs of contiguous Divisions set aside in pursuance of this paragraph is equal to the difference between the present entitlement of the State and the previous entitlement of the State; and

(b) in a case where the present entitlement of the State is less than the previous entitlement of the State:

(i) prepare a list of all possible pairs of contiguous Divisions in the State;

(ii) ascertain the number of electors enrolled in each possible pair of contiguous Divisions;

(iii) set aside the pair of contiguous Divisions that has the smallest number of electors enrolled;

(iv) if the difference between the present entitlement of the State and the previous entitlement of the State is 2—delete from the list all possible pairs of contiguous Divisions containing a Division included in the pair of contiguous Divisions set aside in pursuance of subparagraph (iii) and set aside the pair of contiguous Divisions remaining on the list that has the smallest number of electors enrolled; and

(v) if the difference between the present entitlement of the State and the previous entitlement of the State is greater than 2—continue successively deleting from the list all possible pairs of contiguous Divisions containing a Division included in a pair of contiguous Divisions set aside in pursuance of subparagraph (iv) or of this subparagraph, and setting aside the pair of contiguous Divisions remaining on the list that has the smallest number of electors enrolled, until the number of pairs of contiguous Divisions set aside in pursuance of this paragraph is equal to the difference between the present entitlement of the State and the previous entitlement of the State.

(4) Where, on or remaining on a list prepared in pursuance of paragraph (3)(a), there are 2 or more pairs of contiguous Divisions (in this subsection referred to as the ***relevant pairs of contiguous Divisions***) that have the same number of electors enrolled and there is no other pair of contiguous Divisions that has a greater number of electors enrolled, the pair of contiguous Divisions to be set aside in pursuance of that paragraph shall be determined from amongst the relevant pairs of contiguous Divisions by lot.

(5) Where, on or remaining on a list prepared in pursuance of paragraph (3)(b), there are 2 or more pairs of contiguous Divisions (in this subsection referred to as the ***relevant pairs of contiguous Divisions***) that have the same number of electors enrolled and there is no other pair of contiguous Divisions that has a smaller number of electors enrolled, the pair of contiguous Divisions to be set aside

in pursuance of that paragraph shall be determined from amongst the relevant pairs of contiguous Divisions by lot.

(6) The Redistribution Commissioners shall, in accordance with subsections (8) to (12) (inclusive), determine, by instrument in writing, the names and boundaries of the Electoral Divisions into which the State is to be distributed, and those Electoral Divisions shall, until altered by a determination under this subsection or subsection 73(1), be the Divisions in the State.

(7) The Redistribution Commissioners shall make a determination under subsection (6) as soon as practicable after they have, in accordance with subsection (3), set aside a number of pairs of contiguous Divisions in the State equal to the difference between the present entitlement of the State and the previous entitlement of the State and, in any event, before the expiration of the period of 7 days after the relevant day.

(8) The names and boundaries of the Divisions not included in a pair of contiguous Divisions set aside under subsection (3) shall not be altered.

(9) Where the present entitlement of the State is greater than the previous entitlement of the State, each pair of contiguous Divisions set aside in pursuance of paragraph (3)(a) shall be distributed into 3 Electoral Divisions in the following manner:

(a) the Population Census Collection Districts in the pair of contiguous Divisions, or the parts of such Districts that are within those Divisions, in the pair of contiguous Divisions shall be the basis for the redistribution and shall be allocated amongst the 3 Electoral Divisions without alteration;

(b) each Electoral Division shall, as far as practicable, contain the same number of electors enrolled;

(c) except in so far as discontinuous or separate boundaries are necessary for the purpose of including an island in an Electoral Division, the boundaries of each Electoral Division shall form an unbroken line.

(10) The 3 Electoral Divisions so formed from the pair of contiguous Divisions shall, as far as practicable, be named in the following manner:

(a) the Electoral Division that contains the greatest number of electors who were enrolled in one of the Divisions included in the pair of contiguous Divisions shall be given the name of that Division;

(b) the Electoral Division that contains the greatest number of electors who were enrolled in the other Division included in the pair of contiguous Divisions shall be given the name of that other Division;

(c) the Electoral Division remaining to be named after the application of paragraphs (a) and (b) shall have a name consisting of the names of each Division included in the pair of contiguous Divisions arranged in alphabetical order and hyphenated.

(11) Where the present entitlement of the State is less than the previous entitlement of the State, each pair of contiguous Divisions set aside in pursuance of paragraph (3)(b) shall be distributed into one Electoral Division.

(12) The Electoral Division so formed from the pair of contiguous Divisions shall have a name consisting of the names of each Division included in the pair of contiguous Divisions arranged in alphabetical order and hyphenated.

(13) The Redistribution Commissioners shall, forthwith after the making of the determination under subsection (6):

(a) forward to the Minister a copy of the determination; and

(b) cause a copy of the determination to be published forthwith in the *Gazette* and in 2 newspapers circulating throughout the State.

(14) The Minister shall cause copies of the determination to be laid before each House of the Parliament within 5 sitting days of that House after he or she receives a copy of the determination.

(15) The number of electors enrolled in each pair of contiguous Divisions in the State and in each Subdivision in each Division in the State shall, in so far as it is necessary to do so for the purposes of this section, be ascertained using only the last statement published under subsection 58(1) before the relevant day.

(16) Two Divisions in a State shall be taken, for the purposes of this section, to be contiguous Divisions if the boundaries of the Divisions actually touch in at least one place.

(16A) This section applies to the Australian Capital Territory as if:

(b) except in subsection (2), a reference to the Australian Electoral Officer for a State were a reference to the Electoral Commissioner; and

(c) subsection (2) were omitted and the following subsection substituted:

"(2) For the purposes of the redistribution, the Electoral Commissioner and a member of the staff of the Electoral Commission appointed under subsection 60(7B) are to be the Redistribution Commissioners for the Australian Capital Territory.".

(17) In this section, ***Population Census Collection District*** means an area designated by the Australian Bureau of Statistics as a Population Census Collection District for the purposes of the taking of the Census.

77 Decisions under Part final etc.

(1) Notwithstanding anything contained in any other law, but subject to the Constitution and to section 39B and Part VII of the *Judiciary Act 1903*, a decision by the Electoral Commissioner, the Electoral Commission, a Redistribution Committee for a State, an augmented Electoral Commission for a State or the Redistribution Commissioners for a State made, or purporting to be made, under this Part (whether in the exercise of a discretion or not):

(a) is final and conclusive;

(b) shall not be challenged, appealed against, reviewed, quashed, set aside or called in question in any court or tribunal on any ground; and

(c) is not subject to mandamus, prohibition, certiorari or injunction, or the making of a declaratory or other order, in any court on any ground.

(2) Without limiting the generality of subsection (1), the provisions of this Part (other than sections 56, 57 and 65, subsections 71(6) and

(8), 73(1) and (3) to (7) (inclusive) and 76(1) to (6) (inclusive), (8) to (12) (inclusive) and (15) and (16), section 78 and this section) are directory only and any failure to comply with them, whether in whole or in part, shall not invalidate a decision of a kind referred to in subsection (1).

(3) A reference in subsection (1) to a decision made under this Part includes a reference to a refusal or failure to make a decision under this Part.

78 Improper influence

A person shall not improperly seek to influence a member of a Redistribution Committee for a State, a member of an augmented Electoral Commission for a State or a Redistribution Commissioner for a State in the performance of his or her duties under this Part.

Penalty: Imprisonment for 12 months or 20 penalty units, or both.

Part V—Subdivisions and polling places

79 Subdivisions

(1) Subject to subsection (2), the Electoral Commission may, by notice published in the *Gazette*:

(a) divide a Division into such Subdivisions (if any) as are specified and set out the boundaries of each Subdivision so specified; and

(b) divide a Territory to which section 55A does not apply into such Districts as are specified and set out the boundaries of each District so specified.

(2) The Territory of Christmas Island and the Territory of Cocos (Keeling) Islands are each to be a District of the Division of the Northern Territory in which they are included (if applicable).

80 Polling places

(1) The Electoral Commissioner may in writing:

(a) appoint, by name, such polling places for each Division as he or she considers necessary;

(b) declare polling places appointed under paragraph (a) in respect of a Division to be polling places for a specified Subdivision of that Division; and

(c) abolish any polling place.

(2) No polling place for a Division shall be abolished after the issue of a writ relating, in whole or in part, to the taking of a poll in that Division and before the time appointed for its return.

(2A) The Electoral Commissioner must cause to be published, on the Electoral Commission's website and in any other way he or she considers appropriate, notice of an appointment, declaration or abolition made under subsection (1).

(2B) Failure to publish notice of an appointment, declaration or abolition made under subsection (1), as required by

subsection (2A), does not affect the validity of the appointment, declaration or abolition.

(3) The Electoral Commissioner shall, on at least one occasion after the issue of a writ relating, in whole or in part, to the taking of a poll in a Division but before the date fixed for the polling, if it is practicable to do so, publish in a newspaper circulating in that Division a notice:

(a) setting out all polling places in that Division; and

(b) setting out all places that were polling places for that Division at the later of:

(i) the time of the last election for which a poll was taken in that Division; and

(ii) the time of the last referendum (within the meaning of the *Referendum (Machinery Provisions) Act 1984*);

but that have been abolished since that time.

Part VI—Electoral Rolls

81 Electoral Rolls

(1) There shall be a Roll of the electors for each State and for each Territory.

82 Subdivision Rolls, Division Rolls and State and Territory Rolls

(1) There shall be a Roll for each Division.

(2) There shall be a separate Roll for each Subdivision.

(3) All the Subdivision Rolls for a Division shall together form the Roll for the Division.

(4) All the Division Rolls for a State or a Territory shall together form the Roll for that State or Territory, as the case requires.

83 Form of Rolls

(1) Subject to subsection (2) and section 104, the Rolls may be in the prescribed form, and shall set out the surname, Christian or given names and place of living of each elector and such further particulars as are prescribed.

(2) Where an elector is an eligible overseas elector or an itinerant elector, the Roll shall not set out the place of living of the elector.

84 Arrangement with States

(1) The Governor-General may arrange with the Governor of a State, the Administrator of the Northern Territory or the Chief Minister of the Australian Capital Territory for, or for the carrying out of a procedure relating to, the preparation, alteration or revision of the Rolls, in any manner consistent with the provisions of this Act, jointly by the Commonwealth and the State, jointly by the Commonwealth and the Northern Territory or jointly by the Commonwealth and the Australian Capital Territory, as the case may be, whether for the purpose of the Rolls being used as

Electoral Rolls for State elections, Northern Territory elections or Australian Capital Territory elections, as the case may be, as well as for Commonwealth elections, or for any other purpose.

(2) When any such arrangement has been made, the Rolls may contain:

(a) the names and descriptions of persons who are not entitled to be enrolled thereon as electors of the Commonwealth provided that it is clearly indicated in the prescribed manner that those persons are not enrolled thereon as Commonwealth electors;

(b) distinguishing marks against the names of persons enrolled as Commonwealth electors, to show that those persons are or are not also enrolled as State electors, Australian Capital Territory electors or Northern Territory electors; and

(c) other particulars in addition to the prescribed particulars;

and for the purposes of this Act the names, descriptions, marks, and particulars so contained shall not be deemed part of the Roll.

(3) However, particulars contained in the Rolls in accordance with paragraph (2)(c) must not relate to whether a person is a designated elector.

85 New Rolls to be prepared upon Proclamation

(1) New Rolls for any Subdivision, Division, State or Territory shall be prepared whenever directed by proclamation.

(2) The proclamation may specify the manner in which the Rolls shall be prepared; and may require every person entitled to enrolment on any new Roll, otherwise than by virtue of section 94, 94A, 95 or 96, to sign and send to the proper officer in accordance with the regulations a form of claim for enrolment and otherwise to comply with the regulations relating to compulsory enrolment:

Provided that an elector enrolled for the Subdivision in which he or she lives, in pursuance of a claim signed by him or her, shall not be required to sign and send in any further claim for enrolment in connexion with the preparation of a new Roll.

86 New Rolls on creation of new Divisions etc.

(1) Where:

(a) a Division is divided into Subdivisions;

(b) a new Division or a new Subdivision is created; or

(c) the boundaries of an existing Division or of an existing Subdivision are altered;

new Rolls shall be prepared in respect of each Division or Subdivision created or otherwise affected by reason of the circumstance referred to in paragraph (a), (b) or (c) by making any necessary transfer of electors between Rolls for existing Divisions or Subdivisions or between Rolls for existing Divisions or Subdivisions and Rolls for new Divisions or Subdivisions.

(2) A transfer of electors for the purposes of subsection (1) between one Roll and another Roll shall be effected by removing the names and other particulars of the electors from the Roll on which the names of those electors are presently entered and entering the names and other particulars of those electors on the Roll to which those electors are to be transferred.

(3) Where, for the purposes of subsection (1), electors are transferred between Rolls:

(a) in a case where, in the opinion of the Electoral Commissioner, a reasonably effective notification of that transfer can be given by notice published in a newspaper—the Electoral Commissioner shall cause notice of that transfer to be so published in that newspaper; and

(b) in a case to which paragraph (a) does not apply—the Electoral Commissioner:

(i) must cause a notice of that transfer to be delivered to the address of each elector affected by the transfer; and

(ii) may cause a notice of that transfer to be delivered to other addresses.

87 Additions etc. to new Rolls

If a new Roll for a Subdivision is prepared, the Electoral Commissioner must:

(a) make additions, alterations, and corrections therein; and

(b) remove names therefrom;

pursuant to claims or notifications received, and action taken under section 103A or 103B, between the date of the proclamation directing the preparation of new Rolls pursuant to section 85, or the date upon which there occurs a circumstance necessitating the preparation of new Rolls pursuant to section 86, as the case may be, and the date of the notification that the Rolls have been prepared, where the additions, alterations or corrections have not already been made in, or the removals have not been made from, the Rolls.

88 Objections and notices to have effect in relation to new Rolls

Where objections have been lodged or notices of objection have been issued and action in respect of those objections or notices has not been completed prior to the notification of the preparation, pursuant to section 85 or 86, of new Rolls, the objections or notices shall have effect in relation to the new Rolls as if such Rolls had been in existence at the time of the lodging of the objections or the issuing of the notices.

90 Commission to determine manner and form of access to Rolls etc.

(1) The Electoral Commission may determine the manner and form in which information is to be provided under this Part.

(2) Without limiting subsection (1), the Electoral Commission may determine that the information is to be provided electronically or in electronic form.

(3) If the Electoral Commission:

(a) makes a copy of a Roll available for public inspection in a particular form; or

(b) gives a copy of a Roll to a person or organisation in a particular form;

the copy is to be a copy of the most up-to-date version of the Roll that is available in that form.

(4) A reference in this section to information being provided includes a reference to:
   (a) a copy of a Roll being made available for public inspection; and
   (b) a copy of a Roll or certified list of voters being given to a person or organisation.

90A Inspection etc. of Rolls

Access at office of Divisional Returning Officer etc.

(1) A copy of the Roll for a Division is to be available, at any time during ordinary office hours, for public inspection without fee at:
   (a) the office of each Divisional Returning Officer; and
   (b) the office of each Assistant Divisional Returning Officer; and
   (c) such other places (if any) as the Electoral Commission determines.

Access at capital city office of the Electoral Commission

(2) A copy of the following are to be available, at any time during ordinary business hours, for public inspection without fee at each capital city office of the Electoral Commission:
   (a) the Roll for each State and Territory;
   (b) any other Roll specified in a direction given by the Electoral Commissioner for the purpose of this paragraph.

(3) The capital city offices of the Electoral Commission are:
   (a) the principal office of the Commission in Canberra; and
   (b) such other places (if any) in Canberra as the Electoral Commission determines; and
   (c) the principal office of the Commission in the capital city of each State; and
   (d) the principal office of the Commission in Darwin.

Other access

(4) The Electoral Commission may make a copy of a Roll available for public inspection without fee in any other way that the Electoral Commission considers appropriate.

Limitation

(5) A right of inspection under this section does not include the right to copy or record by electronic means the Roll or a part of the Roll.

90B Information on Rolls and certified lists of voters to be provided to particular people and organisations

(1) The following table sets out the persons and organisations to whom the Electoral Commission must give information in relation to the Rolls and certified lists of voters and specifies the information to be given and the circumstances in which it is to be given:

Provision of information on Rolls and certified lists of voters

Item	Person or organisation	Information to be given	Circumstances in which information is to be given
1	a candidate in a House of Representatives election	a copy of the certified list of voters for the Division for which the candidate is seeking election	(a) as soon as practicable after the close of the Rolls; and (b) without charge.
2	a registered political party	a copy of the Roll for each State and Territory	(a) as soon as practicable after a general election; and (b) without charge; and (c) subject to subsection (3).

Provision of information on Rolls and certified lists of voters			
Item	**Person or organisation**	**Information to be given**	**Circumstances in which information is to be given**
3	a registered political party	a copy of the habitation index for each Division	(a) as soon as practicable after a general election; and (b) without charge; and (c) subject to subsection (3).
4	a registered political party	a copy of a habitation index	(a) on request by the party; and (b) without charge; and (c) subject to subsection (3).
4A	a registered political party	voting information (as defined in subsection (10)) in relation to the election	(a) on request by the party; and (b) without charge; and (c) subject to subsection (3).
5	a registered political party with a member who is a Senator or a member of the House of Representatives	a copy of a Roll See also subsection (2).	(a) on request by the party; and (b) without charge; and (c) subject to subsection (3).
6	any other registered political party	a copy of a Roll See also subsection (2).	(a) on request by the party; and (b) on payment of the fee (if any) payable under subsection (9); and (c) subject to subsection (3).

Provision of information on Rolls and certified lists of voters			
Item	**Person or organisation**	**Information to be given**	**Circumstances in which information is to be given**
7	a Senator for a State or Territory	3 copies of the certified list of voters for each Division in the State or Territory used in a Senate election	(a) as soon as practicable after the result of the Senate election is declared under section 283; and (b) without charge.
8	a Senator for a State or Territory	3 copies of the Roll for the State or Territory	(a) as soon as practicable after a general election; and (b) without charge.
9	a Senator for a State or Territory	3 copies of the certified list of voters for an election of a member of the House of Representatives for a Division in the State or Territory	(a) as soon as practicable after the member of the House of Representatives is declared elected for the Division under section 284; and (b) without charge; and (c) the Senator is not entitled to a copy of the same list under item 7.
10	a Senator for a State or Territory	a copy of the Roll for any Division in that State or Territory See also subsection (2).	(a) on request by the Senator; and (b) without charge.
10A	a Senator for a State or Territory (other than a member of a registered political party)	voting information (as defined in subsection (10)) in relation to the election in which the Senator was elected	(a) on request by the Senator; and (b) without charge.

Provision of information on Rolls and certified lists of voters			
Item	**Person or organisation**	**Information to be given**	**Circumstances in which information is to be given**
11	a member of the House of Representatives	3 copies of the certified list of voters for the Division for which the member is elected	(a) as soon as practicable after the member is declared elected under section 284; and (b) without charge.
12	a member of the House of Representatives	3 copies of the Roll for the Division for which the member is elected	(a) as soon as practicable after a general election; and (b) without charge.
13	a member of the House of Representatives	3 copies of the certified list of voters for the Division for which the member is elected that is provided for the purposes of paragraph 203(1)(b) for a Senate election	(a) as soon as practicable after the result of the Senate election is declared under section 283; and (b) without charge; and (c) the member is not entitled to a copy of the same list under item 11.
14	a member of the House of Representatives	a copy of the Roll for the Division for which the member is elected See also subsection (2).	(a) on request by the member; and (b) without charge.
14A	a member of the House of Representatives for a Division (other than a member of a registered political party)	voting information (as defined in subsection (10)) in relation to the election in which the member was elected	(a) on request by the member; and (b) without charge.

Provision of information on Rolls and certified lists of voters			
Item	**Person or organisation**	**Information to be given**	**Circumstances in which information is to be given**
15	a member of the House of Representatives elected for a Division that is affected by a redistribution	a copy of the Roll for any Division that, after the redistribution, includes the Division, or a part of the Division, for which the member is elected See also subsection (2).	(a) on request by the member; and (b) without charge.
16	an electoral authority of a State or Territory	(a) any information on a Roll; and (b) any other information that an arrangement under section 84 allows or requires the Electoral Commission to provide to the authority	(a) an arrangement under section 84 allows or requires the information to be provided to the authority; and (b) on payment of the fee (if any) payable under subsection (9).

Electoral Commission may provide additional information in some circumstances

(2) If the Electoral Commission provides a copy of a Roll to a person or organisation under item 5, 6, 10, 14 or 15, the Electoral Commission may also provide any additional information held by the Electoral Commission about a person whose name is included on the Roll. The additional information is to be provided without charge.

Note: For ***additional information***, see subsection (10).

Registered political parties for a State or Territory only if the party has branch or division for that State or Territory

(3) In spite of subsection (1), the Electoral Commission need not give a registered political party information in relation to persons

enrolled in a State or Territory unless a branch or division of the party is organised on the basis of that State or Territory.

Giving parliamentarians electronic copies on request

(3A) On request by the Senator or member of the House of Representatives to whom item 7, 9, 11 or 13 of the table in subsection (1) relates, the Electoral Commission may comply with the item by giving the Senator or member:

(a) a single electronic copy of the relevant certified list; and

(b) if the Senator or member requests 1 or 2 other copies of the list, that number of other copies of the list.

(3B) On request by the Senator or member of the House of Representatives to whom item 8 or 12 of the table in subsection (1) relates, the Electoral Commission may comply with the item by giving the Senator or member:

(a) a single electronic copy of the relevant Roll; and

(b) if the Senator or member requests 1 or 2 other copies of that Roll, that number of other copies of that Roll.

(3C) On request by the Senator or member of the House of Representatives to whom item 10, 14 or 15 of the table in subsection (1) relates, the Electoral Commission may comply with the item by giving the Senator or member an electronic copy of the relevant Roll.

(3D) Subsections (3A), (3B) and (3C) do not limit the operation of subsections 90(1) and (2) or the *Electronic Transactions Act 1999* in relation to subsection (1) of this section.

Information on Rolls may be provided to particular people and organisations

(4) The following table sets out the persons and organisations to whom the Electoral Commission may give information in relation to the Rolls and specifies the information that may be given and the circumstances in which it may be given:

Provision of information on Rolls			
Item	**Person or organisation**	**Information that may be given**	**Circumstances in which information may be given**
1	the persons or organisations (if any) that the Electoral Commission determines are appropriate	a copy of a Roll	(a) as soon as practicable after a general election; and (b) without charge.
2	any person or organisation that conducts medical research or provides a health screening program	(a) a copy of a Roll (or an extract of a Roll); and (b) if the Electoral Commission wishes—information about: (i) the sex of; or (ii) the age range that covers; a person included on the Roll See also subsection (5).	(a) on request by the person or organisation; and (b) on payment of the fee (if any) payable under subsection (9).
3	any other person or organisation	a copy of a Roll (or an extract of a Roll)	(a) on request by the person or organisation; and (b) on payment of the fee (if any) payable under subsection (9).

Provision of information on Rolls			
Item	**Person or organisation**	**Information that may be given**	**Circumstances in which information may be given**
4	a prescribed authority	(a) any information on a Roll; and (b) if the Electoral Commission wishes—information about: (i) the sex of; or (ii) the date of birth of; or (iii) the occupation of; a person whose name is included on the Roll	(a) the provision of the information is authorised by the regulations; and (b) on payment of the fee (if any) payable under subsection (9).
6	a prescribed person or organisation that: (a) is a reporting entity or an agent of a reporting entity; and (b) carries out applicable customer identification procedures under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*	a copy of a Roll (or an extract of a Roll)	(a) on request by the person or organisation; and (b) on payment of the fee (if any) payable under subsection (9).

Provision of information on Rolls			
Item	**Person or organisation**	**Information that may be given**	**Circumstances in which information may be given**
7	a prescribed person or organisation that, under an arrangement with: (a) a reporting entity; or (b) an agent of a reporting entity; provides information for the purpose of facilitating the carrying out of applicable customer identification procedures under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*	a copy of a Roll (or an extract of a Roll)	(a) on request by the person or organisation; and (b) on payment of the fee (if any) payable under subsection (9).

Item 2 age ranges

(5) The Electoral Commission may determine the age ranges to be used for the purposes of item 2 in the table in subsection (4) in a particular case. However, each age range must cover at least 2 years.

Information about person whose address is not included on Roll

(6) The Electoral Commission must not include in information given under subsection (1) or (4) information about a person whose address has been excluded or deleted from a Roll under section 104.

Information about designated electors

(6A) The Electoral Commission must not include in information given under subsection (1) or (4) information about whether a person is a designated elector.

Restriction on disclosure of information about occupation, sex or date of birth

(7) Except as otherwise provided by this Act, the Electoral Commission must not give a person information which discloses particulars of the occupation, sex or date of birth of an elector.

(8) If an arrangement under section 84 allows information to be given to an electoral authority of a State or Territory, the Electoral Commission may also give that electoral authority information that discloses particulars of the sex or date of birth of an elector who is enrolled in another State or Territory.

Certain information about defence and AFP personnel not to be disclosed

(8A) Nothing in this section (or in an arrangement under section 84) allows or requires the Electoral Commission to give a person or organisation information that the Electoral Commission is aware would or might enable any of the following to be ascertained:

(a) the fact that a particular person has been, is or will be serving outside Australia as:

(i) a defence member or a defence civilian; or

(ii) an AFP officer or staff member;

(b) the place where a particular person has been, is or will be serving outside Australia in a capacity referred to in subparagraph (a)(i) or (ii);

(c) the period of time when a particular person has been, is or will be serving outside Australia in a capacity referred to in subparagraph (a)(i) or (ii);

(d) without limiting any of the preceding paragraphs—the postal address of a person who is serving outside Australia in a capacity referred to in subparagraph (a)(i) or (ii);

(e) any other information of a kind specified in the regulations, being information that relates to persons who have been, are or will be serving outside Australia in a capacity referred to in subparagraph (a)(i) or (ii).

(8B) Paragraph (8A)(d) does not apply in relation to the postal address of a person who is a general postal voter.

Fee

(9) The Electoral Commission may charge a fee that covers the cost to the Commission of providing information under:

(a) item 6 or 16 in the table in subsection (1); or

(b) item 2, 3, 4, 6 or 7 in the table in subsection (4).

Definitions

(10) In this section:

additional information about a person included on a Roll means the following:

(a) the person's postal address;

(b) the person's sex;

(c) the person's date of birth;

(d) the person's salutation;

(e) the census district in which the person lives;

(f) the most recent enrolment date and enrolment transaction number for the person;

(g) whether the person is:

(i) not entitled to be enrolled as an elector of the Commonwealth; or

(ii) not also enrolled as a State elector, Australian Capital Territory elector or Northern Territory elector; or

(iii) less than 18 years old;

(h) whether the person is a general postal voter;

(i) whether the person has only recently been enrolled;

(j) whether the person has re-enrolled and, if so:

(i) the Division and State or Territory in which they were previously enrolled; and

(ii) the enrolment transaction number for the person's previous enrolment;

(k) the electoral district for the purposes of State or Territory elections in which the person lives;

(l) the local government area in which the person lives;

(m) the Australia Post delivery point identifier for each address of the person.

applicable customer identification procedure has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

habitation index, in relation to a Division, means a list of electors for the Division arranged, in a manner determined by the Electoral Commission, by reference to the respective places of living of the electors whose names are on the Roll for the Division.

reporting entity has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

voting information, in relation to an election, means information that:

(a) contains the names and addresses of the electors who voted at the election (other than itinerant electors, eligible overseas electors and electors whose addresses have been excluded from the Roll under section 104); and

(b) indicates whether or not each of those electors voted at a polling place; and

(c) if the elector voted at a polling place for the Division for which the elector was enrolled, indicates the location of the polling place.

91A Use of information from Roll and habitation index

(1) If information is given to a person or organisation under section 90B, a person must not use the information except for a purpose that is a permitted purpose in relation to the person or organisation the information is given to.

Penalty: 100 penalty units.

(1A) The permitted purposes in relation to a Senator or member of the House of Representatives are:

(a) any purpose in connection with an election or referendum; and

(aa) research regarding election and ballot matters; and

(b) monitoring the accuracy of information contained in a Roll; and

(c) the performance by the Senator or member of his or her functions as a Senator or member in relation to a person or persons enrolled for the Division, State or Territory to which the tape or disk relates.

(2) The permitted purposes in relation to a political party are:

(a) any purpose in connection with an election or referendum; and

(aa) research regarding election and ballot matters; and

(b) monitoring the accuracy of information contained in a Roll; and

(c) the performance by a senator or member of the House of Representatives who is a member of the party of his or her functions as a senator or member in relation to a person or persons enrolled for the Division, State or Territory to which the tape or disk relates.

(2AA) The permitted purposes in relation to a prescribed authority are:

(a) monitoring the accuracy of information contained on a Roll; and

(b) any other purpose that is prescribed for the prescribed authority.

(2A) The permitted purposes in relation to a person or organisation other than a Senator, member of the House of Representatives, political party or prescribed authority are:

(a) any purpose in connection with an election or referendum; and

(b) monitoring the accuracy of information contained in a Roll; and

(c) any other purpose that is prescribed.

(2B) For information provided under item 16 of the table in subsection 90B(1), the only permitted purposes in relation to an electoral authority of a State or Territory are:

(a) any purpose in connection with an election or referendum; and

(b) monitoring the accuracy of information contained in a Roll; and

(c) any other purpose that is prescribed by the regulations for the purposes of this paragraph.

(2D) For information provided under item 6 of the table in subsection 90B(4), the only permitted purpose in relation to a prescribed person or organisation is for the person or organisation to carry out an applicable customer identification procedure under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

(2E) For information provided under item 7 of the table in subsection 90B(4), the only permitted purpose in relation to a prescribed person or organisation is facilitating the carrying out of an applicable customer identification procedure under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

(3) In this section:

applicable customer identification procedure has the same meaning as in the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006*.

election means:

(a) a Senate election;

(b) a House of Representatives election;

(c) a State election;

(d) a Territory election; or

(e) a local government election.

referendum means a referendum conducted under a law of the Commonwealth or of a State or Territory.

91B Prohibition of disclosure or commercial use of Roll or habitation index

(1) For the purposes of this section, information is protected information in relation to a person if the person knows, or has reasonable grounds for believing, that the information has been obtained under section 90B.

(2) A person must not disclose protected information unless the disclosure would be a use of the information for a permitted purpose under section 91A.

Penalty: 1,000 penalty units.

(3) A person shall not use protected information for a commercial purpose (other than information provided under item 6 or 7 of the table in subsection 90B(4) that is used for a permitted purpose).

Penalty: 1,000 penalty units.

92 Roll reviews

(1) All officers in the service of the Commonwealth, a State or a Territory, officers in the service of any local governing body, and all occupiers of habitations shall upon application furnish to the Electoral Commissioner or to any officer acting under the Electoral Commissioner's direction all such information as the Electoral Commissioner requires in connexion with the preparation, maintenance or revision of the Rolls.

(2) The Electoral Commissioner must cause reviews to be conducted of the Rolls, with a view to ascertaining such information as is required for the preparation, maintenance and revision of the Rolls.

(3) There must be paid to the Electoral Commissioner, out of the Consolidated Revenue Fund, amounts equal to the sum of the expenses reasonably incurred by him or her in respect of reviews conducted under subsection (2).

(6) The Consolidated Revenue Fund is appropriated as necessary for the purposes of subsection (3).

(7) The Finance Minister may make advances to the Electoral Commissioner on account of the amount that is expected to become payable under this section to the Electoral Commissioner.

(8) Amounts payable to the Electoral Commissioner under this section shall be paid in such amounts, and at such times, as the Finance Minister determines.

Part VII—Qualifications and disqualifications for enrolment and for voting

93 Persons entitled to enrolment and to vote

(1) Subject to subsections (7) and (8) and to Part VIII, all persons:

(a) who have attained 18 years of age; and

(b) who are:

(i) Australian citizens; or

(ii) persons (other than Australian citizens) who would, if the relevant citizenship law had continued in force, be British subjects within the meaning of that relevant citizenship law and whose names were, immediately before 26 January 1984:

(A) on the roll for a Division; or

(B) on a roll kept for the purposes of the *Australian Capital Territory Representation (House of Representatives) Act 1973* or the *Northern Territory Representation Act 1922*;

shall be entitled to enrolment.

(2) Subject to subsections (3), (4), (5) and (8AA), an elector whose name is on the Roll for a Division is entitled to vote at elections of Members of the Senate for the State that includes that Division and at elections of Members of the House of Representatives for that Division.

(3) An elector:

(a) whose name has been placed on a Roll in pursuance of a claim made under section 100; and

(b) who has not attained 18 years of age on the date fixed for the polling in an election;

is not entitled to vote at that election.

(4) Notwithstanding section 100 or any enrolment in pursuance of a claim made under that section, for the purposes of this Act in its application in relation to an election, a person who has not attained

18 years of age on the date fixed for the polling in that election shall not be taken to be:

(a) entitled to be enrolled on a Roll; or

(b) enrolled on a Roll.

(5) A person is not entitled to vote more than once at any Senate election or any House of Representatives election, or at more than one election for the Senate or for the House of Representatives held on the same day.

(7) A person who is:

(a) within the meaning of the *Migration Act 1958*, the holder of a temporary visa; or

(b) an unlawful non-citizen under that Act;

is not entitled to enrolment under Part VIII.

(8) A person who:

(a) by reason of cognitive impairment, is incapable of understanding the nature and significance of enrolment and voting; or

(b) has been convicted of treason or treachery and has not been pardoned;

is not entitled to have his or her name placed or retained on any Roll or to vote at any Senate election or House of Representatives election.

(8AA) A person who is serving a sentence of imprisonment of 3 years or longer is not entitled to vote at any Senate election or House of Representatives election.

Note: For the definition of ***sentence of imprisonment***, see subsection 4(1A).

(8A) In subsection (1), ***relevant citizenship law*** means the *Australian Citizenship Act 1948* as amended and in force immediately before the day fixed by Proclamation for the purposes of subsection 2(2) of the *Australian Citizenship Amendment Act 1984* and the regulations in force immediately before that day under the *Australian Citizenship Act 1948* as so amended and in force.

(10) The reference in subsection (8) to treason or treachery includes a reference to treason or treachery committed in relation to the

Crown in right of a State or the Northern Territory or in relation to the government of a State or the Northern Territory.

93A Power to refuse to include in the Roll inappropriate names

(1) This section applies to the inclusion of a person's name in a Roll under a provision of this Part.

(2) The Electoral Commissioner may refuse to include a person's name in a Roll if the Electoral Commissioner considers that the name:

(a) is fictitious, frivolous, offensive or obscene; or

(b) is not the name by which the person is usually known; or

(c) is not written in the alphabet used for the English language.

(3) The Electoral Commissioner may refuse to include a person's name in a Roll if including the name in the Roll would be contrary to the public interest.

(4) If the Electoral Commissioner decides under this section to refuse to include a person's name in a Roll, the Electoral Commissioner must notify the person in writing of that decision.

94 Enrolled voters leaving Australia

(1) An elector who:

(a) is enrolled for a particular Subdivision of a Division; and

(b) has ceased to reside in Australia, or intends to cease to reside in Australia; and

(c) intends to resume residing in Australia (whether in that Subdivision or elsewhere) not later than 6 years after ceasing to reside in Australia;

may apply to be treated as an eligible overseas elector. The application must be in the approved form and signed by the elector, and must be made to the Electoral Commissioner.

(1A) An application that is made while the elector still resides in Australia must be made within 3 months before the elector intends to cease to reside in Australia.

(1B) An application that is made after the elector ceased to reside in Australia must be made within 3 years after the day on which the elector ceased to reside in Australia.

(2) Where an application is made under subsection (1):

(a) the Electoral Commissioner must annotate the Roll so as to indicate that the elector is an eligible overseas elector; and

(b) subject to this section, the elector is entitled to be treated as an eligible overseas elector from the time when the annotation is made until it is cancelled.

(3) Notwithstanding anything in subsection 99(1) or (2), while a person is entitled to be treated as an eligible overseas elector by virtue of an annotation under subsection (2) to the Roll for a Subdivision, the person is entitled to:

(a) have his or her name retained on the Roll for the Subdivision; and

(b) vote as an elector of the Subdivision.

(4) Where a person applies under subsection (1) to the Electoral Commissioner to be treated as an eligible overseas elector and the person's name is not on the Roll for a Subdivision of the Division, the Electoral Commissioner shall refuse the application and give notice in writing of the decision to the person making the application.

(5) A person who has applied under subsection (1) shall, as soon as practicable, give written notice to the Electoral Commissioner of the occurrence of any of the following circumstances:

(a) the person does not cease to reside in Australia within 3 months after the day on which the application was made;

(b) within 6 years after ceasing to reside in Australia, the person again becomes resident in Australia;

(c) the person abandons the intention to become resident again in Australia within 6 years after ceasing to reside in Australia;

(d) the person ceases to be entitled to enrolment.

(6) Subject to subsection (13), if a person who is an eligible overseas elector does not cease to reside in Australia within 3 months after the day on which he or she applied under subsection (1) to be

treated as an eligible overseas elector, the person ceases to be entitled to be treated as an eligible overseas elector.

(6A) Paragraph (5)(a) and subsection (6) do not apply to a person who is an eligible overseas elector whose application under subsection (1) was made after the person ceased to reside in Australia.

(7) If a person who is an eligible overseas elector again becomes resident in Australia within 6 years after ceasing to reside in Australia, the person ceases to be entitled to be treated as an eligible overseas elector at the end of 1 month after the day on which he or she again became resident in Australia.

(8) Where a person who is an eligible overseas elector in relation to a Subdivision by virtue of this section:

(a) ceases to have the intention to resume residing in Australia within the period (in this subsection referred to as the ***relevant period***) of 6 years after the day on which he or she ceased to reside in Australia; and

(b) intends to resume residing in Australia at some time after the expiration of the relevant period;

and applies, within 3 months before the expiration of the relevant period, to the Electoral Commissioner to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the Electoral Commissioner shall annotate the Roll for that Subdivision so as to indicate that the eligible overseas elector is to be treated as an eligible overseas elector for that further period of 1 year.

(9) Where a person who:

(a) is being treated as an eligible overseas elector in relation to a Subdivision for a further period (in this subsection referred to as the ***relevant period***) of 1 year in pursuance of an application made under subsection (8) or under this subsection; and

(b) intends to resume residing in Australia;

applies, within 3 months before the expiration of the relevant period, to the Electoral Commissioner to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the Electoral Commissioner shall

annotate the Roll for that Subdivision so as to indicate that the eligible overseas elector is to be treated as an eligible overseas elector for that further period of 1 year.

(10) An application under subsection (8) or (9) shall be in writing and signed by the applicant.

(11) Where a person who is being treated as an eligible overseas elector in pursuance of an application made under subsection (8) or (9):

(a) resumes residing in Australia; or

(b) ceases to have the intention to resume residing in Australia;

the person shall, as soon as practicable, give notice in writing to the Electoral Commissioner of the happening of the event referred to in paragraph (a) or (b), as the case may be.

(12) Subject to subsection (13), where a person who is being treated as an eligible overseas elector in pursuance of an application made under subsection (8) or (9) resumes residing in Australia, the person ceases to be entitled to be treated as an eligible overseas elector under this section on the expiration of 1 month after the day on which he or she resumes residing in Australia.

(13) A person ceases to be entitled to be treated as an eligible overseas elector under this section if:

(a) the person gives notice under paragraph (5)(c) and does not make an application under subsection (8);

(b) the person gives notice under paragraph (11)(b);

(c) while the person is being so treated, a general election is held at which he or she neither votes nor applies for a postal vote;

(d) the person ceases to be entitled to enrolment;

(e) except where:

(i) the person has given notice under paragraph (5)(b); or

(ii) the person has made an application under subsection (8);

the period of 6 years commencing on the day on which the person ceased to reside in Australia expires; or

(f) in a case where:

(i) the person is being treated as an eligible overseas elector in pursuance of an application made under

subsection (8) or (9) for a further period (in this paragraph referred to as the ***relevant period***) of 1 year; and

(ii) the person does not make an application under subsection (9) to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period;

the relevant period expires.

(14) Where the Electoral Commissioner has annotated a Roll for a Subdivision of a Division in relation to a person under subsection (2) and the Electoral Commissioner becomes aware that the person has ceased to be entitled to be treated as an eligible overseas elector under this section by virtue of subsection (6), (7), (12) or (13), the Electoral Commissioner shall:

(a) if the person ceases to be eligible otherwise than by virtue of paragraph (13)(d) and the person resides in the Division at the time when he or she ceases to be entitled to be treated as an eligible overseas elector under this section—cancel the annotation made in relation to the person under subsection (2); or

(b) in any other case—cancel the enrolment of the person on the Roll for the Subdivision.

(15) If, after an application is made by a person under subsection (1) to be treated as an eligible overseas elector and before an annotation under subsection (2) is made in relation to the person, an event occurs by reason of which, if the annotation had been made, the person would have ceased to be entitled to be treated as an eligible overseas elector under subsection (6), (7) or (13), whether immediately or otherwise, then:

(a) where the annotation was not made before the Electoral Commissioner became aware of the happening of the event—the Electoral Commissioner shall not make the annotation; or

(b) where the annotation is made—the annotation or the enrolment of the person, as the case requires, ceases to be in force immediately after the annotation is made.

94A Enrolment from outside Australia

(1) A person may apply to the Electoral Commissioner for enrolment for a Subdivision if, at the time of making the application:

(a) the person has ceased to reside in Australia; and

(b) the person is not enrolled; and

(c) the person is not qualified for enrolment, but would be so qualified if he or she resided at an address in a Subdivision of a Division, and had done so for at least a month; and

(d) the person intends to resume residing in Australia not later than 6 years after he or she ceased to reside in Australia.

(2) An application:

(a) must be in the approved form; and

(b) must be signed by the applicant; and

(c) must be made within 3 years of the day on which the applicant ceased to reside in Australia; and

(d) must comply with section 98AA (evidence of identity requirements).

(3) The Electoral Commissioner must add the person's name to the Roll:

(a) for the Subdivision for which the person last had an entitlement to be enrolled; or

(b) if the person has never had such an entitlement, for a Subdivision for which any of the person's next of kin is enrolled; or

(c) if neither paragraph (a) nor (b) applies, for the Subdivision in which the person was born; or

(d) if none of paragraphs (a), (b) and (c) applies, for the Subdivision with which the person has the closest connection.

(4) If:

(a) the application is received by the Electoral Commissioner after 8 pm on the day of the close of the Rolls for an election to be held in a Division; and

(b) the application relates to a Subdivision of that Division;

the person's name must not be added to the Roll for the Subdivision until after the close of the poll for that election.

(5) The Electoral Commissioner must notify the person in writing:
  (a) of a decision to grant or refuse the application; or
  (b) of the Electoral Commissioner's opinion that the application cannot be proceeded with because of subsection (4).

(6) If the application is granted, the Electoral Commissioner must treat the application as if it were a valid application under subsection 94(1) by the person to be treated as an eligible overseas elector.

95 Eligibility of spouse, de facto partner or child of eligible overseas elector

(1) Where a person:
  (a) who is the spouse, de facto partner or child of a person who is an eligible overseas elector by virtue of section 94 in relation to a Subdivision (in this subsection referred to as the ***relevant Subdivision***);
  (b) who is living at a place outside Australia so as to be with or near the eligible overseas elector;
  (c) who had not attained 18 years of age when he or she last ceased to reside in Australia;
  (d) whose name is not, and has not been, on a Roll;
  (e) who is not qualified for enrolment under section 93 but would be so qualified if he or she resided at an address in a Subdivision of a Division; and
  (f) who intends to resume residing in Australia not later than 6 years after the day on which he or she attained 18 years of age;

applies to the Electoral Commissioner to have his or her name placed on the Roll for the relevant Subdivision and to be treated as an eligible overseas elector, the Electoral Commissioner shall, subject to subsection (4):
  (g) add the name of the person to the Roll for the relevant Subdivision; and

(h) annotate the Roll for the relevant Subdivision so as to indicate that the person is an eligible overseas elector;

and, subject to subsections (7), (12) and (13), the person is entitled to be treated as an eligible overseas elector from the time when the annotation is made until it is cancelled.

(2) An application:

(a) must be in the approved form; and

(b) must be signed by the applicant; and

(c) must comply with section 98AA (evidence of identity requirements).

(3) Notwithstanding anything contained in subsection 99(1) or (2), while a person is entitled to be treated as an eligible overseas elector by virtue of an annotation under subsection (1) to the Roll for a Subdivision, the person is entitled to:

(a) have his or her name retained on the Roll for the Subdivision; and

(b) vote as an elector of the Subdivision.

(4) If:

(a) an application under this section is received by the Electoral Commissioner after 8 pm on the day of the close of the Rolls for an election to be held in a Division; and

(b) the application relates to a Subdivision of that Division;

the person's name must not be added to the Roll for the Subdivision, and the annotation of the Roll under subsection (1) in relation to the person must not be made, until after the close of the poll for that election.

(5) The Electoral Commissioner must notify the person in writing:

(a) of a decision to grant or refuse the application; or

(c) of the Electoral Commissioner's opinion that the application cannot be proceeded with because of subsection (4).

(6) Where a person who has applied under subsection (1) to be treated as an eligible overseas elector:

(a) resumes residing in Australia within 6 years after the day on which he or she attained 18 years of age;

(b) ceases to have the intention to resume residing in Australia within 6 years after the day on which he or she attained 18 years of age; or

(c) ceases to be qualified for enrolment;

the person shall, as soon as practicable, give notice in writing to the Electoral Commissioner of the happening of the event referred to in paragraph (a), (b) or (c), as the case may be.

(7) Subject to subsection (13), where a person who is being treated as an eligible overseas elector under this section resumes residing in Australia within 6 years after the day on which he or she attained 18 years of age, the person ceases to be eligible to be treated as an eligible overseas elector under this section on the expiration of 1 month after the day on which he or she resumes residing in Australia.

(8) Where a person who is an eligible overseas elector in relation to a Subdivision by virtue of this section:

(a) ceases to have the intention to resume residing in Australia within the period (in this subsection referred to as the ***relevant period***) of 6 years after the day on which he or she attained 18 years of age; and

(b) intends to resume residing in Australia at some time after the expiration of the relevant period;

applies, within 3 months before the expiration of the relevant period, to the Electoral Commissioner to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the Electoral Commissioner shall annotate the Roll for that Subdivision so as to indicate that the eligible overseas elector is to be treated as an eligible overseas elector for that further period of 1 year.

(9) Where a person who:

(a) is being treated as an eligible overseas elector in relation to a Subdivision for a further period (in this subsection referred to as the ***relevant period***) of 1 year in pursuance of an application made under subsection (8) or under this subsection; and

(b) intends to resume residing in Australia;

applies, within 3 months before the expiration of the relevant period, to the Electoral Commissioner to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period, the Electoral Commissioner shall annotate the Roll for that Subdivision so as to indicate that the eligible overseas elector is to be treated as an eligible overseas elector for that further period of 1 year.

(10) An application under subsection (8) or (9) shall be in writing and signed by the applicant.

(11) Where a person who is being treated as an eligible overseas elector in pursuance of an application made under subsection (8) or (9):

(a) resumes residing in Australia; or

(b) ceases to have the intention to resume residing in Australia;

the person shall, as soon as practicable, give notice in writing to the Electoral Commissioner of the happening of the event referred to in paragraph (a) or (b), as the case may be.

(12) Subject to subsection (13), where a person who is being treated as an eligible overseas elector in pursuance of an application made under subsection (8) or (9) resumes residing in Australia, the person ceases to be entitled to be treated as an eligible overseas elector under this section on the expiration of 1 month after the day on which he or she resumes residing in Australia.

(13) A person ceases to be entitled to be treated as an eligible overseas elector under this section if:

(a) the person gives notice under paragraph (6)(b) and does not make an application under subsection (8);

(b) the person gives notice under paragraph (11)(b);

(c) while the person is being so treated, a general election is held at which the person neither votes nor applies for a postal vote;

(d) the person ceases to be entitled to enrolment;

(e) except where:

(i) the person has given notice under paragraph (6)(b); or

(ii) the person has made an application under subsection (8);

the period of 6 years commencing on the day on which the person attained the age of 18 years expires; or

(f) in a case where:

(i) the person is being treated as an eligible overseas elector in pursuance of an application made under subsection (8) or (9) for a further period (in this paragraph referred to as the ***relevant period***) of 1 year; and

(ii) the person does not make an application under subsection (9) to be treated as an eligible overseas elector for a further period of 1 year commencing on the expiration of the relevant period;

the relevant period expires.

(14) Where the Electoral Commissioner has annotated a Roll for a Subdivision of a Division in relation to a person under subsection (1) and the Electoral Commissioner becomes aware that the person has ceased to be entitled to be treated as an eligible overseas elector under this section by virtue of subsection (7), (12) or (13), the Electoral Commissioner shall:

(a) if the person ceases to be eligible otherwise than by virtue of paragraph (13)(d) and the person resides in the Division at the time when he or she ceases to be entitled to be treated as an eligible overseas elector under this section—cancel the annotation made in relation to the person under subsection (1); or

(b) in any other case—cancel the enrolment of the person on the Roll for the Subdivision.

(15) If, after an application is made by a person under subsection (1) to be treated as an eligible overseas elector and before the person's name is added to the Roll and an annotation under paragraph (1)(h) is made in relation to the person, an event occurs by reason of which, if the name had been so added and the annotation so made, the person would have ceased to be entitled to be treated as an eligible overseas elector under subsection (7) or (13), whether immediately or otherwise, then:

(a) where the name was not added to the Roll, and the annotation was not made, before the Electoral Commissioner became aware of the happening of the event—the Electoral Commissioner shall not add the name to the Roll under this section or make the annotation; or

(b) where the name is added to the Roll and the annotation is made—the person ceases to be entitled to be treated as an eligible overseas elector immediately after the name is added and the annotation is made.

96 Itinerant electors

(1) A person who:

(a) is in Australia; and

(b) is not entitled to be enrolled for any Subdivision because:

(i) the person does not reside in any Subdivision; or

(ii) the person is a homeless person;

may apply to the Electoral Commissioner for enrolment under this section for a Subdivision.

(2) An application:

(a) must be in the approved form; and

(b) must be signed by the applicant; and

(c) must comply with section 98AA (evidence of identity requirements), if that section applies to the application.

(2A) The Electoral Commissioner must add the name of the applicant to the Roll:

(a) for the Subdivision for which the applicant last had an entitlement to be enrolled;

(b) if the person has never had such an entitlement, for a Subdivision for which any of the applicant's next of kin is enrolled;

(c) if neither paragraph (a) nor paragraph (b) applies, for the Subdivision in which the applicant was born; or

(d) if none of paragraphs (a), (b) and (c) applies, for the Subdivision with which the applicant has the closest connection.

(2B) The Electoral Commissioner shall also annotate the Roll so as to indicate that the person is an itinerant elector.

(2C) Until an annotation under subsection (2B) is cancelled, the person to whom the annotation relates is entitled to be treated as an itinerant elector.

(3) Notwithstanding anything contained in subsection 99(1) or (2), while a person is entitled to be treated as an itinerant elector by virtue of an annotation under subsection (2B) to the Roll for a Subdivision, the person is entitled to:

(a) have his or her name retained on the Roll for the Subdivision; and

(b) vote as an elector of the Subdivision.

(4) If:

(a) an application under this section is received by the Electoral Commissioner after 8 pm on the day of the close of the Rolls for an election to be held in a Division; and

(b) the application relates to a Subdivision of that Division;

the person's name must not be added to the Roll for the Subdivision, and the annotation of the Roll under subsection (2B) in relation to the person must not be made, until after the close of the poll for that election.

(5) Where the Electoral Commissioner:

(a) grants or refuses an application made under subsection (1); or

(b) is of the opinion that an application made under that subsection cannot be proceeded with because of the operation of subsection (4);

the Electoral Commissioner shall notify the applicant in writing of that decision or opinion, as the case may be.

(6) If the Electoral Commissioner refuses an application made by a person under subsection (1), the notice under subsection (5) must also include notice of the person's right to apply for review under Part X.

(7) Where a person who has applied under subsection (1) to be treated as an itinerant elector:

(a) resides in a Subdivision for a period of 1 month or longer; or

(aa) if subparagraph (1)(b)(ii) applied in relation to the application—ceases to be a homeless person; or

(b) forms the intention to depart from Australia and to remain outside Australia for a period of 1 month or longer; or

(c) ceases to be entitled to enrolment;

the person shall, as soon as practicable, give notice in writing to the Electoral Commissioner of the happening of the event referred to in paragraph (a), (aa), (b) or (c), as the case may be.

(8) Subject to subsection (9), where a person who is being treated as an itinerant elector under this section resides in a Subdivision for a period of 1 month or longer, the person ceases to be eligible to be treated as an itinerant elector under this section on the expiration of that period of 1 month.

(8A) Paragraph (7)(a) and subsection (8) do not apply in relation to a homeless person.

(8B) Subject to subsection (9), if:

(a) a person is being treated as an itinerant elector under this section because the person is a homeless person; and

(b) the person ceases to be a homeless person;

the person ceases to be eligible to be treated as an itinerant elector under this section upon ceasing to be a homeless person.

(9) A person ceases to be entitled to be treated as an itinerant elector under this section if:

(b) the person ceases to be entitled to enrolment; or

(c) the person departs from Australia and remains outside Australia for a period of 1 month or longer.

(10) If the Electoral Commissioner adds the name of a person to the Roll for a Subdivision of a Division under this section and the Electoral Commissioner becomes aware that the person has ceased to be entitled to be treated as an itinerant elector under this section by virtue of subsection (8), (8B) or (9), he or she must:

(a) if the person ceases to be entitled otherwise than because of paragraph (9)(b) and the Electoral Commissioner is aware

that the person resides in the Division—cancel the annotation made in relation to the person under subsection (2B); or

(b) in any other case—cancel the enrolment of the person on the Roll for the Subdivision.

(11) If, after an application is made by a person under this section to be treated as an itinerant elector and before the person's name is added to the Roll and an annotation under subsection (2B) is made in relation to the person, an event occurs by reason of which, if the name had been so added and the annotation so made, the person would cease to be entitled to be treated as an itinerant elector under this section, whether immediately or otherwise, then:

(a) where the name was not added to the Roll, and the annotation was not made, before the Electoral Commissioner became aware of the happening of the event—the Electoral Commissioner must not add the name to the Roll under this section or make the annotation; or

(b) where the name is added to the Roll and the annotation is made—the person ceases to be entitled to be treated as an itinerant elector immediately after the name is added and the annotation is made.

(12) For the purposes of this section, a person shall be taken to reside at a place if, and only if, the person has his or her real place of living at that place.

(13) In this section:

homeless person includes:

(a) a person living in:

(i) crisis accommodation; or

(ii) transitional accommodation; and

(b) a person who has inadequate access to safe and secure housing within the meaning of section 4 of the *Supported Accommodation Assistance Act 1994*.

96A Enrolment of prisoners

(1) Subject to section 93, a person who is serving a sentence of imprisonment is entitled to remain enrolled for the Subdivision (if

any) for which the person was enrolled when he or she began serving the sentence.

(2) An eligible person who is serving a sentence of imprisonment but who was not enrolled when he or she began serving the sentence is entitled to be enrolled for:

(a) the Subdivision for which the person was entitled to be enrolled at that time;

(b) if the person was not so entitled, a Subdivision for which any of the person's next of kin is enrolled;

(c) if neither of paragraphs (a) and (b) is applicable, the Subdivision in which the person was born; and

(d) if none of the preceding paragraphs is applicable, the Subdivision with which the person has the closest connection.

(3) In subsection (2), ***eligible person*** means a person who, under section 93, is entitled to enrolment.

96B Entitlement of Antarctic electors to vote

(1) An Antarctic elector is entitled to vote in accordance with Part XVB (electronically assisted voting).

Electors in Antarctica who are already on the Roll

(2) Despite subsection 99(1) or (2), while a person is an Antarctic elector, the person is entitled to:

(a) have the person's name retained on the Roll for the Subdivision in which the person was enrolled when the person first began to be in Antarctica or on the ship that is in transit to or from Antarctica; and

(b) vote as an elector of the Subdivision.

(3) A person who is an Antarctic elector may, by notice given to the Electoral Commissioner, notify the Electoral Commissioner that the person is an Antarctic elector.

Persons in Antarctica who are not already on the Roll

(4) Subsection (5) applies if:

(a) a person is, under section 93, entitled to enrolment; and
(b) the person is, in the course of the person's employment:
(i) in Antarctica; or
(ii) on a ship at sea in transit to or from Antarctica; and
(c) the person was not enrolled when the person began to be in Antarctica or on the ship.

(5) The person is entitled to be enrolled:
(a) for the Subdivision for which the person last had an entitlement to be enrolled; or
(b) if the person has never had such an entitlement—for a Subdivision for which any of the person's next of kin is enrolled; or
(c) if neither paragraph (a) nor (b) applies—for the Subdivision in which the person was born; or
(d) if none of paragraphs (a), (b) and (c) applies—for the Subdivision with which the person has the closest connection.

Annotating the Roll

(6) The Electoral Commissioner must annotate the Roll for the Subdivision for which a person is enrolled so as to indicate that the person is an Antarctic elector if:
(a) the person gives a notice under subsection (3); or
(b) the Electoral Commissioner adds the person's name to the Roll in accordance with subsection (5); or
(c) the Electoral Commissioner is otherwise satisfied that the person is an Antarctic elector.

(7) The Electoral Commissioner must delete the annotation immediately after the Commissioner becomes aware that the elector has ceased to be an Antarctic elector.

97 Application of Part to Australian Capital Territory and Northern Territory

This Part applies in relation to the Australian Capital Territory or the Northern Territory as if references in this Part to a State were references to that Territory.

Part VIII—Enrolment

98AA Evidence of identity requirements

(1) This section applies to:

(a) an application or claim that a person makes under section 94A, 95 or 99A; or

(b) an application or claim that a person makes under section 96 or 98, if:

(i) the person is not already enrolled; or

(ii) the person is already enrolled, but the person's name is no longer the same as the name under which he or she is enrolled.

(2) The person's claim or application must include or be accompanied by any of the following:

(a) if the person holds a driver's licence issued under the law of a State or Territory, or a law in force in Norfolk Island—the number of that driver's licence;

(b) if the person holds an Australian passport—the number of that Australian passport;

(c) an attestation as to the person's identity that is:

(i) in the approved form; and

(ii) signed by another person who is enrolled;

(d) any other evidence of the person's identity that is of a kind prescribed by the regulations for the purpose of this paragraph.

98 Addition of names to Rolls

(1) Names may be added to Rolls pursuant to claims for enrolment or transfer of enrolment or claims for age 16 enrolment.

Note: Names may also be added to Rolls in some circumstances without making a claim or giving notice (see sections 103A and 103B).

(2) A claim:

(a) must be in an approved form; and

(b) subject to subsection (3), must be signed by the claimant; and
(c) must comply with section 98AA (evidence of identity requirements), if that section applies to the claim.

(3) Where a person wishes to make a claim for enrolment, for transfer of enrolment or for age 16 enrolment and a registered medical practitioner has certified, in writing, that the person is so physically incapacitated that the person cannot sign the claim, another person may, on behalf of the person, fill out and sign the claim in accordance with the directions of the first-mentioned person.

(4) A claim shall be completed in accordance with the directions contained in a form approved for the purposes of subsection (2).

(5) A certificate referred to in subsection (3) shall be lodged with the claim to which it relates.

98A Refusal to include in the Roll inappropriate names

(1) This section applies to the inclusion in a Roll, or transfer to a Roll, of a person's name under a provision of this Part.

(2) The Electoral Commissioner may refuse to include in a Roll, or transfer to a Roll, a person's name if the Electoral Commissioner considers that the name:
(a) is fictitious, frivolous, offensive or obscene; or
(b) is not the name by which the person is usually known; or
(c) is not written in the alphabet used for the English language.

(3) The Electoral Commissioner may refuse to include in a Roll, or transfer to a Roll, a person's name if including the name in the Roll, or transferring it to the Roll, would be contrary to the public interest.

(4) If the Electoral Commissioner decides under this section to refuse to include a person's name in a Roll, the Electoral Commissioner must notify the person in writing of that decision.

99 Claims for enrolment or transfer of enrolment

(1) Any person qualified for enrolment, who lives at an address in a Subdivision, and has lived at that address for a period of one month last past, shall be entitled, in respect of residence at that address, to have his or her name placed on the Roll for that Subdivision.

(2) Any elector whose name is on the Roll for any Subdivision and who lives at an address in any other Subdivision, and has lived at that address for a period of one month last past, shall be entitled, in respect of residence at that address, to have his or her name transferred to the Roll for the Subdivision in which he or she lives.

(3) Subject to sections 94, 94A, 95, 96, 96A and 96B, a person is not entitled to have his or her name placed on the Roll:

(a) for more than one Subdivision;

(b) for a Subdivision other than the Subdivision in which the person lives; or

(c) in respect of an address other than the address at which the person is living when the claim is lodged.

(4) In spite of any other provision of this Act:

(a) a Senator is entitled to have his or her name placed on the Roll for any Subdivision of any Division in the State or Territory the Senator represents instead of the Subdivision in which the Senator lives;

(b) a member of the House of Representatives is entitled to have his or her name placed on the Roll for any Subdivision of the Division the member represents instead of the Subdivision in which the member lives; and

(c) a Senator or member whose name is enrolled under this subsection may vote as an elector of the Subdivision for which he or she is so enrolled.

(5) The validity of any enrolment shall not in any case be questioned on the ground that the person enrolled has not in fact lived at the relevant address in the Subdivision for a period of one month.

99A Provisional claim for enrolment by applicant for citizenship

(1) A person who:

(a) makes an application to become an Australian citizen under section 21 of the *Australian Citizenship Act 2007*; and

(b) would, if he or she were an Australian citizen, be entitled, in respect of residence at an address, to enrolment for a subdivision;

may make a provisional claim for enrolment for that subdivision.

(2) If a person who has made a provisional claim for enrolment for a subdivision, either under subsection (1) or under this subsection:

(a) is living at an address in another subdivision; and

(b) has lived at that address for the period of one month last past;

the person may make a provisional claim for enrolment for that other subdivision.

(3) If a person makes a provisional claim for enrolment under subsection (2), any previous provisional claim for enrolment by that person has no effect.

(4) A claim:

(a) must be in the approved form; and

(b) subject to subsection (5), must be signed by the claimant; and

(c) must be lodged:

(i) if the claim is made under subsection (1)—together with the claimant's application to become an Australian citizen; or

(ii) if the claim is made under subsection (2)—with the Electoral Commissioner; and

(d) must comply with section 98AA (evidence of identity requirements).

(5) If:

(a) a person wishes to make a provisional claim for enrolment; and

(b) a registered medical practitioner has certified, in writing, that the person is so physically incapacitated that the person cannot sign the claim;

another person may, on behalf of the person, fill out and sign the claim in accordance with the directions of the first-mentioned person.

(6) The Secretary of the Immigration Department must:

(a) send to the Electoral Commissioner, as soon as practicable, any provisional claim for enrolment lodged by a person under subparagraph (4)(c)(i); and

(b) if the person becomes an Australian citizen as a result of the person's application to become an Australian citizen—inform the Electoral Commissioner, as soon as practicable, that the person has become an Australian citizen.

(7) If a person who has made a provisional claim for enrolment for a subdivision becomes an Australian citizen, the provisional claim is taken to be a claim for enrolment for the subdivision, made by the person on the day on which the person becomes an Australian citizen.

(8) If a person who has made a provisional claim for enrolment is refused approval to become an Australian citizen, the provisional claim has no effect.

99B Provisional enrolment by applicant for citizenship

Application by those about to become Australian citizens

(1) A person may apply to the Electoral Commissioner for provisional enrolment for a Subdivision if, at the time of making the application:

(a) either:

(i) a public announcement has been made of the proposed date for polling for an election for the Subdivision; or

(ii) a writ for an election for the Subdivision has been issued; and

(b) the person has been notified by the Immigration Department that the person will become an Australian citizen under the *Australian Citizenship Act 2007* between:
  (i) the date of the writ; and
  (ii) the polling day for the election; and
(c) the person is not enrolled; and
(d) the person is not qualified for enrolment, but would be so qualified if he or she were an Australian citizen.

Note: A person who is provisionally enrolled under this section is not immediately added to a Roll but can cast a postal vote, a pre-poll declaration vote, an absent vote or a provisional vote. However, the vote is excluded from further scrutiny if the person does not provide evidence of citizenship by the first Friday following the polling day (see paragraph 6 of Schedule 3).

Requirements for application

(2) An application must:
(a) be in the approved form; and
(b) be signed by the person (but see subsection (3)); and
(c) be made between the following times:
  (i) the earlier of the public announcement of the proposed date for polling for the election and the date of the writ;
  (ii) 8 pm on the day of the close of the Rolls for the election; and
(d) in accordance with subsection (4), be supported by evidence of the Immigration Department's notification.

(3) A person may fill out and sign an application under this section, on behalf of another person (the ***applicant***), in accordance with the directions of the applicant if:
(a) the applicant wishes to make the application; and
(b) a registered medical practitioner has certified, in writing, that the applicant is so physically incapacitated that the applicant cannot sign the application.

(4) For the purposes of paragraph (2)(d), an application is supported by evidence of the Immigration Department's notification if:
(a) all of the following apply:

(i) the original notification is shown to an officer;
(ii) the officer attests that he or she has sighted the notification;
(iii) the officer attests that he or she is satisfied that the notification relates to the person making the application; or

(b) all of the following apply:
(i) the original or a copy of the notification is shown to an elector in a prescribed class of electors;
(ii) the elector attests that he or she has sighted the notification;
(iii) the elector attests that he or she is satisfied that the notification relates to the person making the application.

Electoral Commissioner to keep records

(5) If a person makes an application in accordance with this section, then:
(a) the person is provisionally enrolled under this section for the Subdivision to which the application relates; and
(b) the Electoral Commissioner must keep a record of the details of the application.

Confirmation of citizenship

(6) If, by the first Friday following the polling day for the election, the person provides an officer with evidence that the person has become an Australian citizen, then:
(a) the provisional enrolment ceases; and
(b) the application is taken to be a claim for enrolment for the Subdivision to which the application relates; and
(c) sections 102, 103 and 104 apply to the application as if it were a claim made under section 101.

(7) Otherwise, the Electoral Commissioner must notify the person, in writing, that the person's provisional enrolment has ceased.

100 Claims for age 16 enrolment

(1) A person who:

(a) has turned 16, but is under 18, years of age; and

(b) would be entitled, in respect of residence at an address, to be enrolled for a Subdivision if he or she were 18 years of age;

may send or deliver a claim to have his or her name placed on the Roll for that Subdivision to the Electoral Commissioner.

(2) A claim made under subsection (1) shall be treated as a claim for enrolment for the Subdivision to which the claim relates and the provisions of sections 102, 103 and 104 apply in relation to the claim as if the person making the claim were 18 years of age and the claim were made pursuant to section 101.

(3) For the purposes of sections 389 and 390, a claim made under subsection (1) shall be taken to be a claim for enrolment.

101 Compulsory enrolment and transfer

(1) Every person who is entitled to be enrolled for any Subdivision, otherwise than by virtue of section 94, 94A, 95, 96 or 100, whether by way of enrolment or transfer of enrolment, and whose name is not on the Roll, shall forthwith fill in and sign a claim and send or deliver the claim to the Electoral Commissioner.

(4) Every person who is entitled to have his or her name placed on the Roll for any Subdivision whether by way of enrolment or transfer of enrolment, and whose name is not on the Roll upon the expiration of 21 days from the date upon which the person became so entitled, or at any subsequent date while the person continues to be so entitled, commits an offence unless he or she proves that the non-enrolment is not in consequence of his or her failure to send or deliver to the Electoral Commissioner, a claim, duly filled in and signed in accordance with the directions printed thereon.

Note: A defendant bears a legal burden in relation to the defence in subsection (4) (see section 13.4 of the *Criminal Code*).

(5) If a person enrolled for a Subdivision (including a person whose address, in accordance with a request made under section 104, is not entered on a Roll):

(a) has changed his or her place of living from one address in that Subdivision to another address in the same Subdivision; and

(b) has lived at the new address for a period of one month;

the person must, within 21 days after the end of the period referred to in paragraph (b), give written notice of the new address to the Electoral Commissioner.

(6) A person who fails to comply with subsection (1), (4) or (5) commits an offence punishable on conviction by a fine not exceeding 1 penalty unit.

(6AA) An offence against subsection (6) relating to a failure to comply with subsection (1) or (5) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(6AB) An offence against subsection (6) relating to a failure to comply with subsection (4) is an offence of absolute liability.

Note: For ***absolute liability***, see section 6.2 of the *Criminal Code*.

(6A) Subsection (6) does not apply to a person who fails to comply with subsection (5) if the person has not reached the age of 18 years.

Note: A defendant bears an evidential burden in relation to the defence in subsection (6A) (see subsection 13.3(3) of the *Criminal Code*).

(7) Where a person sends or delivers a claim for enrolment, or for transfer of enrolment, to the Electoral Commissioner, proceedings shall not be instituted against that person for any offence against subsection (1) or (4) committed before the claim was so sent or delivered.

(8) If the Electoral Commissioner enters a person's name or address in a Roll under section 103A or 103B, proceedings must not be instituted against the person for an offence against subsection (1), (4), (5) or (6) of this section constituted by an omission occurring before that entry.

102 Action on receipt of claim

(1) Subject to subsection (4), if, pursuant to section 101, the Electoral Commissioner receives a claim for enrolment, or transfer of enrolment, the Electoral Commissioner must:

(a) note on the claim the date of its receipt; and

(b) if the claim is in order and the Electoral Commissioner is satisfied that the claimant is entitled, in respect of residence at an address, to be enrolled for a Subdivision, without delay:

(i) enter on the Roll for the Subdivision the name of the claimant and the other particulars required by section 83; and

(ii) notify the claimant in writing that he or she has been enrolled for that Subdivision; and

(iii) in the case of a claim for transfer of an enrolment from the Roll for another Subdivision—delete the name of the claimant from the Roll for that other Subdivision; and

(c) if the claim is in order but the Electoral Commissioner is satisfied that the claimant is already properly enrolled in respect of residence at the address in the Subdivision for which he or she is entitled to be enrolled—notify the claimant, in writing, that he or she has been enrolled for that Subdivision; and

(d) if the claim is not in order or the Electoral Commissioner is not satisfied that the claimant is entitled, in respect of residence at an address, to be enrolled for a Subdivision—notify the claimant in writing that the claim has been rejected.

(2) Before dealing with a claim under paragraph (1)(b), (c) or (d), the Electoral Commissioner may make any inquiries that he or she thinks necessary.

(3) Notice of a decision given to a claimant by the Electoral Commissioner under paragraph (1)(d) must include:

(a) a statement of the reasons for the decision; and

(b) a statement setting out the rights of the claimant to have the decision reviewed under Part X.

(4) Subject to subsection (5), if:

(a) a claim under section 101 is received by the Electoral Commissioner during the period (the ***suspension period***):

(i) starting at 8 pm on the day of the close of the Rolls for an election to be held in a Division; and

(ii) ending on the close of the poll for the election; and

(b) the claim relates to a Subdivision of that Division;

the claim must not be considered until after the end of the suspension period.

(5) If:

(a) a claim under section 101 is received by the Electoral Commissioner during the suspension period; and

(b) the Australian Postal Corporation has notified the Electoral Commission in writing that:

(i) the delivery of mail identified in the notification was delayed by an industrial dispute affecting a specified post office or mail exchange; and

(ii) but for the industrial dispute, that mail would, in the ordinary course of post, have been delivered before the start of the suspension period; and

(c) the claim is included in the mail identified in the notification;

then, despite subsection (4):

(d) the claim must be regarded as having been received before the start of the suspension period; and

(e) if the claimant's name is entered on the Roll in accordance with the claim, the enrolment must, in relation to any vote recorded by the claimant in an election, be regarded as having been effected before the start of the suspension period.

(6) A name may, at any time, be removed from a Roll pursuant to a notice of transfer of enrolment.

103 Penalty on officer neglecting to enrol claimants

(1) Any officer who receives a claim for enrolment or transfer of enrolment and who fails to do everything necessary on his or her

part to be done to secure the enrolment of the claimant in pursuance of the claim commits an offence.

Penalty: 10 penalty units.

(2) Subsection (1) does not apply if the officer has a just excuse for the failure.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

103A Updating or transferring a person's enrolment without claim or notice from the person

Application

(1) This section applies if the Electoral Commissioner:

(a) is satisfied that a person's address is entered on a Roll (the ***old Roll***); and

(b) is satisfied, for reasons other than a claim under section 98 and a notice under subsection 101(5), that the person lives at another address (the ***new address***).

Notice of proposed action to update or transfer enrolment

(2) The Electoral Commissioner may give the person a notice in writing setting out the date of the notice, the new address and the fact that the Electoral Commissioner is satisfied that the person lives at the new address and stating:

(a) if the person's residence at the new address entitles the person to have his or her name placed on the old Roll—that the Electoral Commissioner proposes to enter the new address for the person on the old Roll; and

(b) if the person's residence at the new address entitles the person to have his or her name transferred to another Roll (the ***new Roll***)—that the Electoral Commissioner proposes:

(i) to delete the person's name from the old Roll; and

(ii) to enter on the new Roll the person's name and other particulars required by section 83; and

(c) in any case—that the Electoral Commissioner will not take the proposed action if satisfied by information given by the

person to the Electoral Commissioner within 28 days after the date of the notice that the person does not live at the new address.

Taking action to update or transfer enrolment

(3) The Electoral Commissioner may take the proposed action described in paragraph (2)(a) or (b) unless satisfied by information given by the person to the Electoral Commissioner within 28 days after the date of the notice that the person does not live at the new address.

(4) The Electoral Commissioner may take the action before the end of the 28 days if the person indicates to the Electoral Commissioner within that period that the person does live at the new address.

(5) Despite subsections (3) and (4), the Electoral Commissioner must not take the proposed action described in paragraph (2)(b) within a period:

(a) starting at 8 pm on the day of the close of the Rolls for an election to be held in a Division to which the new Roll relates; and

(b) ending on the close of the poll for the election.

Notice of decision or decision not to take action

(6) If the Electoral Commissioner takes the proposed action described in paragraph (2)(a) or (b) or decides not to take that action, the Electoral Commissioner must give the person notice in writing of the action or the decision.

(7) If:

(a) under subsection (6) the Electoral Commissioner gives the person notice in writing of the action; and

(b) the Electoral Commissioner has received a claim for transfer of the person's enrolment to the new address;

the Electoral Commissioner need not give the person notice under subparagraph 102(1)(b)(ii).

Electronic notification

(8) A notice may be given under this section by an electronic communication as defined in the *Electronic Transactions Act 1999*, whether or not the person consents as described in paragraph 9(2)(d) of that Act. This does not limit the ways in which the notice may be given.

103B Enrolling unenrolled person without claim or notice from the person

Application

(1) This section applies if the Electoral Commissioner is satisfied that a person:

(a) is entitled to enrolment; and

(b) has lived at an address (the ***proposed enrolment address***) in a Subdivision (the ***relevant Subdivision***) for at least one month; and

(c) the person is not enrolled.

Notice of proposed action to enrol a person

(2) The Electoral Commissioner may give the person a notice in writing setting out the date of the notice, the proposed enrolment address and the fact that the Electoral Commissioner is satisfied that the person lives at that address and stating:

(a) that the Electoral Commissioner proposes to enter the person's name and other particulars required by section 83 on the Roll for the relevant Subdivision (the ***proposed action***); and

(b) that the Electoral Commissioner will not take the proposed action if satisfied by information given by the person to the Electoral Commissioner within 28 days after the date of the notice that the person:

(i) does not live at the proposed enrolment address; or

(ii) is not entitled to enrolment.

Taking action to enrol a person

(3) The Electoral Commissioner may take the proposed action unless satisfied by information given by the person to the Electoral Commissioner within 28 days after the notice that the person:
  (a) does not live at the proposed enrolment address; or
  (b) is not entitled to enrolment.

(4) The Electoral Commissioner may take the proposed action before the end of the 28 days if the person indicates to the Electoral Commissioner within that period that the person:
  (a) does live at the proposed enrolment address; and
  (b) is entitled to enrolment.

(5) Despite subsections (3) and (4), the Electoral Commissioner must not take the proposed action within a period:
  (a) starting at 8 pm on the day of the close of the Rolls for an election to be held in a Division to which the Roll for the relevant Subdivision relates; and
  (b) ending on the close of the poll for the election.

Notice that action has or has not been taken

(6) If the Electoral Commissioner takes the proposed action, or decides not to take that action, the Electoral Commissioner must give the person notice in writing of:
  (a) the action or the decision; and
  (b) the person's full name and address as entered on the Roll for the person (if applicable).

(7) If:
  (a) under subsection (6) the Electoral Commissioner gives the person notice in writing of the action; and
  (b) the Electoral Commissioner has received a claim for enrolment in respect of the relevant address;

the Electoral Commissioner need not give the person notice under subparagraph 102(1)(b)(ii).

Electronic notification

(8) A notice may be given under this section by an electronic communication as defined in the *Electronic Transactions Act 1999*, whether or not the person consents as described in paragraph 9(2)(d) of that Act. This does not limit the ways the notice may be given.

104 Request for address not to be shown on Roll

(1) Where a person considers that having his or her address shown on the Roll for a Subdivision would place the personal safety of the person or of members of the person's family at risk, he or she may lodge with the claim for enrolment (including a provisional claim for enrolment) a request, in the approved form, that his or her address not be entered on the Roll for the Subdivision for which enrolment is claimed.

(2) Where:

(a) the address of a person is included in the particulars relating to the person that are entered on the Roll for a Subdivision; and

(b) the person considers that having his or her address so shown places the personal safety of the person or of members of his or her family at risk;

the person may lodge with the Electoral Commissioner a request, in the approved form, that his or her address be deleted from the particulars that are entered on that Roll.

(3) A request under subsection (1) or (2) shall give particulars of the relevant risk and shall be verified by statutory declaration by the person making the request or some other person.

(4) Where:

(a) a request has been made under subsection (1) or (2); and

(b) the Electoral Commissioner is satisfied that having the address of the person making the request shown on the Roll for the Subdivision would place or places the personal safety of the person or members of the person's family at risk;

the Electoral Commissioner:

(c) in a case where the request was lodged under subsection (1)—shall not include the address of the person in the particulars relating to the person that are entered on the Roll for the Subdivision; and

(d) in a case where the request is lodged under subsection (2)—shall delete the address of the person from the particulars relating to the person that are entered on the Roll for the Subdivision.

(4A) If:

(a) the address of an elector is not shown on the Roll for a Subdivision because of this section; and

(b) the elector's name is transferred to a Roll for another Subdivision;

the Electoral Commissioner must not enter the elector's address on the Roll for the other Subdivision.

(5) Where the Electoral Commissioner grants or refuses a request made by a person under subsection (1) or (2), the Electoral Commissioner shall notify the person in writing of the decision.

(6) Notwithstanding anything contained in section 107, where an address is deleted from a Roll in pursuance of subsection (4), the address so deleted shall be obliterated.

(7) The Electoral Commissioner may conduct a review of the Roll for a Subdivision of a Division in relation to electors whose addresses are not shown on the Roll by virtue of this section.

(8) If, after such a review, the Electoral Commissioner is not satisfied that the personal safety of a elector whose address is not shown on the Roll, or of the elector's family, would be at risk if the elector's address were shown on the Roll, the Electoral Commissioner must notify the elector in writing that the Electoral Commissioner has decided that the elector's address should be entered on the Roll.

(9) If:

(a) the decision that the elector's address should be entered on the Roll has not been set aside under subsection 120(5), or by the Administrative Review Tribunal or a court; and

(b) it is no longer possible for the decision to be so set aside;

the Electoral Commissioner must enter the elector's address on the Roll.

(10) For the purposes of this Act, if the address of a person is not shown on the Roll for a Subdivision because of a request made by the person under subsection (1) or (2), the name of the person is taken to have been placed on the Roll:

(a) if the person has not given notice of a change of address under subsection 101(5)—in respect of the address that would have been shown on the Roll had the request not been made; or

(b) if the person gives notice of a change of address under subsection 101(5)—in respect of the new address.

(11) For the purposes of this section, the members of a person's family are taken to include the following (without limitation):

(a) a de facto partner of the person;

(b) a child of the person, or someone of whom the person is a child, because of the definition of ***child*** in section 4;

(c) anyone else who would be a member of the person's family because a person mentioned in paragraph (a) or (b) is taken to be a member of the family.

105 Alteration of Rolls

(1) In addition to other powers of alteration conferred by this Act, the Electoral Commissioner may alter any Roll by:

(a) correcting any mistake or omission in the particulars of the enrolment of an elector;

(c) removing the name of any deceased elector;

(d) striking out the superfluous entry where the name of the same elector appears more than once on the same Subdivision Roll;

(e) reinstating any name removed by mistake as the name of a deceased elector;

(f) where the Electoral Commissioner is satisfied that an objection against the enrolment of an elector whose name has been deleted from the Roll as a result of the objection was

based on a mistake of fact and that the person objected to still retains and has continuously retained his or her right to the enrolment in respect of which the objection was made—reinstating on the Roll the name of the elector;

(g) reinstating any other name removed by mistake; and

(h) where the name of a street or any other part of an address that appears on the Roll is changed—substituting the new name or other part of the address for the name or other part of the address so appearing.

(1A) If the address of an elector is altered under paragraph (1)(h), then, after the alteration, this Act has effect as if the elector's name had been placed on the Roll in respect of the address as altered.

(2) If:

(a) the name of an elector has, pursuant to a claim, been incorrectly placed on the Roll for a Subdivision (other than the Subdivision in which the elector was living at the date of the claim); and

(b) the elector was entitled on that date to be enrolled for the Subdivision in which he or she was living;

the Electoral Commissioner may remove the name of the elector from the Roll on which the elector is enrolled and place the name of the elector on the Roll for the Subdivision in which the elector is living and notify the elector of the change of enrolment.

(3) An alteration to a Roll in pursuance of subsection (1) or (2) may be made at any time.

(4) The Electoral Commissioner may enter the name of an elector who is not enrolled, and who has made a declaration vote, on the Roll for the Subdivision in which the elector was living at the time of voting if:

(a) at a preliminary scrutiny of declaration votes conducted in accordance with Schedule 3:

(i) the envelope containing the elector's ballot paper meets the requirements of paragraph 6 of that Schedule (about ballot papers being properly issued); and

(ii) paragraph 12 of that Schedule (about omissions from a Roll due to error or a mistake of fact) applies to the envelope; or

(b) at a preliminary scrutiny of declaration votes conducted in accordance with Schedule 4 to the *Referendum (Machinery Provisions) Act 1984*:

(i) the envelope containing the elector's ballot paper meets the requirements of paragraph 6 of that Schedule (about ballot papers being properly issued); and

(ii) paragraph 11 of that Schedule (about omissions from a Roll due to error or a mistake of fact) applies to the envelope.

106 Incorrect enrolment

Where a person, whose name has been placed on the Roll for a Division, is not entitled to enrol for that Division and that person secured enrolment pursuant to a claim in which the person made a false statement, the Electoral Commissioner, upon receipt of a certificate from the Australian Electoral Officer setting forth the facts, may, at any time between the date of the issue of the writ for an election for that Division, and before the close of the polling at that election, remove the name of that person from that Roll.

107 Alterations to be initialled

Every alteration of a Roll shall be made in such a manner that the original entry shall not be obliterated, and the reason for each alteration and the date thereof shall be set against the alteration, together with the initials of the person who makes the alteration.

108 Lists of deaths to be forwarded

The Registrar-General of a State must as soon as practicable after the beginning of each month or at such other times as are arranged with the Electoral Commissioner:

(a) forward to the Electoral Commissioner (or to an officer nominated by the Electoral Commissioner) a list of the names, addresses, occupations, ages, sexes and dates of death

of all persons of the age of 16 years or upwards whose deaths have been registered during the preceding month for the State; and

(b) forward to the Electoral Commissioner (or to an officer nominated by the Electoral Commissioner) any information that the Registrar-General is required to forward under an agreement entered into for the purposes of this Act between the Electoral Commission and a Minister of the State or the Registrar-General.

Note: For the application of this section to the Australian Capital Territory, the Northern Territory and the non-self-governing Territories, see section 112.

109 Lists of persons serving, or ceasing to serve, sentences of imprisonment to be forwarded

(1) The Controller-General of Prisons of a State must, as soon as practicable after the beginning of each month, forward to the Electoral Commissioner (or to an officer nominated by the Electoral Commissioner) a list of:

(a) the names, addresses, occupations and sexes of all persons who began serving a sentence of imprisonment of 3 years or longer in the State; and

(b) the names, addresses, occupations and sexes of all persons who ceased to serve a sentence of imprisonment of 3 years or longer in the State;

during the preceding month.

(2) Within 4 days of the day of the close of the Rolls for an election for a Division in a State, the Controller-General of Prisons of the State must forward to the Electoral Commissioner (or to an officer nominated by the Electoral Commissioner) a list of:

(a) the names, addresses, occupations and sexes of all persons who began serving a sentence of imprisonment of 3 years or longer in the State; and

(b) the names, addresses, occupations and sexes of all persons who ceased to serve a sentence of imprisonment of 3 years or longer in the State;

between the time the last list was forwarded by the Controller-General under subsection (1) and the day of the close of the Rolls.

Note 1: For the definition of ***sentence of imprisonment***, see subsection 4(1A).

Note 2: For the application of this section to the Australian Capital Territory, the Northern Territory and the non-self-governing Territories, see section 112.

110 Electoral Commissioner to act on receipt of information

(1) The Electoral Commissioner shall, upon receipt (whether by the Commissioner or by an officer nominated by the Commissioner) of information pursuant to sections 108 and 109, take action under this Act to effect such alterations of the Rolls as are necessary.

(2) The Electoral Commissioner shall not take action under subsection (1) to remove the name of an elector, other than a deceased elector, from the Roll otherwise than by way of an objection under Part IX.

111 Computer records relating to Roll

(1) Where, but for this subsection, the Electoral Commissioner is required or permitted under this Act or the regulations to record particulars (including make an annotation) in a written form on a Roll, the Electoral Commissioner may do so by recording or storing those particulars, or causing those particulars to be recorded or stored, on a mechanical, electrical or other device approved by the Commission.

(2) Where the Electoral Commissioner is required or permitted under this Act or the regulations to vary or remove particulars which, but for this section, would be on a Roll but which have been recorded or stored in accordance with this section, the Electoral Commissioner shall do so by varying or removing the particulars so recorded or stored, or causing the particulars so recorded or stored to be varied or removed, as the case may be.

(4) Where the Electoral Commissioner is required under this Act or the regulations to enter particulars on, vary particulars on, or remove particulars from, a Roll and the Electoral Commissioner complies

with the requirement by taking action in accordance with this section, the Electoral Commissioner shall, for the purposes of this Act, including any provisions imposing obligations on the Electoral Commissioner, be taken to have entered those particulars on the Roll, varied those particulars or removed those particulars, as the case may be.

(5) Section 107 does not apply to alterations of a Roll made in pursuance of this section.

112 Application of Part to Australian Capital Territory and Northern Territory

(1) This Part applies in relation to the Australian Capital Territory or the Northern Territory as if references in this Part to a State were references to that Territory.

Application of sections 108 and 109 to the Australian Capital Territory

(2) For the purposes of the application of sections 108 and 109 in relation to the Australian Capital Territory:

(a) the Australian Capital Territory does not include Norfolk Island or the Jervis Bay Territory; and

(b) subject to subsections (3) and (5), those sections apply in relation to Norfolk Island as if references in those sections to a State were references to Norfolk Island; and

(c) subject to subsections (4) and (5), those sections apply in relation to the Jervis Bay Territory as if references in those sections to a State were references to the Jervis Bay Territory.

(3) For the purposes of the application of section 108 in relation to Norfolk Island, the reference in paragraph 108(b) to a Minister of the State is taken to be a reference to the responsible Commonwealth Minister (within the meaning of the *Norfolk Island Act 1979*).

(4) For the purposes of the application of section 108 in relation to the Jervis Bay Territory, the reference in paragraph 108(b) to a

Minister of the State is taken to be a reference to the Minister administering the *Jervis Bay Territory Acceptance Act 1915*.

(5) For the purposes of the application of subsection 109(2) in relation to Norfolk Island or the Jervis Bay Territory, the reference in that subsection to an election for a Division in a State is taken to be a reference to an election for a Division in the Australian Capital Territory.

Application of sections 108 and 109 to the Northern Territory

(6) For the purposes of the application of sections 108 and 109 in relation to the Northern Territory:

(a) the Northern Territory does not include the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands; and

(b) subject to subsections (7) and (9), those sections apply in relation to the Territory of Christmas Island as if references in those sections to a State were references to the Territory of Christmas Island; and

(c) subject to subsections (8) and (9), those sections apply in relation to the Territory of Cocos (Keeling) Islands as if references in those sections to a State were references to the Territory of Cocos (Keeling) Islands.

(7) For the purposes of the application of section 108 in relation to the Territory of Christmas Island, the reference in paragraph 108(b) to a Minister of the State is taken to be a reference to the Minister administering the *Christmas Island Act 1958*.

(8) For the purposes of the application of section 108 in relation to the Territory of Cocos (Keeling) Islands, the reference in paragraph 108(b) to a Minister of the State is taken to be a reference to the Minister administering the *Cocos (Keeling) Islands Act 1955*.

(9) For the purposes of the application of subsection 109(2) in relation to the Territory of Christmas Island or the Territory of Cocos (Keeling) Islands, the reference in that subsection to an election for a Division in a State is taken to be a reference to an election for a Division in the Northern Territory.

Part IX—Objections

113 Interpretation

In this Part:

challenged elector means the person to whose enrolment an objection relates.

challenged enrolment means the enrolment to which an objection relates.

official objection means an objection by the Electoral Commissioner under subsection 114(2) or (4).

private objection means an objection under subsection 114(1), (1A) or (1B).

relevant Subdivision means the Subdivision for which the challenged elector is enrolled.

114 Objection to enrolment

(1) A person enrolled for a Subdivision may object to the enrolment of another person for that Subdivision on the ground, other than the ground specified in paragraph 93(8)(a), that the other person is not entitled to be enrolled for that Subdivision.

(1A) An elector may object to the enrolment of another person on the ground specified in paragraph 93(8)(a), whether or not the elector is enrolled in the same Subdivision as the other person.

(1B) A person enrolled for a Subdivision may object to the enrolment of another person for that Subdivision on the ground that:

(a) the other person's name has been placed on the Roll for that Subdivision in respect of a particular address; and

(b) at the date of the objection, the other person does not live at that address, and has not lived at that address for a period of at least one month; and

(c) the other person is not:

(i) an Antarctic elector; or

(ii) entitled to remain enrolled under section 96A (enrolment of prisoners).

(1C) A person must not object under subsection (1) to the enrolment of another person if the person could object under subsection (1B) to the enrolment of the other person.

(2) The Electoral Commissioner shall object to the enrolment of a person for a Subdivision of a Division if there are reasonable grounds for believing that the person is not entitled to be enrolled for that Subdivision.

(3) The Electoral Commissioner shall not object on the ground set out in paragraph 93(8)(a).

(4) The Electoral Commissioner must object to the enrolment of a person for a Subdivision of a Division if:

(a) the person's name has been placed on the Roll for that Subdivision in respect of a particular address; and

(b) at the date of the objection, there are reasonable grounds for believing that the person does not live at that address, and has not lived at that address for a period of at least one month; and

(c) the person is not:

(i) an Antarctic elector; or

(ii) entitled to remain enrolled under section 96A (enrolment of prisoners).

(5) The Electoral Commissioner must not object under subsection (2) to the enrolment of a person if the Electoral Commissioner could object under subsection (4) to the enrolment of the person.

(6) The Electoral Commissioner must not object under subsection (2) or (4) of this section to the enrolment of a person if the Electoral Commissioner has given the person a notice under subsection 103A(2) after becoming aware of the grounds mentioned in subsection (2) or (4) of this section.

115 Form and manner of objection

(1) An objection shall be in writing in the approved form.

(2) A private objection must be lodged, in the manner approved under subsection (3), with the Electoral Commissioner together, in the case of an objection under subsection 114(1) or (1B), with an amount of $2.

(3) For the purposes of subsection (2), and without limiting the definition of ***approved form*** in subsection 4(1), the Electoral Commissioner may approve, in writing, a manner for lodging a private objection.

116 Notice of objection

(1) The Electoral Commissioner shall give notice of an objection to the challenged elector.

(2) A notice under subsection (1):

(a) shall be in the approved form;

(b) shall:

(i) in the case of a private objection—set out the name and address of the objector;

(ii) in the case of an official objection—set out the official title of the objector;

(iii) set out the ground or grounds of the objection; and

(iv) advise the elector of what he or she must do if he or she wishes to answer the objection; and

(c) may be given to the challenged elector by posting it to that elector at:

(i) a place notified by that elector to the Electoral Commissioner as the place to which notices under this Act may be sent;

(ii) if there is no such place, the place at which the Electoral Commissioner believes the elector to be living; or

(iii) if neither of subparagraphs (i) and (ii) applies, the place shown on the Roll as the elector's place of residence.

(3) If the Electoral Commissioner is satisfied that an objection is frivolous or vexatious, the Electoral Commissioner may dismiss the objection without giving notice to the challenged elector.

(4) If:

(a) an objection is made on the ground specified in paragraph 93(8)(a); and

(b) the objection is not supported by a certificate of a medical practitioner;

the Electoral Commissioner shall dismiss the objection without giving notice to the challenged elector.

(5) The Electoral Commissioner must dismiss an objection under subsection 114(1) or (1B) without giving notice to the challenged elector, and repay the objector the amount of $2 lodged with the objection, if:

(a) the Electoral Commissioner gave the challenged elector a notice under subsection 103A(2) before the objection was made; and

(b) the Electoral Commissioner is satisfied that the objection does not provide any information inconsistent with the information the Electoral Commissioner considered in deciding to give the notice.

(6) The Electoral Commissioner must dismiss an objection, except one under subsection 114(1A), without giving notice to the challenged elector if the Electoral Commissioner gives the challenged elector a notice under subsection 103A(2) after the objection was made but before giving notice of the objection.

118 Determination of objection

(1) The Electoral Commissioner shall determine an objection as soon as practicable after:

(a) the receipt by the Electoral Commissioner of the answer of the challenged elector; or

(b) the end of 20 days after the giving of the notice of the objection;

whichever is the earlier.

(1A) However, the Electoral Commissioner must not determine an objection other than one under subsection 114(1A) if, after giving notice of the objection, the Electoral Commissioner gives the challenged elector a notice under subsection 103A(2).

(2) Before determining an objection, the Electoral Commissioner may make any inquiries the Electoral Commissioner considers necessary to ascertain the facts in relation to the objection.

(3) In the case of an objection under subsection 114(1), (1A) or (2), if it appears to the Electoral Commissioner that the challenged elector is not entitled to be enrolled for the relevant Subdivision, the Electoral Commissioner shall remove the elector's name from the Roll for that Subdivision.

(4) The Electoral Commissioner shall not remove an elector's name from the Roll on the ground specified in paragraph 93(8)(a) unless the objection is accompanied by a certificate of a medical practitioner stating that, in the opinion of the medical practitioner, the elector, because of cognitive impairment, is incapable of understanding the nature and significance of enrolment and voting.

(4A) In the case of an objection under subsection 114(1B) or (4), if it appears to the Electoral Commissioner that:

(a) the challenged elector's name has been placed on the Roll for the relevant Subdivision in respect of a particular address; and

(b) at the date of the objection, the challenged elector did not live at that address, and had not lived at that address for a period of at least one month; and

(c) the challenged elector is not:

(i) an Antarctic elector; or

(ii) entitled to remain enrolled under section 96A (enrolment of prisoners);

the Electoral Commissioner must remove the elector's name from the Roll for that Subdivision.

(5) During the period:

(a) starting at 8 pm on the day of the close of the Rolls for an election to be held in a Division; and

(b) ending on the close of the poll for the election;

the Electoral Commissioner must not remove an elector's name from the Roll for a Subdivision of that Division under subsection (3) or (4A).

(6) The Electoral Commissioner shall give to the objector and to the challenged elector written notice in the approved form of the decision of the Electoral Commissioner on an objection.

(7) Notice under subsection (6) may be given to the challenged elector by posting it to the elector at the address to which notice of the objection was posted.

(8) Where, as a result of a private objection under subsection 114(1) or (1B), an elector's name is removed from the Roll, the amount of $2 lodged with the objection shall be repaid to the objector.

If objection is not determined because of notice under subsection 103A(2)

(9) If the Electoral Commissioner does not determine an objection because, after giving notice of the objection, the Electoral Commissioner gives the challenged elector a notice under subsection 103A(2), the Electoral Commissioner:

(a) must, if the objection is a private objection:

(i) give the objector written notice in the approved form that the Electoral Commissioner will not determine the objection; and

(ii) repay the objector the amount of $2 lodged with the objection; and

(b) must give the challenged elector notice that the Electoral Commissioner will not determine the objection; and

(c) may give the notice to the challenged elector in the same way as the Electoral Commissioner gives the notice under subsection 103A(2).

Part X—Review of decisions

120 Internal review

(1A) This section only applies in relation to decisions made by a delegate of the Electoral Commissioner who is not:

(a) the Deputy Electoral Commissioner; or

(b) an Australian Electoral Officer.

(1) A person notified of a reviewable decision made in relation to the person may apply, in writing, to the Electoral Commissioner for a review of the decision.

(2) For the purposes of this section, a decision by the Electoral Commissioner mentioned in an item in the following table is a ***reviewable decision*** in relation to the person mentioned in that item:

Reviewable decisions	
Item	**Reviewable decision**
1	A decision under section 93A to refuse to include a person's name in a Roll.
1A	A decision under section 94A to refuse an application under subsection 94A(1) by a person for enrolment for a Subdivision from outside Australia.
2	A decision under section 95 to refuse an application under subsection 95(1) by a person to have his or her name placed on a Roll and be treated as an eligible overseas elector.
2A	A decision under section 96 to refuse an application under subsection 96(1) by a person for enrolment as an itinerant elector.
3	A decision under section 98A to refuse to include in a Roll, or transfer to a Roll, a person's name.
4	A decision under subsection 102(1) to reject a person's claim for enrolment, for transfer of enrolment, or for age 16 enrolment.
5	A decision under subsection 103A(3) or (4) to take action to update or transfer a person's enrolment.
6	A decision under subsection 103B(3) or (4) to take action to enrol a person.

Reviewable decisions	
Item	**Reviewable decision**
7	A decision under subsection 104(4) to refuse a request under subsection 104(1) or (2) that a person's address not be entered on a Roll or that it be deleted from a Roll.
8	A decision under subsection 104(8) that a person's address should be entered on the Roll.
9	A decision under section 105 to alter an entry on the Roll for a person (including a decision to add or remove a person's name from a Roll).
10	A decision under section 116 or 118 to dismiss an objection made by a person or, because of subsection 118(1A), not to determine an objection made by a person.
11	A decision under section 118, on an objection, to remove a person's name from the Roll.
12	A decision under section 185 to refuse to register a person as a general postal voter.
13	A decision under subsection 185C(1) to cancel a person's registration as a general postal voter.
14	A decision under section 314AV (anti-avoidance) to give a notice to a person or entity.
15	A decision under section 109M (anti-avoidance) of the *Referendum (Machinery Provisions) Act 1984* to give a notice to a person or entity.

(3) An application under subsection (1) may only be made before the end of the period of 28 days starting on the day on which notice is given as mentioned in that subsection.

(4) After receiving an application under subsection (1), the Electoral Commissioner must:

(a) personally review the reviewable decision; or

(b) cause the reviewable decision to be reviewed by a person to whom the Commissioner's powers and functions under this section are delegated and who was not involved in making the reviewable decision.

(5) After the person mentioned in paragraph (4)(a) or (b) (the ***reviewer***) has reviewed the reviewable decision, the reviewer must make a decision (an ***internal review decision***):

(a) confirming the reviewable decision; or
(b) varying the reviewable decision; or
(c) setting aside the reviewable decision and substituting a new decision.

Note: An internal review decision is reviewable by the Administrative Review Tribunal (see section 121). Under the *Administrative Review Tribunal Act 2024*, notice must be given to persons whose interests are affected by an internal review decision.

(6) For the purpose of the review, the reviewer may exercise all the powers and discretions conferred by this Act on the person who made the reviewable decision.

121 Review by Administrative Review Tribunal

(1A) Except for decisions described in paragraph (1)(k), this section only applies in relation to:
(a) a decision made by the Electoral Commissioner personally; or
(b) a decision made by a delegate of the Electoral Commissioner who is:
(i) the Deputy Electoral Commissioner; or
(ii) an Australian Electoral Officer.

(1) Application may be made to the Administrative Review Tribunal for review of:
(a) a decision under section 93A or 98A to refuse to include in a Roll, or transfer to a Roll, a person's name; or
(b) a decision to refuse an application made under subsection 94A(1), 95(1) or 96(1); or
(c) a decision under section 102 to reject a claim for enrolment, for transfer of enrolment or for age 16 enrolment; or
(d) a decision to refuse a request made under subsection 104(1) or (2); or
(e) a decision under subsection 104(8) that a person's address should be entered on a Roll; or
(f) a decision under section 105 to alter a Roll (including a decision to add or remove a person's name from the Roll); or

(g) a decision under section 116 or 118 to dismiss an objection or not to determine an objection because of subsection 118(1A); or

(h) a decision under section 118 to remove a person's name from a Roll pursuant to an objection; or

(i) a decision to refuse an application made under subsection 184A(1); or

(j) a decision to cancel a person's registration as a general postal voter; or

(k) an internal review decision made under subsection 120(5).

(2) In this section, ***decision*** has the same meaning as it has in the *Administrative Review Tribunal Act 2024*.

122 Application of Part to Australian Capital Territory and Northern Territory

This Part applies in relation to the Australian Capital Territory or the Northern Territory as if references in this Part to a State were references to that Territory.

Part XI—Registration of political parties

123 Interpretation

(1) In this Part, unless the contrary intention appears:

address does not include a postal address that consists of a post office box number.

eligible political party means a political party that:

(a) either:

(i) is a Parliamentary party; or

(ii) has at least 1,500 members; and

(b) is established on the basis of a written constitution (however described) that sets out the aims of the party.

Parliamentary party means a political party at least one member of which is a member of the Parliament of the Commonwealth.

secretary, in relation to a political party, means the person who holds the office (however described) the duties of which involve responsibility for the carrying out of the administration, and for the conduct of the correspondence, of the party.

(2) For the purposes of this Part, 2 political parties shall be taken to be related if:

(a) one is a part of the other; or

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

(3) A reference in this Part to a member of a political party is a reference to a person who is both:

(a) a member of the political party or a related political party; and

(b) an elector.

123A Determining whether a non-Parliamentary party has at least 1,500 members

(1) In determining for the purposes of this Part whether a political party that is not a Parliamentary party has at least 1,500 members, the same member may not be relied on by more than one party.

(2) If an individual is a member of more than one political party that is not a Parliamentary party, then, for the purposes of subsection (1):

(a) only the party nominated by the member may rely on the individual as a member; and

(b) no party may rely on the individual as a member if, after the Electoral Commission has given the individual at least 30 days to do so, the individual has not nominated a party.

124 Registration of political parties

Subject to this Part, an eligible political party may be registered under this Part for the purposes of this Act.

125 Register of Political Parties

(1) The Electoral Commissioner must establish and maintain a Register, to be known as the Register of Political Parties, containing a list of the political parties that are registered under this Part.

(1A) The Register must be made publicly available on the Electoral Commission's website and may be made publicly available in any other way the Electoral Commissioner considers appropriate.

(2) The Register may be included on the Transparency Register under section 287N.

126 Application for registration

Who may make an application

(1) An application for the registration of an eligible political party may be made to the Electoral Commission by:

(a) in the case of a Parliamentary party:

(i) the secretary of the party; or

(ii) the member, or all the members, of the Commonwealth Parliament who is a member, or who are members, of the party; or

(b) in the case of a political party other than a Parliamentary party—10 members of the party, of whom one is the secretary of the party.

However, where a member of a Parliamentary party:

(c) who is a member of the Commonwealth Parliament; and

(d) who has previously made an application for the registration of that Parliamentary party (the ***first party***);

makes an application for the registration of another party, the Commission must not proceed with the application for the registration of that other party unless the Commission is satisfied that the member is no longer a member of the first party. If the Commission is so satisfied, the Commission must take any action required by section 136 immediately.

Requirements for an application

(2) An application for the registration of an eligible political party shall be in writing, signed by the applicant or applicants and by the person who is to be the registered officer of the party, and shall:

(a) set out the name of the party; and

(b) if the party wishes to be able to use for the purposes of this Act an abbreviation of its name—set out that abbreviation; and

(ba) if the party wishes a logo of the party to be entered in the Register—set out a copy of a logo; and

(c) set out the name and address of the person who is to be the registered officer of the party for the purposes of this Act; and

(ca) for an eligible political party that is not a Parliamentary party—include a list of the names of the 1,500 members of the party to be relied on for the purposes of registration; and

(d) state whether or not the party wishes to receive moneys under Division 3 of Part XX; and

(da) set out details of each federal account (within the meaning of Part XX) of the party; and

(e) set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity in which the applicant or each applicant makes the application; and

(f) be accompanied by a copy of the constitution of the party; and

(g) be accompanied by a fee of $500.

Requirements for logos

(2AA) For the purposes of paragraph (2)(ba), a logo set out in an application must:

(a) be in black and white; and

(b) meet any other requirements determined under subsection (2AB).

(2AB) For the purposes of paragraph (2AA)(b), the Electoral Commissioner may, by legislative instrument, determine requirements in relation to setting out a logo in an application.

A person must not be a registered officer etc. of more than one registered political party

(2B) A person must not, at a particular time, be:

(a) the registered officer of more than one registered political party; or

(b) a deputy registered officer of more than one registered political party; or

(c) the registered officer of one registered political party and a deputy registered officer of another registered political party.

The registration of a political party is not to be cancelled because of this subsection unless the Electoral Commission has taken action to determine whether the party should be deregistered because of paragraph 137(1)(cc).

Note: The registered officer of a registered political party may be changed at any time under paragraph 134(1)(g).

(2C) Subsection (2B) does not prevent a person from being both:

(a) the registered officer or a deputy registered officer of a registered political party for the purposes of this Act; and

(b) the registered officer or a deputy registered officer (however described), for the purposes of an Act of a State or Territory or an Ordinance of an external Territory, of a political party or a branch of a political party.

Electoral Commission to deal with application

(3) Upon receipt of an application for the registration of a political party, the Electoral Commission shall deal with the application in accordance with this Part and determine whether the party can be registered.

Note: The Electoral Commission may also decide under section 129A to refuse to enter a logo of the political party in the Register.

127 Party not to be registered during election

During the period commencing on the day of the issue of the writ for a Senate election or a House of Representatives election and ending on the day on which the writ is returned, no action shall be taken in relation to any application for the registration of a political party, including any action by the Administrative Review Tribunal in respect of a decision of the Electoral Commission that relates to such an application.

129 Parties with certain names not to be registered

Names not to be registered

(1) The Electoral Commission shall refuse an application for the registration of a political party if, in its opinion, the name of the party or the abbreviation of its name that it wishes to be able to use for the purposes of this Act (if any):

(a) comprises more than 6 words;

(b) is obscene, frivolous or vexatious;

(c) is the name, or is an abbreviation or acronym of the name, of another political party (not being a political party that is related to the party to which the application relates) that is a recognised political party;

(d) so nearly resembles the name, or an abbreviation or acronym of the name, of another political party (not being a political party that is related to the party to which the application relates) that is a recognised political party that it is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be; or

(da) is one that a reasonable person would think suggests that a connection or relationship exists between the party and a registered party if that connection or relationship does not in fact exist; or

(e) comprises the words "Independent Party" or comprises or contains the word "Independent" and:

(i) the name, or an abbreviation or acronym of the name, of a recognised political party; or

(ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, of a recognised political party that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be.

(2) In this section:

recognised political party means a political party that is:

(a) a Parliamentary party; or

(b) a registered party; or

(c) registered or recognised for the purposes of the law of a State or a Territory relating to elections and that has endorsed a candidate, under the party's current name, in an election for the Parliament of the State or Assembly of the Territory in the previous 5 years.

Names to be registered only with consent

(3) The Electoral Commission must refuse an application for the registration of a political party if:

(a) either of the following apply:

(i) the applicant party's name contains a word that is in the name, or the abbreviation of the name, of a registered political party;

(ii) the proposed abbreviation of the applicant party's name contains a word that is in the name, or abbreviation of the name, of a registered political party; and

(b) the application is not accompanied by the written consent, to the use by the applicant party of the word in its name or abbreviation, of:

(i) if there is only one registered political party to which paragraph (a) applies—the registered political party's registered officer; or

(ii) otherwise—the registered officer of the first such political party to be registered.

(4) For the purposes of subparagraph (3)(b)(ii), if the registered political parties to which paragraph (3)(a) applies are a State branch, and the federal branch, of a federal party that were registered on the same day, the federal branch is taken to be the first of those political parties to be registered.

(5) Subsection (3) of this section, and subsections 129A(2) and 134A(1), do not apply to:

(a) a function word; or

(b) a collective noun for people; or

(c) the name of a country, the word "country", or a recognised geographical place in Australia; or

(d) the word "democratic".

(6) In applying subsection (3) or (5) of this section, or subsection 129A(2) or subparagraph 134A(1)(a)(iii), in relation to a word, other grammatical forms, and commonly accepted variants (including abbreviations, contractions and alternative forms), of the word are to be treated in the same way as the word.

129A Certain party logos not to be entered in the Register

(1) The Electoral Commission may refuse to enter in the Register a logo of a political party (the ***applicant***), set out in an application to register the applicant, if, in its opinion, the applicant's logo:

(a) is obscene; or

(b) is the logo of any other person; or

(c) so nearly resembles the logo of any other person that it is likely to be confused with or mistaken for that logo; or

(d) is one that a reasonable person would think suggests that a connection or relationship exists between the applicant and a registered political party if that connection or relationship does not in fact exist; or

(e) comprises the words "Independent Party" or comprises or contains the word "Independent" and:

(i) the name, or an abbreviation or acronym of the name, of a recognised political party (within the meaning of subsection 129(2)); or

(ii) matter that so nearly resembles the name, or an abbreviation or acronym of the name, of a recognised political party (within the meaning of subsection 129(2)) that the matter is likely to be confused with or mistaken for that name or that abbreviation or acronym, as the case may be.

(2) The Electoral Commission must refuse to enter in the Register a logo of a political party (the ***applicant***), set out in an application to register the applicant, if:

(a) the applicant's logo contains a word that is in the name, or the abbreviation of the name, of a registered political party; and

(b) the application is not accompanied by the written consent, to the use by the applicant of the word in its logo for the purposes of registration under this Part, of:

(i) if there is only one registered political party to which paragraph (a) applies—the registered political party's registered officer; or

(ii) otherwise—the registered officer of the first such political party to be registered.

Note: Subsection (2) has effect subject to subsections 129(5) and (6).

(3) For the purposes of subparagraph (2)(b)(ii), if the registered political parties to which paragraph (2)(a) applies are a State branch, and the federal branch, of a federal party that were registered on the same day, the federal branch is taken to be the first of those political parties to be registered.

130 Different levels of party may be registered

The Electoral Commission may register an eligible political party notwithstanding that a political party that is related to it has been registered.

131 Variation of application

(1) Where, after initial consideration of an application for the registration of a political party, the Electoral Commission is of the opinion that it is required to refuse the application, or refuse to enter a logo of the party in the Register, but that the applicant or applicants might be prepared to vary the application in such a way that it would not be so required, the Commission shall give the applicant or applicants written notice that it is of that opinion, setting out the reasons for its opinion and the terms of the provisions of subsections (2) and (3).

Note: For example, if an application to register a political party would be refused because subsection 126(2B) would be contravened, the party could change the person who is to be the registered officer of the party so subsection 126(2B) is not contravened.

(2) Where notice is given under subsection (1) in relation to an application, the Electoral Commission is not required to give further consideration to the application unless and until notice is lodged with it under subsection (3).

(3) Where notice is given under subsection (1) in relation to an application for the registration of a political party, the applicant or applicants may lodge with the Electoral Commission a written request, signed by the applicant or applicants, to:

(a) vary the application in a manner specified in the request; or

(b) proceed with the application in the form in which it was lodged;

and the Commission shall comply with the request.

(4) If a request is made under subsection (3) to vary an application, the application as varied is to be treated for the purposes of this section as if it were a new application.

132 Procedure for dealing with application

(1) If:

(a) an application for registration is lodged with the Electoral Commission; and

(b) the Commission does not give a notice under subsection 131(1) in respect of that application;

the Electoral Commissioner:

(c) must publish a notice of the application:

(i) in a newspaper circulating generally in each State and Territory; and

(ii) on the Electoral Commission's website; and

(d) may publish the notice in any other way the Electoral Commissioner considers appropriate.

(2) A notice under subsection (1) in relation to an application shall:

(a) set out the particulars specified in the application in accordance with subsection 126(2); and

(b) invite any persons who believe that:

(i) the application does not relate to an eligible political party; or

(ii) the application is not in accordance with section 126 (including because subsection 126(2B) would be contravened); or

(iii) the application should be refused under section 129; or

(iv) the Electoral Commission should refuse to enter a logo of the party in the Register under section 129A;

to submit written particulars of the grounds for that belief to the Electoral Commission within 1 month after the date of the publication of the notice on the Electoral Commission's website.

(3) Particulars submitted by a person under subsection (2) shall be signed by, and specify an address of, that person.

(4) Particulars submitted under paragraph (2)(b) shall, as soon as practicable, be made available at the principal office of the Electoral Commission in Canberra for inspection by members of the public.

(5) The Electoral Commission shall:

(a) give a copy of all of the particulars (if any) submitted under paragraph (2)(b) to the person who is to be the registered officer of the party concerned; and

(b) at the same time, give to the person a notice inviting the person to submit a reply to the particulars to the Commission within the time specified in the notice.

(6) A reply submitted under subsection (5) shall, as soon as practicable, be made available at the principal office of the Electoral Commission in Canberra for inspection by members of the public.

(7) The Electoral Commission shall not register a political party unless:

(a) it has published notice of the application for registration in accordance with this section;

(b) a period of at least one month has elapsed after the date of publication of notice of the application on the Electoral Commission's website;

(c) where particulars have been submitted under paragraph (2)(b), either:

(i) the time specified in a notice under subsection (5) has expired; or

(ii) a reply to the particulars has been received; and

(d) the Commission has considered those particulars (if any) and any reply to the particulars.

132A Electoral Commission to give reasons for decisions under this Part

(1) The Electoral Commission must:

(a) give the parties to an application under section 126 written notice of the reasons for its decision in relation to the application if it decides not to register the party concerned or decides to refuse to enter a logo of the party in the Register; and

(b) take such steps as the Commission considers appropriate to publicise those reasons.

(2) For the purposes of subsection (1), the parties to the application are:

(a) the applicant; and

(b) any person who submits particulars in relation to the application under subsection 132(2).

133 Registration

(1) Where the Electoral Commission determines that a political party an application for the registration of which has been made should be registered, it shall:

(a) register the party by entering in the Register:

(i) the name of the party; and

(ii) if an abbreviation of the name of the party was set out in the application—that abbreviation; and

(iia) if a logo of the party was set out in the application, and the Electoral Commission has not decided to refuse to enter the logo in the Register under section 129A—that logo; and

(iii) the name and address of the person who has been nominated as the registered officer of the party for the purposes of this Act; and

(iv) where the party has in its application stated that it wishes to receive moneys under Division 3 of Part XX—a statement indicating that the party so wishes; and

(b) give written notice to the applicant or applicants that it has registered the party; and

(c) if any person or persons submitted particulars in response to the invitation referred to in paragraph 132(2)(b) in relation to the application—give written notice to that person or those persons that it has registered the party, or entered the logo in the Register, setting out in the notice to each person the reasons for rejecting the reasons particulars of which were so submitted by the person.

(1A) If the Electoral Commission makes a determination under subsection (1) that a political party should be registered, the Electoral Commissioner:

(a) must publish notice of the registration of the party on the Electoral Commission's website; and

(b) may publish notice of the registration in any other way the Electoral Commissioner considers appropriate.

(2) Where a statement is entered in the Register that a political party wishes to receive moneys under Division 3 of Part XX, that party shall, for the purposes of Part XX, be taken to have been registered for public funding.

(3) If the Electoral Commission refuses an application made by a person to register a political party, or refuses to enter in the Register a logo set out in such an application, the Electoral Commission must give written notice to the person giving reasons for the decision.

134 Changes to Register

(1) Where a political party is registered under this Part, an application may be made to the Electoral Commission, by:

(a) in the case of a Parliamentary party—either the secretary of the party or all the members of the Commonwealth Parliament who are members of, or the member of that Parliament who is a member of, the party; or

(b) in the case of a political party other than a Parliamentary party—3 members of the party;

to change the Register by:

(c) changing the name of the party to a name specified in the application; or

(d) if an abbreviation of the name of the party is entered in the Register—changing that abbreviation to an abbreviation specified in the application; or

(e) if an abbreviation of the name of the party is not entered in the Register—entering in the Register an abbreviation of the name of the party, being an abbreviation specified in the application; or

(ea) if the party's logo is entered in the Register—changing that logo to a logo set out in the application; or

(eb) if the party's logo is not entered in the Register—entering in the Register the logo set out in the application; or

(f) entering in, or removing from, the Register a statement that the party wishes to receive moneys under Division 3 of Part XX; or

(g) substituting for the name of the registered officer entered in the Register the name of a person specified in the application.

Note: A person must not be the registered officer or a deputy registered officer of more than one registered political party at a particular time (see subsection 126(2B)).

(1A) Where a political party is registered under this Part, the registered officer of the party may apply to the Electoral Commission to change the Register by substituting for the address of the registered officer entered in the Register the address specified in the application.

(2) An application under subsection (1):

(a) shall be in writing, signed by the applicant or applicants;

(b) in the case of an application to substitute the name of a person as the name of the registered officer of a political party, shall be signed by that person and may be signed by the registered officer; and

(c) shall set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity in which the applicant or each applicant makes the application; and

(d) for the purposes of paragraph (1)(c), (d) or (e)—must be accompanied by a fee of $500.

(2A) An application under subsection (1A) shall be signed by the applicant.

(3) Upon receipt of an application under subsection (1) or (1A), the Electoral Commission shall deal with the application in accordance with this Part and determine whether the change requested in the application should be made.

(4) In respect of an application under subsection (1) for a change referred to in paragraph (1)(c), (d), (e), (ea) or (eb), sections 127, 129, 129A, 131 and 132 apply in relation to the application as if:

(a) a reference in those sections to an application for registration were a reference to an application for that change;

(b) subparagraph (2)(b)(i) were omitted from section 132; and

(c) the reference in subparagraph 132(2)(b)(ii) to section 126 (but not the reference to subsection 126(2B)) were a reference to this section.

(5) Where an application under subsection (1) to substitute the name of a person for the name of the registered officer of a political party is not signed by the registered officer, the Electoral Commission shall:

(a) give the registered officer written notice of the application for the change and invite the registered officer, if he or she considers that there are reasons why the change should not be made, to submit written particulars of those reasons to the Commission within 7 days after the date on which the notice was given; and

(b) consider any particulars submitted in response to the invitation referred to in paragraph (a).

(6) Where the Electoral Commission determines that an application under subsection (1) or (1A) should be granted, it shall:

(a) change the Register accordingly;

(b) give the applicant or applicants written notice that it has made the change;

(c) in the case of a change referred to in paragraph (1)(c), (d), (e), (ea), (eb) or (g) in respect of which any person or persons submitted particulars in response to the invitation referred to in paragraph 132(2)(b) in its application by virtue of subsection (4)—give written notice to that person or those persons that it has made the change, setting out in the notice to each person the reasons for rejecting the reasons particulars of which were so submitted by the person;

(d) in the case of an application to substitute the name of a person for the name of the registered officer of the party, being an application in respect of which the registered officer

submitted particulars under paragraph (5)(a)—give written notice to that registered officer that it has made the change setting out the reasons for rejecting the reasons particulars of which were so submitted.

(6A) If the Register is changed in accordance with paragraph (6)(a), the Electoral Commissioner:

(a) must publish notice of the change on the Electoral Commission's website; and

(b) may publish notice of the change in any other way the Electoral Commissioner considers appropriate.

(7) Where the Electoral Commission determines that an application under subsection (1) or (1A) should be refused it shall give the applicant or applicants written notice that it has so determined.

(8) The Electoral Commission must:

(a) give an applicant who makes an application under subsection (1) to change the Register in the way referred to in paragraph (1)(c), (d), (e), (ea) or (eb) written notice of the reasons for its decision in relation to the application if it refuses to grant the application; and

(b) take such steps as the Commission considers appropriate to publicise those reasons.

134A Objection to continued use of name or logo

(1) If:

(aa) one registered political party (the ***parent party***) was registered under section 126 before another registered party (the ***second party***); and

(a) the Electoral Commission is satisfied that:

(i) the name or logo of the parent party is the same as, or relevantly similar to, the name or logo of the second party and the parties are not related at the time of the objection; or

(ii) the name or logo of the second party is one that a reasonable person would think suggests that a connection or relationship exists between the second

party and the parent party and that connection or relationship does not in fact exist; or

(iii) the name or logo of the second party contains a word that is in the name, or abbreviation of the name, of the parent party; and

(b) the registered officer of the parent party objects in writing to the continued use of the name or logo by the second party;

the Commission must:

(d) uphold the objection; and

(e) notify the registered officer of the second party, at the address specified in the Register, that the second party will be deregistered under section 137 if:

(i) it does not make an application under section 134 for a change of name or logo within 1 month of the date of the notice; or

(ii) it makes such an application, but the application is refused.

Note: Subparagraph (1)(a)(iii) has effect subject to subsections 129(5) and (6).

(1A) If, in relation to a second party mentioned in subsection (1), there is more than one registered political party that meets both of the following conditions (each such party is an ***earlier registered party***):

(a) the party was registered before the second party;

(b) the party has in its name, or the abbreviation of its name, a word contained in the name or logo of the second party;

then only the registered officer of the first of the earlier registered parties to be registered with that word in its name or abbreviation may make an objection under paragraph (1)(b) to the continued use of the name or logo by the second party.

(1B) For the purposes of subsection (1A), if the earlier registered parties are a State branch, and the federal branch, of a federal party that were registered on the same day, the federal branch is taken to be the first of the earlier registered parties to be registered with the word in its name or abbreviation.

(2) For the purposes of paragraph (1)(a), the name or logo of a party is ***relevantly similar*** to the name or logo of another party if, in the opinion of the Electoral Commission, the name or logo so nearly resembles the name or logo of the other party that it is likely to be confused with or mistaken for that name or logo.

(2A) The Electoral Commission must:

(a) give the parties to an objection under this section written notice of the reasons for its decision in relation to the objection if it upholds the objection; and

(b) take such steps as the Commission considers appropriate to publicise those reasons.

(2B) For the purposes of subsection (2A), the parties to the objection are:

(a) the registered officer of the parent party; and

(b) the registered officer of the second party.

(3) In this section:

logo of a registered political party means the logo of the party that is entered in the Register.

name, in relation to a registered political party, means:

(a) the name of the party that is entered in the Register; or

(b) the abbreviation, entered in the Register, of the name of the party.

135 Voluntary deregistration

(1) A political party that is registered under this Part shall be deregistered by the Electoral Commission if an application to do so is made to the Commission by a person or persons who are entitled to make an application for a change to the Register under section 134 in relation to the party.

(2) An application under subsection (1) shall:

(a) be in writing, signed by the applicant or applicants; and

(b) set out the name and address of the applicant or the names and addresses of the applicants and particulars of the capacity

in which the applicant or each applicant makes the application.

(3) Where a political party is deregistered under subsection (1), that party, or a party that has a name that so nearly resembles the name of the deregistered party that it is likely to be confused with or mistaken for that name, is ineligible for registration under this Part until after the general election next following the deregistration.

136 Deregistration of party failing to endorse candidates

(1) A registered political party is liable to deregistration if:

(aa) the party has been registered for more than 4 years and during that time has not endorsed a candidate for any election; or

(a) a period of 4 years has elapsed since the polling day in the last election for which the party endorsed a candidate.

(1A) If a party becomes liable to deregistration, the Electoral Commission shall:

(a) deregister the party;

(b) give written notice of the deregistration to the person who was the registered officer of the party immediately before the deregistration.

(1B) If a political party is deregistered under subsection (1A), the Electoral Commissioner:

(a) must publish notice of the deregistration on the Electoral Commission's website; and

(b) may publish notice of the deregistration in any other way the Electoral Commissioner considers appropriate.

(2) Where a political party is deregistered under subsection (1A), that party, or a party that has a name that so nearly resembles the name of the deregistered party that it is likely to be confused with or mistaken for that name, is ineligible for registration under this Part until after the general election next following the deregistration.

(3) A Parliamentary party shall not be deregistered under this section.

137 Deregistration of political party on other grounds

(1) If the Electoral Commission is satisfied on reasonable grounds that:

(a) a political party registered under this Part has ceased to exist (whether by amalgamation with another political party or otherwise); or

(b) a political party so registered, not being a Parliamentary party, does not have at least 1,500 members; or

(c) the registration of a political party so registered was obtained by fraud or misrepresentation; or

(ca) an objection against the continued use of a name or logo (both within the meaning of section 134A) by a political party so registered has been upheld under section 134A, but an application to change the party's name or logo:

(i) was not made under section 134 within one month of the upholding of the objection; or

(ii) was so made within one month of the upholding of the objection, but was later refused; or

(cb) the registered officer of a registered political party has failed to comply with a notice under section 138A (Review of eligibility of parties to remain in the Register); or

(cc) a person who is the registered officer or a deputy registered officer of a registered political party is failing to comply with subsection 126(2B) (person must not be registered officer etc. of more than one registered political party);

the Commission must give the registered officer of the party notice, in writing, that it is considering deregistering the party under this section, setting out its reasons for considering doing so and the terms of the provisions of subsections (2), (3), (4) and (5).

Note: In determining whether a party has at least 1,500 members, the same member may not be relied on by more than one party (see section 123A).

(1A) If the Electoral Commission gives a notice under subsection (1), the Electoral Commissioner:

(a) must publish a notice, on the Electoral Commission's website:

(i) stating that the Commission is considering deregistering the party under this section; and

(ii) specifying the paragraph of subsection (1) by reason of which it is considering doing so; and

(b) may publish a notice covered by paragraph (a) of this subsection in any other way the Electoral Commissioner considers appropriate.

(2) Where a notice is given under subsection (1) in relation to a political party, the registered officer of the party or 10 members of the party may, within 1 month after the date on which the notice was given, lodge with the Electoral Commission a statement, in writing, signed by the registered officer or by those members of the party, as the case may be, setting out reasons why the party should not be deregistered under this section.

(3) Where a statement lodged under subsection (2) is signed by 10 members of a political party, the statement shall set out the names and addresses of those members and contain a statement that they are members of that party.

(4) Where a notice is given under subsection (1) in relation to a political party and a statement is not lodged under subsection (2) in response to that notice, the Electoral Commission shall deregister the party.

(5) Where, in response to a notice given under subsection (1) in relation to a political party, a statement is lodged under subsection (2), the Electoral Commission shall consider that statement and determine whether the political party should be deregistered for the reason set out in that notice.

(6) Where, under subsection (5), the Electoral Commission determines that a political party should be deregistered, it shall:

(a) deregister the party;

(b) give the person who was the last registered officer of the party written notice of the deregistration, setting out its reasons for rejecting the reasons set out in the statement lodged under subsection (2).

(6A) If the Electoral Commission deregisters a party under subsection (4) or (6), the Electoral Commissioner:

(a) must publish a notice of the deregistration on the Electoral Commission's website; and

(b) may publish a notice of the deregistration in any other way the Electoral Commissioner considers appropriate.

(7) Where, under subsection (5), the Electoral Commission determines that a political party should not be deregistered under this section, it shall give the registered officer of the party written notice of its determination.

138 Deregistration

Where a political party is deregistered under section 135, 136 or 137, the Electoral Commission shall cause the particulars on the Register that relate to that party to be cancelled.

138A Review of eligibility of parties to remain in the Register

(1) The Electoral Commission may review the Register to determine whether one or more of the parties included in the Register:

(a) is an eligible political party; or

(b) should be deregistered under section 136 or 137.

(2) The Electoral Commission may do so at any time other than during the period that:

(a) starts on the day of the issue of a writ for a Senate election or House of Representatives election; and

(b) ends on the day on which the writ is returned.

(3) For the purposes of reviewing the Register, the Electoral Commission may give a written notice to the registered officer of a registered political party requesting specified information on the party's eligibility to be registered under this Part.

(4) The notice must specify a period within which the information must be provided. The period must be at least 2 months.

(5) The registered officer must comply with the notice within the specified period. However, the Electoral Commission may extend that period.

Note: A failure to comply with the notice may lead to deregistration (see paragraph 137(1)(cb)).

140 Service of documents

(1) Where the Electoral Commission is required by this Part to give a written notice to:

(a) an applicant or applicants for registration;

(b) the registered officer of a political party;

(c) the person who was the registered officer of a political party immediately before its deregistration;

(d) a person who submitted particulars to it; or

(e) a person who made an application under subsection 141(2);

that notice shall be given by being posted by pre-paid post as a letter addressed to:

(f) the person nominated as the registered officer in the application for registration at his or her address shown in the application;

(g) the registered officer of the political party at his or her address set out in the Register;

(h) the last registered officer of the party at his or her address shown in the Register;

(j) the person who submitted the particulars at the address specified in the particulars; or

(k) the person who made the application under subsection 141(2) at the address specified in the application;

as the case may be.

(2) Where a person is, or persons are, entitled by this Part to make an application to the Electoral Commission, the person or persons shall do so by causing the application to be lodged at the principal office of the Commission in Canberra, in the capital city of a State or in Darwin.

(3) Where a person is, or persons are, entitled by this Part to lodge a document (other than an application) with the Electoral Commission, the person or persons shall do so by causing the documents to be lodged at the principal office of the Commission in Canberra.

141 Review of certain decisions

(1) In this section:

decision has the same meaning as it has in the *Administrative Review Tribunal Act 2024*.

Electoral Commission does not include a delegate of the Electoral Commission.

person includes a political party.

reviewable decision means a decision of the Electoral Commission, or of a delegate of the Electoral Commission:

(a) to register a political party under this Part; or

(b) to refuse an application for the registration of a political party under this Part; or

(ba) to enter a logo of a political party in the Register; or

(bb) to refuse to enter a logo of a political party in the Register; or

(c) to grant an application under subsection 134(1); or

(ca) to uphold an objection under subsection 134A(1); or

(cb) to refuse to uphold an objection under subsection 134A(1); or

(d) to refuse an application under subsection 134(1); or

(e) to deregister a political party under subsection 137(6).

(2) Where a delegate of the Electoral Commission makes a reviewable decision, a person affected by the decision who is dissatisfied with the decision may, within the period of 28 days after the day on which the decision first comes to the notice of the person, or within such further period as the Commission (either before or after the expiration of that period) allows, make a written application to the Commission for the review of the decision by the Commission, specifying in the application an address of the applicant.

(3) There shall be set out in the application under subsection (2) the reasons for making the application.

(4) Upon the receipt of an application under subsection (2) for the review of a reviewable decision, the Electoral Commission shall review that decision and shall make a decision:
   (a) affirming the decision under review;
   (b) varying the decision under review; or
   (c) setting aside the decision under review and making a decision in substitution for the decision so set aside.

(5) Application may be made to the Administrative Review Tribunal for review of a reviewable decision made by the Electoral Commission or a decision under subsection (2) or (4).

(6) For the purposes of a review referred to in subsection (5), the Administrative Review Tribunal is to be constituted by 3 members, at least one of whom is a Judge of the Federal Court of Australia.

(7) Where the Electoral Commission makes a decision under subsection (4), it shall give written notice of that decision to:
   (a) the person, or each person, to whom written notice of the reviewable decision to which the decision of the Commission relates was given under this Part; and
   (b) the person who made the application for the review of that reviewable decision.

(8) Where a delegate of the Electoral Commission makes a reviewable decision, a written notice of the decision given to a person or persons under this Part shall include a statement to the effect that:
   (a) a person affected by the decision may, if dissatisfied with the decision, seek a review of the decision by the Commission in accordance with subsection (2); and
   (b) a person whose interests are affected by the decision may, subject to the *Administrative Review Tribunal Act 2024*, if dissatisfied with a decision made by the Commission upon that review make application to the Administrative Review Tribunal for review of the decision made by the Commission.

(9) Where the Electoral Commission makes a reviewable decision or a decision under subsection (2) or (4), a written notice of the decision given to a person or persons under this Part shall include a statement to the effect that a person whose interests are affected by the decision may, subject to the *Administrative Review Tribunal Act 2024*, if dissatisfied with the decision, make an application to the Administrative Review Tribunal for review of the decision.

(10) Any failure to comply with the requirement of subsection (8) or (9) in relation to a decision does not affect the validity of the decision.

Part XIII—Writs for elections

151 Issue of writs for election of Senators for Territories

(1) The Governor-General may cause writs to be issued for elections of Senators for Territories.

(2) The writs for the elections of Senators for Territories in accordance with section 43 shall be issued within 10 days from the expiry of the House of Representatives or from the proclamation of a dissolution of the House of Representatives.

152 Forms of writs

(1) Writs for the election of Senators for States, Senators for Territories or Members of the House of Representatives may be in the Form A, Form AA or Form B respectively in Schedule 1, shall be signed by the Governor of a State, the Governor-General or the Speaker, as the case requires, and shall fix the date for:

(a) the close of the Rolls;

(b) the nomination;

(c) the polling; and

(d) the return of the writ.

(2) For the purposes of this Act a writ shall be deemed to have been issued at the hour of 6 o'clock in the afternoon of the day on which the writ was issued.

153 Writs for election of Senators

(1) A writ for the election of Senators shall be addressed to the Australian Electoral Officer for the State or Territory for which the election is to be held.

(2) Where a writ for an election of Senators is received by the Australian Electoral Officer for a State or Territory under subsection (1), the officer shall:

(a) endorse on the writ the date of its receipt;

(b) advertise receipt of, and particulars of, the writ:

(i) in not less than 2 newspapers circulating generally in the State or Territory; or

(ii) if there is only one newspaper circulating generally in the State or Territory—in that newspaper;

(c) take such steps as the officer considers appropriate to advise each Divisional Returning Officer in the State or Territory of the dates fixed by the writ; and

(d) give such directions as the officer considers appropriate to each Divisional Returning Officer in relation to the holding of the election.

154 Writs for election of members of House of Representatives

(1) A writ for the election of a Member of the House of Representatives or for a general election for the House of Representatives shall be addressed to the Electoral Commissioner.

(2) Only 8 writs shall be issued for each general election, namely:

(a) a writ that relates to the members to be elected from New South Wales;

(b) a writ that relates to the members to be elected from Victoria;

(c) a writ that relates to the members to be elected from Queensland;

(d) a writ that relates to the members to be elected from South Australia;

(e) a writ that relates to the members to be elected from Western Australia;

(f) a writ that relates to the members to be elected from Tasmania;

(g) a writ that relates to the members to be elected from the Australian Capital Territory; and

(h) a writ that relates to the members to be elected from the Northern Territory.

(3) The 8 writs issued for a general election shall be issued on the same day.

(4) Where a writ for an election to be held in a Division, or each Division, in a State or Territory is received by the Electoral Commissioner under subsection (1), the Commissioner shall:

(a) endorse on the writ the date of its receipt;

(b) advertise receipt of, and particulars of, the writ:

(i) in not less than 2 newspapers circulating generally in the State or Territory; or

(ii) if there is only one newspaper circulating generally in the State or Territory—in that newspaper;

(c) take such steps as the Commissioner considers appropriate to advise the Divisional Returning Officer or each Divisional Returning Officer, as the case requires, of the particulars of the writ, including the dates fixed by the writ; and

(d) give such directions as the Commissioner considers appropriate to the Divisional Returning Officer or each Divisional Returning Officer, as the case requires, in relation to the holding of the election.

(5) Where a writ for an election to be held in a Division or Divisions is received by the Electoral Commissioner under subsection (1), the Commissioner may, where he or she considers it appropriate, advertise receipt of, and particulars of, the writ, in a newspaper or newspapers circulating in the Division or in some or all of the Divisions, as the case requires.

155 Date for close of Rolls

The date fixed for the close of the Rolls is the seventh day after the date of the writ.

156 Date of nomination

(1) Subject to subsection (2), the date fixed for the nomination of the candidates shall not be less than 10 days nor more than 27 days after the date of the writ.

(2) Where a candidate for an election dies, after being nominated and before 12 o'clock noon on the day fixed by the writ as the date of nomination for the election, the day fixed as the date of nomination

for the election shall, except for the purposes of section 157, be taken to be the day next succeeding the day so fixed.

157 Date of polling

The date fixed for the polling shall not be less than 23 days nor more than 31 days after the date of nomination.

158 Polling to be on a Saturday

The day fixed for the polling shall be a Saturday.

159 Date of return of writ

The date fixed for the return of the writ shall not be more than 100 days after the issue of the writ.

160 General election to be held on same day

In the case of a general election for the House of Representatives the same day shall be fixed for the polling in each Division, and all writs shall be made returnable on the same day.

161 Application of Part

This Part applies in relation to a Subdivision in relation to which an Assistant Divisional Returning Officer is appointed as if references in this Part, in relation to a Subdivision, to a Divisional Returning Officer were references to an Assistant Divisional Returning Officer.

Part XIV—The nominations

162 Candidates must be nominated

No person shall be capable of being elected as a Senator or a Member of the House of Representatives unless duly nominated.

163 Qualifications for nomination

(1) A person who:

(a) has reached the age of 18 years;

(b) is an Australian citizen; and

(c) is either:

(i) an elector entitled to vote at a House of Representatives election; or

(ii) a person qualified to become such an elector;

is qualified to be elected as a Senator or a member of the House of Representatives.

(2) A person is not entitled to be nominated for election as a Senator or a member of the House of Representatives unless the person is qualified under subsection (1).

164 State and Territory members not entitled to be nominated

A person who is, at the hour of nomination, a member of:

(a) the Parliament of a State;

(b) the Legislative Assembly of the Northern Territory of Australia; or

(c) the Legislative Assembly for the Australian Capital Territory;

is not capable of being nominated as a Senator or as a Member of the House of Representatives.

165 Multiple nominations prohibited

(1) Where:

(a) a day is fixed as the polling day for 2 or more elections under this Act; and

(b) at the hour of nomination there exist nominations of a person for 2 or more of those elections;

each of those nominations is invalid.

(2) For the purposes of subsection (1), where a person has consented to act if elected in relation to a nomination in relation to an election and the person withdraws that consent under section 177 before the hour of nomination, the nomination of the person for the election shall be taken to have ceased to have effect at the time when the person withdrew that consent.

166 Mode of nomination

Nominations of single candidates as Senators or members

(1) Subject to subsections (1A), (1AA), (1B) and (1C), a nomination may be in Form C, CA, D or DA in Schedule 1, as the case requires, and must:

(a) set out the name, place of residence and occupation of the candidate; and

(b) be signed by:

(i) not less than 100 electors entitled to vote at the election for which the candidate is nominated; or

(ii) the registered officer of the registered political party by which the candidate has been endorsed for that election.

(1AAAA) If:

(a) 2 or more candidates in a Senate election make a joint request under section 168; and

(b) a person signs, under subparagraph (1)(b)(i), a nomination for more than one of the candidates;

the person's signature must not be counted for any of the candidates for the purposes of that subparagraph.

Nominations of 2 or more candidates as Senators

(1AAA) Subject to subsections (1A), (1AA) and (1B), a nomination may be in Form CC in Schedule 1, and must:

(a) set out the name, place of residence and occupation of each candidate; and

(b) be signed by the registered officer of the registered political party by which the candidates have been endorsed for that election.

Other matters relating to nominations

(1A) Where:

(a) a candidate in a Senate election is:

(i) a Senator; or

(ii) in the case of an election following a dissolution of the Senate, a person who was, immediately before the dissolution, a Senator; and

(b) the candidate's name is, under subsection 99(4), enrolled on the Roll for any Subdivision of a Division of the State or Territory that he or she represents or represented;

the candidate may set out in his or her nomination the address recorded in that enrolment rather than his or her place of residence.

(1AA) For a House of Representatives election for a particular Division, the registered officer of a particular registered political party must not sign nominations under subparagraph 166(1)(b)(ii) for that election for more than one candidate.

Note: This does not prevent an amendment of a nomination under section 177 (withdrawal of consent to a nomination) or 180 (death of candidate after nomination).

(1B) Where:

(a) a candidate in an election for the House of Representatives was, immediately before the dissolution or expiration of the House of Representatives that preceded the election, a member of the House of Representatives; and

(b) the candidate's name is, under subsection 99(4), enrolled on the Roll for any Subdivision of the Division that he or she represented;

the candidate may set out in his or her nomination the address recorded in that enrolment rather than his or her place of residence.

(1C) A nomination need only be signed by at least one other person entitled to vote at the election (the ***new election***) for which the candidate is nominated if the candidate:

(a) is a sitting independent in relation to the new election; and

(b) is not endorsed by a registered political party in the new election at the close of nominations.

(1D) For the purposes of subsection (1C), a candidate for election to the Senate for a State or Territory is a ***sitting independent*** for the new election if:

(a) the candidate was elected as a Senator for that State or Territory in an election (the ***previous election***); and

(b) the candidate was not endorsed by a registered political party in the previous election; and

(c) the candidate continues to be a Senator for that State or Territory as a result of the previous election until:

(i) the writ for the new election is issued; or

(ii) if the writ for the new election is issued in relation to a dissolution of the Senate—that dissolution of the Senate.

(1E) For the purposes of subsection (1C), a candidate for election to the House of Representatives for a Division (the ***seat being contested***) is a ***sitting independent*** for the new election if:

(a) the candidate was elected as a member of the House of Representatives in an election (the ***previous election***) for a particular Division (the ***existing seat***); and

(b) the candidate was not endorsed by a registered political party in the previous election; and

(c) the candidate continues to be a member of the House of Representatives for the existing seat as a result of the previous election until:

(i) the writ for the new election is issued; or

(ii) if the writ for the new election is issued in relation to a dissolution of the House of Representatives—that dissolution of the House of Representatives; and

(d) the existing seat is either the same as, or has territory in common with, the seat being contested.

(2) A nomination may name a candidate only by specifying:

(a) the surname and the Christian or given name, or one or more of the Christian or given names, under which the candidate is enrolled; or

(b) in a case where the candidate is not enrolled—a surname and the Christian or given name, or one or more of the Christian or given names, under which the candidate is entitled to be enrolled.

(3) For the purposes of subsection (2), a Christian or given name may be specified by specifying:

(a) an initial standing for that name; or

(b) a commonly accepted variation of that name (including an abbreviation or truncation of that name or an alternative form of that name).

(4) A nomination shall include a statement of the form in which the candidate's name or candidates' names, as the case may be, is or are to be printed on the ballot papers for the election.

(5) Where:

(a) persons to be nominated as candidates in a Senate election wish to have their names grouped in the ballot papers; and

(b) those persons have been endorsed for that election by different registered political parties;

the nominations of the candidates may be combined in such manner as the Electoral Commissioner approves.

(6) Nothing in this Act is to be taken as requiring a person:

(a) who is a candidate or the nominator of a candidate; and

(b) whose address is not shown on the Roll because of section 104;

to set out the person's address in a nomination.

(7) A candidate who does not set out the candidate's address in a nomination must provide the Electoral Commissioner with contact details for correspondence.

167 Nominations

(1) Nomination of candidates for election to the Senate or the House of Representatives must be made to the Electoral Commissioner in accordance with a determination under subsection (2).

Note: For when the nomination must be provided to the Electoral Commissioner, see paragraph 170(2)(a).

Requirements for nominations

(2) The Electoral Commissioner may determine, in writing, the manner in which nominations are to be lodged.

Bulk nominations

(3) A nomination (a ***bulk nomination***) may be made under subsection (1), by the registered officer of a registered political party, of more than one candidate endorsed by the party for election to the House of Representatives.

(4) The registered officer of a registered political party:
(a) may make more than one bulk nomination; and
(b) must not make more than one bulk nomination for a State or Territory.

168 Grouping of candidates

(1) Two or more candidates for election to the Senate may make a joint request:
(a) that their names be grouped in the ballot papers; or
(b) that their names be grouped in the ballot papers in a specified order.

(2) A request under subsection (1) must be:
(a) in writing; and
(b) signed by the candidates; and

(c) given to the Electoral Commissioner with the nomination or nominations of the candidates.

(3) A candidate's name may not be included in more than one group.

169 Notification of party endorsement

(1) The registered officer of a registered political party may request that the name, or the registered abbreviation of the name, of that party be printed on the ballot papers for an election adjacent to the name of a candidate who has been endorsed by that party.

(3) A request under subsection (1) must be:

(a) in writing; and

(b) signed by the person making the request; and

(c) given to the Electoral Commissioner with the nomination of the candidate.

(4) Where:

(a) a request has been made under subsection (1) in respect of candidates in a Senate election; and

(b) the candidates have made a request under section 168 that their names be grouped in the ballot papers for the election;

the request under subsection (1) may include a further request that the name of the registered political party that endorsed the candidates, or a composite name formed from the registered names of the registered political parties that endorsed the candidates, be printed on the ballot papers adjacent to the square printed above the line in relation to the group.

(5) In this section, ***registered abbreviation***, in relation to the name of a registered political party, has the same meaning as in section 210A.

169A Notification of independent candidacy

(1) A candidate in an election may request that the word "Independent" be printed adjacent to the candidate's name on the ballot papers for use in that election.

(2) A request under subsection (1) must be:

(a) in writing; and
(b) signed by the candidate; and
(c) given to the Electoral Commissioner with the nomination of the candidate.

(3) A candidate may not make requests under both this section and section 168.

169B Verification of party endorsement

(1) For the purposes of this Act, subject to subsection (2), a person shall be taken to have been endorsed as a candidate in an election by a registered political party if:
(a) the candidate is nominated by the registered officer of the party; or
(b) the name of the candidate is included in a statement, signed by the registered officer of the party, setting out the names of the candidates endorsed by the party in the election and lodged with the Electoral Commissioner before the close of nominations for the election; or
(c) the Electoral Commissioner is satisfied, after making such inquiries as the Electoral Commissioner thinks appropriate of the registered officer of the party or otherwise, that the candidate is so endorsed.

(2) For the purposes of sections 214 and 214A, if a person would, apart from this subsection, be taken to have been endorsed as a candidate in an election by more than one registered political party, the person is taken to have been endorsed:
(a) if the person is nominated by the registered officer of one, and only one, of the parties—by that party; or
(b) if paragraph (a) does not apply and a request is made under section 169 by the registered officer of one, and only one, of the parties—by that party; or
(c) if neither paragraph (a) nor (b) applies and the person notifies the Electoral Commissioner in writing of the person's endorsement by one, and only one, of the parties—by that party; or

(d) if none of paragraph (a), (b) or (c) applies—by the party that the Electoral Commissioner decides, after making such inquiries as the Electoral Commissioner thinks appropriate of the registered officers of the parties or otherwise, is the appropriate party.

169C Combination of requests and nominations

A request required by a provision of this Part or Part XVI to be given to the Electoral Commissioner may:

(a) be included in the nomination of the candidate to whom the request relates; and

(b) if 2 or more such requests are to be made by the same person, may be combined with the other requests.

170 Requisites for nomination

Content of nomination

(1) A nomination is not valid (subject to sections 170A and 171) unless, in the nomination, the person nominated:

(a) consents to act if elected; and

(b) declares that:

(i) the person is qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator or a member of the House of Representatives, as the case may be; and

(ii) the person is not, and does not intend to be, a candidate in any other election to be held on the same day as the election to which the nomination relates; and

(c) states whether the person is an Australian citizen by reason of birth in Australia or other means and provides:

(i) in the case of citizenship by birth in Australia—the date and place of birth; or

(iii) in the case of citizenship by any other means—particulars of those means; and

(d) answers every mandatory question in the qualification checklist set out in Form DB in Schedule 1.

Note 1: The qualification checklist in Form DB can be altered by regulations made under section 392. If the checklist is altered by the regulations, a valid nomination must include an answer to every mandatory question in the checklist as altered.

Note 2: In relation to the qualification checklist, see also sections 170A and 170B and sections 181A to 181C.

Note 3: A person may commit an offence under section 137.1 or 137.2 of the *Criminal Code* if the person provides information in the nomination that the person knows is false or misleading.

(1A) To avoid doubt, the validity of a person's nomination is not affected if an answer to a question in the qualification checklist in the nomination is incorrect, false or inadequate.

Requirement to provide additional documents relating to renunciation of citizenship

(1B) If a person contends that the person has renounced citizenship, or lost the status as a subject or citizen, of another country, a nomination of the person is not valid (subject to subsection 170A(4)) unless the person provides to the Electoral Commissioner, together with the nomination, one or more documents that the person is satisfied supports the person's contention in accordance with paragraph 170B(1)(b).

Note: See also sections 181A to 181C (publication and delivery to the Parliament, and certain laws do not apply).

Deadline for nomination and deposit

(2) A nomination is not valid unless:

(a) the nomination is received by the Electoral Commissioner after the issue of the writ and before the following time:

(i) for a bulk nomination—48 hours before the hour of nomination;

(ii) otherwise—the hour of nomination; and

(b) the person nominated (or someone else on that person's behalf) gives to the Electoral Commissioner a deposit of $2,000 in relation to the person:

(i) before the time mentioned in paragraph (a) (whether or not the deposit is received at the same time as the nomination); and

(ii) in the manner approved by the Electoral Commissioner (including by electronic transfer).

(3) The Electoral Commissioner may, in writing, approve a manner of giving a deposit for the purposes of subparagraph (2)(b)(ii).

170A Objects and effect of qualification checklist

(1) The objects of the qualification checklist are:

(a) to ensure that electors are informed about the eligibility under the Constitution and this Act of candidates in elections; and

(b) to provide a way for candidates to actively consider their circumstances and whether they are eligible to be elected.

(2) To avoid doubt, the Electoral Commissioner, or a member of the staff of the Electoral Commission, has no power to make any determination in relation to the qualification checklist in a person's nomination, except whether the person has answered every mandatory question (see paragraph 170(1)(d)).

(3) Without limiting subsection (2), the Electoral Commissioner, or a member of the staff of the Electoral Commission, has no power to determine whether:

(a) an answer to a question in a qualification checklist is incorrect, false or inadequate; or

(b) a person is satisfied that a document provided under subparagraph 170B(1)(a)(ii) or paragraph 170B(1)(b) supports the contention of the person; or

(c) a document so provided by a person supports the person's contention; or

(d) a declaration or statement under paragraph 170(1)(b) or (c) in a person's nomination, that is inconsistent with an answer in the qualification checklist in the nomination or a document provided under subsection 170B(1) with the nomination, is true or false; or

(e) the person is qualified to be elected as a Senator or member of the House of Representatives under the Constitution or this Act.

Note: A person's eligibility to be elected under the Constitution or this Act may be determined by the Court of Disputed Returns.

Limit on ability to dispute election as a result of decision relating to qualification checklist

(4) If a person's nomination for election is accepted, but paragraph 170(1)(d) or subsection 170(1B) was not in fact complied with in relation to the nomination:

(a) the nomination, and the decision to accept the nomination, are taken for all purposes to be valid; and

(b) the decision is not a contravention of this Act or an illegal practice (within the meaning of Part XXII).

This subsection does not affect the nomination, or the decision to accept the nomination, to the extent that the nomination is invalid for other reasons.

(5) If a person's nomination for election is rejected on the basis that paragraph 170(1)(d) or subsection 170(1B) was not complied with in relation to the nomination, but that provision was in fact complied with:

(a) the decision is an illegal practice (within the meaning of Part XXII), but a petition disputing the election or the return relating to the election must not be made except if it is signed by the person; and

(b) except as provided by paragraph (a), the decision:

(i) is final and conclusive; and

(ii) must not on any ground be challenged, appealed against, reviewed, quashed, set aside or called in question in any court or tribunal, including in the Court of Disputed Returns under Division 1 of Part XXII; and

(iii) is not subject on any ground to mandamus, prohibition, certiorari or injunction, or the making of a declaratory or other order, in any court, including in the Court of Disputed Returns under that Division.

This subsection does not affect the decision to reject the nomination to the extent that the nomination is rejected for any other reason despite being valid.

(6) Subsection (5) applies despite:

(a) section 355 (except as provided by paragraph (5)(a)); and
(b) section 383; and
(c) anything in any other law, except the Constitution, and section 39B and Part VII of the *Judiciary Act 1903*.

Note: For paragraph (a), a petition disputing an election or return may be made under section 355 because a person whose nomination is accepted is incapable of being chosen or sitting as a Senator or member of the House of Representatives under section 44 of the Constitution.

170B Providing additional documents with nomination

(1) A person who is nominating for election as a Senator or a member of the House of Representatives:
(a) may provide to the Electoral Commissioner, together with the nomination of the person (and not otherwise), the following additional documents:
(i) documents providing particulars of the person's Australian citizenship;
(ii) documents providing particulars that the person is satisfied support the person's contention that the person is not disqualified or incapable of being chosen or of sitting as a Senator or member of the House of Representatives by reason of section 44 of the Constitution or this Act;
(iii) documents providing particulars as specified in the qualification checklist; and
(b) if the person contends that the person has renounced citizenship, or lost the status as a subject or citizen, of another country—must provide to the Electoral Commissioner, together with the nomination, one or more documents that the person is satisfied supports the person's contention.

Note 1: See also sections 181A to 181C (publication and delivery to the Parliament, and certain laws do not apply).

Note 2: A person may commit an offence under section 137.1 or 137.2 of the *Criminal Code* if the person provides a document under this subsection that the person knows is false or misleading.

Manner of providing documents

(2) Documents provided under subsection (1) must:
  (a) be able to be uploaded, or published electronically or on a website; and
  (b) if the Electoral Commissioner determines an electronic format under subsection (9)—be in that format.

Redacting etc. information from documents

(3) Before a person provides a document under subsection (1), the person:
  (a) may omit, redact or delete from the document any information that the person does not wish to be published under section 181A or delivered to a House of the Parliament under section 181B; and
  (b) if the person does so—must indicate in the document, or in the manner (if any) determined under subsection (9), that information has been omitted, redacted or deleted; and
  (c) if the Electoral Commissioner has determined under subsection (9) a manner for omitting, redacting or deleting the information—must do so in that manner and only that manner.

Silent electors

(4) The address of a person whose address is not shown on the Roll for a Subdivision under section 104 may be included in a document published or to be published under section 181A only if:
  (a) the person is the person who provides the document, and the person's address is not shown on the Roll at the time the document is provided; or
  (b) the person has consented to the publication of the address.

Note: A document published under section 181A includes the qualification checklist.

(5) The Electoral Commissioner must delete an address, from a document published or to be published under section 181A, if the Electoral Commissioner becomes aware that:

(a) the address of a person has been included in the document in contravention of subsection (4); or

(b) the person's address has been deleted from the Roll since the document was provided.

(6) The Electoral Commissioner may omit, redact or delete, from a document published or to be published under section 181A, any information that the Electoral Commissioner is satisfied on reasonable grounds is unreasonable, unacceptable, inappropriate or offensive.

(7) Subsections (5) and (6) apply in relation to a document that has been published only while the document is published on the Electoral Commission's website.

(8) The Electoral Commissioner is not:

(a) under a duty to determine whether an address has been included in a document in contravention of subsection (4); or

(b) permitted to omit, redact or delete any information from a document published or to be published under section 181A other than in accordance with subsection (5) or (6) of this section.

Determinations

(9) The Electoral Commissioner may determine, in writing:

(a) an electronic format for the purposes of paragraph (2)(b); or

(b) a manner for the purposes of paragraph (3)(b) or (c).

(10) A determination under subsection (9) is not a legislative instrument.

171 Form of consent to act

(1) A consent to act if elected, and a declaration referred to in paragraph 170(1)(b), may be provided by signing the form of consent and declaration in the nomination.

(2) The Electoral Commissioner may accept any other form of consent, and declaration referred to in paragraph 170(1)(b), that the

Commissioner is satisfied is satisfactory (whether or not the consent and declaration are in the nomination).

172 Rejection of nominations and requests

(1) Subject to subsections (1A) and (2), a nomination shall be rejected by the Electoral Commissioner if, and only if, the provisions of section 166, 167, 170 or 171 have not been complied with in relation to the nomination.

(1A) If:

(a) contrary to subsection 166(1AA), the registered officer of a party signs nominations for 2 or more candidates (the ***same Division candidates***) for a single Division; and

(b) the same Division candidates are nominated by the registered officer in a bulk nomination together with a number of other candidates for other Divisions;

then:

(c) the nomination of the same Division candidates must be rejected; but

(d) the nomination of the other candidates must not be rejected merely because subsection 166(1AA) was not complied with in relation to the same Division candidates.

(2) No nomination may be rejected by reason of any formal defect or error in the nomination if the Electoral Commissioner is satisfied that the provisions of sections 166, 167, 170 (except paragraph 170(1)(d) and subsection 170(1B)) and 171 have been substantially complied with.

Note: A nomination must be rejected if a person does not answer every mandatory question in the qualification checklist or provide a document required by subsection 170(1B) (see subsections 170(1) and (1B)).

(3) A request under this Part is not ineffective because of any formal defect or error in the request if the requirements of this Act have been substantially complied with.

173 Deposit to be forfeited in certain cases

(1) The deposit made by or on behalf of a candidate at a Senate election or at a House of Representatives election shall be retained pending the election, and after the election shall be returned in accordance with subsection (2), if the candidate is elected, or:

(a) in the case of a Senate election:

(i) if the total number of votes polled in the candidate's favour as first preferences is at least 4% of the total number of votes polled in favour of the candidates in the election as first preferences; or

(ii) in a case where the name of the candidate is included, in ballot papers used in the election, in a group in pursuance of section 168—if the sum of the votes polled in favour of each of the candidates included in the group as first preferences is at least 4% of the total number of votes polled in favour of the candidates in the election as first preferences; or

(b) in the case of a House of Representatives election, if the total number of votes polled in the candidate's favour as first preferences is at least 4% of the total number of votes polled in favour of the candidates in the election as first preferences;

otherwise it shall be forfeited to the Commonwealth.

(2) The deposit must be returned to the person who paid it, or to a person authorised in writing by the person who paid it.

174 Place of nomination

(1) In an election of Senators for a State or Territory the office of the Australian Electoral Officer for that State or Territory, or any other place determined in writing by the Electoral Commissioner, is to be the place of nomination for the election.

(2) In elections for the House of Representatives the office of the Divisional Returning Officer for the Division, or any other place determined in writing by the Electoral Commissioner, is to be the place of nomination.

(3) A determination made under this section is not a legislative instrument.

175 Hour of nomination

(1) The hour of nomination shall be 12 o'clock noon on the day of nomination.

Note: For when bulk nominations are required to be given to the Electoral Commissioner, see subparagraph 170(2)(a)(i).

(2) The ***declaration time*** for an election is 12 noon on the day after the day on which nominations for the election close.

176 Declaration of nominations

(1) Subject to subsection (3), in the case of a Senate election, the Australian Electoral Officer, or any other officer authorised by the Electoral Commissioner, must, at the declaration time, attend at the place of nomination, or at the declaration place for the relevant State or Territory, and, in respect of each candidate, declare:

(a) the name of the candidate; and

(b) either of the following:

(i) the town or suburb of the candidate's place of residence;

(ii) if an address has been specified by the candidate under subsection 166(1A)—the town or suburb of that address; and

(c) the relevant State or Territory; and

(d) either:

(i) if the candidate is endorsed by a registered political party—the name of the party; or

(ii) otherwise—that the candidate is not endorsed by a registered political party; and

(e) if the candidate has requested under subsection 168(1) that the candidate's name be grouped with one or more other candidates' names in the ballot papers:

(i) the name requested to be printed on the ballot papers under subsection 169(4); or

(ii) if no such name is requested—a name given to the group by the Electoral Commissioner; and

(f) if the candidate has requested the word "Independent" be printed adjacent to the candidate's name on the ballot paper for the election—that fact.

(2) Subject to subsection (3), in the case of a House of Representatives election, the DRO, or any other officer authorised by the Electoral Commissioner, must, at the declaration time, attend at the place of nomination for the Division, or at the declaration place for the Division, and, in respect of each candidate, declare:

(a) the name of the candidate; and

(b) either of the following:

(i) the town or suburb of the candidate's place of residence;

(ii) if an address has been specified by the candidate under subsection 166(1B)—the town or suburb of that address; and

(c) the State or Territory in which the Division is located; and

(d) either:

(i) if the candidate is endorsed by a registered political party—the name of the party; or

(ii) otherwise—that the candidate is not endorsed by a registered political party; and

(e) if the candidate has requested the word "Independent" to printed adjacent to the candidate's name on the ballot paper for the election—that fact.

(3) The Australian Electoral Officer, DRO or authorised officer, as the case requires, must not declare a candidate's town or suburb if the candidate's address has been excluded from the Roll under section 104.

(4) In this section:

declaration place means:

(a) for a Senate election for a State or Territory—a place determined in relation to that State or Territory by the Australian Electoral Officer for that State or Territory, or by the Electoral Commissioner; and

(b) for a House of Representatives election for a Division—a place determined in relation to that Division by the Australian Electoral Officer for the relevant State or Territory, or by the Electoral Commissioner.

177 Withdrawal of consent to a nomination

Withdrawal by candidate in election

(1) A candidate for a Senate election or House of Representatives election may withdraw the candidate's consent to a nomination by lodging a notice of withdrawal with the Electoral Commissioner. The withdrawal must be made before the hour of nomination.

(2) If:

(a) a candidate for a House of Representatives election for a Division is nominated in a bulk nomination by the registered officer of a registered political party; and

(b) the candidate withdraws the candidate's consent to a nomination;

then:

(c) the withdrawal does not affect the nomination of the other candidates nominated in the bulk nomination; and

(d) the registered officer may amend the nomination, at any time before the hour of nomination, to substitute another candidate for that Division.

(5) An amendment under paragraph (2)(d) must:

(a) be made by notice in writing to the Electoral Commissioner; and

(b) be in the approved form and signed by the registered officer.

Return of deposit

(6) If a candidate withdraws his or her consent to a nomination, the deposit lodged in relation to the nomination must be returned to:

(a) the person who paid it; or

(b) a person authorised in writing by the person who paid it.

Effect of withdrawal of consent on nomination

(7) If a candidate withdraws his or her consent to a nomination, the nomination ceases to have effect.

178 Return of deposit in case of candidate's death

(1) In the case of the death of any candidate before the date of election the deposit lodged by the candidate shall be returned in accordance with subsection (2) or (3).

(2) If the deposit was paid by a person other than the candidate, the deposit must be returned to the person who paid it, or to a person authorised in writing by the person who paid it.

(3) In all other cases, the deposit must be returned to the personal representative of the candidate.

179 Proceedings on nomination day

(1) In the case of a Senate election, if the number of candidates nominated is not greater than the number of candidates required to be elected, the Australian Electoral Officer, or any other person authorised by the Electoral Commissioner, must declare the candidate or candidates nominated duly elected.

(2) In the case of a House of Representatives election, if one candidate only is nominated, the Divisional Returning Officer, or any other person authorised by the Electoral Commissioner, must declare that candidate duly elected.

(3) If in any election the number of candidates nominated is greater than the number required to be elected, the proceedings must, subject to the provisions of this Act, and the regulations relating to voting before polling day, stand adjourned to polling day.

180 Death of candidate after nomination

(1) If after the nominations for an election for the Senate have been declared and before polling day any candidate dies and the candidates remaining are not greater in number than the candidates

required to be elected, they shall forthwith be declared to be elected and the writ returned.

(2) If after the nominations for an election for the House of Representatives have been declared, and before polling day, any candidate dies, the election shall be deemed to have wholly failed.

(3) If a candidate dies before the hour of nomination and the candidate was one of a number of candidates nominated by the registered officer of a registered political party in a bulk nomination:

(a) the death does not affect the nomination of those other candidates; and

(b) the registered officer may amend the nomination, at any time before the hour of nomination (as affected by subsection 156(2)), to substitute another candidate.

An amendment must be in the approved form and signed by the registered officer.

181 Failure of election

(1) Whenever an election wholly or partially fails a new writ shall forthwith be issued for a supplementary election:

Provided that where the election has failed in consequence of the death of a candidate after the declaration of the nominations and before polling day, the supplementary election shall be held upon the roll which was prepared for the purpose of the election which failed.

(2) An election shall be deemed to have wholly failed if no candidate is nominated or returned as elected.

(3) An election shall be deemed to have partially failed whenever one or more candidates is returned as elected, but not the full number required to be elected.

181A Publication of qualification checklist etc. on website

(1) As soon as practicable after nominations for an election are declared under section 176, the Electoral Commissioner must

(subject to subsection (3) of this section) publish the following documents on the Electoral Commission's website:

(a) the qualification checklist in the nomination of a person whose name is declared under that section;

(b) any additional documents that the Electoral Commissioner is satisfied were provided by the person, together with the nomination, in accordance with subsections 170B(1), (2) and (3).

Note: Certain laws do not apply in relation to personal information included in a document published under this section (see section 181C).

(2) The documents must remain available to the public until a petition disputing the election or return can no longer be filed under section 355.

(3) The Electoral Commissioner may decide not to publish a document under this section, or to remove a document published under this section from the Electoral Commission's website, if the Electoral Commissioner is satisfied on reasonable grounds that the publication of the document is unreasonable, unacceptable, inappropriate or offensive.

Note: The Electoral Commissioner may also omit, redact or delete information from documents under section 170B.

181B Delivery of qualification checklist etc. to the Parliament

(1) This section applies if:

(a) a document is published under section 181A, that is:

(i) the qualification checklist in a person's nomination for an election; or

(ii) an additional document provided by the person, together with the nomination, under section 170B; and

(b) the person is declared elected as a result of the election.

(2) As soon as practicable after the return of the last writ for the election and any other election held on the same day, the Electoral Commissioner must arrange for a copy of the document to be delivered for tabling to:

(a) for a person who is elected as a Senator—the Senate; and

(b) for a person who is elected as a member of the House of Representatives—the House of Representatives.

Note: Certain laws do not apply in relation to personal information included in a document delivered under this section (see section 181C).

181C Certain laws do not apply

(1) This section applies in relation to personal information if:

(a) the information is included in:

(i) the qualification checklist in a person's nomination for an election; or

(ii) an additional document provided by the person, together with the nomination, under section 170B; and

(b) the checklist or document is:

(i) collected by the Electoral Commissioner for the purposes of paragraph 170(1)(d) or under section 170B; or

(ii) published under section 181A; or

(iii) delivered to a House of the Parliament under section 181B.

(2) The following do not apply in relation to the personal information:

(a) Australian Privacy Principles 3, 5, 6, 10 and 13 in Schedule 1 to the *Privacy Act 1988*;

(b) Part V of the *Freedom of Information Act 1982*.

Effect of this section

(3) This section does not limit the effect this Part has on any other law of the Commonwealth, a State or a Territory relating to information or privacy.

Part XV—Postal voting

182 Interpretation

(1) In this Part:

Register, in relation to a Division, means the Register of General Postal Voters for the Division.

(2) In this Part (other than in sections 184A to 186) and in Schedule 2, a reference to the Division for which a person is enrolled includes:

(a) in the case of a person who is provisionally enrolled—a reference to the Division for which the person is provisionally enrolled; and

(b) in the case of a person who is not enrolled—a reference to the Division for which the person would be enrolled if the person were an elector.

183 Grounds of application for postal vote

A person may apply for a postal vote on any of the grounds set out in Schedule 2.

184 Application for postal vote

(1) An application must be in writing in the approved form and must contain a declaration by the applicant that he or she is entitled to apply for a postal vote.

(2) An application made in Australia shall be made to the Electoral Commissioner.

(3) An application made outside Australia shall be made to an Assistant Returning Officer or the Electoral Commissioner.

(4) An application for a postal vote may not be made until after the issue of the writ for the election in relation to which a postal vote is sought or the public announcement of the proposed date for the polling, whichever is the earlier.

(5) An application for a postal vote fails to meet the deadline if it is not received by the Electoral Commissioner or the Assistant Returning Officer until after 6 pm on the Wednesday that is 3 days before polling day in the election.

(6) If an application for a postal vote fails to meet the deadline, the Electoral Commissioner or the Assistant Returning Officer must make, or arrange for the making of, reasonable efforts to advise the applicant that his or her application for a postal vote failed to meet the deadline, and that the applicant will have to vote by other means.

(7) The Electoral Commissioner must cause a number to be allocated to each application for a postal vote.

184A Application for registration as general postal voter

(1) An elector may apply to the Electoral Commissioner for registration as a general postal voter for a Division.

(2) An application shall be made on one of the following grounds:

(a) the applicant's real place of living is not within 20 kilometres, by the shortest practicable route, of any polling place;

(b) the applicant:

(i) is a patient at a hospital (other than a hospital that is a polling place); and

(ii) because of serious illness or infirmity, is unable to travel from the hospital to a polling place;

(c) because of serious illness or infirmity, the applicant is unable to travel from the place where he or she lives to a polling place;

(caa) because the applicant is a person with disability, the applicant is unable to travel from the place where the applicant lives to a polling place;

(cab) because the applicant will be at a place (other than a hospital) caring for a person with disability, the applicant is unable to travel from that place to a polling place;

(ca) because the applicant will be at a place (other than a hospital) caring for a person who is seriously ill or infirm, the

applicant is unable to travel from that place to a polling place;

(d) the applicant is detained in custody;

(e) the enrolment of the applicant was obtained by means of a claim signed under subsection 98(3);

(f) a registered medical practitioner has certified, in writing, that the applicant is so physically incapacitated as to be incapable of signing his or her name;

(g) the applicant's address has been excluded from the Roll under section 104;

(h) because of the applicant's religious beliefs or membership of a religious order, the applicant:

(i) is precluded from attending a polling booth; or

(ii) for the greater part of the hours of polling on polling day, is precluded from attending a polling booth;

(i) the applicant is a defence member, or defence civilian, who is serving outside Australia;

(j) the applicant is an AFP officer or staff member who is serving outside Australia;

(k) the applicant is an eligible overseas elector.

(3) An application in respect of an elector to whom paragraph (2)(e) or (f) applies may be made by another person on behalf of the elector.

(4) The certificate referred to in paragraph (2)(f) shall be lodged with an application made on the ground set out in that paragraph.

(5) An elector may apply on the ground referred to in paragraph (2)(i) or (j) before he or she has left Australia.

(6) The regulations may specify whether a particular situation does, or does not, constitute serving outside Australia for the purposes of paragraph (2)(i) or (j). The regulations have effect accordingly.

184AA Application forms for postal votes

(1) An application form for a postal vote may be physically attached to, or form part of, other written material issued by any person or organisation.

(2) For the purposes of the *Copyright Act 1968*, if a person other than the owner of the copyright in the application form for a postal vote reproduces the application form, the person is not taken to have infringed the copyright in the application form.

184B Register of General Postal Voters

(1) The Electoral Commissioner must, for each Division, keep a Register of General Postal Voters for the Division.

(2) The Register for a Division must be available for inspection, without fee, by members of the public at the office of the DRO for the Division during ordinary office hours.

185 Registration as general postal voter

(1) If the Electoral Commissioner is satisfied that an application has been made in accordance with section 184A, the Electoral Commissioner must register the applicant as a general postal voter for the Division to which the application relates.

(2) If:

(a) a claim for enrolment or transfer of enrolment is made to the Electoral Commissioner; and

(b) the claim is signed under subsection 98(3); and

(c) the claim indicates that the claimant wishes to be registered as a general postal voter for a Division;

the Electoral Commissioner must register the claimant as a general postal voter for the Division.

(3) If an elector who is registered as a general postal voter for a Division (in this subsection called the ***original Division***) makes a claim for transfer of enrolment to another Division (the ***new Division***), the Electoral Commissioner must:

(a) cancel the registration of the elector as a general postal voter for the original Division; and

(b) register the elector as a general postal voter for the new Division, unless the Electoral Commissioner is satisfied that the elector would not be entitled to registration on application under subsection 184A(1).

(4) Registration of an elector as a general postal voter for a Division is effected by entering in the Register for the Division the following particulars of the elector:

(a) full name;

(b) except in the case of an elector whose address has been excluded from the Roll under section 104, the address shown in the Roll as the real place of living of the elector;

(c) such other particulars (if any) as the Electoral Commissioner determines.

(4AA) The Electoral Commissioner must not, for the purposes of paragraph (4)(c), determine any particulars relating to whether an elector is a designated elector.

(4A) Nothing in paragraphs (4)(b) and (c) allows or requires the Electoral Commissioner to include in the Register for a Division information that the Electoral Commissioner is aware would or might enable any of the following to be ascertained:

(a) the fact that a particular person has been, is or will be serving outside Australia as:

(i) a defence member or a defence civilian; or

(ii) an AFP officer or staff member;

(b) the place where a particular person has been, is or will be serving outside Australia in a capacity referred to in subparagraph (a)(i) or (ii);

(c) the period of time when a particular person has been, is or will be serving outside Australia in a capacity referred to in subparagraph (a)(i) or (ii);

(d) without limiting any of the preceding paragraphs—the postal address of a person who is serving outside Australia in a capacity referred to in subparagraph (a)(i) or (ii);

(e) any other information of a kind specified in the regulations, being information that relates to persons who have been, are or will be serving outside Australia in a capacity referred to in subparagraph (a)(i) or (ii).

(5) If the Electoral Commissioner registers an elector as a general postal voter for a Division, the Electoral Commissioner must notify the elector, in writing, of the registration.

(6) If the Electoral Commissioner decides not to register an elector as a general postal voter for a Division, the Electoral Commissioner must notify the elector, in writing, of the decision and of the reasons for it.

185B Review of Registers

The Electoral Commissioner may review the Register for a Division and make such alterations as are necessary to ensure that:

(a) only electors entitled to be registered as general postal voters for the Division are so registered; and

(b) the particulars entered in the Register are accurate.

185C Cancellation of registration

(1) The Electoral Commissioner may cancel the registration of an elector as a general postal voter for a Division if the Electoral Commissioner is satisfied that the ground on which the elector applied for registration no longer exists.

(2) The Electoral Commissioner must give the elector written notice of the cancellation and of the elector's right to apply for review under Part X.

186 Dispatch of postal voting papers to registered general postal voters

(1) As soon as ballot papers for an election for a Division are available, the Electoral Commissioner must send or arrange for the delivery of postal voting papers to each registered general postal voter for the Division.

(2) In this section:

postal voting papers means:

(a) a postal vote certificate printed on an envelope; and

(b) one postal ballot paper for a Senate election or one postal ballot paper for a House of Representatives election, or both, as the case requires; and

(c) if the envelope on which the postal vote certificate is printed is not itself addressed to the DRO for the Division for which the general postal voter is registered—an envelope addressed to that DRO.

188 Issue of certificate and ballot papers

Material to be sent to postal vote applicant

(1) If the Electoral Commissioner or an Assistant Returning Officer receives an application for a postal vote that is in accordance with subsection 184(1), he or she must (unless the application fails to meet the deadline as mentioned in subsection 184(5)) send, or arrange for the sending, to the applicant, as provided under subsection (2) of this section:

(a) a postal vote certificate printed on an envelope; and

(b) one postal ballot paper for a Senate election or one postal ballot paper for a House of Representatives election, or both, as the case requires; and

(c) if the envelope on which the postal vote certificate is printed is not itself addressed to:

(i) if the application is provided to an Assistant Returning Officer outside Australia—the Assistant Returning Officer or to the DRO for the Division for which the applicant is enrolled; or

(ii) otherwise—the DRO for the Division for which the applicant is enrolled;

an envelope addressed to that Assistant Returning officer or DRO.

Dealing with certificates and ballot papers before sending

(1A) Before a postal vote certificate and postal ballot paper are sent to an applicant under subsection (1):

(a) the date of issue of the certificate and ballot paper must be recorded; and

(b) the certificate must be numbered with the same number allocated to the application under subsection 184(7); and

(c) the top of the front of the ballot paper must be marked with the initials of the officer who issued the ballot paper, or caused it to be issued.

How material to be sent

(2) If the Electoral Commissioner or Assistant Returning Officer receives the application for a postal vote at or before 6 pm on the Wednesday that is 3 days before polling day in the election, the material required by subsection (1) must be sent to the applicant by a means that the Electoral Commissioner or Assistant Returning Officer considers to be the most reasonable and practicable in the circumstances.

Note: If the application is received after 6 pm on the Wednesday that is 3 days before polling day in the election, it fails to meet the deadline (see subsection 184(5)), and therefore no material is required by subsection (1) to be sent to the applicant.

189 Inspection of applications

(1) A list of applications for postal votes for a Division must be available for public inspection at the office of the DRO for the Division.

(2) The list must:

(a) be available during ordinary office hours from and including the third day after polling day until the election can no longer be questioned; and

(b) set out, for each applicant:

(i) the applicant's full name; and

(ii) except in the case of an applicant whose address has been excluded from the Roll under section 104—the address of the applicant; and

(iii) such other particulars (if any) as the Electoral Commissioner determines.

(2A) The Electoral Commissioner must not, for the purposes of subparagraph (2)(b)(iii), determine any particulars relating to whether an applicant is a designated elector.

(3) The list may be kept in electronic or other form.

(4) A right of inspection under this section does not include the right to copy or record by electronic means the list of applications (in whole or in part).

(5) If the Electoral Commissioner determines particulars under subparagraph (2)(b)(iii) in writing, the instrument is not a legislative instrument.

189A Access to electronic list of postal vote applicants

(1) A request for a list, in electronic form, of the postal vote applicants may be made to the Electoral Commissioner by:

(a) a candidate in a Senate election if the postal vote applications are in respect of any Division in the State or Territory for which the candidate stood for election; or

(b) a candidate in a House of Representatives election if the postal vote applications are in respect of the Division for which the candidate stood for election; or

(c) a registered political party if the postal vote applications are in respect of a Division in a State or Territory on the basis of which a branch or division of the party is organised.

The request may be made on or after the third day after polling day and before the election can no longer be questioned.

(2) The Electoral Commissioner must, as soon as practicable, comply with such a request.

(3) The list may include the name, date of birth and address of a postal vote applicant.

(4) However, before providing the list to a person or party, the Electoral Commissioner must remove from it all information concerning a person whose address has been excluded from the Roll under section 104, other than the person's name.

189B Restriction on use or disclosure of information

Use of information

(1) A person commits an offence if the person:
   (a) uses information obtained from an electronic list of postal vote applicants provided by the Electoral Commissioner under section 189A; and
   (b) the use of the information is not for a permitted purpose (see subsections (4) and (5)).

Penalty: 100 penalty units.

Disclosure of information

(2) A person commits an offence if:
   (a) the person discloses information; and
   (b) the person knows that, or is reckless as to whether, the information has been obtained from an electronic list of postal vote applicants provided by the Electoral Commissioner under section 189A; and
   (c) the disclosure would not be a use of the information for a permitted purpose (see subsections (4) and (5)).

Penalty: 1,000 penalty units.

Use of information for a commercial purpose

(3) A person commits an offence if:
   (a) the person uses information for a commercial purpose; and
   (b) the person knows that, or is reckless as to whether, the information has been obtained from an electronic list of postal vote applicants provided by the Electoral Commissioner under section 189A.

Penalty: 1,000 penalty units.

Permitted purposes

(4) If the list was provided by the Electoral Commissioner to a candidate in a Senate or House of Representatives election, the ***permitted purposes*** are:

(a) any purpose connected with an election or referendum; and

(b) research about election and ballot matters; and

(c) the monitoring of the accuracy of information contained in a Roll; and

(d) the performance by the candidate of his or her functions if elected as a Senator or member in relation to a person included in the list.

(5) If the list was provided by the Electoral Commissioner to a registered political party, the ***permitted purposes*** are:

(a) any purpose connected with an election or referendum; and

(b) research about election and ballot matters; and

(c) the monitoring of the accuracy of information contained in a Roll; and

(d) the performance by a Senator or member of the House of Representatives, who is a member of the party, of his or her functions as a Senator or member in relation to a person included in the list.

Definitions

(6) In this section:

election means:

(a) a Senate election; or

(b) a House of Representatives election; or

(c) a State or Territory election; or

(d) a local government election.

referendum means a referendum conducted under a law of the Commonwealth or of a State or Territory.

192 Form of postal vote certificate

A postal vote certificate shall be in the approved form.

193 Authorised witnesses

(1) An elector whose name appears on a Roll is an authorised witness.

(2) Outside Australia, the following persons are authorised witnesses:

(a) an officer of the Defence Force or of the naval, military or air forces of a Commonwealth country;

(b) a person appointed or engaged under the *Public Service Act 1999*;

(c) a member of the civil or public service of a State or Territory or of a Commonwealth country;

(d) a Justice of the Peace for a State or Territory or a Commonwealth country;

(e) a minister of religion or medical practitioner resident in a State or Territory or a Commonwealth country;

(f) an Australian citizen.

(3) A person who is a candidate at an election is not an authorised witness in relation to the casting of a postal vote in that election.

(4) In this section:

Commonwealth country means a body politic, or part of a body politic, that is a member of the international organisation known as the Commonwealth of Nations.

194 Postal voting

(1) The following requirements for postal voting shall be substantially observed:

(a) the person voting must show the unsigned postal vote certificate and the unmarked postal ballot paper to an authorised witness;

(b) except in the case of a person registered as a general postal voter on the ground set out in paragraph 184A(2)(e) or (f),

the person must sign the postal vote certificate in the presence of the authorised witness;

(c) the authorised witness shall sign the certificate as witness, adding the date and an indication of the capacity in which the witness acts;

(d) the person must then, in the presence of the authorised witness but so that the witness cannot see the vote, mark his or her vote on the ballot paper, place the ballot paper in the envelope on which the postal vote certificate is printed and fasten the envelope;

(da) the person must declare, on the postal vote certificate, that the requirements referred to in paragraphs (a), (b) and (d) were satisfied before the close of the poll;

(db) the authorised witness must declare, on the postal vote certificate, that the requirements referred to in paragraphs (a) to (c) were satisfied before the close of the poll;

(e) the person must post or deliver the envelope to the DRO for the Division for which the person is enrolled;

(f) if the person (the ***elector***) cannot read or is so disabled as to be unable to vote without assistance, another person chosen by the elector may, according to the directions of the elector, complete the postal vote certificate and do for the elector any act required by paragraph (d) or (e);

(g) directions under paragraph (f) may be given by reference to a how-to-vote card.

(1A) A postal vote by a person outside Australia that does not meet the requirements in subsection (1) concerning an authorised witness is, despite that subsection, taken to meet those requirements for the purposes of this Act if:

(a) a signed and dated statement by the person setting out why the person was unable to comply with those requirements:

(i) accompanies the postal vote; or

(ii) is produced by the person in the approved form; or

(iii) is given in writing by the person; and

(b) the DRO or officer dealing with the postal vote under section 195A is satisfied that the person made reasonable efforts to comply with those requirements; and

(c) if subparagraph (a)(i) applies—the postal vote is accompanied by a photocopy, that is certified by the person to be a true copy, of a part of the person's passport that includes the details set out in subsection (1B); and

(d) if subparagraph (a)(ii) or (iii) applies—a copy of a part of the person's passport that includes the details set out in subsection (1B) is produced in the approved form, or given in writing, by the person.

(1B) For the purposes of paragraphs (1A)(c) and (d), the details of the part of the person's passport are the following:

(a) the country and date of issue; and

(b) the number of the passport; and

(c) the person's name, date of birth and signature; and

(d) a photograph of the person.

(1C) The following provisions of the *Electronic Transactions Act 1999* apply in relation to subparagraphs (1A)(a)(ii) and (iii) and paragraph (1A)(d) of this section despite any regulations in force for the purposes of subsection 7A(2) of that Act:

(a) subsection 8(1);

(b) Division 2 of Part 2;

(c) sections 14, 14A, 14B and 15.

To avoid doubt, this subsection does not affect the operation of that Act, including as affected by any such regulations, in relation to any other provision of this Act.

(1D) Despite paragraphs (1)(d), (da), (db) and (f), if the postal vote certificate is not printed on the envelope but the postal vote certificate is to be placed in the envelope:

(a) the requirement referred to in paragraph (1)(d) for the person voting to fasten the envelope after placing the ballot paper in the envelope does not apply; and

(b) the person voting, or a person acting on behalf of that person under paragraph (1)(f), must declare, on the postal vote certificate, that, subject to paragraph (a) of this subsection, the requirements referred to in paragraphs (1)(a), (b) and (d) were satisfied before the close of the poll; and

(c) the authorised witness must declare, on the postal vote certificate, that the requirements referred to in paragraphs (1)(a) to (c) were satisfied before the close of the poll; and

(d) the person voting, or a person acting on behalf of that person under paragraph (1)(f), must, in the presence of the authorised witness, place the postal vote certificate in the envelope and fasten the envelope.

(2) In spite of paragraph (1)(e), where:

(a) a ballot paper, if posted before the close of the poll, would be unlikely to reach the DRO for the Division for which the person is enrolled within 13 days after polling day; or

(b) a ballot paper, if it were to be delivered to the DRO for the Division for which the person is enrolled, would be unlikely to reach the DRO before the close of the poll;

the envelope containing the ballot paper may:

(c) before the close of the poll be addressed to, and posted or delivered to, any other DRO or to an Assistant Returning Officer at a place outside Australia; or

(d) be handed to a pre-poll voting officer; or

(e) be delivered, on polling day and before the close of the poll, to a presiding officer (other than an electoral visitor or mobile polling team leader who is deemed to be a presiding officer); or

(g) be handed to a mobile polling team leader when the team is at a place for the purpose of taking votes under section 227; or

(h) be handed, before the close of the poll, to a person who is at a capital city office of the Electoral Commission and who is:

(i) the holder of a particular office provided for by Division 3 or 4 of Part II; or

(ii) a member of the staff of the Electoral Commission (not being the holder of a particular office referred to in subparagraph (i)) who is engaged under the *Public Service Act 1999* as an ongoing APS employee within the meaning of that Act, or who is employed under paragraph 35(1)(b) of this Act.

(3) A person to whom an envelope containing a ballot paper is posted, delivered or handed under subsection (2) shall deal with the envelope and ballot paper according to sections 195A and 228.

195 Duty of authorised witnesses etc.

Except at the request of a person voting (the ***elector***), a person shall not:

(a) interfere with the elector in relation to the marking of a postal ballot paper; or

(b) do anything that would enable the person or any other person to find out how the elector marked a postal ballot paper.

Penalty: 10 penalty units.

195A Procedure for dealing with postal vote certificates etc.

(1) In this section:

officer means:

(a) a pre-poll voting officer; or

(b) a presiding officer; or

(c) the holder of a particular office (other than a DRO) provided for by Division 3 or 4 of Part II; or

(e) a mobile polling team leader; or

(f) a member of the staff of the Electoral Commission referred to in subparagraph 194(2)(h)(ii).

presiding officer does not include a mobile polling team leader who is deemed to be a presiding officer.

(2) Where:

(a) a DRO receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot paper issued in respect of a Division other than the Division for which the DRO is appointed; or

(b) an officer receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot paper;

the DRO or officer shall:

(c) endorse on the envelope "Received by me" and the date and time of receipt;

(d) sign the endorsement, adding the appropriate designation (see subsection (3));

(e) make a record of the name of the voter and the name of the Division as shown in the postal vote certificate;

(f) deal with the envelope in accordance with whichever of subsections (4), (5) and (6) applies.

(3) For the purposes of paragraph (2)(d), the appropriate designation is as set out in the following table.

Item	If the person signing the endorsement is ...	the appropriate designation is ...
1	a DRO	the words "Divisional Returning Officer".
2	a pre-poll voting officer	the words "Pre-poll Voting Officer".
3	a presiding officer	the words "Presiding Officer".
5	a mobile polling team leader	the words "Mobile Polling Team Leader".
6	the holder of any other office provided for by Division 3 or 4 of Part II	the title of the office.
7	a member of the staff of the Electoral Commission referred to in subparagraph 194(2)(h)(ii)	the words "Member of the Staff of the Electoral Commission".

(4) If an envelope purporting to bear a postal vote is received as mentioned in subsection (2) by a DRO, or by an officer who is:

(a) a pre-poll voting officer; or

(b) a presiding officer; or

(c) an Assistant Returning Officer who is outside Australia;

the DRO or officer must (after complying with the other requirements of subsection (2)):

(d) place the envelope in a ballot-box; and

(e) keep the envelope in the ballot-box until the envelope is dealt with in accordance with section 228.

(5) If an envelope purporting to bear a postal vote is received as mentioned in subsection (2) by an officer who is a mobile polling team leader, the officer must (after complying with the other requirements of subsection (2)):

(a) place the envelope in a ballot-box; and

(b) keep the envelope in the ballot-box until the ballot-box is forwarded to the designated Divisional Returning Officer or Assistant Returning Officer as required by subsection 227(10); and

(c) when so forwarding the ballot-box to the designated Divisional Returning Officer or Assistant Returning Officer, also forward to that Officer the record made by the mobile polling team leader under paragraph (2)(e).

(6) If an envelope purporting to bear a postal vote is received as mentioned in subsection (2) by an officer (other than an officer referred to in subsection (4) or (5)) who is at a capital city office of the Electoral Commission:

(a) the officer must (after complying with subsection (2)) place the envelope in a ballot-box made available for the purpose by the DRO (the ***capital city DRO***) for the Division in which the capital city office is located; and

(b) the capital city DRO must:

(i) remove the envelopes from the ballot-box and place in a parcel all the envelopes that relate to a particular Division; and

(ii) endorse on the parcel the number of the envelopes; and

(iii) seal up the parcel and cause the parcel, and the record made by the officer under paragraph (2)(e), to be forwarded to, or made available to be collected by, the Divisional Returning Officer for that Division in accordance with the instructions of the capital city DRO.

(7) Instructions referred to in subparagraph (6)(b)(iii) are not legislative instruments.

196 Opening of postal ballot paper

(1) A person other than:

(a) the DRO for the Division in respect of which a postal ballot paper has been issued; or

(b) an officer acting at the direction of the DRO;

shall not open an envelope that purports to contain a postal ballot paper on which a vote has been recorded.

Penalty: 5 penalty units.

(2) Strict liability applies to an offence against subsection (1).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

197 Failure to post or deliver postal vote application etc.

A person to whom another person entrusts:

(a) an application for a postal vote; or

(b) an envelope apparently containing a postal ballot paper;

for posting or delivery to an officer shall post or deliver the application or envelope, as the case may be, as soon as practicable.

Penalty: 10 penalty units.

198 Inducing person to hand over marked ballot paper

A person shall not induce another person to hand over to the person a postal ballot paper on which a vote has been recorded.

Penalty: 10 penalty units.

199 Correction of formal errors

If an officer who receives:

(a) an application for a postal vote; or

(b) a postal vote certificate;

is satisfied that the application or certificate contains a formal error, the officer may amend the application or certificate to correct the error.

199A Envelopes that have formal errors

(1) This section applies if:

(a) a DRO, or an officer acting at the direction of a DRO, receives an envelope that purports to contain a postal ballot paper on which a vote has been recorded; and

(b) the DRO or officer is satisfied it is reasonably necessary to open the envelope in order to make a record of the name of the voter and the name of the Division as shown in the postal vote certificate printed on, or placed inside, the envelope.

(2) The DRO or officer may open the envelope to make the record.

(3) A DRO or an officer who opens an envelope in accordance with subsection (2) must, as soon as practicable after making the record:

(a) place the postal vote certificate and the ballot paper back in the envelope; and

(b) fasten the envelope.

200 Mistakes

(1) A postal vote shall not be rejected because only the surname of a candidate has been written on the ballot paper if no other candidate has the same surname.

(2) A postal vote shall not be rejected because of a mistake in spelling if the elector's intention is clear.

(3) A postal vote received in an envelope (an ***outer envelope***) that also contains an envelope bearing a postal vote certificate is not to be rejected because the postal vote is not inside the envelope bearing the postal vote certificate.

(4) For the purposes of this Act, the outer envelope is to be dealt with as if it were an envelope:

(a) bearing a postal vote certificate; and

(b) purporting to contain a postal ballot paper or postal vote.

(5) However, despite subsection (4), the following provisions apply only in relation to the envelope bearing the postal vote certificate:

(a) paragraphs 195A(2)(c), (d) and (e);

(b) section 196;
(c) paragraph 6 of Schedule 3.

Part XVA—Pre-poll voting

Division 1—Introduction

200AA Guide to this Part

(1) This Part deals with pre-poll votes.

(2) There are 2 different kinds of pre-poll vote:

(a) a ***pre-poll ordinary vote***, which is a vote made in accordance with Division 3; and

(b) a ***pre-poll declaration vote***, which is a vote made in accordance with Division 4.

(3) General matters relevant to both kinds of pre-poll vote are set out in Division 2.

Division 2—General matters

200A Grounds of application for pre-poll vote

(1) An elector may apply for a pre-poll vote on any of the grounds set out in Schedule 2.

(2) A person who is provisionally enrolled may apply for a pre-poll vote.

Note 1: A person who is a designated elector is not entitled to vote by pre-poll ordinary vote: see paragraph 200DG(2)(ea).

Note 2: A person who is provisionally enrolled is not entitled to vote by pre-poll ordinary vote: see paragraph 200DG(2)(f).

(3) In this Part (other than Division 3) and in Schedule 3:

(a) a reference to an elector includes a reference to a person who has applied for a pre-poll vote under subsection (2); and

(b) a reference to the Division in which an elector is enrolled includes a reference to the Division in which the person is provisionally enrolled.

200B Pre-poll voting officers

The Electoral Commission may appoint a person to be a pre-poll voting officer for the purposes of this Act.

200BA Pre-poll voting offices

(1) The Electoral Commissioner may declare, in writing, for an election:

(a) a specified place to be a pre-poll voting office; and

(b) the day or days on which, and the hours during which, applications for pre-poll votes may be made to a pre-poll voting officer at that place.

(1AA) The day, or the earliest of the days, declared under paragraph (1)(b) must not be earlier than the day that is 12 days before polling day in the election.

(1AB) A day or days declared under paragraph (1)(b) must not be a public holiday in the State or Territory in which the place to which the declaration relates is located.

(1A) The Electoral Commissioner may, in a declaration under subsection (1) or in a separate written declaration under this subsection, specify that a particular pre-poll voting office located in a Division is a place at which pre-poll ordinary voting is available to voters enrolled for one or more specified other Divisions.

Note: For voters enrolled for a particular Division, pre-poll ordinary voting is also available at pre-poll voting offices located in the Division (see section 200DD).

(2) If the Electoral Commissioner makes a declaration under subsection (1), the Electoral Commissioner must:

(a) unless paragraph (b) applies, cause a copy of the declaration to be published, on the Electoral Commission's website and in any other way the Electoral Commissioner considers appropriate, before the first day (the ***first pre-poll voting day***) specified in the declaration under paragraph (1)(b); or

(b) if, because of exceptional circumstances, the declaration is made on the first pre-poll voting day, or so close to the first pre-poll voting day that the Electoral Commissioner is not able to cause a copy of the declaration to be published, on the Electoral Commission's website and in any other way the Electoral Commissioner considers appropriate, before that day:

(i) comply with subsection (3); and

(ii) cause a copy of the declaration to be published, on the Electoral Commission's website and in any other way the Electoral Commissioner considers appropriate, as soon as practicable after making the declaration.

(3) For the purposes of subparagraph (2)(b)(i), the Electoral Commissioner must, as soon as practicable after making the declaration:

(a) take all reasonable steps to inform the following persons of the place, the day or days, and the hours specified in the declaration:

(i) each candidate for election to the House of Representatives for the Division in which the place is located;

(ii) each candidate for election to the Senate for the State or Territory in which the place is located;

(iii) if a candidate referred to in subparagraph (i) or (ii) has been endorsed by a registered political party—that political party; and

(b) if the Electoral Commissioner considers it appropriate to do so, publish in a newspaper circulating in the Division in which the place specified in the declaration is located a notice stating:

(i) that the place has been declared to be a pre-poll voting office; and

(ii) the day or days on which, and the hours during which, applications for pre-poll votes may be made to a pre-poll voting officer at that place.

(3A) If the Electoral Commissioner makes a declaration under subsection (1A), he or she must cause a copy of the declaration to be published on the Electoral Commission's website and in any other way he or she considers appropriate.

(4) A declaration made under subsection (1) or (1A) is not a legislative instrument.

(5) Failure to publish in accordance with this section a copy of a declaration made under subsection (1) or (1A) does not affect the validity of the declaration.

200C Application for pre-poll vote

(1) An application for a pre-poll vote may be made to:

(b) any pre-poll voting officer; or

(c) an Assistant Returning Officer at a place outside Australia.

Note: Pre-poll voting at the office of an Assistant Returning Officer outside Australia must be by pre-poll declaration vote. Voting by pre-poll ordinary vote is not available at such offices (see section 200DD).

(2) The application must be made by the elector in person.

(3) The elector making the application shall inform the officer to whom the application is made of:
  (a) the Division for which the elector is enrolled; and
  (b) any matters prescribed by the regulations.

200D Place and time of application

(2) An application to a pre-poll voting officer must be made:
  (a) at a pre-poll voting office; and
  (b) on a day, and during the hours, specified in the declaration made under subsection 200BA(1) for making such applications at that office.

(3) An application to an Assistant Returning Officer shall be made:
  (a) at the office of the Assistant Returning Officer; and
  (b) during ordinary office hours or during such other hours as the Assistant Returning Officer fixes.

Note: Pre-poll voting at the office of an Assistant Returning Officer outside Australia must be by pre-poll declaration vote. Voting by pre-poll ordinary vote is not available at such offices (see section 200DD).

(6) An elector may not make an application after the close of the poll in the State or Territory in which the elector is making the application.

200DA Scrutineers at the pre-poll voting office

(1) Scrutineers may be appointed by candidates to represent them at pre-poll voting offices during the polling, but so that not more than one scrutineer is to be allowed to each candidate at each pre-poll voting office.

(2) Appointments of scrutineers are to be made by notice in writing addressed to the Returning Officer or a pre-poll voting officer.

(3) The notice must:
  (a) be signed by the candidate; and
  (b) give the scrutineer's name and address.

200DB Provisions relating to scrutineers at pre-poll voting office

(1) A person commits an offence if the person:
   (a) is a scrutineer; and
   (b) interferes with or attempts to influence any elector within the pre-poll voting office.

   Penalty: Imprisonment for 6 months.

(2) A person commits an offence if:
   (a) the person is a scrutineer; and
   (b) the person communicates with someone else in the pre-poll voting office; and
   (c) the communication is not reasonably necessary for the discharge of the person's functions as a scrutineer.

   Penalty: Imprisonment for 6 months.

(3) Subject to subsection (4), a scrutineer must not be prevented from entering or leaving a pre-poll voting office on a day, and during the hours, declared under paragraph 200BA(1)(b).

(4) Only one scrutineer for each candidate is entitled to be present in the pre-poll voting office at any one time. A relieving scrutineer may, however, act during the absence of the scrutineer.

(5) A person who is in a pre-poll voting office in the capacity of a scrutineer must wear a badge, supplied by the Electoral Commission, that identifies the person as a scrutineer.

(6) A scrutineer who:
   (a) commits any breach of this section; or
   (b) is guilty of misconduct; or
   (c) fails to obey the lawful directions of a pre-poll voting officer;

   may be removed from the pre-poll voting office by a member of the Australian Federal Police or of the police force of a State or Territory.

Division 3—Voting by pre-poll ordinary vote

Subdivision A—Preliminary

200DC Definitions

In this Division:

pre-poll ordinary ballot-box: see section 200DN.

voter: see subsection 200DG(1).

voter's Division: see paragraph 200DG(1)(b).

voting officer, in relation to a place at which pre-poll ordinary voting is available, means a pre-poll voting officer at the place.

voting place: see paragraph 200DG(1)(b).

200DD Where is pre-poll ordinary voting available?

(1) Subject to subsections (2) and (4), for voters enrolled for a particular Division, pre-poll ordinary voting is available at the following places:

(a) any pre-poll voting office that is located within the Division;

(b) any other pre-poll voting office that is specified, as mentioned in subsection 200BA(1A), as a place at which pre-poll ordinary voting is available to voters enrolled for the Division.

(2) The Electoral Commissioner may, in writing, determine that pre-poll ordinary voting is not available at one or more specified places, either generally or as specified in the determination.

(3) A determination made under subsection (2) is not a legislative instrument.

(4) For voters enrolled for a particular Division, pre-poll ordinary voting is not available at a particular place referred to in subsection (1) unless a copy of the certified list of voters for the Division has been delivered to the place (see subsection 208(4)) or

an approved list of voters for the Division is available to an officer at the place (see subsection 208A(2)).

200DE Separate voting compartments

Each place at which pre-poll ordinary voting is available must have separate voting compartments, constructed so as to screen the voters from observation while they are marking their ballot papers. Each compartment must have an implement or method for voters to mark their ballot papers.

200DF Ballot-boxes

(1) Each place at which pre-poll ordinary voting is available must be provided with the necessary ballot-boxes.

(2) Each of those ballot-boxes must be capable of being securely fastened.

Subdivision B—Voting by pre-poll ordinary vote

200DG When is a person entitled to vote by pre-poll ordinary vote?

(1) Subject to subsection (2), a person (the ***voter***) is entitled to vote by pre-poll ordinary vote if:

(a) the voter has, in accordance with Division 2, applied for a pre-poll vote; and

(b) the voter's name is on a copy of the certified list of voters, or on an approved list of voters, for a particular Division (the ***voter's Division***) that has been delivered to, or is available to an officer at, the place (the ***voting place***) at which the application is made; and

(c) the voting place is a place at which pre-poll ordinary voting is available to voters enrolled for the voter's Division.

Note: If the voter is not entitled to vote by pre-poll ordinary vote, the voter may instead be able to vote by pre-poll declaration vote under Division 4.

(2) The voter is not entitled to vote by pre-poll ordinary vote if:

(b) the voter:

(i) refuses to answer fully any question he or she is asked under section 200DI; or

(ii) answers a question under subsection 200DI(1) so as to indicate that the person has voted before in the relevant election or elections (as the case requires); or

(c) a voting officer has asked the voter one or more questions under subsection 200DI(2) about matters shown, for a particular person, on a copy of the certified list of voters, or on an approved list of voters, for the voter's Division to establish whether the voter is that particular person, and one of the following applies:

(i) the voter's answers do not accord with the relevant information shown for that particular person on the list;

(ii) the voter's answers accord with the relevant information shown for that particular person on the list but the voting officer is not satisfied that the person is that particular person; or

(d) the voter's name is on a copy of the certified list of voters, or on an approved list of voters, for the voter's Division but his or her address does not appear on the list; or

(e) a mark on a copy of the certified list of voters, or a record against an approved list of voters, for the voter's Division indicates that the voter has already voted; or

(ea) the voter is a designated elector; or

(f) the voter is provisionally enrolled.

200DI Questions to be put to voter

(1) A voting officer must put to each person attending before the voting officer, and claiming to vote in an election or elections (as the case requires), questions in order to ascertain:

(a) the person's full name; and

(b) the person's place of living; and

(c) whether the person has voted before in the election or elections (as the case requires).

(2) If the answers the voter gives to the questions under subsection (1) do not satisfy the voting officer that the applicant is a particular

person on a copy of the certified list of voters, or on an approved list of voters, for a particular Division, the officer may ask the voter one or more other questions about matters shown on the list for the particular person, to establish whether the voter is that particular person.

200DJ Right of voter to receive ballot paper

(1) If, under section 200DG, the voter is entitled to vote by pre-poll ordinary vote, a voting officer must give the voter a ballot paper, duly initialled by the officer.

(2) The voting officer, at the request of a scrutineer, must note any objection by the scrutineer to the right of the voter to vote by pre-poll ordinary vote, and must keep that record.

(3) If a ballot paper has been, or is to be, given to a voter, a voting officer must:

(a) place a mark against the person's name on a copy of the certified list of voters for the voter's Division; or

(b) record electronically against an approved list of voters for the voter's Division the fact that the voter has been, or is to be, given a ballot paper.

200DK Voter to mark vote on ballot paper

Except as otherwise prescribed by the regulations, the voter, upon receipt of a ballot paper under section 200DJ, must without delay:

(a) go to an unoccupied compartment of the voting place and mark his or her ballot paper in private; and

(b) deposit the ballot paper in a ballot-box; and

(c) leave the voting place.

200DL Assistance to certain voters

(1) If the voter satisfies a voting officer that the voter cannot read or is so disabled as to be unable to vote without assistance, a person chosen by the voter may, according to the directions of the voter, do any of the following acts:

(d) enter an unoccupied compartment of the voting place with the voter and mark the voter's vote on the ballot paper;

(e) deposit the ballot paper in a ballot-box.

(2) Directions under subsection (1) may be given by reference to a how-to-vote card.

(3) The other provisions of this Division have effect subject to this section.

200DM Voter not entitled to vote again etc.

After the voter has, under section 200DJ, been given a ballot paper:

(a) the voter is not entitled to remove the ballot paper from the voting place; and

(b) the voter is not entitled to vote again in the same election.

Subdivision C—Requirements relating to ballot-boxes

200DN Subdivision sets out requirements to be complied with

This Subdivision sets out requirements to be complied with in relation to each ballot-box (a ***pre-poll ordinary ballot-box***) that is used for pre-poll ordinary voting at a particular place.

200DO Requirements to be complied with before first use of ballot-box

Before a ballot-box is first used for pre-poll ordinary voting at the place, a voting officer, in the presence of any scrutineers, must exhibit the ballot-box empty at the place, and then securely fasten its cover.

200DP Requirements to be complied with at end of each day of use of ballot-box

(1) At the end of each day when pre-poll ordinary voting is available at the place, and in the presence of any scrutineers, each pre-poll ordinary ballot-box used on that day must be closed, fastened and sealed by a voting officer.

(2) After a pre-poll ordinary ballot-box has been sealed, it must on no account be opened except as allowed by this Act.

200DQ Requirements to be complied with before ballot-box used again on later day

If:

(a) a pre-poll ordinary ballot-box has been sealed after use at the place on a day; and

(b) the ballot-box is to be used again on a later day for pre-poll ordinary voting at the place;

before the ballot-box is so used again, a voting officer, in the presence of any scrutineers, must examine the ballot-box, and make it ready to receive ballot papers.

200DR Forwarding of ballot-boxes for purposes of scrutiny

(1) Subject to any directions under subsection (2), at the close of the poll, a voting officer must, with the least possible delay, forward each sealed pre-poll ordinary ballot-box for the purposes of scrutiny.

(2) The DRO for the Division in which the place is located may direct that one or more sealed pre-poll ordinary ballot-boxes at the place are to be forwarded, for the purposes of scrutiny, before the close of the poll.

(3) If a direction made under subsection (2) is in writing, the direction is not a legislative instrument.

Division 4—Voting by pre-poll declaration vote

200DS Persons to whom this Division applies

This Division applies to a person who has, in accordance with Division 2, applied for a pre-poll vote but who is not, under Division 3, entitled to vote by pre-poll ordinary vote.

200E Pre-poll declaration voting

(1) If this Division applies to a person (the ***elector***) who has applied for a pre-poll vote, the officer to whom the application was made (in this section called ***the issuing officer***) shall issue to the elector:

(a) a pre-poll vote certificate for declaration voting; and

(b) one ballot paper for a Senate election or one ballot paper for a House of Representatives election, or both, as the case requires.

(2) Before issuing the ballot paper, the officer shall initial the top of the front of the paper.

(3) The elector shall sign the pre-poll vote certificate in the presence of the issuing officer.

(4) The issuing officer shall then sign the pre-poll vote certificate as witness, adding the date.

(5) The elector shall then, in the presence of the issuing officer but so that the officer cannot see the vote, mark his or her vote on the ballot paper and return the ballot paper to the issuing officer.

(6) The issuing officer shall immediately place the ballot paper in the envelope bearing the pre-poll vote certificate, fasten the envelope and, until the envelope is dealt with under section 228, keep the envelope in a ballot-box.

(7) If the elector satisfies the officer that the elector cannot read or is so disabled as to be unable to vote without assistance, a person chosen by the elector may, according to the directions of the elector, do any of the following acts:

(a) fill in the pre-poll vote certificate with the required particulars;
(b) read the certificate to the voter;
(c) complete the certificate;
(d) mark the elector's vote on the ballot paper;
(e) return the ballot paper to the officer.

(8) Directions under subsection (7) may be given by reference to a how-to-vote card.

(9) An elector to whom a pre-poll vote certificate for declaration voting and ballot paper have been issued is not entitled:
(a) to vote at a polling booth; or
(b) to remove the certificate or ballot paper from the office of the officer who issued it.

200F Form of pre-poll vote certificate for declaration voting

A pre-poll vote certificate for declaration voting shall:
(a) be in the approved form;
(c) be printed on an envelope addressed to the DRO for the Division for which the elector declares that he or she is enrolled.

200G Record of issue of pre-poll voting papers

(2) Where, under subsection 200E(1):
(b) a pre-poll voting officer; or
(c) an Assistant Returning Officer at a place outside Australia;
issues a pre-poll vote certificate for declaration voting and ballot paper, he or she shall:
(d) make a record of the date of issue of the certificate and ballot paper, the name of the person to whom the certificate and ballot paper were issued and the name of the Division for which the person is enrolled and shall allocate a number to the record; and
(e) deal with the record of the issue of the certificate and ballot paper in accordance with section 228.

(3) Records forwarded to the DRO under section 228 shall be open to public inspection at the office of the DRO during ordinary office hours from and including the third day after polling day until the election can no longer be questioned.

200J Opening of pre-poll voting envelope

(1) A person other than:

(a) the DRO for the Division in respect of which a pre-poll vote ballot paper has been issued under subsection 200E(1); or

(b) an officer acting at the direction of the DRO;

shall not open an envelope containing a ballot paper given to an officer under subsection 200E(5) or (7).

Penalty: 5 penalty units.

(2) Strict liability applies to an offence against subsection (1).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

200K Obligations of persons present when pre-poll vote cast

A person who is present when, under section 200E, an elector signs a pre-poll vote certificate for declaration voting or marks a ballot paper in the presence of an officer:

(a) shall obey all directions of the officer; and

(b) except at the request of the elector:

(i) shall not make any communication to the elector in relation to the elector's vote;

(ii) shall not assist the elector or in any way interfere with the elector in relation to the elector's vote; and

(iii) shall not do anything that would enable the person to find out how the elector marked the ballot paper.

Penalty: 10 penalty units.

201 Correction of formal errors

If an officer who receives a pre-poll vote certificate for declaration voting under subsection 200E(5) is satisfied that the certificate

contains a formal error, the officer may amend the certificate to correct the error.

202 Mistakes

(1) A pre-poll declaration vote shall not be rejected because only the surname of a candidate has been written on the ballot paper if no other candidate has the same surname.

(2) A pre-poll declaration vote shall not be rejected because of a mistake in spelling if the elector's intention is clear.

Part XVB—Electronically assisted voting

202AA Definitions

In this Part:

by-election means an election of a member of the House of Representatives that is not part of a general election.

sight-impaired person means a person whose sight is impaired to the extent that he or she is unable to vote without assistance.

vote record has the meaning given by section 202AD.

202AB Providing for voting by an electronically assisted voting method

(1) The regulations may provide for an electronically assisted voting method to be used by sight-impaired people to vote at general elections, Senate elections and by-elections.

(1A) The regulations must provide for an electronically assisted voting method to be used by Antarctic electors to vote at general elections, Senate elections and by-elections.

(2) Without limiting subsection (1) or (1A), the regulations may:

(a) determine, or provide for the determination of, the following:

(i) the electronically assisted voting method;

(ii) matters related to the voting using the electronically assisted voting method, including the provision of assistance to persons using the method, what has to be done after a person has used the method, and matters of privacy and secrecy;

(iii) the number of places where the electronically assisted voting method is to be available, where those places are, and the days and hours when the method is to be available;

(iv) which persons may use the electronically assisted voting method; and

(aa) make provision for, and in relation to, the appointment by the Electoral Commissioner of officers in relation to the conduct of the electronically assisted voting method; and

(b) allow the electronically assisted voting method to be used in a particular period before polling day, as well as on polling day; and

(c) provide for other matters related to the integrity of the use of the electronically assisted voting method.

(3) The electronically assisted voting method must be such that a person using the method:

(a) for a Senate election:

(i) receives the same information (in the same order), and has the same voting options, as would appear in the ballot paper for the Senate election that the person would be given if he or she were instead voting under Part XVI; and

(ii) is able to indicate his or her vote in a way that, if he or she were instead marking a ballot paper, would satisfy the requirements of section 239; and

(b) for a general election or by-election:

(i) receives the same information (in the same order), and has the same voting options, as would appear in the ballot paper for the general election or by-election that the person would be given if he or she were instead voting under Part XVI; and

(ii) is able to indicate his or her vote in a way that, if he or she were instead marking a ballot paper, would satisfy the requirements of section 240.

(4) The regulations may provide for offences in relation to the electronically assisted voting method, and may prescribe penalties for those offences. A prescribed penalty must not exceed 50 penalty units.

(5) Nothing in this Part or in regulations made for the purposes of this Part authorises any person to vote more than once at an election.

(6) Without limiting subsection 33(3A) of the *Acts Interpretation Act 1901*, regulations made for the purposes of this Part may make

different provision in relation to sight-impaired persons and Antarctic electors.

202AC There must be a record of who has voted using the electronically assisted voting method

The regulations must require the making of a record of each person who has voted using the electronically assisted voting method. The regulations may specify the information that is to be included in the record.

202AD There must be a record of the vote

The regulations must provide, in relation to each vote cast by a person using the electronically assisted voting method, for the production of a record (a ***vote record***) of the vote the person has cast. The vote record must not contain any means of identifying the person who cast the vote.

202AE How this Act applies in relation to voting using the electronically assisted voting method

(1) This Act (other than Part XVA and Schedule 2) applies in relation to a vote cast using the electronically assisted voting method as if the vote were a pre-poll ordinary vote.

(2) For the purposes of this Act as it applies because of subsection (1), a vote record is to be treated as if it were a ballot paper.

(3) If a person casts a vote using the electronically assisted voting method, the requirements of this Act relating to the person's right to receive a ballot paper are taken to have been satisfied.

(4) The regulations may make additional provisions relating to how this Act applies in relation to votes cast using the electronically assisted voting method.

202AF Electoral Commissioner may decide that electronically assisted voting method is not to be used by sight-impaired persons

(1) The Electoral Commissioner may, in writing, determine that the electronically assisted voting method is not to be used by sight-impaired persons either generally or at one or more specified places.

(2) The determination must specify the election to which the determination applies.

(3) A determination under subsection (1) is not a legislative instrument.

Part XVC—Designated electors

202AG Simplified outline of this Part

The Electoral Commissioner may declare an elector to be a designated elector on the basis of a reasonable suspicion that the elector has voted more than once in an election or a referendum.

A designated elector may only vote by declaration vote.

Information about whether a person is a designated elector is excluded from information relating to Rolls that may be disclosed under the Act.

202AH Electoral Commissioner may declare designated electors

(1) The Electoral Commissioner may, in writing, declare that an elector is a ***designated elector*** if the Electoral Commissioner reasonably suspects either or both of the following:

(a) that the elector has voted more than once in an election, whether or not the elector has been convicted of an offence against subsection 339(1A) or (1C);

(b) that the elector has voted more than once in a referendum (within the meaning of the *Referendum (Machinery Provisions) Act 1984*), whether or not the elector has been convicted of an offence against subsection 130(1A) or (1C) of that Act.

(2) The Electoral Commissioner must give the elector written notice of the declaration. The notice must set out the elector's right to have the decision to make the declaration reviewed.

(3) A declaration under subsection (1) ceases to have effect if:

(a) if the declaration relates to an elector who has been convicted of an offence against subsection 339(1A)—the elector's conviction is quashed on appeal; and

(b) if the declaration relates to an elector who has been convicted of an offence against subsection 339(1C)—the elector's conviction is quashed on appeal; and

(c) if the declaration relates to an elector who has been convicted of an offence against subsection 130(1A) of the *Referendum (Machinery Provisions) Act 1984*—the elector's conviction is quashed on appeal; and

(d) if the declaration relates to an elector who has been convicted of an offence against subsection 130(1C) of the *Referendum (Machinery Provisions) Act 1984*—the elector's conviction is quashed on appeal.

(4) A declaration made under subsection (1) is not a legislative instrument.

202AJ Review by Electoral Commissioner

(1) An elector may apply to the Electoral Commissioner for review of a decision under subsection 202AH(1) (the ***original decision***) to declare that the elector is a designated elector.

(2) An application under subsection (1) must:

(a) be in writing; and

(b) include the elector's name and address and a statement of the elector's reasons for making the application; and

(c) be made within 28 days of the day on which the elector is notified under subsection 202AH(2) of the original decision.

(3) After receiving an application under subsection (1), the Electoral Commissioner must:

(a) personally review the original decision; or

(b) cause the original decision to be reviewed by a person to whom the Commissioner's powers and functions under this section are delegated and who was not involved in making the original decision.

(4) The person who reviews the original decision under subsection (3) (the ***reviewer***) must make a decision to either:

(a) confirm the original decision; or

(b) set aside the original decision and substitute a new decision.

(5) The reviewer must give the elector written notice of the reviewer's decision under subsection (4), including the reasons for the decision. The notice must set out the elector's right to have the decision reviewed.

(6) This section does not apply if the original decision was made by the Electoral Commissioner personally.

202AK Review by Administrative Review Tribunal

Applications may be made to the Administrative Review Tribunal for review of:

(a) a decision under subsection 202AH(1) made by the Electoral Commissioner personally; or

(b) a decision under paragraph 202AJ(4)(a) by the reviewer (within the meaning of subsection 202AJ(4)).

202AL Voting by designated electors at elections

(1) A designated elector is not permitted to vote in an election except in accordance with this section.

(2) A designated elector may only vote by declaration vote.

Note: The effect of subsection (2) is that designated electors are able to cast declaration votes in accordance with the rules relating to postal voting (see Part XV), pre-poll declaration voting (see Part XVA) and absent and provisional voting (see Part XVI).

Part XVI—The polling

202A Undertaking by officers and scrutineers

(1) An officer to whom this subsection applies shall not begin the performance of his or her duties in relation to an election unless the officer has signed an undertaking in the approved form relating to that election.

(2) Subsection (1) applies to the following officers:

(a) a Divisional Returning Officer;

(b) an Assistant Returning Officer;

(c) an Assistant Divisional Returning Officer;

(d) a presiding officer;

(e) a deputy presiding officer;

(f) an assistant presiding officer;

(g) a substitute presiding officer;

(m) a mobile polling team leader;

(n) a mobile polling team member;

(o) a pre-poll voting officer.

(3) A scrutineer shall not begin the performance of his or her duties unless the scrutineer has signed an undertaking in the approved form.

(4) A person employed by the Electoral Commission to perform duties in connection with the conduct of an election or a referendum held on the same day as an election, shall not begin the performance of his or her duties unless the person has signed an undertaking in the approved form.

(5) The failure of a person to sign an undertaking is not a ground for setting aside the result of an election or referendum.

203 Arrangements for polling

(1) If the proceedings on the day of nomination stand adjourned to polling day, the Divisional Returning Officer shall immediately

make all necessary arrangements for taking the poll, and in particular shall:

(a) provide and furnish proper polling booths and ballot-boxes; and

(b) provide ballot papers and all necessary certified lists of voters and approved lists of voters.

(2) If the proceedings on the day of nomination stand adjourned to polling day, the Electoral Commission, in pursuance of its powers under section 35, shall immediately appoint a presiding officer to preside at each polling place and all necessary deputy presiding officers and assistant presiding officers.

(3) In any emergency on polling day due to the absence of any deputy presiding officer or assistant presiding officer, or to any unforeseen and continued pressure at the polling which cannot be met by the duly appointed officers, the presiding officer may appoint any person to act as deputy presiding officer or assistant presiding officer, and the person so appointed or acting shall be deemed to have been duly appointed if the Electoral Commission afterwards ratifies the appointment by appointing that person to be deputy presiding officer or assistant presiding officer, as the case may be.

(4) No person under the age of 18 years shall be appointed to be a presiding officer, deputy presiding officer or assistant presiding officer.

(5) Any deputy presiding officer or assistant presiding officer may, subject to the direction of the presiding officer, exercise all or any of the powers of the presiding officer, and shall, in respect of the exercise of those powers, be deemed to be the presiding officer.

(7) The polling booths and ballot-boxes provided for the purposes of an election may be used for the purposes of any other election, or of a referendum, held on the same day, but the ballot papers for each election and the referendum shall be distinctively coloured.

204 Substitute

Any presiding officer may appoint a substitute to perform the duties of the presiding officer during his or her temporary absence,

and such substitute may, while so acting, exercise all the powers of the presiding officer, and shall, in the exercise of those powers, be deemed to be the presiding officer.

205 Use of licensed premises as polling booth

Premises licensed for the sale of intoxicating liquor may be used for the purpose of a polling booth if, and only if, the Electoral Commissioner declares, in writing, that he or she is satisfied that, during the hours of polling on polling day:

(a) intoxicating liquor will not be available for sale or consumption on the part of the premises proposed for use for the purpose of a polling booth; and

(b) the part of the premises proposed for use for the purpose of a polling booth will be segregated from the part of the premises where intoxicating liquor will be available for sale or consumption; and

(c) access to the part of the premises proposed for use for the purpose of a polling booth will not involve passing through the part of the premises where intoxicating liquor will be available for sale or consumption.

206 Separate voting compartments

Polling booths must have separate voting compartments, constructed so as to screen the voters from observation while they are marking their ballot papers, and each voting compartment must have an implement or method for voters to mark their ballot papers.

207 Ballot-boxes

(1) Each polling booth shall be provided with the necessary ballot-boxes.

(2) Each ballot-box shall be capable of being securely fastened.

208 Certified lists of voters

(1) The Electoral Commissioner must arrange for the preparation of a list of voters for each Division and must certify the list.

(2) The list must include the name of each person who:

(a) is on the Roll for the Division; and

(b) will be at least 18 years old on polling day; and

(c) is not covered by subsection 93(8AA) (sentences of imprisonment).

(2A) The list must also include the sex and date of birth of each person whose name is included in the list.

(2B) The list must not include the address of a person who is on the Roll for the Division if the person is a designated elector.

(3) The Electoral Commissioner must arrange for the delivery to the presiding officer at each polling place, before the start of voting, a copy of the certified list of voters for the Division for which the polling place is appointed.

(4) The Electoral Commissioner must also arrange for a copy of the certified list of voters for a Division to be delivered to each place at which pre-poll ordinary voting is, under section 200DD (but disregarding subsection 200DD(4)), available to voters enrolled for the Division.

208A Approved list of voters

(1) The Electoral Commissioner may arrange for the preparation of an approved list of voters for a Division.

(2) If the Electoral Commissioner thinks an approved list of voters for a Division should be available for an officer to use in connection with voting under this Act, the Electoral Commissioner must arrange for the list to be made available to the officer in time for that use.

209 Ballot papers

(1) Ballot papers to be used in a Senate election shall be in Form E in Schedule 1.

(2) Ballot papers to be used in a House of Representatives election shall be in Form F in Schedule 1.

(3) Ballot papers must have a green background colour for House of Representatives elections and a white background colour for Senate elections and are to be printed using black type face of a kind ordinarily used in Commonwealth Government publications.

Note: One effect of this subsection is that party logos are printed only in black on ballot papers.

(6) Before issuing a ballot paper for a Senate election, an officer shall, if the particulars are not already printed on the ballot paper, write on the ballot paper:

(a) the name of the State or Territory in which the election is to be held;

(b) the number of candidates to be elected;

(c) the numbers required to complete the ***Directions*** on the ballot paper;

(d) the full names of all candidates arranged in the same way as would be required if the names were being printed on the ballot paper; and

(e) the information that would be required by section 214 to be printed on the ballot paper if the ballot paper were being printed.

(7) Before issuing a ballot paper for a House of Representatives election, an officer shall, if the particulars are not already printed on the ballot paper, write on the ballot paper:

(a) the name of the State or Territory, and the name of the Division, in which the election is to be held;

(b) the numbers required to complete the ***Directions*** on the ballot paper;

(c) the full names of all candidates for the Division in the same order as would be required if the ballot paper were being printed; and

(d) the information that would be required by section 214 to be printed on the ballot paper if the ballot paper were being printed.

(8) Before issuing a ballot paper that is to be used for postal voting, an officer must ensure that the words and directions required by subsection (5) are printed or written on the ballot paper.

209A Official mark

The official mark for the authentication of ballot papers is either:

(a) a water mark consisting of a representation of a shield having within it the letters "CA" intertwined; or

(b) a feature of the ballot paper approved by the Electoral Commissioner.

209B Administrative markings

(1) The Electoral Commissioner may also provide for a ballot paper to be marked with any other mark that the Electoral Commissioner thinks fit to assist in the administration of the election.

(2) A mark under subsection (1) does not need to be printed in black typeface.

(3) To avoid doubt, this section does not authorise a mark to be made that enables the identification of an elector or that identifies the personal information (within the meaning of the *Privacy Act 1988*) of an elector.

Note: An officer who marks a ballot paper enabling an elector to be identified may commit an offence under section 271.

210 Printing of Senate ballot papers

(1) In printing the ballot papers to be used in a Senate election:

(a) the names of candidates by whom requests have been made under section 168 shall be printed in groups on the ballot papers in accordance with the requests and before the names of candidates who have not made such requests;

(b) the order of the names of the candidates, who have only made a request under paragraph 168(1)(a), must be determined by the Australian Electoral Officer in accordance with section 213;

(c) the order of the several groups in the ballot papers shall be determined by the Australian Electoral Officer in accordance with section 213;

(d) the order of the names of the candidates whose names are not included in any group shall be determined by the Australian Electoral Officer in accordance with section 213;

(e) where similarity in the names of 2 or more candidates is likely to cause confusion the names of those candidates may be arranged with such description or addition as will distinguish them from one another; and

(f) except as otherwise provided by the regulations:

(i) a square must be printed to correspond with the name of each candidate; and

(ii) for candidates who made a request under section 168 that their names be grouped in the ballot papers for the election—a square must be printed above the dividing line and above the squares printed to correspond with those names.

(3) The names of candidates not included in a group shall be printed on the ballot papers according to the following rules:

(a) unless paragraph (b) applies, the names of the candidates must be printed in a single column;

(b) if a single column would be longer than the longest column containing the names of candidates included in groups, the names of the candidates may be printed in 2 or more columns;

(c) if the names of the candidates are printed in 2 or more columns, none of the columns may be longer than the longest column containing the names of candidates included in groups.

210A Form of party name on ballot papers

(1) In this section, ***registered abbreviation***, in relation to the name of a registered political party, means the abbreviation (if any) of the name of the party entered in the Register of Political Parties.

(2) Subject to subsection (3), where a provision of this Part requires the name of a registered political party to be printed on ballot papers for use in an election, the name to be so printed is the name of the party entered in the Register of Political Parties.

(3) Where, under section 169, the registered officer of a registered political party has requested that the registered abbreviation of the name of that party be printed on the ballot papers for an election adjacent to the name of a candidate, a provision referred to in subsection (2) applies as if a reference to the name of a registered political party were a reference to the registered abbreviation of that name.

(4) The names of registered political parties, or abbreviations of such names, printed adjacent to the names of candidates on ballot papers for use in an election shall be printed in capital letters in type that is uniform in size and style for all the names of those parties or abbreviations of those names.

(5) The names of registered political parties, or abbreviations of such names, printed adjacent to squares printed above the line on ballot papers for use in an election shall be printed in capital letters in type that is uniform in size and style for all names and abbreviations so printed.

212 Ballot papers for House of Representatives elections

In printing the ballot papers to be used in a House of Representatives election:

(a) the order of the names of the candidates in the ballot papers shall be determined by the Divisional Returning Officer in accordance with section 213;

(b) where similarity in the names of 2 or more candidates is likely to cause confusion, the names of those candidates may

be arranged with such description or addition as will distinguish them from one another; and

(c) except as otherwise provided by the regulations, a square shall be printed opposite the name of each candidate.

213 Determination of order of names

(1) Where under section 210 or 212 a person is required to determine in accordance with this section the order of the names of candidates or of groups in ballot papers to be used in an election:

(a) the person shall, at the declaration time for the election, at the place of nomination under section 174 for the election and before all persons present at that place:

(i) prepare a list of the names or groups, as the case may be, in such order as the person considers appropriate;

(ii) read out that list;

(iii) place a number of balls equal to the number of candidates or groups, as the case may be, being balls of equal size and weight and each of which is marked with a different number, in a spherical container large enough to allow all the balls in it to move about freely when it is rotated;

(iv) rotate the container and permit any other person present who wishes to do so to rotate the container;

(v) cause a person who is blindfolded and has been blindfolded since before the rotation of the container in accordance with subparagraph (iv) to take the balls, or cause the balls to come, out of the container one by one and, as each ball is taken or comes out, to pass it to another person who shall call out the number on the ball;

(vi) as each number is called out in accordance with subparagraph (v), write the number opposite to a name or group, as the case may be, in the list prepared in accordance with subparagraph (i) so that the number called out first is opposite to the first name or group, as the case may be, in the list and the subsequent order of the numbers in the list is the order in which they are called out;

(vii) place all the balls back in the container;

(viii) rotate the container and permit any other person present who wishes to do so to rotate the container;

(ix) cause a person who is blindfolded and has been blindfolded since before the rotation of the container in accordance with subparagraph (viii) to take the balls, or cause the balls to come, out of the container one by one and, as each ball is taken or comes out, to pass it to another person who shall call out the number on the ball;

(x) prepare a list of the numbers called out in accordance with subparagraph (ix) set out in the order in which they were called out in accordance with subparagraph (ix); and

(xi) write on the list prepared in accordance with subparagraph (x) opposite to each number the name or group, as the case may be, set out opposite to that number in the list prepared in accordance with subparagraph (i); and

(b) the order in which the names or groups, as the case may be, are set out in the list prepared in accordance with subparagraph (a)(x) is the order of the names or groups, as the case may be, determined by the person under this section.

(2) Where under subsection (1) a person is required to set out a group in a list, it is sufficient compliance with that requirement if such description of the group, by reference to the name of the first candidate in it or to the party or parties to which the candidates in the group belong or otherwise, as the person considers to be appropriate, is so set out.

(3) A reference in subparagraph (1)(a)(v) or (ix) to a person is a reference to a person employed by the Commonwealth or a State or by an authority of the Commonwealth or a State.

(4) The requirement of subparagraph (1)(a)(v) or (ix) that a person be blindfolded need not be observed if the container being used is an approved container.

(5) An approved container is a container in respect of which the Electoral Commissioner has certified in writing that the container is so constructed that when it is rotated no control can be exercised over the order in which balls come out of the container.

214 Printing of political party names etc. on ballot papers

(1) Where a person:

(a) has been endorsed as a candidate in an election by a registered political party; and

(b) a request has been made in respect of the candidate under section 169;

the name of that party shall be printed adjacent to the name of the candidate on ballot papers for use in the election.

(2) Where:

(a) 2 or more persons have been endorsed as candidates in a Senate election by a registered political party; and

(b) a request has been made in respect of the candidates under section 168;

the following requirements shall be observed in the printing of the ballot papers for use in the election:

(c) the registered name of the party by which each candidate was endorsed shall be printed adjacent to the name of that candidate on the ballot papers;

(d) where all the candidates were endorsed by the same party and a square is printed above the line on the ballot papers in relation to the candidates, the registered name of that party shall be printed on the ballot papers adjacent to that square;

(e) where the request under section 169 included a request that a composite name be printed adjacent to the square printed above the line on the ballot papers in relation to the candidates, that composite name shall be printed on the ballot papers adjacent to that square.

(3) Where a candidate in an election has made a request under section 169A, the word “Independent” shall be printed adjacent to the name of the candidate on the ballot papers.

214A Printing of party logos on ballot papers

(1) This section applies if:

(a) a logo is, at the declaration time for an election, entered in the Register in relation to a registered political party; and

(b) the party has requested that the logo be used.

(2) If the election is a Senate election, a ballot paper for the election must have the logo printed adjacent to the square that is printed, in accordance with paragraph 214(2)(d), adjacent to the name of the party.

(3) For the purposes of subsection (2), if candidates who have made a request under section 168 are endorsed by more than one political party:

(a) no more than 2 logos may be printed adjacent to the square that is printed, in accordance with paragraph 214(2)(d), adjacent to the names of the parties; and

(b) if more than 2 of those parties have logos entered in the Register—the parties must notify the Electoral Commission, in writing, which of the logos are to be printed adjacent to that square.

(4) If the election is a House of Representatives election, a ballot paper for the election must have the logo printed in accordance with Form F in Schedule 1.

(5) All logos of registered political parties must be printed on the ballot paper in a uniform size and format.

215 Ballot papers to be initialled

(1) A ballot paper must not be delivered to a voter without first being initialled by the proper officer on the top of the front of the ballot paper.

(2) An exact account of all initialled ballot papers must be kept.

(3) To avoid doubt, this section also applies to a ballot paper that is a photocopy of an original ballot paper.

217 Scrutineers at the polling

(1) Scrutineers may be appointed by candidates to represent them at polling places during the polling, but so that not more than one scrutineer shall be allowed to each candidate at each polling booth or issuing point at a polling booth.

(2) Appointments of scrutineers shall be made by notice in writing addressed to the Returning Officer or presiding officer, and such notice shall be signed by the candidate, and shall give the name and address of the scrutineer.

218 Provisions relating to scrutineers

(1) A scrutineer shall not:

(a) interfere with or attempt to influence any elector within the polling booth; or

(b) communicate with any person in the polling booth except so far as is necessary in the discharge of the scrutineer's functions.

Penalty: Imprisonment for 6 months or 10 penalty units, or both.

(2) A scrutineer shall not be prevented from entering or leaving a polling booth during the polling, and, during the absence of the scrutineer, a relieving scrutineer may act, but so that only one scrutineer for each candidate shall be entitled to be present in the polling booth or at an issuing point at the polling booth at any one time.

(2A) A person who is in a polling booth in the capacity of a scrutineer shall wear a badge, supplied by the Electoral Commission, that identifies the person as a scrutineer.

(2B) A scrutineer commits an offence if:

(a) the actions mentioned in subsection 274(2AA) (early opening and sorting of pre-poll ballot papers) are taken, in accordance with that subsection, at a counting centre before the closing of the poll for a House of Representatives election; and

(b) the scrutineer is present while those actions are taken; and

(c) the scrutineer discloses or communicates information that relates to those actions to persons outside the counting centre; and

(d) the disclosure or communication is made before the closing of the poll.

Note: See also section 323 (officers and scrutineers to observe secrecy).

Penalty: Imprisonment for 6 months or 10 penalty units, or both.

(3) A scrutineer who commits any breach of this section, or who is guilty of misconduct, or who fails to obey the lawful directions of the presiding officer, may be removed from the polling booth or counting centre (as applicable) by any member of the Australian Federal Police or of the police force of a State or Territory or person authorized by the presiding officer to remove the scrutineer.

(4) In this section, ***counting centre*** means premises being used for the purposes of the scrutiny of ballot papers.

219 Participation by candidates in conduct of election

A candidate shall not in any way take part in the conduct of an election.

220 The polling

The polling shall be conducted as follows:

(a) Before any vote is taken the presiding officer shall exhibit the ballot-box empty, and shall then securely fasten its cover;

(b) The poll shall open at 8 o'clock in the morning, and shall not close until all electors present in the polling booth at 6 o'clock in the afternoon, and desiring to vote, have voted;

(c) The doors of the polling booth shall be closed at 6 o'clock in the afternoon and no person shall be admitted after that hour to the polling booth for the purpose of voting;

(d) At the close of the poll the presiding officer shall, in the presence of the polling officials and scrutineers who are in attendance in the booth, publicly close, fasten, seal, and take charge of the ballot-box, and with the least possible delay

forward it for the purposes of scrutiny, and it shall on no account be opened except as allowed by this Act:

Provided that, where the scrutiny is proceeded with immediately after the close of the poll at the polling booth at which the votes are taken, it shall not be necessary for the presiding officer to publicly close, fasten, or seal the ballot-box as required by paragraph (d).

221 Elections at which electors entitled to vote

(1) In the case of a Senate election, an elector shall only be admitted to vote for the election of Senators for the State or Territory for which he or she is enrolled.

(2) In the case of a House of Representatives election, an elector shall only be admitted to vote for the election of a member for the Division for which he or she is enrolled.

(3) For the purposes of this section, the electoral Rolls in force at the time of the election are conclusive evidence of the right of each person enrolled on the Rolls, other than:

(a) a person whose name has been placed on a Roll because of a claim made under section 100 and who will be under 18 on the date fixed for the polling in the election; or

(b) a person who is covered by subsection 93(8AA) (sentences of imprisonment);

to vote as an elector, unless a person shows by his or her answers to the questions under section 200DI or 229 that he or she is not entitled to vote.

222 Where electors may vote

(1) On polling day an elector is entitled to vote at any polling place for the Division for which he or she is enrolled or to vote as an absent voter, on making a declaration in an approved form, at any other polling place within the State or Territory for which he or she is enrolled at which a polling booth is open.

Note: See section 202AL for rules about voting by designated electors.

(1A) On polling day a person who is provisionally enrolled is entitled to vote as an absent voter, on making a declaration in an approved

form, at any polling place within the State or Territory for which he or she is provisionally enrolled at which a polling booth is open (other than a polling place for the Division for which he or she is provisionally enrolled).

(1B) In this Part (other than section 245) and in Schedule 3:

(a) a reference to an elector includes a reference to a person who has cast an absent vote under subsection (1A); and

(b) a reference to the Division in which an elector is enrolled includes a reference to the Division in which the person is provisionally enrolled.

(2) Notwithstanding subsections (1) and (1A), where a hospital is a polling place, an elector is not entitled to vote at that polling place otherwise than under section 224 unless an appropriate person on the staff of the hospital has agreed to permit electors generally to vote at that polling place or unless the elector:

(a) is attending the hospital as a patient or as a genuine visitor of a patient; or

(b) performs functions or duties in the hospital.

(3) A declaration made by an absent voter under subsection (1) or (1A) shall be printed on, or securely attached to, an envelope addressed to the Divisional Returning Officer for the Division for which the elector declares that he or she is enrolled.

(4) Nothing in this section shall authorize any elector to vote more than once at any election.

223 Interpretation

In sections 224 and 226, ***patient***, in relation to a hospital, does not include a person attending the hospital as an out-patient.

224 Hospitals that are polling places

(1) In this section, ***hospital*** means a hospital that is a polling place.

(2) Where:

(a) a patient in a hospital is:

(i) in the case of a by-election—entitled to vote in that election; or

(ii) in any other case—an elector for the State or Territory in which the hospital is situated; and

(b) the patient wishes to vote at the hospital;

the presiding officer shall visit the patient for the purpose of taking the patient's vote.

(3) When visiting the patient, the presiding officer shall:

(a) take to the patient a ballot-box, a ballot paper, and anything else necessary to enable the patient to vote; and

(b) be accompanied by a polling official and such scrutineers (if any) as wish to attend.

(4) The visit to the patient shall be made between 8 a.m. and 6 p.m. on polling day or a day to which polling is adjourned for the election.

(5) While the presiding officer is in the same room, ward or other place as the patient, this Act applies in relation to the taking of the vote of the patient as if the room, ward or place were part of a polling booth at a polling place.

(6) A polling booth at a hospital shall be attended by a polling official at all times when the presiding officer is absent from the booth for the purpose of visiting a patient.

226 Provisions related to section 224

(1) Notwithstanding any arrangement in force under section 224, a visit under that section to a patient in a hospital shall not be made if the presiding officer is informed by a registered medical practitioner or a member of the staff of the hospital that such a visit is forbidden, on medical grounds, by a registered medical practitioner.

(2) Literature relating to an election or political parties may be supplied to the general office of a hospital to which section 224 applies, and any literature so supplied shall be made available on request to patients entitled to vote under that section.

(2A) A presiding officer who visits a patient under section 224 must:

(a) advise the patient that literature relating to the election supplied by candidates or political parties is available; and

(b) give to the patient any such literature that the patient requests.

The literature may include how-to-vote cards.

(4) So far as is practicable, a vote under section 224 shall be taken as if it were taken under the other provisions of this Act (including such of those provisions as relate to absent voting) and, in particular, in the application of this Act for the purposes of subsection 224(5), this Act has effect as if:

(a) a person who, with the approval of an appropriate person on the staff of the hospital, enters or remains in a room, ward or other place in the hospital at a time when, under that subsection, it is to be treated as if it were a part of a polling booth were, for the purposes of section 348, doing so by permission of the presiding officer there present;

(b) paragraph 233(a) were omitted and the following paragraph were substituted:

"(a) mark his or her vote on the ballot paper in a manner that ensures the secrecy of the vote;";

(c) paragraph 233(c) were omitted; and

(d) the words "enter an unoccupied compartment of the booth with the voter, and" were omitted from subsection 234(1).

(5) Subject to subsection (2A), subsections 340(1) and (1A) and 341(1) apply in relation to a hospital that is a polling place as if the references in those subsections to a polling booth were references to the hospital.

(6) Where an elector has voted under section 224 in an election, any postal ballot paper received by the Divisional Returning Officer that is, or that purports to be, a postal ballot paper of the voter shall not be admitted in the scrutiny in relation to the election.

(7) The Divisional Returning Officer for a Division must cause to be published on the Electoral Commission's website, and in any other way the Divisional Returning Officer considers appropriate, a notice specifying:

(a) the hospitals in the Division that are polling places; and

(b) the periods during which votes will be taken under section 224 at each hospital.

(7A) The notice must be published not later than 4 pm on the day before polling day.

(8) As far as is reasonably practicable, votes taken under section 224 shall be taken on the day or days and at the time or times specified in the relevant notice under subsection (7), but any failure to take those votes in that manner does not invalidate the result of the election.

227 Mobile booths

(1) In this section:

leader means a person appointed under this section to be the leader of a team.

team means a mobile polling team appointed under this section.

(2) The Electoral Commissioner may appoint persons to be members of mobile polling teams for the purposes of this section and, in respect of each team, a person to be the leader.

(3) The following provisions of this section apply in addition to, and without derogation from, the application of any other provision of this Act.

(4) The Electoral Commissioner:

(a) may determine in writing the places that teams will visit for the purposes of taking votes under this section in an election; and

(b) must give notice to the public on the Electoral Commission's website and by any other means that the Electoral Commissioner thinks fit of:

(i) the places determined under paragraph (a); and

(ii) the days and times when teams will visit for the purposes of this section.

(4A) Before determining a prison under subsection (4), the Electoral Commissioner must consult the Controller-General of Prisons for the place in which the prison is located.

(5) A day notified under paragraph (4)(b) shall be any of the 12 days preceding polling day, polling day, or a day to which the polling is adjourned for the election.

(6) Subject to subsection (6A), a team shall make a visit or visits as notified under paragraph (4)(b), but, if, for reasonable cause, the team is unable, or the leader considers it inappropriate, to make such a visit, the leader may substitute another place, day or time for the visit and, in that event, shall:

(a) give notice to the public on the Electoral Commission's website and by any other means that he or she thinks fit of the substituted place, day or time; and

(b) inform the Divisional Returning Officer for the Division in which the visit is to occur.

(6A) A visit to a prison must not be made if the Australian Electoral Officer for the State or Territory in which the prison is located is informed by the officer in charge of the prison, or a member of the staff of the prison, that the visit is forbidden by the officer in charge because of circumstances related to the security of the prison.

(7) Any failure by a team to make a visit in accordance with this section does not invalidate the result of the election.

(8) At any time when a team is at a place for the purposes of taking votes under this section in an election:

(a) the team shall have:

(i) ballot-boxes, ballot papers and such other things as are necessary for the votes of electors to be taken at the place; and

(ii) the "how-to-vote" cards (if any) supplied to it by the candidates;

(b) every person at the place who is:

(i) in the case of a by-election—entitled to vote in the election; or

(ii) in any other case—an elector for the State or Territory in which the place is situated;

is entitled to have his or her vote taken under this section;

(c) for purposes of, and in connection with, the taking of votes under this section:

(i) the place shall be deemed to be a polling place;

(ii) the building, structure, vehicle or enclosure used by the leader for the purposes of taking votes under this section shall be deemed to be a polling booth at that polling place; and

(iii) the leader shall be deemed to be the presiding officer at that polling booth;

(d) so far as is practicable, a vote under this section shall be taken as if it were taken under the other provisions (not being section 224) of this Act (including such of those other provisions as relate to absent voting);

(da) section 220 applies as if, for paragraph 220(b), there were substituted the following paragraph:

"(b) the polling may be conducted:

(i) at any time on a day before polling day; and

(ii) on polling day, until all electors present in the polling booth at 6 p.m., and desiring to vote, have voted;"; and

(e) sections 340 and 341 apply as if the references (however described) in subsections 340(1), (1A) and (2) and 341(1) to polling day, or a day to which the polling is adjourned for the election, were a reference to the time of the visit.

(9) Paragraph 220(a) does not apply to a leader after the first visit made by the leader for the purposes of this section.

(10) At the end of the last visit made by a leader for the purposes of this section, the leader shall, in the presence of a member of his or her team and any scrutineers who may be in attendance, publicly close, fasten, seal and take charge of each ballot-box used by the leader for the purposes of this section and, with the least possible delay, forward it for the purposes of scrutiny to the Divisional Returning Officer or Assistant Returning Officer designated for the purposes

of this subsection by the Divisional Returning Officer for the Division in which that last visit occurred.

(12) A determination under paragraph (4)(a) is not a legislative instrument.

228 Forwarding of declaration votes

Presiding officer to forward declaration votes to ARO

(1) A presiding officer at a polling place must forward to the Assistant Returning Officer designated for the purposes of this subsection by a Divisional Returning Officer any ballot-boxes containing envelopes bearing certificates or declarations made by persons who have cast declaration votes and which purport to contain the ballot papers of such voters, together with records that the presiding officer or a polling official has made in accordance with paragraph 195A(2)(e) and subsection 232(2).

(1A) A pre-poll voting officer who:

(a) receives an envelope bearing a postal vote certificate and purporting to contain a postal ballot paper; or

(b) places a ballot paper in an envelope under subsection 200E(6);

must forward the envelope, and the record made under paragraph 195A(2)(e) or subsection 200G(2), as the case may be, in relation to the receipt or issue of the envelope, to the Divisional Returning Officer for the Division for which the pre-poll voting officer is appointed.

(1B) Envelopes and records required to be forwarded under subsection (1A) must be so forwarded according to the instructions of the Divisional Returning Officer.

Obligations on AROs in relation to declaration votes

(2) An Assistant Returning Officer to whom a ballot-box is forwarded under subsection (1) or subsection 227(10) must:

(a) compare the particulars on the envelopes with the particulars appearing in the relevant records forwarded to the Assistant Returning Officer under this Act, note the number of

envelopes and report any discrepancies to a Divisional Returning Officer; and

(b) place the envelopes in one or more securely fastened containers, and cause them to be delivered to a Divisional Returning Officer; and

(c) forward to that Divisional Returning Officer advice in writing of the total number of envelopes bearing certificates or declarations enclosed in the containers delivered to that Divisional Returning Officer.

(2A) Each Divisional Returning Officer to whom envelopes or records are forwarded under subsection (1A) must:

(a) compare the particulars on the envelopes with the particulars appearing in the records made under paragraph 195A(2)(e) or subsection 200G(2), note the number of envelopes and, if the envelopes are to be forwarded to another Divisional Returning Officer, report any discrepancies to that Divisional Returning Officer; and

(b) place the envelopes, together with the record made under paragraph 195A(2)(e) or subsection 200G(2), in one or more securely fastened containers; and

(c) if the envelopes are to be forwarded to another Divisional Returning Officer:

(i) cause the envelopes to be delivered to the other Divisional Returning Officer; and

(ii) forward to the other Divisional Returning Officer advice in writing of the total number of envelopes delivered to that Divisional Returning Officer.

Obligations on DROs in relation to declaration votes

(3) Each Divisional Returning Officer to whom advices or envelopes are forwarded under subsection (2) or (2A), or who deals with advices or envelopes under subsection (2A), must:

(a) maintain a record of the particulars of the advices, and of the number of envelopes bearing certificates or declarations, received from each Assistant Returning Officer and pre-poll voting officer; and

(b) until they are dealt with under another provision of this Act, keep the envelopes so received in one or more securely fastened containers; and

(c) compare the record referred to in paragraph (a) with the envelopes received and note any discrepancies.

(3A) After receiving envelopes in accordance with subparagraph 195A(6)(b)(iii), each DRO:

(a) must compare the records received by the DRO in accordance with that subparagraph with the envelopes and note any discrepancy; and

(b) except as necessary for the purposes of paragraph (a), keep the envelopes in one or more securely fastened containers until the envelopes are dealt with under other provisions of this Act.

DROs to forward declaration votes to the appropriate DROs

(4) A Divisional Returning Officer must do the following in relation to envelopes bearing certificates or declarations dealt with under this section:

(a) place in a parcel all the envelopes bearing certificates or declarations that relate to a particular Division;

(b) endorse on the parcel the number of envelopes;

(c) seal up the parcel and cause the parcel to be delivered to the Divisional Returning Officer for that Division to be dealt with in accordance with subsection (5);

(d) forward to that Divisional Returning Officer advice in writing of the total number of envelopes bearing certificates or declarations enclosed in the parcel delivered to that Divisional Returning Officer.

Obligations on DROs who receive declaration votes under subsection (4) or (9)

(5) Each Divisional Returning Officer for a Division to whom advices, or envelopes bearing certificates or declarations, are forwarded under subsection (4) or (9) must:

(a) maintain a record of the particulars of the advices, and of the number of envelopes bearing certificates or declarations, received under that subsection; and

(b) maintain a securely fastened container and identify it as a declaration vote container; and

(c) keep in that container, until the scrutiny, all envelopes bearing a certificate or declaration and purporting to contain a ballot paper recording a declaration vote in relation to the Division that, in accordance with subsection (5A), are received within sufficient time to be taken into account in the scrutiny.

(5A) An envelope referred to in paragraph (5)(c) is received by a DRO within sufficient time to be taken into account in the scrutiny if it is received by the DRO within 13 days after the close of the poll (whether directly from the voter or from another DRO or a person referred to in subsection (9)).

Note: An envelope is also received within sufficient time to be taken into account in the scrutiny if it is received by a person who is authorised under section 37.

(6) Before placing in the container maintained under subsection (5) an envelope purporting to contain a postal ballot paper and delivered to a Divisional Returning Officer which is received after the close of the poll and which does not bear evidence sufficient to satisfy the Divisional Returning Officer that the vote contained in the envelope was recorded before the close of the poll, the Divisional Returning Officer must endorse on the envelope the date of its receipt and must initial the endorsement.

Declaration votes received outside Australia to be forwarded to a specified person

(8) An Assistant Returning Officer at a place outside Australia must, in accordance with the written instructions of the Electoral Commissioner, deal with and forward envelopes bearing certificates or declarations, the relevant applications and the records made by the officer under paragraph 195A(2)(e) or subsection 200G(2), to such person as is specified in those instructions.

(9) Where envelopes or records relating to a particular Division are forwarded under subsection (8) to a person other than the Divisional Returning Officer for that Division, that person must, as soon as practicable, deliver them, or cause them to be delivered, to that Divisional Returning Officer.

229 Questions to be put to voter

(1) The presiding officer or a polling official must put to each person attending before the officer or official, and claiming to vote in an election or elections (as the case requires), questions in order to ascertain:

(a) the person's full name; and

(b) the person's place of living; and

(c) whether the person has voted before in the election or elections (as the case requires).

(2) In addition to the questions put under subsection (1), the officer or official must ask each person claiming to vote as an absent voter in an election to identify the Division for which the person is enrolled.

(4) If the answers a person (the ***claimant***) claiming to vote gives to the questions under subsection (1) do not satisfy the officer or official that the claimant is a particular person on the certified list of voters or an approved list of voters for the relevant Division, the officer or official may ask the claimant one or more other questions about matters shown on the list for the particular person, to establish whether the claimant is that particular person.

(5) A person's claim to vote must (subject to section 235) be rejected if:

(a) questions are put to the person under subsection (1) and the person:

(i) refuses to answer fully any of the questions; or

(ii) answers a question so as to indicate that the person has voted before in the relevant election or elections (as the case requires); and

(b) the presiding officer is satisfied that subparagraph (a)(i) or (ii) applies in relation to the person.

Note: Section 235 deals with provisional votes.

230 Errors not to forfeit vote

No omission in the Roll or in the certified list of voters or an approved list of voters of any Christian or given name, or entry of a wrong Christian or given name, sex, date of birth or address and no mistake in the spelling of any surname, shall warrant the rejection at any polling of any claim to vote if the voter is sufficiently identified in the opinion of the presiding officer, a polling official, or a voting officer within the meaning of Division 3 of Part XVA, and no elector shall be disqualified from voting under the name appearing on the Roll because his or her surname has been changed by marriage.

231 Right of elector to receive ballot paper

(1) The presiding officer or a polling official shall at the polling hand to each person claiming to vote a ballot paper duly initialled by the officer or official:

(a) if the name under which the person claims to vote is on the certified list of voters or an approved list of voters for the polling place and the person's answers to questions put to the person show that he or she is entitled to vote; or

(b) if the person claims to vote under the provisions relating to absent voting and complies with those provisions.

(2) The presiding officer or a polling official, at the request of a scrutineer, shall note any objection by the scrutineer to the right of any person to vote, and shall keep a record thereof.

232 Voters to be recorded

(1) If a ballot paper has been, or is to be, given to a person whose name is on the certified list of voters, or an approved list of voters, available at a polling place, the presiding officer or a polling official at the place must:

(a) place a mark against the person's name on the certified list; or

(b) record electronically against the approved list the fact that the person has been, or is to be, handed a ballot paper.

(2) The presiding officer or a polling official at a polling place must make a record of the name of each elector who casts a declaration vote at the polling place and, in the case of an absent voter, of the Division for which the elector declares under subsection 222(1) or (1A) that he or she is enrolled, and must, at the close of the poll, forward the record, duly certified by the presiding officer, in accordance with section 228.

233 Vote to be marked in private

(1) Except as otherwise prescribed the voter upon receipt of the ballot paper shall without delay:

(a) retire alone to some unoccupied compartment of the booth, and there, in private, mark his or her vote on the ballot paper;

(b) either:

(i) if the voter is not an absent voter—deposit the ballot paper in the ballot-box; or

(ii) if the voter is an absent voter—return the ballot paper to the presiding officer or a polling official; and

(c) quit the booth.

(2) A presiding officer or polling official must enclose each ballot paper of an absent voter returned to the officer or official under subsection (1) in the envelope bearing the declaration made by the voter under subsection 222(1) or (1A), securely fasten the envelope and place it in the ballot-box.

234 Assistance to certain voters

(1) If any voter satisfies the presiding officer that his or her sight is so impaired or that the voter is so physically incapacitated or illiterate that he or she is unable to vote without assistance, the presiding officer shall permit a person appointed by the voter to enter an unoccupied compartment of the booth with the voter, and mark and deposit the voter's ballot paper.

(1A) A presiding officer who is visiting a patient under section 224 for the purpose of taking the patient's vote must explain to the patient the effect of subsection (1) of this section.

(2) If any such voter fails to appoint a person in pursuance of subsection (1) the presiding officer or a polling official, in the presence of such scrutineers as are present, or, if there be no scrutineers present, then in the presence of:

(a) another person who is either the presiding officer or a polling official; or

(b) if the voter so desires, in the presence of a person appointed by such voter, instead of the presiding officer or a polling official;

shall mark and deposit his or her ballot paper.

(3) Without limiting the generality of subsection (2), a voter to whom that subsection applies may indicate to the presiding officer or polling official the manner in which the voter wishes the officer or official to mark his or her ballot paper by presenting to the officer or official a statement in writing (which may be, or include, a how-to-vote card) that specifies the manner in which the ballot paper is to be marked.

(4) Where subsection (1) applies in relation to an absent or provisional voter, the presiding officer or a polling official shall:

(a) fill in the declaration referred to in subsection 222(1) or (1A) or 235(2), as the case may be, with the required particulars as requested by the voter;

(b) read the declaration to the voter;

(c) complete and attest the declaration; and

(d) cause the declaration to be witnessed by a scrutineer or, if no scrutineer is present, by another person who is either the presiding officer or a polling official.

234A Certain voters may vote outside polling place

(1) If the presiding officer at a polling place is satisfied that a voter is unable to enter the polling place because of physical disability, illness, advanced pregnancy or other condition, the presiding officer may allow the voter to vote outside the polling place, in close proximity to the polling place.

(2) Before allowing the voter to vote outside the polling place, the presiding officer must:
   (a) inform any scrutineers at the polling place that the voter is to vote outside the polling place; and
   (b) allow one scrutineer per candidate (of the scrutineers present) to be present when the voter votes.

(3) Subject to subsection (5), the voter:
   (a) must mark his or her vote on the ballot paper in the presence of the presiding officer or a polling official; and
   (b) must hand the ballot paper to the officer or official.

(4) The presiding officer or polling official must ensure that the ballot paper is immediately returned to the polling place and put in the ballot-box in the presence of any scrutineers who were present when the voter voted.

(5) If the voter also satisfies the presiding officer that he or she is unable to vote without assistance, the presiding officer may, with the voter's consent, mark, or allow a polling official to mark, the voter's ballot paper.

(6) The voter must indicate to the presiding officer or polling official how the voter wishes the officer or official to mark the voter's ballot paper.

(7) Without limiting the methods by which the voter may indicate, for the purposes of subsection (6), how the voter wishes to vote, the voter may present to the presiding officer or polling official a

statement in writing (which may be, or include, a how-to-vote card) specifying how the ballot paper is to be marked.

(8) If subsection (5) applies to an absent or provisional voter, the presiding officer or polling official must:

(a) fill in the declaration referred to in subsection 222(1) or (1A) or 235(2) with the required particulars as requested by the voter; and

(b) read the declaration to the voter; and

(c) complete and attest the declaration; and

(d) cause the declaration to be witnessed by a scrutineer, or, if no scrutineer is present, by another person who is either the presiding officer or a polling official.

235 Provisional votes

(1) This section applies to a person claiming to vote if:

(a) the person's name cannot be found on the certified list of voters, or an approved list of voters, for the Division for which the person claims to vote; or

(b) the person's name is on the certified list of voters, or an approved list of voters, for the Division but his or her address does not appear on the list; or

(c) the presiding officer or a polling official has asked the person one or more questions under subsection 229(4) about matters shown on the certified list of voters, or an approved list of voters, for a particular person to establish whether the person is that particular person and one of the following applies:

(i) the person's answers do not accord with the relevant information shown for that particular person on the list;

(ii) the person's answers accord with the relevant information shown for that particular person on the list but the officer or official is not satisfied that the person is that particular person;

(iii) the person refused to answer fully; or

(d) a mark on the certified list of voters, or a record against an approved list of voters, for the Division indicates that the voter has already voted; or

(e) the person is provisionally enrolled.

(1A) In this Part (other than section 245) and in Schedule 3:

(a) a reference to an elector includes a reference to a person who casts a provisional vote under paragraph (1)(e); and

(b) a reference to the Division in which an elector is enrolled includes a reference to the Division in which the person is provisionally enrolled.

(2) A person to whom this section applies may cast a provisional vote if the person signs a declaration in the approved form on an envelope addressed to the DRO for the Division for which the voter is, or claims to be, enrolled.

(3) The person shall sign the declaration in the presence of the presiding officer or a polling official.

(4) The presiding officer or polling official shall then sign the declaration as witness, adding the date.

(5) Before issuing a ballot paper to the person, the presiding officer or a polling official shall give the person a statement in writing in the approved form explaining the effect of this section and indicating the steps that will be taken if the person casts a provisional vote.

(6) A person who casts a provisional vote shall hand the ballot paper to the presiding officer or polling official who issued it.

(7) The presiding officer or polling official shall, in the presence of the voter, without unfolding the ballot paper, place it in the envelope bearing the voter's declaration, fasten the envelope and place the envelope in the ballot-box.

(8) The Assistant Returning Officer who opens the ballot-box shall deal with the envelope according to section 228.

238 Spoilt ballot papers

(1) If any voter before depositing a ballot paper in the ballot-box satisfies the presiding officer, a voting officer within the meaning of Division 3 of Part XVA, or a polling official, that he or she has spoilt the ballot paper by mistake or accident, the voter may, on

giving it up, receive a new ballot paper from the officer or official, who shall there and then cancel the spoilt ballot paper.

(2) If any voter voting in a manner that will involve a ballot paper being placed in an envelope satisfies the officer or official who issued the ballot paper that, before the ballot paper was placed in the relevant envelope, he or she spoilt the ballot paper by mistake or accident, the voter may, on giving up the spoilt ballot paper to the officer or official, receive a new ballot paper from the officer or official, who shall there and then cancel the spoilt ballot paper.

(3) An officer or official who has cancelled a spoilt ballot paper shall:
   (a) write "spoilt" on the back of the ballot paper;
   (b) place the ballot paper in an envelope, seal the envelope and write on the envelope an indication of the type of ballot paper enclosed and that it is spoilt; and
   (c) sign the envelope.

(4) The envelopes containing spoilt ballot papers that have been cancelled under subsection (1) or (2) shall be bundled up and given to the Divisional Returning Officer for the Division after the close of the poll.

238A Discarded ballot papers

(1) This section applies if:
   (a) a ballot paper has been issued to a voter; and
   (b) an officer is satisfied that the ballot paper has been discarded by the voter.

(2) The officer must:
   (a) immediately cancel the ballot paper; and
   (b) write "discarded" on the back of the ballot paper; and
   (c) place the ballot paper in an envelope, seal the envelope and write on the envelope an indication of the type of ballot paper enclosed and that it is discarded; and
   (d) sign the envelope.

(3) The envelopes containing discarded ballot papers that have been cancelled under this section must be bundled up and given to the

Divisional Returning Officer for the Division after the close of the poll.

238B Ballot-boxes opened before close of poll

(1) This section applies if, in relation to an election, an officer becomes aware that a ballot-box containing ballot papers for the election (including ballot papers enclosed in envelopes) has been opened before the close of the poll other than in accordance with this Act.

(2) An officer (the ***reporting officer***) must:

(a) place the ballot papers, or envelopes containing the ballot papers, in a parcel; and

(b) seal the parcel; and

(c) write on the parcel an indication of the type of ballot papers enclosed and that the ballot-box has been prematurely opened; and

(d) sign the parcel.

Report

(3) The reporting officer must prepare a report about the circumstances in which the ballot-box was opened before the close of the poll other than in accordance with this Act (including details of any witnesses).

Material to be given to DRO

(4) The reporting officer must give the report, parcel, ballot-box and any other thing the reporting officer considers appropriate to the DRO for the Division as soon as practicable.

Role of DRO

(5) The DRO for the Division must examine the report, parcel, ballot-box and any other thing given to the DRO under subsection (4) and then give them to the Australian Electoral Officer (the ***AEO***) for the State or Territory concerned.

Role of AEO

(6) The AEO must:

(a) open the parcel and examine the ballot papers not enclosed in envelopes, the envelopes, the report, the ballot-box and any other thing given to the AEO under subsection (5); and

(b) for each ballot paper not enclosed in an envelope—decide whether the ballot paper is to be included in the scrutiny under Part XVIII (see subsections (7) and (8)); and

(c) for each envelope—decide whether the envelope is to be included in the preliminary scrutiny conducted in accordance with Schedule 3 (see subsections (9) and (10)).

(7) The AEO must decide that a ballot paper is to be included in the scrutiny under Part XVIII unless the AEO is satisfied that the ballot paper has been fraudulently altered or otherwise interfered with so as not to reflect the voter's intention.

(8) If the AEO decides that a ballot paper is not to be included in the scrutiny under Part XVIII, the ballot paper is to be excluded from that scrutiny.

(9) The AEO must decide that an envelope is to be included in the preliminary scrutiny conducted in accordance with Schedule 3 unless the AEO is satisfied that the envelope has been fraudulently altered.

(10) If the AEO decides that an envelope is not to be included in the preliminary scrutiny conducted in accordance with Schedule 3, the envelope is to be excluded from that scrutiny.

(11) The AEO must, after examining all the ballot papers and envelopes:

(a) place in a parcel the ballot papers that are to be included in the scrutiny under Part XVIII; and

(b) place in another parcel the ballot papers that are to be excluded from the scrutiny under Part XVIII; and

(c) place in another parcel the envelopes that are to be included in the preliminary scrutiny conducted in accordance with Schedule 3; and

(d) place in another parcel the envelopes that are to be excluded from the preliminary scrutiny conducted in accordance with Schedule 3; and

(e) seal each parcel; and

(f) write on each parcel an indication of the type of ballot papers or envelopes enclosed and that the ballot-box has been prematurely opened; and

(g) sign each parcel.

(12) The AEO must give the parcels referred to in paragraphs (11)(a) and (c) to the DRO for the Division, and the ballot papers or envelopes in the parcels are to be included in the scrutiny under Part XVIII or in the preliminary scrutiny conducted in accordance with Schedule 3, as the case requires.

(13) Before the declaration of the poll in the election, the AEO must advise the Electoral Commissioner and the candidates concerned of the following:

(a) a ballot-box was opened before the close of the poll other than in accordance with this Act;

(b) the number of ballot papers the AEO examined;

(c) the number of ballot papers that were excluded from the scrutiny under Part XVIII because the AEO was satisfied that they had been fraudulently altered or otherwise interfered with so as not to reflect the voter's intention;

(d) the number of envelopes the AEO examined;

(e) the number of envelopes that were excluded from the preliminary scrutiny conducted in accordance with Schedule 3 because the AEO was satisfied that they had been fraudulently altered.

Preservation of material

(14) The AEO is responsible for the safe custody, in accordance with the directions of the Electoral Commissioner, of the parcels referred to in paragraphs (11)(b) and (d), the ballot-box and the report and any other thing given to the AEO under subsection (5) until they are destroyed.

(15) Subject to Part XXII, the Electoral Commissioner may direct that the things referred to in subsection (14) be destroyed if:

(a) not less than 6 months have elapsed since the declaration of the poll in the election in which the things were used; and

(b) the things are no longer required by the Electoral Commission for the performance of its functions.

239 Marking of votes in Senate election

Voting below the line

(1) Subject to subsection (2), a person must mark his or her vote on the ballot paper in a Senate election by:

(a) writing at least the numbers 1 to 12 in the squares printed on the ballot paper below the line (with the number 1 being given to the candidate for whom the person votes as his or her first preference, and the numbers 2, 3, 4 and so on to at least the number 12 being given to other candidates so as to indicate the order of the person's preference for them); or

(b) if there are 12 or fewer squares printed on the ballot paper below the line—numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (a)).

Note: See also section 268A for when the vote is formal.

Voting above the line

(2) A vote may be marked on a ballot paper by:

(a) writing at least the numbers 1 to 6 in the squares (if any) printed on the ballot paper above the line (with the number 1 being given to the party or group for whom the person votes as his or her first preference, and the numbers 2, 3, 4, 5 and 6 being given to other parties or groups so as to indicate the order of the person's preference for them); or

(b) if there are 6 or fewer squares printed on the ballot paper above the line—numbering the squares consecutively from the number 1 (in order of preference as described in paragraph (a)).

Note: See also section 269 for when the vote is formal.

Candidates who die before polling day

(4) Where a candidate dies between the date of nomination and polling day, and the number of candidates remaining is greater than the number of candidates to be elected, a ballot paper shall not be informal by reason only:

(a) of the inclusion on the ballot paper of the name of the deceased candidate;

(b) of the marking of any consecutive number in a square corresponding with that name; or

(c) of the omission to place any number in a square corresponding with that name, or of any resultant failure to indicate in consecutive order the voter's preferences.

240 Marking of votes in House of Representatives election

(1) In a House of Representatives election a person shall mark his or her vote on the ballot paper by:

(a) writing the number 1 in the square opposite the name of the candidate for whom the person votes as his or her first preference; and

(b) writing the numbers 2, 3, 4 (and so on, as the case requires) in the squares opposite the names of all the remaining candidates so as to indicate the order of the person's preference for them.

(2) The numbers referred to in paragraph (1)(b) are to be consecutive numbers, without the repetition of any number.

240A Temporary suspension of polling

The Electoral Commissioner may temporarily suspend the polling for a period if the Electoral Commissioner is satisfied that the suspension of polling during that period is justified because of:

(a) riot or open violence; or

(b) the threat of riot or open violence; or

(c) storm, tempest, flood or an occurrence of a similar kind; or

(d) a health hazard; or

(e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or

(f) any other reason related to:

(i) the safety of voters; or

(ii) difficulties in the physical conduct of the voting.

241 Adjournment of polling

The Electoral Commissioner may adjourn the polling from day to day in any case where polling is interrupted by:

(a) riot or open violence; or

(b) the threat of riot or open violence; or

(c) storm, tempest, flood or an occurrence of a similar kind; or

(d) a health hazard; or

(e) a fire or the activation of fire safety equipment (such as sprinklers or alarms); or

(f) anything else related to:

(i) the safety of voters; or

(ii) difficulties in the physical conduct of the voting.

242 Adjournment in other cases

If from any cause any polling booth at a polling place is not opened on polling day the Electoral Commissioner may adjourn the polling for a period not exceeding 21 days, and shall forthwith give public notice of the adjournment.

243 Voting at adjourned polling

Where for any reason the polling is adjourned at any polling place, those electors only:

(a) who are enrolled for the Subdivision for which the polling place is prescribed; or

(b) who are, by virtue of section 235, entitled to vote as electors of that Subdivision;

and who have not already voted, shall be entitled to vote at the adjourned polling at that polling place.

Note: See also subsection 265(3) (delayed scrutiny for Divisions where there is an adjournment at a polling place in that Division).

244 Arrangement where elections held in some Divisions only

Where an election is being held for any Division, it shall not be necessary to open polling booths at the polling places for any Division for which no election is being held.

245 Compulsory voting

(1) It shall be the duty of every elector to vote at each election.

(2) The Electoral Commissioner must, after polling day at each election, prepare for each Division a list of the names and addresses of the electors who appear to have failed to vote at the election.

(3) Subject to subsection (4), within the period of 3 months after the polling day at each election, each DRO must:

(a) send a penalty notice by post; or

(b) arrange for a penalty notice to be delivered by other means;

to the latest known address of each elector whose name appears on the list prepared under subsection (2).

(4) The DRO is not required to send or deliver a penalty notice if he or she is satisfied that the elector:

(a) is dead; or

(b) was absent from Australia on polling day; or

(c) was ineligible to vote at the election; or

(d) had a valid and sufficient reason for failing to vote.

(5) A penalty notice is a notice in an approved form notifying the elector that:

(a) the elector appears to have failed to vote at the election; and

(b) it is an offence to fail to vote at an election without a valid and sufficient reason for the failure; and

(c) if the elector does not wish to have the apparent failure to vote dealt with by a court, the elector may, within the prescribed time:

(i) if the elector did vote as required by this Act—give the DRO particulars of the circumstances of the elector's voting; or

(ii) if the elector failed to vote—give the DRO a valid and sufficient reason for the failure; or

(iii) pay to the DRO a penalty of $20.

(6) If an elector does not respond to a penalty notice in the manner indicated in subparagraph (5)(c)(i), (ii) or (iii), within the prescribed time, the DRO must:

(a) send a second penalty notice by post; or

(b) arrange for a second penalty notice to be delivered by other means;

to the elector, at his or her latest known address.

(6A) The second penalty notice must, subject to subsection (7), have the same form as the first penalty notice but bear a notation to the effect that a previous notice in the same terms was sent to the elector but that a response in the manner indicated in subparagraph (5)(c)(i), (ii) or (iii) was not received.

(7) The provisions of this section, other than subsection (6), apply in relation to a second penalty notice:

(a) as if it were a penalty notice issued under subsection (3); and

(b) as if, in the provisions of this section as so applied, references to paragraphs and subparagraphs of subsection (5) included references to those paragraphs and subparagraphs as applied by this section.

(8) If, within the prescribed time:

(a) an elector responds to a penalty notice in the manner indicated in subparagraph (5)(c)(i) or (ii) and the DRO to whom the response has been given is satisfied:

(i) in the case of a response of the kind referred to in subparagraph (5)(c)(i)—that the elector did vote as required by this Act; or

(ii) in the case of a response of the kind referred to in subparagraph (5)(c)(ii)—that the reason for the failure to vote is a valid and sufficient reason; or

(b) an elector responds to a penalty notice by paying the penalty of $20;

proceedings against the elector for a contravention of subsection (15) are prohibited.

(9) If the DRO to whom a response to a penalty notice has been given under subparagraph (5)(c)(i) or (ii) within the prescribed time is not satisfied:

(a) in the case of a response of the kind referred to in subparagraph (5)(c)(i)—that the elector voted as required by this Act; or

(b) in the case of a response of the kind referred to in subparagraph (5)(c)(ii)—that the reason for the failure to vote is a valid and sufficient reason;

the DRO must send by post or deliver to the elector, at his or her latest known address, a notice in an approved form, notifying the elector that:

(c) the DRO is not so satisfied; and

(d) if the elector does not wish to have the apparent failure to vote without a valid and sufficient reason for such failure dealt with by a court, he or she may, within the prescribed time, pay to the DRO a penalty of $20.

(10) If, in response to a notice under subsection (9), the penalty of $20 is paid to the DRO within the prescribed time, proceedings against the elector for a contravention of subsection (15) are prohibited.

(11) If an elector is unable, by reason of absence from his or her place of living or physical incapacity, to respond to a penalty notice or to a notice under subsection (9) within the prescribed time, any other elector who has a personal knowledge of the facts may, subject to the regulations, respond to the notice within that time, and such response is to be treated as compliance by the first-mentioned elector with the notice.

(12) The DRO must prepare a list of all electors to whom a penalty notice has been sent or delivered and note on that list in relation to each elector:

(a) whether there has been a response to the notice; and

(b) if there has been a response:

(i) whether the DRO is satisfied that the elector did in fact vote or that there was a valid and sufficient reason for the elector's failure to vote; or

(ii) whether the penalty has been paid.

(13) The DRO must note on the list prepared under subsection (12) in relation to each elector to whom a notice under subsection (9) has been sent or delivered:

(a) the fact that a notice has been sent or delivered under subsection (9); and

(b) whether there has been a response to the notice; and

(c) if there has been a response—whether the penalty has been paid.

(14) Without limiting the circumstances that may constitute a valid and sufficient reason for not voting, the fact that an elector believes it to be part of his or her religious duty to abstain from voting constitutes a valid and sufficient reason for the failure of the elector to vote.

(15) An elector commits an offence if the elector fails to vote at an election.

Penalty: 1 penalty unit.

(15A) Strict liability applies to an offence against subsection (15).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(15B) Subsection (15) does not apply if the elector has a valid and sufficient reason for the failure.

Note: A defendant bears an evidential burden in relation to the matter in subsection (15B) (see subsection 13.3(3) of the *Criminal Code*).

(15C) An elector who makes a statement in response to a penalty notice or to a notice under subsection (9) that is, to his or her knowledge, false or misleading in a material particular commits an offence.

Penalty: 1 penalty unit.

(16) Proceedings for an offence against this section may be instituted only by the Electoral Commissioner or an officer authorised, in writing, for the purpose by the Electoral Commissioner.

(17) In this section, ***elector*** does not include:

(a) an Antarctic elector; or

(b) an eligible overseas elector; or

(c) an itinerant elector.

(18) In this section, a reference to the prescribed time for a response to a penalty notice or a notice under subsection (9) is a reference to the time for response specified in the notice.

Part XVIII—The scrutiny

263 Scrutiny

The result of the polling shall be ascertained by scrutiny.

264 Scrutineers at scrutiny

(1) A candidate may appoint scrutineers to represent the candidate at the scrutiny.

(2) A candidate is not entitled to be represented at the scrutiny at a particular counting centre by a number of scrutineers that is greater than the number of officers who are engaged in a scrutiny or counting of ballot papers at that centre.

(2A) For the purposes of subsection (2), if scrutiny is being conducted at a counting centre by using a computer as mentioned in section 273A (computerised scrutiny of votes in Senate election), the number of officers who are engaged in the scrutiny or counting of ballot papers at the centre is taken to include the number of persons performing the function of second tier data entry operator conducting exception checks at the centre.

(3) The appointment of a scrutineer under this section to represent a candidate at a counting centre:

(a) shall be made by notice in writing signed by the candidate and given or sent to the officer who is to conduct, or is conducting, the scrutiny at the counting centre; and

(b) shall specify the name and address of the scrutineer.

(3A) A person who is present at the scrutiny in the capacity of a scrutineer shall wear a badge, supplied by the Electoral Commission, that identifies the person as a scrutineer.

(4) In this section, ***counting centre*** means any premises at which a scrutiny or counting of ballot papers is to be, or is being, conducted.

265 Scrutiny, how conducted

(1) The scrutiny shall be conducted as follows:

(a) Subject to subsection (3), the scrutiny shall commence as soon as practicable after the closing of the poll (subject to subsection 274(2AA));

(b) Such scrutineers as have been duly appointed pursuant to section 264, and any persons approved by the officer conducting the scrutiny, may be present;

(c) All the proceedings at the scrutiny shall be open to the inspection of the scrutineers;

(d) The scrutiny may be adjourned from time to time as may be necessary until the counting of the votes is complete.

(2) During a scrutiny, the scrutineers must be allowed to inspect, in addition to the preference votes being counted in the scrutiny, any other preference vote given for a candidate unless, in the opinion of the Assistant Returning Officer, DRO or Australian Electoral Officer, as the case may be, this would unreasonably delay the scrutiny.

(3) If the polling is adjourned at any polling place in a Division under section 241 or 242, the scrutiny for the House of Representatives election for that Division must not commence until after the close of the poll for that polling place.

266 Preliminary scrutiny of declaration votes

(1) At any time after receiving any declaration votes, a DRO must conduct preliminary scrutinies of the declaration votes received until:

(b) all envelopes received by the DRO before the end of 13 days after the close of the poll and purporting to contain postal ballot papers have been dealt with under this section; and

(c) all other envelopes received by officers prior to the close of the poll and purporting to contain ballot papers bearing declaration votes have been dealt with under this section.

(2) The DRO must cause to be published on the Electoral Commission's website, and in any other way the DRO considers

appropriate, a notice specifying the date, time and place of the commencement of a preliminary scrutiny.

(2A) The notice must be published not later than 4 pm on the day before the day of commencement of the preliminary scrutiny.

(3) A preliminary scrutiny for a Division shall be conducted according to the rules set out in Schedule 3.

(4) The DRO may, from time to time, adjourn a preliminary scrutiny to a specified date, time and place.

(5) For the purposes of this Part, anything done under this section in relation to an election shall be taken to be part of the scrutiny in relation to the election.

267 Action on objections to ballot papers

(1) If a scrutineer objects to a ballot paper as being informal, the officer conducting the scrutiny shall mark the ballot paper ***admitted*** or ***rejected*** according to the officer's decision to admit or reject the ballot paper.

(2) Nothing in this section shall prevent the officer conducting the scrutiny from rejecting any ballot paper as being informal although it is not objected to.

268 Informal ballot papers

(1) A ballot paper shall (except as otherwise provided by section 239, and by the regulations relating to voting by post) be informal if:

(a) subject to subsection (2), it is not authenticated by the initials of the presiding officer, a polling official, or a voting officer (within the meaning of Division 3 of Part XVA), or by the presence of the official mark;

(b) subject to sections 268A and 269, in a Senate election, it has no vote indicated on it, or it does not indicate the voter's first preference for 1 candidate and then consecutively number at least 11 other candidates in the order of his or her preference;

(c) in a House of Representatives election, it has no vote indicated on it, or it does not indicate the voter's first

preference for 1 candidate and an order of preference for all the remaining candidates:

Provided that, where the voter has indicated a first preference for 1 candidate and an order of preference for all the remaining candidates except 1 and the square corresponding with the name of that candidate has been left blank, it shall be deemed that the voter's preference for that candidate is the voter's last and that accordingly the voter has indicated an order of preference for all the candidates:

Provided further that, where there are 2 candidates only and the voter has indicated his or her vote by placing the figure 1 in the square corresponding with the name of 1 candidate and has left the other square blank or placed a figure other than 2 in it, the voter shall be deemed to have indicated an order of preference for all the candidates;

(d) it has upon it any mark or writing (not authorized by this Act or the regulations to be put upon it) by which, in the opinion of the Divisional Returning Officer, the voter can be identified:

Provided that paragraph (d) shall not apply to any mark or writing placed upon the ballot paper by an officer, notwithstanding that the placing of the mark or writing upon the ballot paper is a contravention of this Act; or

(e) in the case of an absent vote—the ballot paper is not contained in an envelope bearing a declaration made by the elector under subsection 222(1) or (1A).

(2) A ballot paper to which paragraph (1)(a) applies shall not be informal by virtue of that paragraph if the Divisional Returning Officer responsible for considering the question of the formality of the ballot paper is satisfied that it is an authentic ballot paper on which a voter has marked a vote and the officer has endorsed the ballot paper with the words 'I am satisfied that this ballot paper is an authentic ballot paper on which a voter has marked a vote.'.

(3) A ballot paper shall not be informal for any reason other than the reasons specified in this section, but shall be given effect to according to the voter's intention so far as that intention is clear.

268A Formal votes below the line

(1) A ballot paper in a Senate election is not informal under paragraph 268(1)(b) if:

(a) the voter has marked the ballot paper in accordance with paragraph 239(1)(b); or

(b) if there are more than 6 squares printed on the ballot paper below the line—the voter has consecutively numbered any of those squares from 1 to 6 (whether or not the voter has also included one or more higher numbers in those squares).

(2) For the purposes of this Act:

(a) a voter who, in a square printed on the ballot paper below the line, marks only a single tick or cross is taken as having written the number 1 in the square; and

(b) the following numbers written in a square printed on the ballot paper below the line are to be disregarded:

(i) numbers that are repeated and any higher numbers;

(ii) if a number is missed—any numbers that are higher than the missing number.

Note: Paragraph (2)(b) applies both for the purposes of determining whether a ballot paper is formal, and for the purposes of determining which numbers marked on a ballot paper are counted in the election.

Example: A ballot paper has squares below the line that are numbered 1, 2, 3, 3, 4, 5 and 6. The vote is informal because, by disregarding the numbers 3 and upwards under subparagraph (2)(b)(i), only 2 squares have been numbered.

A second ballot paper has squares below the line that are numbered consecutively from 1 to 9 and then 11, 12, 13 and 14. The vote is formal under paragraph (1)(b). However, only the squares numbered from 1 to 9 are counted for the purposes of sections 273 and 273A because the numbers 11 and upwards are disregarded under subparagraph (b)(ii) of this subsection.

269 Formal votes above the line

(1) A ballot paper in a Senate election is not informal under paragraph 268(1)(b) if:

(a) the voter has marked the ballot paper in accordance with subsection 239(2); or

(b) the voter has marked the number 1, or the number 1 and one or more higher numbers, in squares printed on the ballot paper above the line.

(1A) For the purposes of this Act:

(a) a voter who, in a square printed on the ballot paper above the line, marks only a single tick or cross is taken as having written the number 1 in the square; and

(b) the following numbers written in a square printed on the ballot paper above the line are to be disregarded:

(i) numbers that are repeated and any higher numbers;

(ii) if a number is missed—any numbers that are higher than the missing number.

Note: Paragraph (1A)(b) applies both for the purposes of determining whether a ballot paper is formal, and for the purposes of determining which numbers marked on a ballot paper are counted in the election.

Example: A ballot paper has squares above the line that are numbered 1, 1, 2 and 3. The vote is informal because, by disregarding the numbers 1 and upwards under subparagraph (1A)(b)(i), no squares have been numbered.

A second ballot paper has squares above the line that are numbered consecutively from 1 to 9 and then 11, 12, 13 and 14. The vote is formal under paragraph (1)(b). However, only the squares numbered from 1 to 9 are counted for the purposes of sections 273 and 273A because the numbers 11 and upwards are disregarded under subparagraph (b)(ii) of this subsection.

Votes that are formal both above and below the line

(2) If a ballot paper in a Senate election:

(a) has squares marked above the line in accordance with subsection 239(2) or paragraph (1)(b) of this section; and

(b) has squares marked below the line in accordance with subsection 239(1) or section 268A;

then, for the purposes of sections 272 and 273, the only squares that are taken to have been marked on the ballot paper are the squares that are marked below the line.

271 Officers not to mark ballot papers so that voter can be identified

Except as authorized by this Act or the regulations, an officer shall not place upon any ballot paper any mark or writing which would enable any person to identify the voter by whom it is used.

Penalty: 10 penalty units.

272 Treatment of Senate ballot papers of voters who have voted above the line

(1) This section applies if:

(a) a ballot paper for a Senate election is marked in accordance with subsection 239(2) or paragraph 269(1)(b); and

(b) one or more numbers, that are not disregarded under paragraph 269(1A)(b), are written in squares printed on the ballot paper above the line in relation to groups of candidates (each group being a ***preferenced group***).

(2) The ballot paper is taken to have been marked as if, instead of the numbers referred to in paragraph (1)(b):

(a) each candidate in a preferenced group was given a different number starting from 1; and

(b) candidates in a preferenced group were numbered consecutively starting with the candidate whose name on the ballot paper is at the top of the group to the candidate whose name is at the bottom; and

(c) the order in which candidates in different preferenced groups are numbered is worked out by reference to the order in which the groups were numbered on the ballot paper, starting with the group marked 1; and

(d) when all the candidates in a preferenced group have been numbered, the candidate whose name is at the top of the next preferenced group is given the next consecutive number.

273 Scrutiny of votes in Senate elections

(1) Subject to section 273B, in a Senate election for a particular State or Territory, the scrutiny must be conducted, and the vacancies filled under this section or under section 273A.

(2) An Assistant Returning Officer must take the following steps in the presence of a polling official, and of any authorised scrutineers who attend:

(a) exhibit each securely fastened ballot-box for the inspection of the scrutineers;

(b) record the condition of the ballot-box;

(c) open the ballot-box and remove the ballot papers from the box;

(ca) count the number of first preference votes marked in each of the squares above the line;

(d) make, sign and keep a copy of a statement (which may be countersigned by a polling official, and by any scrutineers who are present if they so desire) setting out the number of first preference votes marked in each of the squares above the line and the number of ballot papers;

(da) transmit the number of first preference votes marked in each of the squares above the line to the Divisional Returning Officer as soon as practicable;

(e) seal up the ballot papers in a securely fastened container and endorse on each container a description of the contents of the container, and permit any scrutineers present, if they so desire, to countersign the endorsement;

(f) transmit the container to the Divisional Returning Officer for the relevant Division as soon as practicable, together with the statement under paragraph (d).

(3) The Divisional Returning Officer for a Division must:

(a) in relation to each container of ballot papers for the Division received under paragraph (2)(f):

(i) open the container; and

(ii) remove the ballot papers from the container; and

(iii) count the number of ballot papers removed from the container; and

(b) in relation to ballot-boxes for the Division received under this Act by the Divisional Returning Officer—repeat the steps in paragraphs (2)(c) to (e) (as if the reference in paragraph (2)(da) to the Divisional Returning Officer were a

reference to the Australian Electoral Officer for the State that includes the Division); and

(c) keep a copy of:

(i) the statement made under paragraph (2)(d) by the Assistant Returning Officer; and

(ii) the statements made by the Divisional Returning Officer under that paragraph (as a result of paragraph (b) of this subsection); and

(d) transmit the containers sealed under paragraph (2)(e) (as a result of paragraph (b) of this subsection) to the Australian Electoral Officer for the State that includes the Division as soon as practicable, together with the statements made by the Divisional Returning Officer.

(4) An Australian Electoral Officer must:

(a) scrutinise all ballot papers received by him or her under paragraph (3)(d); and

(b) reject any informal ballot papers; and

(c) make, sign and keep a record of the preferences on the ballot papers that have been received by him or her (including informal ballot papers, and formal ballot papers that are not sequentially numbered).

(7) Where, for the purposes of the succeeding provisions of this section:

(a) the number of ballot papers or votes in any category is required to be ascertained;

(b) a quota, a transfer value or the order of standing of continuing candidates in a poll is required to be determined; or

(c) a candidate is required to be identified;

the Australian Electoral Officer for the State shall ascertain the number, determine the quota, transfer value or order, or identify the candidate, as the case may be.

(8) The number of first preference votes given for each candidate and the total number of all such votes shall be ascertained and a quota shall be determined by dividing the total number of first preference votes by 1 more than the number of candidates required to be

elected and by increasing the quotient so obtained (disregarding any remainder) by 1, and any candidate who has received a number of first preference votes equal to or greater than the quota shall be elected.

(9) Unless all the vacancies have been filled, the number (if any) of votes in excess of the quota (in this section referred to as ***surplus votes***) of each elected candidate shall be transferred to the continuing candidates as follows:

(a) the number of surplus votes of the elected candidate shall be divided by the number of first preference votes received by the candidate and the resulting fraction shall be the transfer value;

(b) the total number of ballot papers of the elected candidate that express the first preference vote for that candidate and the next available preference for a particular continuing candidate shall be multiplied by the transfer value, the number so obtained (disregarding any fraction) shall be added to the number of first preference votes of the continuing candidate and all those ballot papers shall be transferred to the continuing candidate;

and any continuing candidate who has received a number of votes equal to or greater than the quota on the completion of any such transfer shall be elected.

(10) Unless all the vacancies have been filled, the surplus votes (if any) of any candidate elected under subsection (9), or elected subsequently under this subsection, shall be transferred to the continuing candidates in accordance with paragraphs (9)(a) and (b), and any continuing candidate who has received a number of votes equal to or greater than the quota on the completion of any such transfer shall be elected.

(11) Where a continuing candidate has received a number of votes equal to or greater than the quota on the completion of a transfer under subsection (9) or (10) of the surplus votes of a particular elected candidate, no votes of any other candidate shall be transferred to the continuing candidate.

(12) For the purposes of the application of paragraphs (9)(a) and (b) in relation to a transfer under subsection (10) or (14) of the surplus

votes of an elected candidate, each ballot paper of the elected candidate that was obtained by the candidate on a transfer under this section shall be dealt with as if any vote it expressed for the elected candidate were a first preference vote, as if the name of any other candidate previously elected or excluded had not been on the ballot paper and as if the numbers indicating subsequent preferences had been altered accordingly.

(13) Where, after the counting of first preference votes or the transfer of surplus votes (if any) of elected candidates, no candidate has, or fewer than the number of candidates required to be elected have, received a number of votes equal to the quota:

(a) the candidate who stands lowest in the poll must be excluded; or

(b) if a bulk exclusion of candidates may be effected under subsection (13A), those candidates must be excluded;

and the ballot papers of the excluded candidate or candidates must be distributed in accordance with subsection (13AA).

(13AA) Where a candidate is, or candidates are, excluded in accordance with this section, the ballot papers of the excluded candidate or candidates must be transferred as follows:

(a) the total number of ballot papers:

(i) expressing a first preference for an excluded candidate; or

(ii) received by an excluded candidate on distribution from another excluded candidate at a transfer value of 1 vote;

being ballot papers expressing the next available preference for a particular continuing candidate must be transferred at a transfer value of 1 vote to the continuing candidate and added to the number of votes of the continuing candidate;

(b) the total number (if any) of other ballot papers obtained by an excluded candidate or the excluded candidates, as the case may be, must be transferred beginning with the ballot papers received by that candidate or those candidates at the highest transfer value and ending with the ballot papers received at the lowest transfer value, as follows:

(i) the total number of ballot papers received by the excluded candidate or candidates, as the case may be, at

a particular transfer value and expressing the next available preference for a particular continuing candidate must be multiplied by that transfer value;

(ii) the number so obtained (disregarding any fraction) must be added to the number of votes of the continuing candidate;

(iii) all those ballot papers must be transferred to the continuing candidate.

(13A) The procedure for a bulk exclusion, and the circumstances in which such an exclusion may be made, are as follows:

(a) a continuing candidate (in this subsection called ***Candidate A***) shall be identified, if possible, who, of the continuing candidates who each have a number of notional votes equal to or greater than the vacancy shortfall, stands lower or lowest in the poll;

(b) a continuing candidate (in this subsection called ***Candidate B***) shall be identified, if possible, who:

(i) stands lower in the poll than Candidate A, or if Candidate A cannot be identified, has a number of notional votes that is fewer than the vacancy shortfall;

(ii) has a number of notional votes that is fewer than the number of votes of the candidate standing immediately higher than him or her in the poll; and

(iii) if 2 or more candidates satisfy subparagraphs (i) and (ii)—is the candidate who of those candidates stands higher or highest in the poll;

(c) in a case where Candidate B has been identified and has a number of notional votes fewer than the leading shortfall—Candidate B and any other continuing candidates who stand lower in the poll than that candidate may be excluded in a bulk exclusion; and

(d) in a case where Candidate B has been identified and has a number of notional votes equal to or greater than the leading shortfall:

(i) a continuing candidate (in this subsection called ***Candidate C***) shall be identified who:

(A) has a number of notional votes that is fewer than the leading shortfall; and

(B) if 2 or more candidates satisfy sub-subparagraph (A)—is the candidate who of those candidates stands higher or highest in the poll; and

(ii) Candidate C and all other continuing candidates who stand lower in the poll than that candidate may be excluded in a bulk exclusion.

(13B) Where, apart from this subsection, the number of continuing candidates after a bulk exclusion under subsection (13A) would be fewer than the number of remaining unfilled vacancies, subsection (13A) shall operate to exclude only the number of candidates, beginning with the candidate who stands lowest in the poll, that would leave sufficient continuing candidates to fill the remaining unfilled vacancies.

(13C) Notwithstanding any other provision of this section (other than subsection (18)), where a candidate or candidates has or have been elected and there are surplus votes as a result of that election, paragraphs (13A)(a), (b), (c) and (d) may be applied as if references in those paragraphs to notional votes were references to adjusted notional votes.

(14) Any continuing candidate who has received a number of votes equal to or greater than the quota on the completion of a transfer under subsection (13) or (15) of ballot papers of an excluded candidate or candidates, as the case may be, shall be elected, and, unless all the vacancies have been filled, the surplus votes (if any) of the candidate so elected shall be transferred in accordance with paragraphs (9)(a) and (b), except that, where the candidate so elected is elected before all the ballot papers of the excluded candidate or candidates, as the case may be, have been transferred, the surplus votes (if any) of the candidate so elected shall not be transferred until the remaining ballot papers of the excluded candidate or candidates, as the case may be, have been transferred in accordance with paragraphs (13AA)(a) and (b) to continuing candidates.

(15) Subject to subsection (17) where, after the transfer of all of the ballot papers of an excluded candidate or the excluded candidates, as the case may be, no continuing candidate has received a number of votes greater than the quota:

(a) the continuing candidate who stands lowest in the poll must be excluded; or

(b) if a bulk exclusion of candidates may be effected under subsection (13A), those candidates must be excluded;

and the ballot papers of the excluded candidate or candidates must be transferred in accordance with subsection (13AA).

(16) Where a candidate is elected during a transfer of ballot papers under subsection (13) or (15), no other ballot papers of an excluded candidate or candidates, as the case may be, shall be transferred to the candidate so elected.

(17) In respect of the last vacancy for which two continuing candidates remain, the continuing candidate who has the larger number of votes shall be elected notwithstanding that that number is below the quota, and if those candidates have an equal number of votes the Australian Electoral Officer for the State must determine by lot which of those candidates is to be elected.

(18) Notwithstanding any other provision of this section, where the number of continuing candidates is equal to the number of remaining unfilled vacancies, those candidates shall be elected.

(19) At the conclusion of the scrutiny, the Australian Electoral Officer must place in containers all ballot papers transmitted to the officer under paragraph (3)(d), seal the containers and endorse a description of the contents on each container.

(20) For the purposes of this Act and the *Representation Act 1983*:

(a) the order of election of candidates in a Senate election shall be taken to be in accordance with the order of the count as a result of which they were elected, the candidates (if any) elected on the count of first preference votes being taken to be the earliest elected; and

(b) where 2 or more candidates are elected as a result of the same count, the order in which they shall be taken to have been

elected shall be in accordance with the relative numbers of their votes, the candidate with the largest number of votes being taken to be the earliest elected, but if any 2 or more of those candidates each have the same number of votes, the order in which they shall be taken to have been elected shall be taken to be in accordance with the relative numbers of their votes at the last count before their election at which each of them had a different number of votes, the candidate with the largest number of votes at that count being taken to be the earliest elected, and if there has been no such count the Australian Electoral Officer for the State shall determine by lot the order in which they shall be taken to have been elected.

(21) Subject to subsections (22) and (23), where, after any count under this section, 2 or more candidates have surplus votes, the order of any transfers of the surplus votes of those candidates shall be in accordance with the relative sizes of the surpluses, the largest surplus being transferred first.

(22) Subject to subsection (23), where, after any count under this section, 2 or more candidates have equal surpluses, the order of any transfers of the surplus votes of those candidates shall be in accordance with the relative numbers of votes of those candidates at the last count at which each of those candidates had a different number of votes, the surplus of the candidate with the largest number of votes at that count being transferred first, but if there has been no such count the Australian Electoral Officer for the State shall determine by lot the order in which the surpluses shall be dealt with.

(23) Where, after any count under this section, a candidate obtains surplus votes, those surplus votes shall not be transferred before the transfer of any surplus votes obtained by any other candidate on an earlier count.

(25) Where a candidate is elected by reason that the number of first preference votes received by the candidate, or the aggregate of first preference votes received by the candidate and all other votes obtained by the candidate on transfers under this section, is equal

to the quota, all the ballot papers expressing those votes shall be set aside as finally dealt with.

(26) A ballot paper shall be set aside as exhausted where on a transfer it is found that the paper expresses no preference for any continuing candidate.

(27) In any case to which subsection 239(4) applies, a vote indicated on a ballot paper in a square corresponding with the name of a deceased candidate shall be counted to the candidate next in the order of the voter's preference, and the numbers indicating subsequent preferences shall be deemed to be altered accordingly.

(28) For the purposes of this section:

(a) a transfer under subsection (9), (10) or (14) of all the surplus votes of an elected candidate;

(b) a transfer under paragraph (13AA)(a) of all ballot papers of an excluded candidate or excluded candidates, received by that candidate, or one of those candidates:

(i) as the first preference vote; or

(ii) on distribution from another excluded candidate at a transfer value of 1 vote; or

(c) a transfer under paragraph (13AA)(b) of all ballot papers received by the excluded candidate or candidates, as the case may be, at a particular transfer value;

each constitutes a separate transfer.

(29) In this section:

adjusted notional vote, in relation to a continuing candidate, means, in a case where a candidate or candidates has or have been elected, the sum of:

(a) the number of notional votes of the continuing candidate; and

(b) the number, before the transfer of any of the surplus votes, of those surplus votes.

continuing candidate means a candidate not already elected or excluded from the count.

leading shortfall, in relation to a particular stage during the scrutiny in a Senate election, means the shortfall of the continuing candidate standing highest in the poll at that stage.

notional vote, in relation to a continuing candidate, means the aggregate of the votes obtained by that candidate and the votes obtained by each other candidate who stands lower in the poll than him or her.

relative order of standing, at a particular time, of 2 continuing candidates with the same number of votes in a Senate election for a State means:

(a) the relative order of standing of those candidates by reference to the last count at which they had a different number of votes, with the candidate with the greater number of votes at that count having a higher relative order of standing than the other candidate; or

(b) if those candidates are in an unbreakable tie at that time—the relative order of standing of those candidates by reference to the order of standing determined under subsection (29A) in relation to the unbreakable tie.

shortfall, in relation to a continuing candidate at a particular stage during the scrutiny in a Senate election, means the number of votes that the candidate requires at that stage in order to reach the quota referred to in subsection (8).

State includes Territory.

unbreakable tie: 2 or more continuing candidates who have the same number of votes in a Senate election at a particular time are in an ***unbreakable tie*** at that time if:

(a) they had the same number of votes at every count before that time; or

(b) there was no count before that time.

vacancy shortfall, in relation to a particular stage during the scrutiny in a Senate election, means the aggregate of the shortfalls of that number of leading candidates equal to the number of remaining unfilled vacancies, the leading candidates being ascertained by taking the continuing candidate who stands highest

in the poll, the continuing candidate who stands next highest in the poll, and so on in the order in which the continuing candidates stand in the poll.

(29A) If, at a particular time, 2 or more continuing candidates in a Senate election for a State are in an unbreakable tie, the Australian Electoral Officer for the State must determine by lot the order of standing of those candidates relative to each other at that time.

(30) In this section, a reference to votes, or ballot papers, as the case may be, of or obtained or received by a candidate includes votes, or ballot papers, as the case may be, obtained or received by the candidate on any transfer under this section.

(31) For the purposes of this section, at any time after the counting of first preference votes the order of standing of the continuing candidates in the poll shall be determined as follows:

(a) subject to paragraphs (b) and (c), the continuing candidates shall stand in the poll in the order of the relative number of votes of each continuing candidate, with the continuing candidate with the greatest number of votes standing highest in the poll and the continuing candidate with the fewest number of votes standing lowest in the poll;

(b) if 2 continuing candidates have the same number of votes at that time—those candidates are to stand in the poll in their relative order of standing at that time;

(c) if 3 or more continuing candidates have the same number of votes at that time—those candidates are to stand in the poll in the order determined in accordance with subsection (31A).

(31A) For the purposes of paragraph (31)(c), if 3 or more continuing candidates (the ***tied candidates***) have the same number of votes at a particular time, the tied candidates are to stand in the poll in the order determined by:

(a) identifying each possible combination of 2 tied candidates; and

(b) for each combination of 2 tied candidates identified under paragraph (a), working out the relative order of standing, at that time, of those 2 candidates; and

(c) ranking all of the tied candidates such that:

(i) the tied candidate who has a higher relative order of standing, at that time, than each other tied candidate stands highest in the poll; and

(ii) a tied candidate who has a higher relative order of standing, at that time, than another tied candidate stands higher in the poll than that other candidate; and

(iii) the tied candidate who does not have a higher relative order of standing, at that time, than any other tied candidate stands lowest in the poll.

(32) When the last vacancy is filled, the scrutiny shall immediately cease and any exclusion in progress shall not be completed.

273A Computerised scrutiny of votes in Senate election

Determination that computerised scrutiny applies

(1) The scrutiny of votes in a Senate election for a particular State or Territory may be conducted by complying with the requirements set out in this section.

Processing of ballot papers received by Australian Electoral Officer

(4) The Australian Electoral Officer must scrutinise all the ballot papers received by him or her under paragraph 273(3)(d), and must reject the informal ones.

Determining election result

(5) The Australian Electoral Officer must then ascertain the successful candidates, and their order of election, by using a computer to apply the principles set out in subsections 273(8) to (13AA) and subsections 273(14) to (32). A tie at any step in the process is to be resolved in the same way as a tie in the corresponding step is resolved under section 273.

Rights of scrutineers

(6) Subject to subsections (6AA) and (6AB), for proceedings under section 273 and subsections (4) and (5) of this section, the

requirements of paragraph 265(1)(c) are met if the scrutineers have access to:

(a) a record of the preferences on the ballot papers that have been received by the Australian Electoral Officer and whose details have been stored in the computer (including informal ballot papers, and formal ballot papers that are not sequentially numbered); and

(b) a record of the ballot papers that are notionally transferred, or exhausted, at each count; and

(c) a record of the progress of the count of the votes, at each count.

(6AA) A scrutineer who is present at proceedings under section 273 and subsections (4) and (5) of this section may ask the officer conducting the scrutiny for access to an original ballot paper for the purposes of resolving a question about:

(a) the formality of the original ballot paper; or

(b) a preference vote being counted in the scrutiny.

(6AB) If, under subsection (6AA), a scrutineer asks an officer for access to an original ballot paper for the purposes of resolving a question of a kind referred to in that subsection:

(a) the officer must grant the request unless, in the opinion of the Australian Electoral Officer, granting the request would:

(i) unreasonably delay the scrutiny; and

(ii) put at risk the writ for the election being returned before the start of the term of service of the successful candidates; and

(b) if the officer grants the request—the question is to be resolved by reference to the original ballot paper.

Note: The Australian Electoral Officer may form the opinion that granting a scrutineer's request under subsection (6AA) would unreasonably delay the scrutiny because, for example, the scrutineer has made multiple unreasonable, frivolous or vexatious requests under that subsection and the Australian Electoral Officer has warned the scrutineer that further requests under that subsection may not be granted because they would unreasonably delay the scrutiny.

Statements setting out numbers of ballot papers

(6A) After complying with subsections (4) and (5), the Australian Electoral Officer must make, sign and keep a copy of a statement (which may be countersigned by any scrutineers who are present if they so desire) setting out the number of ballot papers scrutinised by the officer under those subsections.

Modified rules for re-count

(7) If ballot papers that are to be re-counted under section 278 are in the possession of the Australian Electoral Officer immediately before the re-count begins, the Australian Electoral Officer must deal with those ballot papers as follows:

(a) open the containers (for those ballot papers that are in containers) in the presence of a person appointed or engaged under the *Public Service Act 1999* and of any scrutineer who attends;

(b) scrutinise all the ballot papers, and make a decision on each one either to admit it or reject it;

(c) after scrutinising all the ballot papers, restore the ones that were in containers to their original containers, and place the remaining ballot papers in one or more containers;

(d) seal up all the containers and write on each container:

(i) the number of ballot papers in the container; and

(ii) a statement that all the ballot papers have been the subject of decisions by the Australian Electoral Officer;

(e) sign each container and permit other persons who were present when the ballot papers were scrutinised to add their signatures.

(8) If:

(a) a re-calculation by computer occurs following a re-count; and

(b) during the re-calculation, the same tie that occurred on the previous calculation by computer occurs again;

for the purposes of the re-calculation that tie is to be resolved in favour of the candidate in whose favour it was resolved during the previous calculation.

(9) If a re-count is required under section 282, the Australian Electoral Officer must conduct the re-count by using a computer to apply the principles set out in subsections 273(8) to (13AA) and subsections 273(14) to (30), modified in the way set out in section 282.

273AA Assurance of security of computer systems for scrutiny of votes in Senate election

(1) The Electoral Commissioner must arrange for an independent person or body (the ***accredited assessor***) accredited by the Australian Signals Directorate to conduct a risk assessment (a ***security risk assessment***) of the security of the computer systems (including the systems for scanning ballot papers and counting votes) used to scrutinise the votes in a Senate election for a particular State or Territory in compliance with section 273A.

(2) A security risk assessment of the computer systems required by subsection (1) must be conducted before the next Senate election for which the computer systems are to be used.

(3) After a security risk assessment of the computer systems has been completed, the accredited assessor must give a written report of the assessment to the Electoral Commissioner. The report may include recommendations to reduce or eliminate any risks that could affect the security of the computer systems.

(4) As soon as practicable after the Electoral Commissioner receives the report of a security risk assessment of the computer systems under subsection (3), the Electoral Commissioner must publish a statement of assurance on the Electoral Commission's website stating that a security risk assessment of the computer systems has been completed as required by subsection (1).

273AB Assurance of accuracy of counting software for scrutiny of votes in Senate election

(1) The Electoral Commissioner must arrange for an independent and appropriately qualified person or body (the ***assessor***) to conduct an assessment of whether the software (the ***counting software***) to be used by a computer to scrutinise the votes in a Senate election for a

particular State or Territory in compliance with section 273A distributes preferences and elects candidates in accordance with the requirements of this Act.

(2) The assessment of the counting software must be conducted before the next Senate election for which the software is to be used.

(3) The assessor must give a written report of the assessment to the Electoral Commissioner. The report may include recommendations in relation to the accuracy of the counting software, including in relation to its use or any variations required to improve or ensure its accuracy.

(4) As soon as practicable after the Electoral Commissioner receives the report under subsection (3), the Electoral Commissioner must publish a statement on the Electoral Commission's website stating:

(a) that an assessment of the accuracy of the counting software has been completed as required by subsection (1); and

(b) whether the accuracy of the counting software is assured to the appropriate standard.

(5) Not earlier than 7 days before the Senate election for which the counting software is to be used, the Electoral Commissioner must publish on the Electoral Commission's website a statement verifying that the version of the counting software to be used to scrutinise the votes in the election is the version of the software that was assessed and assured under this section before the election.

(6) Within 7 days after the return of the writ for the Senate election for which the counting software was used, the Electoral Commissioner must publish on the Electoral Commission's website a statement verifying that the version of the counting software that was used to scrutinise the votes in the election was the version of the software that was assessed and assured under this section before the election.

(7) If variations of the version of the counting software that was used to scrutinise the votes in the election were made after that version was assessed and assured under this section, the statement under subsection (6) must also include:

(a) a description of the variations; and
(b) the reasons for the variations.

273AC Ballot paper sampling assurance throughout computerised scrutiny of votes in Senate election

(1) This section applies if the scrutiny of votes in a Senate election for a particular State or Territory is, or is to be, conducted in compliance with section 273A.

(2) The Electoral Commissioner must arrange for statistically significant samples of ballot papers to be checked throughout the scrutiny of votes for the election to assure that the electronic data used in counting the votes reflects the data recorded on the ballot papers.

(3) The Electoral Commissioner must ensure that:
(a) if the election was held concurrently with a general election for the House of Representatives—at least 5,000 ballot papers in total are checked under subsection (2) throughout the scrutiny of votes for the election and for the other Senate elections that were held concurrently with that general election; or
(b) if the election was held alone—at least 1,000 ballot papers are checked under subsection (2) throughout the scrutiny of votes for the election.

(4) The ballot paper sampling process is not part of the scrutiny in relation to the election.

(5) The ballot paper sampling process may be inspected by the scrutineers at the counting centre where the scrutiny is being conducted.

(6) Before the polling day for the election, the Electoral Commissioner must publish on the Electoral Commission's website:
(a) the methodology to be used for the ballot paper sampling process; and
(b) the process to be used for reconciling preferences.

(7) Within 14 days after the return of the writ for the election, the Electoral Commissioner must publish on the Electoral Commission's website a statement setting out the outcomes of the ballot paper sampling process.

(8) In this section:

counting centre means the premises where the scrutiny or counting of ballot papers is being conducted.

273B Combination of manual and computer scrutiny permitted

A scrutiny of votes for a Senate election may be conducted partly under section 273 and partly under section 273A, as long as the requirements of at least one of those sections are met in respect of the scrutiny for that election.

274 Scrutiny of votes in House of Representatives elections

(1) In a House of Representatives election the scrutiny shall, subject to section 266, be conducted in the manner set out in this section.

(2) Each Assistant Returning Officer shall, in the presence of a polling official, and of such authorized scrutineers as may attend, do the following:

(a) exhibit for the inspection of the scrutineers:

(i) each ballot-box received from a presiding officer or mobile polling team leader; and

(ii) each pre-poll ordinary ballot-box (within the meaning of Division 3 of Part XVA) received from a voting officer (within the meaning of that Division);

(aa) record the condition of the ballot-box when it was received;

(ab) open the ballot-box and remove the ballot papers from the box;

(ac) for a pre-poll ordinary ballot-box being dealt with before the close of the poll in accordance with subsection (2AA)—unfold the ballot papers and sort them into groups as follows:

(i) a group for each candidate for whom a ballot paper indicates a first preference;

(ii) a group for informal votes;

(b) count:
  (i) the number of ballot papers with first preference votes marked for each candidate; and
  (ii) the number of informal ballot papers, and reject those papers;
(c) bundle up the ballot papers in accordance with the directions of the Electoral Commissioner;
(d) make out and sign a statement (which may be countersigned by a polling official, and, if they so desire, by such scrutineers as are present) setting out the number of first preference votes given for each candidate, and the number of informal ballot papers;
(f) transmit the following information, in an expeditious manner, to the Divisional Returning Officer:
  (i) the number of first preference votes given for each candidate; and
  (ii) the total number of ballot papers rejected as informal;
(g) record on each bundle a description of the contents;
(ga) seal up the bundles in a securely fastened container in accordance with the directions of the Electoral Commissioner, and endorse on each container a description of the contents of the container, and permit any scrutineers present to countersign the endorsement;
(h) transmit the container to the Divisional Returning Officer with the least possible delay, together with the statement specified in paragraph (d).

(2AA) The actions set out in paragraphs (2)(a), (aa), (ab) and (ac) may be taken in relation to a pre-poll ordinary ballot-box after 4 pm on polling day. A scrutineer present while the actions are being taken is not entitled to object to a ballot paper before the closing of the poll, but may after the closing make any objections as if the ballot-box had not been dealt with under this subsection.

Note: The actions set out in paragraphs (2)(a), (aa), (ab) and (ac) do not including counting (see paragraph (2)(b)).

(2A) If, in a House of Representatives election, there are more than 2 candidates for a Division, the Australian Electoral Officer for the State or Territory that includes the Division must, in writing, direct

each Assistant Returning Officer for the Division, and the Divisional Returning Officer for the Division, to conduct a count of preference votes (other than first preference votes) on the ballot papers that, in the opinion of the Australian Electoral Officer, will best provide an indication of the candidate most likely to be elected for the Division.

(2B) An Assistant Returning Officer to whom a direction is given under subsection (2A) must:

(a) count the preference votes in accordance with the direction; and

(b) transmit to the Divisional Returning Officer any information required by the direction;

in the manner specified in the direction.

(2C) A Divisional Returning Officer to whom a direction is given under subsection (2A) must count the preference votes in accordance with the direction:

(a) at the time of the fresh scrutiny under subsection (7); and

(b) at the time at which the Divisional Returning Officer examines and counts ballot papers recording declaration votes other than ballot papers recording declaration votes that were examined and counted at the time of the fresh scrutiny.

(3) The Divisional Returning Officer shall open all ballot-boxes not opened by an Assistant Returning Officer, and shall conduct the scrutiny of the ballot papers contained therein in the manner aforesaid as far as applicable.

(4) The Divisional Returning Officer shall, in the manner prescribed by this Act or the Regulations, examine, count, and deal with all ballot papers used for casting declaration votes.

(7) The Divisional Returning Officer:

(a) shall open the containers of ballot papers received from the Assistant Returning Officers in or for the Division;

(b) shall make a fresh scrutiny of the ballot papers, and, for the purpose of that scrutiny, shall have the same powers as if it were the original scrutiny, and may reverse any decision

given by an Assistant Returning Officer in relation to the original scrutiny;

(c) from the result of the scrutiny of the votes counted under the provisions of subsections (3) and (4), and the fresh scrutiny conducted under the provisions of this subsection, shall ascertain the total number of first preference votes given for each candidate and the number of informal ballot papers; and

(ca) must then proceed with the scrutiny and the counting of the votes as follows:

(i) if, after ascertaining the first preference votes given for each candidate, no candidate has an absolute majority of votes, the Divisional Returning Officer must apply subsection (7AA);

(ii) if, after ascertaining the first preference votes given for each candidate, a candidate has an absolute majority of votes, that candidate is elected; and

(d) if, after applying subsection (7AA), subparagraph (7AA)(b)(i) applies, shall proceed with the scrutiny and the counting of the votes as follows:

(i) the candidate who has received the fewest first preference votes shall be excluded, and each ballot paper counted to the candidate shall be counted to the candidate next in the order of the voter's preference;

(ii) the process of excluding the candidate who has the fewest votes, and counting each of his or her ballot papers to the unexcluded candidate next in the order of the voter's preference, shall be repeated until only 2 candidates remain in the count; and

(iii) if, following the exclusion of candidates under this paragraph, a candidate has an absolute majority of votes, that candidate shall be elected.

(7AA) If, after ascertaining the total number of first preference votes for each candidate under paragraph (7)(ca), no candidate has an absolute majority of votes, the Divisional Returning Officer must take the following steps:

(a) rank the candidates consecutively in order of their standing in the poll as set out in subsection (7AB);

(b) then:

(i) if the total number of first preference votes for all the candidates, other than the first and second ranked candidates, is equal to or more than the number of first preference votes for the second ranked candidate—proceed with the scrutiny as set out in paragraph (7)(d); or

(ii) if the total number of first preference votes for all the candidates, other than the first and second ranked candidates, is less than the number of first preference votes for the second ranked candidate—exclude all the candidates other than the first and second ranked candidates;

(c) if subparagraph (b)(ii) applies—count each ballot paper of an excluded candidate to whichever of the first or second ranked candidates is earlier in the order of preference expressed on the ballot paper.

(7AB) The ranking of candidates under paragraph (7AA)(a) is to be done as follows:

(a) the candidate with the highest number of first preference votes is to be the first ranked candidate, the candidate with the second-highest number of votes is to be the second ranked candidate, and so on;

(b) if 2 or more candidates have an equal number of first preference votes, the ranking as between those candidates is to be decided, by lot, by the Divisional Returning Officer.

(7AC) If, following the exclusion of candidates under subparagraph (7AA)(b)(ii) and the count of ballot papers under paragraph (7AA)(c), a candidate has an absolute majority of votes, that candidate is elected.

(7A) The fresh scrutiny referred to in paragraph (7)(b) shall, if the Australian Electoral Officer for the State or Territory that includes the relevant Division so directs in writing, include a scrutiny of such preferences (other than first preferences), on such of the ballot papers, as are required by the direction, and shall be conducted in the manner specified in the direction.

(9) If, on any count other than the final count:

(a) 2 or more candidates (***lowest ranking candidates***) have an equal number of votes; and

(b) one of them has to be excluded;

the candidate to be excluded is the candidate with less votes than any of the other lowest ranking candidates at the last count at which one of those candidates had less votes than any of the others, but, if there has been no such count, the Divisional Returning Officer must decide by lot which of them is to be excluded.

(9A) If, in the final count, 2 or more candidates have an equal number of votes, the Divisional Returning Officer shall make a fresh scrutiny of the votes scrutinised under subsection (7) and a fresh scrutiny of all declaration ballot papers rejected at the preliminary scrutiny.

(9B) If, after the fresh scrutinies referred to in subsection (9A), a candidate has received an absolute majority of votes, that candidate shall be elected.

(9C) If, after the fresh scrutinies referred to in subsection (9A), 2 or more candidates have an equal number of votes, the Divisional Returning Officer shall give to the Electoral Commissioner written notice that the election cannot be decided.

(10) In this section an absolute majority of votes means a greater number than one-half of the whole number of ballot papers other than informal ballot papers.

(12) The Divisional Returning Officer shall:

(a) place in a separate parcel all the ballot papers which have been rejected as informal;

(b) place in a separate parcel all the unrejected ballot papers; and

(c) seal up the parcels and endorse on each parcel a description of the contents, and permit any scrutineers present, if they so desire, to countersign the endorsement.

275 Scrutiny prior to receipt of declaration ballot papers

Where the Australian Electoral Officer, in the case of a Senate election, or the Divisional Returning Officer, in the case of a House of Representatives election, is satisfied that the votes:

(a) on any ballot papers issued at some remote polling place in connexion with the election which have not been received by the Divisional Returning Officer; or

(b) on ballot papers used for casting declaration votes and not dealt with under section 266;

cannot, having regard to the number of those ballot papers, possibly affect the result of the election, the Australian Electoral Officer, in the case of a Senate election, or the Divisional Returning Officer, in the case of a House of Representatives election, may, subject to the concurrence of the Electoral Commissioner, proceed with the scrutiny without awaiting the receipt of the ballot papers, or completing the action, as the case may be.

276 Provisional scrutiny

(1) Where a Divisional Returning Officer in a House of Representatives election has counted all votes on ballot papers (other than ballot papers referred to in paragraph 275(b)) and section 275 does not apply, he or she may, if directed to do so by the Australian Electoral Officer, proceed, in a manner specified in the directions, with a scrutiny of second and later preferences shown on the ballot papers.

(2) If the Divisional Returning Officer in a House of Representatives election did not proceed with a scrutiny under paragraph 274(7)(d) because subparagraph 274(7AA)(b)(ii) applied, the Divisional Returning Officer must, when directed by the Australian Electoral Officer, proceed with the scrutiny and the counting of the votes as set out in subparagraphs 274(7)(d)(i) and (ii).

277 Scrutiny for information

After a candidate is elected in accordance with subsection 274(7) in a House of Representatives election, the Electoral Commission may, for the purpose of obtaining information, give the Divisional Returning Officer who conducted the scrutiny directions for the examination of the second and later preferences of candidates and for the distribution of those preferences in a manner specified in

the directions, and the Divisional Returning Officer shall comply with those directions.

278 Re-count at Senate elections

(1) At any time before the declaration of the result of a Senate election the Australian Electoral Officer may, on the written request of any candidate setting forth the reasons for the request, or of the officer's own motion, direct or conduct a re-count of the ballot papers contained in any parcel or in any other category determined by the Australian Electoral Officer.

(2) If the Australian Electoral Officer refuses a request of a candidate under subsection (1), the candidate may, in writing, appeal to the Electoral Commissioner to direct a re-count of the ballot papers to which the request relates, and the Electoral Commissioner has a discretion either to direct a re-count of the ballot papers or refuse to direct a re-count.

279 Re-count at House of Representatives elections

At any time before the declaration of the result of a House of Representatives election the Divisional Returning Officer may, on the request of any candidate setting forth the reasons for the request, or of the officer's own motion, and shall, if so directed by the Electoral Commissioner or the Australian Electoral Officer, re-count the ballot papers contained in any parcel or in any other category determined by the Australian Electoral Officer or the Electoral Commissioner.

279A Notice of re-count

Before re-counting any ballot papers, the DRO shall send to each candidate notice of the date, time and place fixed for the re-count.

279B Conduct of re-count

(1) At the time and place fixed for the re-count and in the presence of any scrutineers who attend and of a person appointed or engaged under the *Public Service Act 1999*, the DRO shall open every

sealed parcel of ballot papers to be re-counted and count the votes in the parcel.

(2) A parcel containing ballot papers to be re-counted shall be opened without destroying or rendering illegible any writing on the parcel and the contents of the parcel shall not be allowed to become mixed with ballot papers from any other parcel.

(3) After the votes in a parcel have been counted, the DRO shall replace the ballot papers in their original cover, reseal and refasten the cover, place the resealed parcel in a new cover, and seal and fasten the new cover.

(4) The DRO shall write on the new cover a statement of the fact and date of the re-count of the votes in the cover and, along with such of the persons present who choose to add their signatures, shall sign the statement.

(5) The DRO shall place any ballot papers reserved for the decision of the Australian Electoral Officer in a sealed and fastened parcel bearing the signatures of the DRO and the scrutineers who choose to add their signatures and a note of the number of ballot papers in the parcel, the name of the Division and the date.

(6) The DRO shall place the parcel in a sealed and fastened outer cover addressed to the Australian Electoral Officer and, without delay, send the parcel to the Australian Electoral Officer by hand, registered post or courier service.

(7) The Australian Electoral Officer shall open the parcel in the presence of a person appointed or engaged under the *Public Service Act 1999* and of any scrutineer who attends and shall:

(a) scrutinise the ballot papers; and

(b) mark each ballot paper “admitted” or “rejected” according to his or her decision.

(8) After scrutinising all the ballot papers, the Australian Electoral Officer shall restore them to their original cover, refasten and reseal the cover, and write on the cover:

(a) the number of ballot papers contained in the cover; and

(b) a statement that all ballot papers have been the subject of decisions by him or her.

(9) The Australian Electoral Officer shall sign the cover, along with such other persons present when the ballot papers were scrutinised as choose to add their signatures.

(10) The Australian Electoral Officer shall then enclose the parcel in a new cover, fasten and seal the cover and send the parcel to the DRO by hand, registered post or courier service.

(11) The Australian Electoral Officer shall inform the DRO in writing of the numbers of ballot papers admitted or rejected by him or her, and the DRO shall complete the re-count on the basis of the Australian Electoral Officer's decision.

(12) The receipt of a parcel of ballot papers by the DRO or the Australian Electoral Officer shall be acknowledged in writing.

280 Powers of officer conducting re-count

The officer conducting a re-count shall have the same powers as if the re-count were the scrutiny, and may reverse any decision in relation to the scrutiny as to the allowance and admission or disallowance and rejection of any ballot paper.

281 Reservation of disputed ballot papers

(1) The officer conducting a re-count may, and at the request of any scrutineer shall, reserve any ballot paper for the decision of the Australian Electoral Officer.

(2) The Australian Electoral Officer shall decide whether any ballot paper so reserved is to be allowed and admitted or disallowed and rejected.

(3) In the event of the validity of the election being disputed, the Court of Disputed Returns may consider any ballot papers which were reserved for the decision of the Australian Electoral Officer, but shall not order any further re-count of the whole or any part of the ballot papers in connexion with the election unless it is satisfied that the re-count is justified.

282 Re-count of Senate votes to determine order of election in other circumstances

(1) Where the scrutiny in an election of Senators for a State held following a dissolution of the Senate under section 57 of the Constitution has been completed, the Australian Electoral Officer for that State shall conduct a re-count of the ballot papers in the election in accordance with subsections 273(7) to (30) (inclusive) as if:

(a) in subsection 273(8) "half" were inserted before "the number of candidates"; and

(b) the only names of candidates appearing on the ballot papers were the names of the candidates elected at the election and the numbers indicating preferences had been altered accordingly.

(2) Sections 280 and 281 do not apply in relation to a re-count under subsection (1).

(3) The result obtained in a re-count under subsection (1) in relation to a Senate election shall not affect the result of that election.

(4) Where, in a Senate election:

(a) an elector has marked a ballot paper according to subsection 239(2) or paragraph 269(1)(b); and

(b) the elector has also marked the ballot paper in such a way that, had it not been marked according to subsection 239(2) or paragraph 269(1)(b), the ballot paper would have been informal;

the ballot paper shall be treated, for the purposes of this section, as if the only marking on the ballot paper were the marking according to subsection 239(2) or paragraph 269(1)(b).

Part XIX—The return of the writs

283 Return of writ for election of Senators

(1) In elections for the Senate, the Australian Electoral Officer shall, as soon as conveniently may be after the result of the election has been ascertained:

(a) at the place of nomination, or at another place determined by the Australian Electoral Officer for the State or Territory concerned, declare the result of the election and the names of the candidates elected;

(b) certify in writing the names of the candidates elected and attach the certificate to the writ; and

(c) return the writ and the certificate to:

(i) the Governor of the State in respect of which it was issued; or

(ii) the Governor-General if it was not issued in respect of a State.

283A Publication of Senate election data

Within 7 days after the return of the writ for a Senate election for a State or Territory, the Australian Electoral Officer for the State or Territory must publish on the Electoral Commission's website:

(a) the following identifying information for each formal ballot paper cast in the election:

(i) the Division;

(ii) the vote collection point;

(iii) the batch number and ballot paper number within the batch;

(iv) the full set of marked preferences; and

(b) the distribution of preferences received by each candidate for the State or Territory after each count under section 273 in the election.

284 Declaration of poll and return of writs for House of Representatives

(1) As soon as practicable after it has been ascertained that a candidate in a House of Representatives election has been elected, the Divisional Returning Officer shall, at the place of nomination or another place determined by the Australian Electoral Officer for the State or Territory concerned, publicly declare the name of the candidate.

(2) Where the Divisional Returning Officer:

(a) is satisfied that certain ballot papers, issued at some remote polling place in connexion with the election, cannot reach the Divisional Returning Officer for the purpose of the scrutiny without unduly delaying the declaration of the poll, or

(b) cannot complete the inquiries required by section 266 without unduly delaying the declaration of the poll, and

(c) in either case, is satisfied that the votes recorded on those ballot papers could not possibly affect the result of the election;

the Divisional Returning Officer may, subject to the concurrence of the Electoral Commissioner, declare the result of the election without awaiting the receipt of the ballot papers or the completion of inquiries, as the case may be.

(2A) As soon as practicable after all votes cast in a House of Representatives election have been dealt with, the Divisional Returning Officer shall send to the Electoral Commissioner a written statement setting out the number of votes received by each candidate in the election.

(3) If, in the case of a general election, all DROs for a State or Territory have made declarations under subsection (1) (other than a DRO who has given notice to the Electoral Commissioner under subsection 274(9C)), the Electoral Commissioner must:

(a) certify in writing the name of each candidate elected for each Division in the State or Territory (other than a Division for which notice under subsection 274(9C) has been given) and attach the certificate to the writ for the election; and

(b) return the writ and the certificate to the Governor-General.

(4) If, in the case of a House of Representatives election, the DRO for the Division in which an election was held has made a declaration under subsection (1), the Electoral Commissioner must:

(a) certify in writing the name of the candidate elected for the Division and attach the certificate to the writ for the election; and

(b) return the writ and the certificate to the Speaker or Governor-General, as the case requires.

285 Correction of errors

(1) Any delay, error, or omission in the printing, preparation, issue, transmission, or return of any roll, writ, ballot papers, certified list of voters or approved list of voters may be remedied, removed, rectified, and supplied by proclamation specifying the matter dealt with, and providing for the course to be followed, and such course shall be valid and sufficient.

(2) For the purposes of subsection (1), a certificate attached to a writ under section 283 or 284 is taken to form part of the writ.

286 Extension of time

Notwithstanding any other provision of this Act, before or after the day appointed for any election the person causing the writ to be issued may, by notice published in the *Gazette*, provide for extending the time for holding the election, or for holding the election in a specified Division, or for returning the writ, or meeting any difficulty which might otherwise interfere with the due course of the election; and any provisions so made shall be valid and sufficient and any date provided for in lieu of a date fixed by the writ shall be deemed to be the date so fixed:

Provided that:

(a) public notice shall be immediately given in the State, Territory or Division for which the election is to be held of any extension of the time for holding the election.

Part XX—Election funding and financial disclosure

Division 1—Preliminary

286A Simplified outline of this Part

This Part deals with the funding of registered political parties and candidates. It also deals with gifts and other financial matters relating to political parties, members of the House of Representatives, Senators, candidates, significant third parties, associated entities, nominated entities and third parties.

Registered political parties and candidates must have agents. Significant third parties, associated entities and nominated entities must nominate financial controllers. Many of the obligations in this Part are imposed on those agents and financial controllers. In some cases, obligations are imposed on registered officers of registered political parties.

Registered political parties, candidates, members of the House of Representatives, Senators, significant third parties, associated entities, nominated entities and third parties must have federal accounts to be used for paying for electoral expenditure or for crediting gifts of money.

Registered political parties and candidates may be entitled to election funding. The election funding is payable in relation to any candidate who received at least 4% of the total formal first preference votes cast in the election. The regulations may provide for payments of an advance on election funding in limited circumstances (broadly, where a registered political party or candidate was entitled to election funding in the most recent election).

Administrative assistance funding may be payable to registered political parties and independent members for quarters in a calendar year.

Broadly, political entities and other entities called “capped expenditure entities” (these are significant third parties, associated entities, nominated entities and third parties) must not incur electoral expenditure above specified caps each calendar year. The caps apply to electoral expenditure generally, and also to electoral expenditure targeted to particular Divisions, States or Territories.

There are also caps that apply in by-election and Senate-only election periods to electoral expenditure on the Division or on the State or Territory to which the election relates.

The caps are indexed each year.

Generally, gifts of at least $1,000 to members of the House of Representatives, Senators, political entities (who are registered political parties and candidates) and significant third parties must not be made by foreign donors (that is, persons who, broadly, do not have a connection to Australia).

Broadly, gifts must not be made to a member of the House of Representatives, Senator, political entity, significant third party, associated entity, nominated entity or third party by a foreign donor for the purpose of incurring electoral expenditure or creating or communicating electoral matter.

Gifts to these persons or entities by other donors that are made for a federal purpose are subject to a cap. Gifts (other than gifts made for the purposes of a by-election or a Senate-only election) are subject to an annual cap for a calendar year. Gifts made for the purposes of a by-election or a Senate-only election are subject to a separate cap during the election period for the election. Gifts may be aggregated with other gifts made by the same donor to related persons or entities if the gifts are made in the same calendar year, or for the purposes of the same by-election or Senate-only election.

In addition, gifts made for a federal purpose by the same person or entity to unendorsed candidates in the same State or Territory are also subject to a cap.

There are obligations to disclose certain gifts made to:

(a) candidates; and

(b) members of the House of Representatives, Senators, registered political parties, State branches, significant third parties, associated entities, nominated entities and third parties.

Each calendar year, registered political parties, candidates, members of the House of Representatives, Senators, significant third parties, associated entities, nominated entities and third parties are required to disclose details relating to amounts received or paid or incurred by the parties, candidates, members, Senators, persons or entities during the year.

287 Interpretation

(1) In this Part, unless the contrary intention appears:

administrative expenditure has the meaning given by section 287AAA.

associated entity means an entity that is registered as an associated entity under section 287L.

Note: See section 287H for when an entity is required to be registered as an associated entity.

Australian resident means a person who holds a permanent visa under the *Migration Act 1958*.

broadcast includes televise.

candidate has a meaning affected by subsection (9).

commercial interest rate, in relation to a loan, means a rate of interest per annum that is at least 1.5 percentage points above:

(a) the cash rate target published by the Reserve Bank of Australia that is in effect on the day the loan is made; or

(b) if the Reserve Bank no longer publishes an interest rate called the cash rate target—the interest rate published by the Reserve Bank that is substantively the same as the cash rate target and is in effect on the day the loan is made.

Note: The cash rate target published by the Reserve Bank is commonly referred to as the cash rate. For details of the cash rate target and other interest rates published by the Reserve Bank, see www.rba.gov.au.

core member of an expenditure group has the meaning given by paragraph 302ALF(1)(a).

credit card means:

(a) any article of a kind commonly known as a credit card; or

(b) any similar article intended for use in obtaining cash, goods or services on credit;

and includes any article of a kind that persons carrying on business commonly issue to their customers or prospective customers for use in obtaining goods or services from those persons on credit.

disclosure threshold means $5,000.

Note: The amount of $5,000 is indexed under section 321AA.

disposition of property means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes:

(a) the allotment of shares in a company;

(b) the creation of a trust in property;

(c) the grant or creation of any lease, mortgage, charge, servitude, licence, power, partnership or interest in property;

(d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any debt, contract or chose in action, or of any interest in property;

(e) the exercise by a person of a general power of appointment of property in favour of any other person; and

(f) any transaction entered into by any person with intent thereby to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of any other person.

division, in relation to a State branch of a political party, includes a branch of the State branch of the political party.

donation disclosure notice means a notice under subsection 303A(1), 303E(1) or 303L(1).

election means an election of a member of the House of Representatives or an election of senators for a State or Territory.

Note: For the meaning of ***election*** when used in Division 4 of this Part, see section 303.

election period, in relation to an election, means the period commencing on the day of issue of the writ for the election and ending at the latest time on polling day at which an elector in Australia could enter a polling booth for the purpose of casting a vote in the election.

electoral expenditure has the meaning given by section 287AB.

entity means:

(a) an incorporated or unincorporated body;

(b) the trustee of a trust.

expenditure group has the meaning given by subsection 302ALF(1).

federal account means an account where:

(a) the only amounts deposited into the account are amounts to be used only for a federal purpose; and

(b) the only amounts withdrawn or transferred from the account are amounts:

(i) withdrawn or transferred for a federal purpose; or

(ii) transferred to another federal account; and

(c) the account is with an ADI within the meaning of the *Banking Act 1959*; and

(d) the account is kept in Australia.

Note: ADI is short for authorised deposit-taking institution.

Example: A federal account of a federal party may be established by the federal party or a State branch of the federal party.

federal administrative account means an account where:

(a) the only amounts deposited into the account are amounts to be used only for a federal administrative purpose; and

(b) the only amounts withdrawn or transferred from the account are amounts:

(i) withdrawn or transferred for a federal administrative purpose; or

(ii) transferred to another federal administrative account; and

(c) the account is with an ADI within the meaning of the *Banking Act 1959*; and

(d) the account is kept in Australia.

Note: ADI is short for authorised deposit-taking institution.

Example: A federal administrative account of a federal party may be established by the federal party or a State branch of the federal party.

federal administrative purpose means the purpose of incurring:

(a) administrative expenditure; or

(b) expenditure to the extent that it would be administrative expenditure if references in subsection 287AAA(1) to a registered political party included references to a political entity, a member of the House of Representatives or a Senator, a third party, or a person or an entity that is (or is required to be registered as) a significant third party, an associated entity or a nominated entity.

Note: See section 287AAA for the definition of ***administrative expenditure***.

federal party means a registered political party that has:

(a) a federal branch; and

(b) 2 or more State branches that are registered political parties.

federal purpose means the purpose of incurring electoral expenditure, or creating or communicating electoral matter.

financial controller, in relation to a person or entity, means (subject to section 292F):

(a) if the person or entity is a company—the secretary of the company;

(b) if the person or entity is the trustee of a trust—the trustee;

(c) in other cases—the person responsible for maintaining the financial records of the person or entity.

financial institution means:

(a) an ADI (within the meaning of the *Banking Act 1959*); or

(b) a bank; or

(c) a building society; or

(d) a credit union.

Note: ADI is short for authorised deposit-taking institution.

financial member, in relation to a registered political party, means a person or entity that pays an annual subscription to the party.

foreign donor has the meaning given by section 287AA.

foreign public enterprise has the meaning given by section 70.1 of the *Criminal Code*.

gift has the meaning given by section 287AAB.

group means a group of 2 or more candidates nominated for election to the Senate who have their names grouped in the ballot papers in accordance with section 168.

group amount for a group means the total amount worked out by multiplying $5 by the number of formal first preference votes given for candidates in the group in the relevant election, based on formal first preference votes counted as at the day mentioned in subsection 293(3).

Note: The dollar amount specified in this definition is indexed under section 321.

head office of an entity means the place of business where central management and control of the entity are exercised.

House of Representatives qualifying day, for a person and a registered political party, has the meaning given by section 302AB.

independent member: a person is an ***independent member*** if the person:

(a) is a member of the House of Representatives or a Senator; and

(b) is not a member of a registered political party.

jointly endorsed group means a group whose candidates are endorsed for a Senate election by more than one registered political party.

journal means a newspaper, magazine or other periodical, whether published for sale or for distribution without charge.

loan means any of the following:

(a) an advance of money;

(b) a provision of credit or any other form of financial accommodation;

(c) a payment of an amount for, on account of, on behalf of or at the request of, a person or entity, if there is an express or implied obligation to repay the amount;

(d) a transaction (whatever its terms or form) which in substance effects a loan of money.

Note: For loans on credit cards, see subsection (10).

nominated entity means an entity registered as the nominated entity of a registered political party under section 287MC.

peak representative body means an entity in respect of which the following conditions are satisfied:

(a) the majority of the entity's income is payments made by the members, branches or affiliates (however described) of the entity;

(b) none of the members, branches or affiliates (however described) of the entity is a natural person except:

(i) an officeholder of the entity who is a non-financial member, branch or affiliate of the entity; or

(ii) a person who is a non-financial member, branch or affiliate of the entity in their capacity as an officeholder of a body corporate or another organisation; or

(iii) an honorary non-financial member, branch or affiliate of the entity;

(c) the entity operates for the sole or dominant purpose of representing the shared interests of the members, branches or affiliates (however described) of the entity;

(d) the majority of the entity's income is not used for the purpose of incurring electoral expenditure or making gifts for the purpose of incurring electoral expenditure;

(e) the entity was formed in Australia, or incorporated by or under a law of the Commonwealth or of a State or a Territory.

Note: A peak representative body represents the shared interests of other organisations, and may also be a significant third party, an associated entity or a third party.

political campaigner: see subsection (11).

polling day, in relation to an election, means the day fixed for polling in the election.

property includes money.

qualifying election has the meaning given by subsection 298J(2).

quarter means a period of 3 months beginning on 1 January, 1 April, 1 July or 1 October.

registered, in relation to an election, means registered, before the day of issue of the writ for the election, under Part XI.

registered industrial organisation means:

(a) an organisation registered under the *Fair Work (Registered Organisations) Act 2009*; or

(b) an association registered or recognised under that Act or under a law of a State or Territory concerning the registration of industrial associations.

regulated entity means:

(a) in section 302CA—a political entity, a significant third party or a third party; and

(b) in section 314B—a political entity, a significant third party, a third party, an associated entity or a nominated entity; and

(c) in sections 314C and 314D—a political entity, a member of the House of Representatives or a Senator, a significant third party, a third party, an associated entity or nominated entity.

scheme (except in section 287E) means:

(a) any agreement, arrangement, understanding, promise or undertaking, whether express or implied and whether or not

enforceable, or intended to be enforceable, by legal proceedings; and

(b) any scheme, plan, proposal, action, course of action or course of conduct, whether unilateral or otherwise.

Senate qualifying day, for a person and a registered political party, has the meaning given by section 302AB.

Senate-only election means a Senate election not held concurrently with a general election.

significant third party means a person or entity that is registered as a significant third party under section 287L.

Note 1: See also subsection (8) of this section and section 287C (entities that have branches or are not incorporated).

Note 2: See section 287F for when a person or entity is required to be registered as a significant third party.

single-party endorsed group means a group whose candidates are endorsed for a Senate election by a single registered political party.

State branch, in relation to a political party, means a branch or division of the party that is organized on the basis of a particular State or Territory.

State or Territory electoral law means a law (including a part of a law) of a State or Territory that deals with electoral matters (within the ordinary meaning of the expression).

State or Territory electoral purpose means a purpose relating to a State, Territory or local government election (and, to avoid doubt, does not include the purpose of incurring electoral expenditure or creating or communicating electoral matter).

third party: a person or entity (except a political entity, a member of the House of Representatives or a Senator) is a third party at a time during a calendar year if:

(a) the amount of electoral expenditure incurred by or with the authority of the person or entity during the year as at that time is more than the third party threshold; and

(b) at that time in the year, the person or entity:

(i) is not required to be registered as a significant third party under section 287F or as an associated entity under section 287H for the year; and

(ii) is not so registered under section 287L; and

(c) the person or entity is not a nominated entity at that time in the year.

Note: See also subsections (8) and (8A) to (8D) and section 287C (entities that have branches or are not incorporated).

third party threshold means $20,000.

Note: The amount of $20,000 is indexed under section 321A.

Transparency Register means the Register of that name established and maintained under section 287N.

(2) Where, under this Part, a claim is to be lodged, a notice is to be given or a return is to be furnished to the Electoral Commission, the claim, notice or return shall be taken to be so lodged, given or furnished if it is lodged at the principal office of the Electoral Commission in Canberra.

(3) A reference in this Part to things done by or with the authority of a political party, a State branch of a political party or a division of a State branch of a political party shall, if the party, branch or division is not a body corporate, be read as a reference to things done by or with the authority of members or officers of the party, branch or division on behalf of the party, branch or division.

(4) A reference in this Part to a political party, other than a reference to the endorsement of a candidate or group in an election, shall be read as not including a reference to a part of the political party.

(4A) In relation to a political party that does not have State branches or that only carries on activities in one State or Territory:

(a) a reference in another Division of this Part (other than Division 2) to a State branch of a political party is a reference to the party; and

(b) a reference to the agent of a State branch of a political party is:

(i) a reference to the agent of the party in respect of the relevant State or Territory; or

(ii) if the party does not have an agent in respect of that State or Territory—a reference to the agent of the party.

(5) For the purposes of this Part, the amount or value of a gift consisting of or including a disposition of property other than money shall, if the regulations so provide, be determined in accordance with principles set out or referred to in the regulations.

(6) For the purposes of this Part:

(a) a body corporate and any other body corporate that is related to the first-mentioned body corporate shall be deemed to be the same person; and

(b) the question whether a body corporate is related to another body corporate shall be determined in the same manner as the question whether a corporation is related to another corporation is determined under the *Corporations Act 2001*.

Branches of significant third parties and third parties

(8) A significant third party or third party that has branches is, for the purposes of this Part, to be treated as a single significant third party or third party.

Note: See also section 287C (entities that are not incorporated).

Entities that are both a significant third party and an associated entity

(8A) If, at a time, an entity is registered as both:

(a) a significant third party; and

(b) an associated entity;

then the entity is, for the purposes of this Part, to be treated at that time as if it were only an associated entity.

Branches of associated entities

(8B) An associated entity that has a branch that is also an associated entity is, for the purposes of this Part, to be treated as a separate associated entity from the branch.

Associated entity that is a body corporate that is related to another body corporate

(8C) If an associated entity is a body corporate that is related to another body corporate, then, despite subsection (6), the associated entity is, for the purposes of this Part, to be treated as a separate person from the other body corporate.

Significant third party or third party that has a branch that is an associated entity

(8D) If a significant third party or a third party has a branch that is an associated entity, then, despite subsection (8), the branch is, for the purposes of this Part, to be treated as separate from the significant third party or third party.

When a person is a candidate

(9) For the purposes of this Part, a person:

(a) begins to be a candidate in an election on the earliest of the following days:

(i) the day the person announced that the person would be a candidate in the election;

(ii) the day the person nominated as a candidate in the election;

(iii) the day the person receives a gift for a federal purpose in relation to the person's campaign as a candidate that exceeds the disclosure threshold;

(iv) the day that the total amount or value of all gifts for a federal purpose received by the person in relation to the person's campaign as a candidate, from the same person or entity, exceeds the disclosure threshold;

(v) the day the person incurs electoral expenditure for the purposes of the person's campaign as a candidate that exceeds the disclosure threshold; and

(b) ceases to be a candidate in an election at the end of 7 days after the polling day in the election.

Note 1: A person may, for example, begin to be a candidate when the person receives a gift as described in subparagraph (a)(iii) of this subsection,

regardless of whether the person has announced the person would be a candidate, or the person nominated as a candidate, in an election.

Note 2: Candidates have certain obligations under this Part in relation to, for example, the expedited disclosure of gifts, the keeping of a federal account and the submission of annual returns (see Division 5). Gifts to candidates may be subject to a gift cap (see Division 3A), and expenditure by candidates may be subject to an electoral expenditure cap (see Division 3AB).

Formal first preference group votes

(9A) To avoid doubt, a formal first preference vote includes a vote given for a group in a square printed on the ballot paper above the line.

Note: A square numbered 1 for a group above the line is taken under section 272 to be a first preference vote for the candidate at the top of the group below the line.

Loans on credit cards

(10) For the purposes of this Part, if credit is provided on a credit card in respect of card transactions, the credit is to be treated as a separate loan for each transaction.

References in other laws to political campaigners

(11) A reference in another law of the Commonwealth to a person or entity registered under this Act as a political campaigner is taken to be a reference to a person or entity registered under this Act as a significant third party.

287AAA Definition of *administrative expenditure*

(1) Subject to subsection (2), ***administrative expenditure***, by a registered political party or an independent member, means the following expenditure to the extent that the expenditure relates, directly or indirectly, to a matter under this Act:

(a) expenditure for the administration or management of the activities of the registered political party or independent member;

(b) expenditure for conferences, seminars, meetings or similar functions at which the policies of the registered political party or independent member are discussed or formulated;

(c) expenditure in respect of auditing of the financial accounts of, or auditing in connection with claims or disclosures under this Part in relation to, the registered political party or independent member;

(d) expenditure on the remuneration of staff engaged in one or more of the matters referred to in paragraphs (a), (b) and (c) for the registered political party or independent member, to the extent that the expenditure relates to the time that the staff are engaged in those matters;

(e) expenditure on the training of staff of the registered political party or independent member in relation to one or more of the matters referred to in paragraphs (a), (b) and (c);

(f) expenditure on equipment (including information technology equipment) or vehicles used by staff whilst engaged in one or more of the matters referred to in paragraphs (a), (b) and (c) for the registered political party or independent member, to the extent that the expenditure related to the use of the equipment or vehicles by the staff whilst engaged in those matters;

(g) expenditure on office accommodation for the staff and equipment referred to in paragraphs (d) and (f);

(h) expenditure on interest payments on loans, to the extent that the loans are in connection with one or more of the matters referred to in paragraphs (a) to (g);

(i) expenditure in relation to complying with obligations under this Act;

(j) expenditure of a kind prescribed by the regulations for the purposes of this paragraph.

Note 1: If expenditure is partially for a matter covered by subsection (1) and partially for another purpose or purposes, then, subject to subsection (2), the expenditure to the extent it is for the matter covered by subsection (1) is administrative expenditure.

Note 3: The sharing of staff between core members of a registered political party's expenditure group is not a gift (see subparagraph 287AAB(3)(m)(i)).

Exceptions

(2) ***Administrative expenditure*** does not include the following:

(a) expenditure incurred for the dominant purpose of creating or communicating particular electoral matter or electoral matter generally;

(b) expenditure to the extent that it is of a kind that is payable or reimbursable by the Commonwealth (except under Division 3AA) to or in relation to a person who is or was a member of the House of Representatives, a Senator or a Minister, because that person is or was such a member, Senator or Minister;

(c) expenditure for a State or Territory electoral purpose;

(d) expenditure of a kind prescribed by the regulations for the purposes of this paragraph.

Note: For the definition of ***State or Territory electoral purpose***, see section 287.

287AA Meaning of *foreign donor*

Each of the following is a ***foreign donor***:

(a) a body politic of a foreign country;

(b) a body politic of a part of a foreign country;

(c) a part of a body politic mentioned in paragraph (a) or (b);

(d) a foreign public enterprise;

(e) an entity (whether or not incorporated) that does not meet any of the following conditions:

(i) the entity is incorporated in Australia;

(ii) the entity's head office is in Australia;

(iii) the entity's principal place of activity is, or is in, Australia;

(f) an individual who is none of the following:

(i) an elector;

(ii) an Australian citizen;

(iii) an Australian resident;

(iv) a New Zealand citizen who holds a Subclass 444 (Special Category) visa under the *Migration Act 1958* (or if that Subclass ceases to exist, the kind of visa that replaces that Subclass).

287AAB Meaning of *gift*

(1) A ***gift*** means any disposition of property made by a person or entity to another person or entity, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service for no consideration or for inadequate consideration.

Note: For ***disposition of property***, see subsection 287(1).

(2) In addition, a ***gift*** includes the following:

(a) an amount paid by a person as a contribution, entry fee or other payment to attend, or otherwise obtain a benefit from, a fundraising venture or function that forms part of the net proceeds of the venture or function (see also section 302CH);

(b) uncharged interest on a loan to a person or entity, being the additional amount that would have been payable by the person or entity if:

(i) the loan had been made on terms requiring the payment of interest at a commercial interest rate; and

(ii) any interest payable had not been waived; and

(iii) any interest payments were not capitalised.

(3) Subject to subsection (4), a ***gift*** does not include the following:

(a) a subscription paid to a political party, to a State branch of a political party or to a division of a State branch of a political party by a person or entity in respect of the person or entity's membership of the party, branch or division;

(b) a subscription paid to an associated entity by a person or entity in respect of the person or entity's membership of the associated entity;

(c) an amount paid to a political party, to a State branch of a political party or to a division of a State branch of a political party by a person or entity in respect of the person or entity's affiliation with the party, branch or division;

(d) an amount paid to an associated entity by a person or entity in respect of the person or entity's affiliation with the associated entity;

(e) an amount paid by a political party to another political party, if:

(i) the parties are related to each other within the meaning of paragraph 123(2)(a) because one party is a part of the other (while not being a State branch of the other); and

(ii) the other is a federal branch;

(f) an annual levy paid to a registered political party or a State branch of a political party by:

(i) a person elected as a member of the House of Representatives or as a Senator; or

(ii) a member of staff of a person elected as a member of the House of Representatives or as a Senator; or

(iii) an employee or elected official of the political party;

(g) a disposition of property (including the provision of a service) made by a core member of a registered political party's expenditure group to another core member of the expenditure group;

Note: See subsection (3A) for an exception to paragraph (g).

(ga) a loan made by a core member of a registered political party's expenditure group to another core member of the expenditure group;

(gb) an amount of uncharged interest on a loan, as mentioned in paragraph (2)(b) of this subsection, if the loan was made by a core member of a registered political party's expenditure group to another core member of the expenditure group;

(h) a disposition of property (including the provision of a service) made by:

(i) a State branch of an associated entity to another State branch of the associated entity; or

(ii) a State branch of an associated entity to a federal branch of the associated entity (or vice versa);

(i) a payment under Division 3 (election funding) or Division 3AA (administrative assistance funding);

(j) a grant of financial assistance made by the Commonwealth;

(k) any visit, experience or activity provided for the purposes of a political exchange program;

(l) the provision of labour by a person acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses);

(m) the provision of labour (including the provision of an asset or piece of equipment to be used by a person in providing the labour, the asset or piece of equipment) shared between:

(i) core members of a registered political party's expenditure group; or

(ii) an associated entity and any branch of the associated entity; or

(iii) an associated entity and core members of a registered political party's expenditure group, if the core members of the group include a registered political party with which the entity is associated;

(n) the provision of labour (including the provision of an asset or piece of equipment to be used by a person in providing the labour, the asset or piece of equipment) shared between 2 political parties if:

(i) the parties are related to each other within the meaning of paragraph 123(2)(a) because one party is a part of the other (while not being a State branch of the other); and

(ii) the other is a federal branch;

(o) the provision, by an associated entity, of office accommodation, an asset or a piece of equipment for the purposes of a campaign in an election, to a core member of a registered political party's expenditure group, if the core members of the group include a registered political party with which the entity is associated;

(p) the provision, by a political party to another political party, of office accommodation, an asset or a piece of equipment for the purposes of a campaign in an election, if:

(i) the parties are related to each other within the meaning of paragraph 123(2)(a) because one party is a part of the other (while not being a State branch of the other); and

(ii) the other is a federal branch;

(q) a bequest;

(r) except as provided by paragraph (2)(b):

(i) a loan made by a financial institution; or

(ii) a loan made by a person or entity at a commercial interest rate;

(s) electoral expenditure incurred by a person or entity for the benefit of another person or entity;

(t) an amount of salary or allowance paid to a member of the Parliament, or a member of the staff of a member of the Parliament, including an amount of salary, remuneration, allowance or expenses payable under:

(i) the Constitution; or

(ii) the *Parliamentary Business Resources Act 2017*; or

(iii) an agreement for employment or engagement referred to in the *Members of Parliament (Staff) Act 1984*;

(u) a gift made to a person who is a candidate, a member of the House of Representatives or a Senator if:

(i) the gift is made in a private capacity to the person for the person's personal use; and

(ii) the person has not used, and does not intend to use, the gift solely or substantially for a purpose related to an election or a by-election;

(v) a gift to a person or entity for a State or Territory electoral purpose that is not paid into a federal account;

(w) a gift received by, or on behalf of, a person or entity registered under the *Australian Charities and Not-for-profits Commission Act 2012* if:

(i) the gift was not made for a federal purpose; and

(ii) the gift was not made for the purpose of reimbursing the person or entity for incurring electoral expenditure or for creating or communicating electoral matter;

(x) an amount paid by a person as a contribution, entry fee or other payment to attend, or otherwise obtain a benefit from, a fundraising venture or function that does not form part of the net proceeds of the venture or function.

Note 1: For ***State or Territory electoral purpose***, see subsection 287(1).

Note 2: There are restrictions regarding the receipt of certain loans (see section 306A).

(3A) Despite paragraph (3)(g), a disposition of property (including the provision of a service) made by a core member of a registered political party's expenditure group to another core member of the expenditure group is a ***gift*** if the disposition is made, for a federal

purpose, by a core member who is a candidate, a member of the House of Representatives or a Senator.

Note: Gifts for a federal purpose are subject to caps (see Division 3A) and expedited disclosure obligations (see Division 4).

(4) Each of the following that is credited to a federal account by a financial controller in relation to a significant third party or an associated entity, or by a third party (including a peak representative body), is a ***gift***:

(a) a subscription paid to the significant third party, associated entity or third party by a person or entity in respect of the person or entity's membership of the significant third party, associated entity or third party;

(b) an amount paid to the significant third party, associated entity or third party by a person or entity in respect of the person or entity's affiliation with the significant third party, associated entity or third party;

(c) an annual levy paid to the significant third party, associated entity or third party by an elected official or employee of the significant third party, associated entity or third party.

Note: Unless this subsection applies, an amount that is covered by paragraph (3)(b) or (d) is not a gift. These kinds of amounts may, up to a limit, be credited to a federal account (see subsection 292FA(4) and section 292FAE).

287AB Meaning of *electoral expenditure*

Dominant purpose of creating or communicating electoral matter

(1) Expenditure is ***electoral expenditure*** if it is incurred for the dominant purpose of creating or communicating electoral matter.

Note 1: For example, expenditure incurred in relation to the communication of electoral matter for which particulars are required to be notified under section 321D is electoral expenditure.

Note 2: Expenditure by a person who creates matter that is covered by an exception under subsection 4AA(5) is not electoral expenditure. However, as each creation or communication of matter is treated as separate matter under subsection 4AA(2), expenditure incurred by another person who communicates the same matter for the dominant purpose referred to in subsection 4AA(1) may be electoral expenditure.

Note 3: For deemed electoral expenditure for significant third parties, see section 287J.

Note 4: For electoral expenditure incurred by a group in a Senate election, see section 302ALB.

(2) Expenditure may be electoral expenditure whether the expenditure is incurred for the dominant purpose of creating or communicating particular electoral matter or electoral matter generally.

Expenditure in relation to an election

(3) Any expenditure incurred by or with the authority of a political entity, a member of the House of Representatives or a Senator, or a person or an entity that is (or is required to be registered as) a significant third party, an associated entity or a nominated entity, is electoral expenditure to the extent that it is in relation to an election.

Note: ***Election*** means an election of a member of the House of Representatives or an election of Senators for a State or Territory (see subsection 287(1)).

Specific electoral expenditure

(3A) Any expenditure incurred by or with the authority of a political entity, a member of the House of Representatives or a Senator, a third party, or a person or an entity that is (or is required to be registered as) a significant third party, an associated entity or a nominated entity, is ***electoral expenditure*** to the extent that it is in relation to an election and also any of the following:

(a) expenditure on electoral matter in the form of advertisements in radio, television, the internet, cinemas, newspapers, billboards, posters, brochures, how-to-vote cards or any other form;

(b) expenditure on the production and distribution of electoral matter;

(c) expenditure on the internet, telecommunications, stationery or postage for the purposes of communicating electoral matter;

(d) expenditure incurred in employing staff engaged in an election campaign;

(e) expenditure incurred for office accommodation for any such staff and candidates;

(f) expenditure on travel and travel accommodation for candidates and staff engaged in an election campaign;

(g) expenditure on research associated with an election campaign (other than in-house research);

(h) expenditure incurred in raising funds for an election;

(i) expenditure of a kind prescribed by the regulations.

Note 1: The expenditure caps in Division 3AB apply in relation to all electoral expenditure unless an exemption in Subdivision G of Division 3AB applies.

Note 2: References to an election mean an election of a member of the House of Representatives or an election of Senators for a State or Territory (see subsection 287(1)).

Note 3: A candidate's staff includes any volunteers.

*Expenditure that is not **electoral expenditure***

(3B) Despite anything else in this section, expenditure is not ***electoral expenditure*** to the extent that it is, or is to be, paid or reimbursed by the Commonwealth (except under Division 3 (election funding)) to or in relation to a person who is or was a member of the House of Representatives, a Senator or a Minister, because that person is or was such a member, Senator or Minister.

(3C) Despite anything else in this section, expenditure is not ***electoral expenditure*** to the extent that it is incurred by a person or entity (the ***service provider***):

(a) in providing a communication service or communication platform that is used to create or communicate electoral matter; or

(b) in providing a service for another person or entity that engaged the service provider, on a commercial basis, to create or communicate electoral matter.

(4) Despite anything else in this section, none of the following is ***electoral expenditure***:

(a) expenditure that is a gift to which Subdivision AA of Division 3A applies;

(b) a disposition of property made by a member of a registered political party's expenditure group to another member of the expenditure group;

(c) a disposition of property made by a political party to a political party to which it is related within the meaning of subsection 123(2);

(ca) expenditure to the extent that it is administrative expenditure;

(cb) expenditure to the extent that it would be administrative expenditure if references in subsection 287AAA(1) to a registered political party included references to a political entity, a member of the House of Representatives or a Senator, a third party, or a person or an entity that is (or is required to be registered as) a significant third party, an associated entity or a nominated entity;

(cc) expenditure incurred in relation to an election other than an election within the meaning of this Part (see subsection 287(1));

(d) expenditure of a kind prescribed by the regulations.

287AC Implied freedom of political communication

This Part does not apply to a person or entity to the extent that any constitutional doctrine of implied freedom of political communication would be infringed if this Part were to apply to the person or entity.

287AD This Part does not have effect of making internal documents of political party enforceable in an Australian court

To avoid doubt, nothing in this Part has the effect of making the constitution, rules, resolutions or other internal documents or decisions (however described) of a political party, in and of themselves, enforceable in an Australian court.

287A Campaign committee to be treated as part of State branch of party

(1) Divisions 4, 5 and 5A apply as if a campaign committee of an endorsed candidate or endorsed group were a division of the

relevant State branch of the political party that endorsed the candidate or the members of the group.

(2) In subsection (1):

campaign committee, in relation to a candidate or group, means a body of persons appointed or engaged to form a committee to assist the campaign of the candidate or group in an election.

endorsed candidate means a candidate who is endorsed by a registered political party.

endorsed group means a group all of the members of which are endorsed by the same registered political party.

relevant State branch, in relation to a political party, means:

(a) if the party has 2 or more State branches—the State branch of the party for the State or Territory in which the election is held; and

(b) in any other case—the party.

287C Entities that are not incorporated

For the purposes of this Act and the Regulatory Powers Act:

(a) expenditure is taken to be incurred by or with the authority of an entity that is not a legal person if the expenditure is incurred by or with the authority of any member, agent or officer (however described) of the entity who, acting in his or her actual or apparent authority, incurred the expenditure; and

(b) a contravention of:

(i) section 287F (requirement to register as a significant third party) that would otherwise have been committed by an entity that is not a legal person; or

(ii) any other provision of this Part that would otherwise have been committed by a significant third party that is not a legal person;

is taken to have been committed by the financial controller of the entity or significant third party; and

(c) a contravention of a provision of this Part that would otherwise have been committed by an entity (except a political entity or a significant third party) that is not a legal person is taken to have been committed by each member, agent or officer (however described) of the entity who, acting in that person's actual or apparent authority, engaged in any conduct or made any omission contributing to the contravention.

Note: See also subsection 287(8) (significant third parties and third parties that have branches).

Division 1A—Registration of significant third parties, associated entities and nominated entities, and the Transparency Register

Subdivision A—Simplified outline of this Division

287D Simplified outline of this Division

A significant third party or associated entity must be registered as such under this Division. A person or entity may be liable to a civil penalty if the person or entity incurs electoral expenditure without being appropriately registered.

Certain entities that are incorporated in Australia may be registered as the nominated entity of a registered political party. Any exchanges between a registered political party and an entity registered as the nominated entity of the party are not gifts (see paragraph 287AAB(3)(g)).

Generally, whether a person or entity is a significant third party depends on the amount of electoral expenditure that the person or entity incurs.

Associated entities are entities that have some kind of connection with registered political parties (such as being controlled by or operating for the benefit of a registered political party).

The Electoral Commissioner must deregister a person or entity that is registered as a significant third party, or as an associated entity, in certain circumstances.

The Electoral Commissioner must deregister a person or entity that is registered as a significant third party, or as an associated entity, in certain circumstances.

The Electoral Commissioner maintains the Transparency Register under this Division.

The Transparency Register contains details reported to the Electoral Commission under this Part, and other public information.

287E Object of this Division

The object of this Division is to provide for the registration of certain persons or entities that are not registered political parties or candidates in elections, and to provide for the Transparency Register, in order to support the transparency of:

(aa) the scheme established by Division 3AB relating to caps on electoral expenditure; and

(a) the scheme established by Division 3A relating to donations; and

(b) the schemes established by Divisions 4 and 5 relating to the disclosure of donations and annual returns; and

(c) the scheme established by Part XXA in relation to the authorisation of electoral matter.

Subdivision B—Requirement to register as a significant third party or associated entity

287F Requirement to register as a significant third party

(1) A person or entity (except a political entity, a member of the House of Representatives or a Senator) must be registered for a calendar year as a significant third party, in accordance with subsection (2), if:

(a) the amount of electoral expenditure incurred by or with the authority of the person or entity during that or any one of the previous 3 calendar years is $250,000 or more; or

(b) the amount of electoral expenditure incurred by or with the authority of the person or entity:

(i) during that calendar year is more than the third party threshold; and

(ii) during the previous calendar year was at least one-third of the revenue of the person or entity for that year; or

(c) during that calendar year the person or entity operates for the dominant purpose of fundraising amounts:

(i) the aggregate of which is more than the third party threshold; and

(ii) that are for the purpose of incurring electoral expenditure or that are to be gifted to another person or entity for the purpose of incurring electoral expenditure.

Note: A person or entity might be taken to have incurred electoral expenditure in a calendar year if the person or entity was required to be registered as a significant third party for a previous financial year but was not so registered (see section 287J).

(2) The person or entity must be registered before the end of 90 days after becoming required to be registered.

(3) A person or entity that is required to be registered under subsection (1) for a calendar year must not:

(a) incur any, or any further, electoral expenditure; or

(b) fundraise any, or any further, amounts for the purpose of incurring electoral expenditure;

in that financial year, after becoming required to be so registered, if the person or entity is not registered as a significant third party.

Note: The financial controller of an entity may contravene this subsection if the entity is not a legal person (see section 287C).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount, or an estimate of the amount, of electoral expenditure incurred in contravention of this subsection (if any), or the amount, or an estimate of the amount, fundraised in contravention of this subsection (if any), or both—3 times that amount.

287H Requirement to register as an associated entity

(1) An entity (except a political entity) must be registered for a calendar year as an associated entity, in accordance with subsection (2), if any of the following apply in that year:

(a) the entity is controlled by one or more registered political parties;

(b) the entity operates wholly, or to a significant extent, for the benefit of one or more registered political parties;

(c) the entity is a financial member of a registered political party;

(d) another person is a financial member of a registered political party on behalf of the entity;

(e) the entity has voting rights in a registered political party;

(f) another person has voting rights in a registered political party on behalf of the entity.

(2) The entity must be registered before the end of 90 days after becoming required to be registered.

(3) An entity that is required to be registered under subsection (1) for a calendar year must not incur any electoral expenditure, or fundraise any amounts for the purpose of incurring electoral expenditure, in that financial year, after becoming required to be so registered, if the entity is not registered as an associated entity.

Note: A member, agent or officer of the entity may contravene this subsection if the entity is not a legal person (see section 287C).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if the court can determine the amount, or an estimate of the amount, of electoral expenditure incurred, or fundraised, in contravention of this subsection—3 times that amount.

287J Expenditure incurred by persons and entities that are not registered when required to be so

(1) For the purposes of this Act, a person or entity is taken to have incurred an amount of electoral expenditure in a calendar year (the ***current calendar year***) if:

(a) the person or entity incurred that amount of electoral expenditure in a previous calendar year; and

(b) as a result of incurring that electoral expenditure, the person or entity was required to be registered as a significant third party in the previous financial year; and

(c) the person or entity was not so registered:

(i) in the previous calendar year; or

(ii) if the person or entity was required to be registered under section 287F and the 90-day period in which the person was required to be registered ended after the end of the previous financial year—by the end of that period.

(2) This section ceases to apply, at the end of the current calendar year, in relation to the amount of electoral expenditure if the person or entity is registered as required as a significant third party in the current financial year.

287K Application for registration

(1) A person or entity may apply to the Electoral Commissioner to be registered as:

(a) a significant third party; or

(c) an associated entity.

(2) The application must:

(a) be in an approved form; and

(b) without limiting paragraph (a):

(i) state the financial controller nominated for the person or entity; and

(ii) for an application to be registered as an associated entity—identify any registered political party with which the entity is associated; and

(c) set out details of each federal account of the person or entity.

287L Determining an application for registration

(1) The Electoral Commissioner must, subject to subsections (2), (3) and (4), register a person or entity in accordance with the person or entity's application under section 287K if the application complies with subsection 287K(2). The Electoral Commissioner must register the person or entity as soon as practicable after receiving the application.

Refusing registration

(2) The Electoral Commissioner must refuse to register a person or entity as a significant third party in accordance with the person or entity's application under section 287K if the person or entity is not required to be so registered under section 287F.

(3) The Electoral Commissioner must refuse to register an entity as an associated entity in accordance with the entity's application under section 287K if the entity is not required to be so registered under section 287H.

(4) The Electoral Commissioner must refuse to register a person or entity in accordance with the person or entity's application under section 287K if the Electoral Commissioner would be required to refuse registration under subsection 129(1) (except under paragraph 129(1)(a)) because of the name of the significant third party or the associated entity assuming that:

(a) the person or entity were applying to be registered as a political party; and

(b) references in that subsection to a "recognised political party", "political party" or "the party" included references to a "significant third party" or "associated entity"; and

(c) references in that subsection to a "registered party" included references to a "significant third party" or "associated entity".

Variation of application

(5) Section 131 (variation of application) applies as if references to an application for the registration of a political party included references to an application for registration under this section.

Review of decisions

(6) Section 141 (review of certain decisions) applies as if:
  (a) a decision under this section to refuse to register a person or entity in accordance with the person or entity's application under section 287K were a reviewable decision; and
  (b) references to a person included references to a significant third party or associated entity.

287LA Deregistration of person or entity as significant third party or associated entity if not required to be registered

Electoral Commissioner may review Transparency Register

(1) The Electoral Commissioner may review the Transparency Register to determine whether:
  (a) a person or entity registered as a significant third party under section 287L is required to be registered as a significant third party under section 287F; or
  (b) an entity registered as an associated entity under section 287L is required to be registered as an associated entity under section 287H.

(2) The Electoral Commissioner may review the Transparency Register under subsection (1) at any time other than during the period that:
  (a) begins on the day a writ for a Senate election or House of Representatives election is issued; and
  (b) ends on the day the writ is returned.

Electoral Commissioner may request further information

(3) For the purposes of reviewing the Transparency Register, the Electoral Commissioner may:

(a) give a written notice to the financial controller of a person or entity that is registered as a significant third party under section 287L requesting specified information in relation to the requirements for the person or entity to be registered as a significant third party under section 287F; or

(b) give a written notice to the financial controller of an entity that is registered as an associated entity under section 287L requesting specified information in relation to the requirements for the entity to be registered as an associated entity under section 287H.

(4) The notice must specify a period within which the information must be provided. The period must not be longer than 30 days after the notice is given.

(5) The financial controller must comply with the notice within the specified period. However, the Electoral Commissioner may extend that period.

Note: If a financial controller fails to comply with a notice, an authorised officer can give them a notice under section 314AN (power of authorised officers to obtain information—compliance).

Deregistration

(6) The Electoral Commissioner must deregister a person or entity as a significant third party if:

(a) the person or entity is registered as a significant third party under section 287L and included on the Transparency Register; and

(b) the Electoral Commissioner is satisfied, on reasonable grounds, that the person or entity is not required under section 287F to be registered as a significant third party.

(7) The Electoral Commissioner must deregister an entity as an associated entity if:

(a) the entity is registered as an associated entity under section 287L and included on the Transparency Register; and

(b) the Electoral Commissioner is satisfied, on reasonable grounds, that the entity is not required under section 287H to be registered as an associated entity.

Notice of intended deregistration

(8) Before deregistering a person or entity under subsection (6) or (7), the Electoral Commissioner must give the financial controller of the person or entity written notice of the Electoral Commissioner's intention to deregister the person or entity.

Review of decisions

(9) Section 141 (review of certain decisions) applies as if:
   (a) a decision under this section to deregister a person or entity as a significant third party, or as an associated entity, were a reviewable decision; and
   (b) references to a person included references to a significant third party or an associated entity.

287M Applications for deregistration

(1) A person or entity that is registered as a significant third party or an associated entity may apply to the Electoral Commissioner to be deregistered.

(2) The application must be in an approved form.

(3) On receiving the application, the Electoral Commissioner must deregister the person or entity as a significant third party or an associated entity if the Commissioner is satisfied that the person or entity no longer meets the requirements for registration as a significant third party or associated entity (as the case requires). Otherwise, the Commissioner must refuse the application.

Review of decisions

(4) Section 141 (review of certain decisions) applies as if:
   (a) a decision under this section to refuse to deregister a person or entity in accordance with the person or entity's application were a reviewable decision; and
   (b) references to a person included references to a significant third party or associated entity.

Subdivision BA—Registration as the nominated entity of a registered political party

287MA Application for registration as the nominated entity of a registered political party

(1) A registered political party may apply to the Electoral Commissioner to register an entity (except a political entity) as the nominated entity of the party.

(2) The application must:

(a) be in an approved form; and

(b) without limiting paragraph (a):

(i) state the name of the financial controller nominated for the entity; and

(ii) include the entity's consent to being registered as the nominated entity of the party, as mentioned in subsection (3); and

(iii) include any other information required by the regulations.

Note: For the nomination of a financial controller for the entity, see section 292E.

Consent to registration

(3) An entity (except a political entity) may give consent in an approved form to being registered as the nominated entity of a registered political party.

287MB Eligibility for registration as the nominated entity of a registered political party

Requirements for registration

(1) An entity is eligible to be registered as the nominated entity of a registered political party if:

(a) the entity is incorporated in Australia; and

(b) the entity has its head office and principal place of activity in Australia; and

(c) the entity operates wholly, or to a significant extent, for the benefit of one or more registered political parties including the registered political party; and

(d) the entity is not a political entity; and

(e) the entity has given consent in accordance with subsection 287MA(3) to being registered as the nominated entity of the party; and

(f) no other entity is registered as the nominated entity of the party; and

(g) the entity is not registered as the nominated entity of any other registered political party.

Note: A registered political party cannot have more than one entity registered as its nominated entity and that entity cannot be registered as the nominated entity of more than one registered political party (see paragraphs (f) and (g)).

Entities that are also associated entities

(2) An entity may be registered both as an associated entity and a nominated entity.

Note: The effect of paragraph (1)(c) of this section and paragraph 287H(1)(b) is that all nominated entities are required to be registered as associated entities.

287MC Decision on application for registration as the nominated entity of a registered political party

Decision on application

(1) If an application is made under section 287MA to register an entity as the nominated entity of a registered political party, the Electoral Commissioner must register the entity accordingly if the application complies with subsection 287MA(2).

(2) Despite subsection (1) of this section, the Commissioner must refuse to register the entity as the nominated entity of the party if the Commissioner is satisfied that:

(a) the entity is not eligible to be so registered (see subsection 287MB(1)); or

(b) the Electoral Commission would be required to refuse registration under subsection 129(1) (except paragraph 129(1)(a)) assuming that:

(i) the entity were applying to be registered as a political party; and

(ii) a reference in subsection 129(1) to "the party" were a reference to the entity; and

(iii) both the registered political party (the ***applicant party***) that made the application under section 287MA and any other political party related to the applicant party were related to the entity; or

(c) the Electoral Commission would be required to refuse registration under subsection 129(3) (except subparagraph 129(3)(a)(ii)) assuming that:

(i) the entity were applying to be registered as a political party; and

(ii) a reference in subsection 129(3) to "the applicant party" or "the applicant party's" were a reference to the entity.

(3) The Commissioner must make a decision under this section as soon as practicable after receiving the application.

Notice of decision

(4) The Commissioner must, as soon as practicable after making a decision under this section, give written notice of the decision to the party and the entity.

(5) As soon as practicable after giving the notice, the Electoral Commissioner must cause a copy of the notice to be published on the Electoral Commission's website.

Review of decisions

(6) Section 141 (review of certain decisions) applies in relation to a decision under this section to refuse to register an entity as the nominated entity of a registered political party as if:

(a) the decision were a reviewable decision; and

(b) a reference to a person included a reference to the party and the entity; and

(c) a reference in subsections 141(2) and (8) to a delegate of the Electoral Commission were a reference to a delegate of the Electoral Commissioner; and

(d) a reference in subsections 141(5) and (9) to the Electoral Commission included a reference to the Electoral Commissioner (but not a reference to a delegate of the Electoral Commissioner); and

(e) a reference to a written notice given under Part XI in relation to a reviewable decision included a reference to a written notice given under this section in relation to a decision to refuse registration.

287MD Cancellation of registration as the nominated entity of a registered political party on application

(1) If an entity is registered under section 287MC as the nominated entity of a registered political party, the entity or the party may apply to the Electoral Commissioner to cancel the registration.

(2) On receiving an application under subsection (1), the Commissioner must cancel the registration of the entity as the nominated entity of the party.

(3) The Commissioner must, as soon as practicable after cancelling the registration, give written notice of the cancellation to both the party and the entity.

(4) As soon as practicable after giving the notice, the Electoral Commissioner must cause a copy of the notice to be published on the Electoral Commission's website.

287ME Commissioner must cancel registration in certain circumstances

When Commissioner must cancel registration

(1) The Electoral Commissioner must cancel the registration of an entity as the nominated entity of a registered political party if the Commissioner is satisfied that:

(a) the party is no longer a registered political party; or

(b) the entity has ceased to be eligible for such registration under paragraph 287MB(1)(a), (b), (c), or (d); or

(c) the agent of the party, or the financial controller of the entity, have been convicted of an offence under this Part.

Notice of cancellation

(2) The Commissioner must, as soon as practicable after cancelling the registration of an entity as the nominated entity of a registered political party under subsection (1), give written notice of the cancellation to both the entity and the party.

(3) As soon as practicable after giving the notice, the Electoral Commissioner must cause a copy of the notice to be published on the Electoral Commission's website.

Review of decisions

(4) Section 141 (review of certain decisions) applies in relation to a decision under this section to cancel the registration of an entity as the nominated entity of a registered political party as if:

(a) the decision were a reviewable decision; and

(b) a reference to a person included a reference to the party and the entity; and

(c) a reference in subsections 141(2) and (8) to a delegate of the Electoral Commission were a reference to a delegate of the Electoral Commissioner; and

(d) a reference in subsections 141(5) and (9) to the Electoral Commission included a reference to the Electoral Commissioner (but not a reference to a delegate of the Electoral Commissioner); and

(e) a reference to a written notice given under Part XI in relation to a reviewable decision included a reference to a written notice given under this section in relation to a decision to cancel registration.

287MF Transparency Register to determine period of registration as nominated entity

The registration of an entity as the nominated entity of a registered political party:

(a) comes into force when the Electoral Commissioner records the registration in the Transparency Register under section 287N; and

(b) ceases to be in force when the Commissioner removes that record of the registration in the Transparency Register under section 287N.

Subdivision C—Transparency Register

287N Transparency Register

(1) The Electoral Commissioner must establish and maintain a Transparency Register.

Content of Transparency Register

(2) The Transparency Register must include the following information:

(a) the name of:

(i) each person or entity registered as a significant third party under section 287L; and

(ii) each entity registered as an associated entity under section 287L; and

(iia) each entity registered as the nominated entity of a registered political party under section 287MC; and

(iii) each person or entity that has provided a return under section 310F (third party returns) for that or any of the previous 3 calendar years; and

(iv) each political entity;

(b) for significant third parties, associated entities and nominated entities—the name of the financial controller of the person or entity;

(c) for associated entities—the name of any registered political parties with which the person or entity is associated;

(ca) for each nominated entity—the name of the registered political party for which the entity is registered as the nominated entity; and

(d) any determination, notice or return information published under section 320;

(e) any enforceable undertaking published under subsection 384A(2A).

Note: The Transparency Register may include the Register of Political Parties (see section 125).

(3) The Electoral Commissioner must keep the Transparency Register up-to-date.

(4) Subsection (3) does not prevent historical data from being included in the Transparency Register.

287P Obligation to notify Electoral Commissioner of changes to information on Transparency Register

(1) A person or entity (except a political entity) whose name is on the Transparency Register must notify the Electoral Commissioner, in an approved form, if information on the Transparency Register relating to the person or entity ceases to be correct or complete.

Note: For who is responsible for notifying the Electoral Commissioner in relation to certain entities that are not legal persons, see section 287C.

(2) The person or entity must notify the Electoral Commissioner under subsection (1) within 90 days of the information ceasing to be correct or complete.

Civil penalty: 60 penalty units.

(3) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (2) of this section.

287Q Transparency Register to be made public etc.

(1) The Transparency Register may be maintained by electronic means.

(2) The Transparency Register is to be made available to the public.

287R Entry in Transparency Register prima facie evidence of information

An entry in the Transparency Register is prima facie evidence of the information contained in the entry.

Division 2—Agents and financial controllers

Subdivision A—Simplified outline of this Division

287V Simplified outline of this Division

Registered political parties, candidates and groups must have an agent. Significant third parties, associated entities and nominated entities must nominate a financial controller.

The Electoral Commissioner keeps a Register of Party Agents. Information about financial controllers for significant third parties, associated entities and nominated entities is kept in the Transparency Register under Division 1A.

The agents are responsible for making claims for election funding under Division 3. The agents and financial controllers are responsible for complying with Divisions 1A and 3A, and providing returns under Divisions 4 and 5.

Subdivision B—Appointment of agents

288 Agents of political parties

(1) A political party shall have an agent for the purposes of this Part.

(2) A political party that carries on activities in 2 or more States or Territories shall also have an agent for the purposes of this Part in respect of each of those States or Territories.

(3) The agent of a political party in respect of a State or Territory in which the party has a State branch shall be appointed by the State branch.

289 Appointment of agents by candidates and groups

Agents of candidates

(1) A candidate in an election (including a member of a group of candidates) may appoint a person to be the agent of the candidate in relation to the election.

Note: A group of candidates has an agent who is separate from the candidates' agents (see subsections (3) and (4)).

(2) If the candidate does not appoint an agent, the candidate is taken to be his or her own agent in relation to the election.

Agents of members of groups

(3) The members of a group of candidates in an election may appoint a person to be the agent of the group in relation to the election.

(4) If the members of a group of candidates do not appoint an agent:

(a) if all the members have been endorsed by the same registered political party—the agent of the State branch of the party organised on the basis of the State or Territory in which the election is to be held is taken to be the agent of the group in relation to the election; and

(b) otherwise—the candidate whose name appears first in the group in the ballot papers (or if that candidate dies, the candidate whose name appears next highest in the ballot papers) is taken to be the agent of the group in relation to the election.

291 Register of Party Agents

(1) The Electoral Commission shall keep a register called the Register of Party Agents.

(2) There shall be entered in the Register the name and address of every person appointed to be an agent of a political party for the purposes of this Part.

292 Effect of registration etc.

(1) The appointment of an agent by a political party:

(a) takes effect on the entry of the name and address of the agent in the Register of Party Agents; and

(b) ceases to have effect if the name and address of the agent are removed from the Register.

(2) The name and address of a person shall not be removed from the Register unless:

(a) the person gives to the Electoral Commission written notice that he or she has resigned the appointment as agent;

(b) the political party or State branch that appointed the person gives to the Electoral Commission written notice that the person has ceased to be an agent of the party and also gives notice under subsection 292F(1) of the appointment of another person as agent of the party; or

(c) the person is convicted of an offence against this Part.

(3) If a person who is an agent of a political party dies, the party or the State branch by which the person was appointed shall, within 28 days after the death of the person, give to the Electoral Commission:

(a) written notice of the death; and

(b) notice under subsection 292F(1) of the appointment of a person as agent in place of the first-mentioned person.

(4) Where a person who is an agent of a political party is convicted of an offence against this Part, the party or State branch that appointed the person shall give notice under subsection 292F(1) of a fresh appointment within 28 days after the conviction or, if an appeal against the conviction is instituted and the conviction is affirmed, within 28 days after the appeal is determined.

292A Evidence of appointment

An entry in the Register of Party Agents is, for all purposes, conclusive evidence that the person described in the entry is the agent, for the purposes of this Part, of the political party named in the entry.

292B Responsibility for action when agent of party or branch dead or appointment vacant

Where:

(a) Division 3A, 4, 5 or 5A imposes an obligation on the agent of a political party or of a State branch of the party; and

(b) there is no agent of the party or branch, as the case may be;

the obligation rests upon each member of the executive committee of the party or branch, and this Act applies to each such member as if the obligation rested upon that member alone.

292C Revocation of appointment of agent of candidate or group

(1) A candidate or the members of a group may, by giving written notice to the Electoral Commission, revoke the appointment of a person as the agent of the candidate or group, as the case may be.

(2) A notice under subsection (1) has no effect unless it is signed by the candidate or by each member of the group, as the case requires.

292D Notice of death or resignation of agent of candidate or group

Death

(1) If the agent of a candidate or group dies, the candidate or a member of the group must, without delay, give to the Electoral Commission notice in writing of the death.

Resignation

(2) If the agent of a candidate or group resigns, the agent must, without delay, give to the Electoral Commission notice in writing of the resignation.

Subdivision C—Nomination of financial controllers

292E Financial controllers of significant third parties, associated entities and nominated entities

(1) Each significant third party, associated entity and nominated entity must nominate a financial controller.

Note: See the definition of ***financial controller*** in subsection 287(1).

(2) If the significant third party or associated entity is an individual, he or she may nominate himself or herself as the financial controller.

(3) If the significant third party or associated entity is not a legal person, an individual acting on behalf of the significant third party or associated entity must nominate the financial controller.

Subdivision D—Requirements for appointment or nomination

292F Requirements for appointment or nomination

(1) An appointment of an agent under section 288 or 289, or a nomination of a financial controller under section 292E, must meet the following conditions (subject to subsection (2)):

(a) the person appointed or nominated is an individual who is at least 18 years old;

(b) written notice of the appointment or nomination is given to the Electoral Commission:

(i) for an appointment made by a political party or a State branch of a political party—by the party or branch; and

(ii) for any other appointment—by the candidate, or each member of the group, making the appointment; and

(iii) for a nomination of a financial controller of a significant third party, associated entity or nominated entity—by the party or entity nominating the financial controller;

(c) the name and full street address and suburb or locality of the person appointed or nominated are set out in the notice;

(d) the person appointed or nominated:

(i) has signed a form of consent to the appointment or nomination; and

(ii) has signed a declaration that he or she is eligible for appointment or nomination;

(e) for a nomination under section 292E—the person nominated meets the definition of ***financial controller*** in subsection 287(1).

(2) Subsection (1) does not apply in relation to a person who is taken to be an agent under subsection 289(2) or (4).

(3) A consent or declaration under subsection (1) may be incorporated in, or written on the same paper as, a notice under that subsection.

(4) A person is not eligible to be:

(a) appointed as an agent of a political party, candidate or group; or

(b) nominated as a financial controller of a significant third party, associated entity or nominated entity;

if the person is convicted of an offence against this Part.

Division 2A—Use of federal accounts

292FA Use of federal accounts

Obligation in relation to electoral expenditure

(1) A person or entity covered by column 1 of an item in this table must ensure that all electoral expenditure that is incurred:

(a) by the person or entity covered by column 2 of that item; and

(b) during the period (the ***relevant period***) covered by column 3 of that item;

is paid for with money from a federal account kept for the purposes of this Part in relation to the person or entity covered by column 2 of that item.

Federal accounts			
Item	**Column 1** **Person or entity subject to obligation**	**Column 2** **Person or entity incurring electoral expenditure or receiving gift**	**Column 3** **Relevant period**
1	Agent of a candidate in an election	The candidate	The period the candidate is a candidate in the election
2	The agent of a registered political party	The registered political party	The period the party is a registered political party
3	The agent of a State branch of a registered political party	The State branch	The period the State branch is a State branch of the registered political party
4	A person who is a member of the House of Representatives or a Senator	The member or Senator	The period the person is a member of the House of Representatives or a Senator
5	The financial controller in relation to a person or entity that is a significant third party	The significant third party	The period the person or entity is a significant third party
6	The financial controller in relation to an entity that is an associated entity	The associated entity	The period the entity is an associated entity
7	The financial controller in relation to an entity that is a nominated entity	The nominated entity	The period the entity is a nominated entity
8	A person or entity that is a third party	The third party	The period beginning on the day in the calendar year the person or entity becomes a third party

Federal accounts			
Item	**Column 1** **Person or entity subject to obligation**	**Column 2** **Person or entity incurring electoral expenditure or receiving gift**	**Column 3** **Relevant period**
			and ending at the end of the calendar year

Obligation in relation to gifts

(2) A person or entity covered by column 1 of an item in the table in subsection (1) must take all reasonable steps to ensure that each gift of money that satisfies the following requirements is credited, during the relevant period, to a federal account kept for the purposes of this Part in relation to the person or entity covered by column 2 of that item:

(a) the gift is received by the person or entity covered by column 2 of that item in the relevant period;

(b) the gift is made for a federal purpose.

Additional obligation for agents of registered political parties

(3) If, under subsection 299A(1), the Electoral Commission pays an amount under section 298D or 298E by cheque payable to a registered political party, the agent of the party must, before the end of the period of 7 days beginning on the day the agent receives the cheque, ensure that the amount of the cheque is credited to a federal account kept for the purposes of this Part in relation to the party.

Obligation to credit only required or permitted amounts

(4) A person or entity covered by column 1 of an item in the table in subsection (1) must take all reasonable steps to ensure that the only amounts that are credited to a federal account kept for the purposes of this Part in relation to the person or entity covered by column 2 of the item are the following:

(a) amounts required to be credited to a federal account kept for the purposes of that person or entity under subsection (2) or (3) of this section or another provision of this Act;

(b) amounts that are:

(i) to be used for a federal purpose; and

(ii) permitted to be credited to a federal account kept for the purposes of that person or entity under section 292FAA, 292FAB, 292FAC, 292FAD or 292FAE or another provision of this Act.

Action in relation to amounts incorrectly credited

(7) If a person or entity covered by column 1 of an item in the table in subsection (1) becomes aware that an amount (the ***relevant amount***) has been credited to a federal account kept for the purposes of this Part, in relation to the person or entity covered by column 2 of that item, in circumstances not permitted by this section, the person or entity covered by column 1 of that item:

(a) must ensure that an amount equal to the relevant amount is withdrawn or transferred from that account; and

(b) must do so before the end of the period of 6 weeks beginning on the day the person or entity becomes so aware.

Civil penalty

(8) A person or entity contravenes this subsection if:

(a) the person or entity is subject to an obligation under this section; and

(b) the person or entity fails to comply with the obligation.

Civil penalty: 200 penalty units.

292FAA Permitted credits to federal account for registered political party, State branch or nominated entity

For the purposes of subparagraph 292FA(4)(b)(ii), the following amounts may be credited to a federal account kept for the purposes of this Part in relation to a person or entity (the ***account beneficiary***) covered by column 2 of item 2, 3 or 7 of the table in subsection 292FA(1):

(a) interest earned on money standing to the credit of the account;

(b) a loan;

(c) a bequest;

(d) an amount paid from another federal account kept for the purposes of this Part in relation to another person or entity that is a core member of the same expenditure group as the account beneficiary;

(e) if the account beneficiary is a registered political party or a State branch of a registered political party—an amount paid from another federal account kept for the purposes of this Part in relation to another political party if:

(i) the account beneficiary and the other political party are related to each other within the meaning of paragraph 123(2)(a) because one is a part of the other (while not being a State branch of the other); and

(ii) the one that is a part of the other is a registered political party;

(f) an amount of a kind prescribed by the regulations for the purposes of this paragraph.

Note 1: The effect of paragraph (b) is that a commercial loan or a non-commercial loan can be credited to a federal account.

Note 2: The effect of paragraph (d) is that any amount can be credited to the federal account of a registered political party, a State branch or a nominated entity if the amount is paid from the federal account of a candidate, a member of the House of Representatives, a Senator, or another registered political party, State branch or nominated entity, and both the recipient and the payer are core members of the same expenditure group.

Note 3: There are penalties for crediting an amount to a federal account if the amount is not required or permitted to be credited: see subsections 292FA(4) and (8).

292FAB Permitted credits to federal account for registered political parties: contributions by candidates and sitting members

(1) For the purposes of subparagraph 292FA(4)(b)(ii), an amount may be credited to a federal account kept for the purposes of this Part in relation to a person or entity (the ***account beneficiary***) covered by

column 2 of item 2 or 3 of the table in subsection 292FA(1) if all of the following apply:

(a) the account beneficiary is a registered political party;

(b) the amount is credited to the federal account by a person (the ***payer***) at a time in a calendar year and is an amount of the payer's own money;

(c) at the time the amount is credited, the payer is either or both of the following:

(i) a candidate endorsed by the account beneficiary;

(ii) a member of the House of Representatives, or a Senator, who is a member of the account beneficiary;

(d) if the payer is a candidate at the time the amount is credited—the amount is credited to the federal account for the purposes of the payer's election campaign in the calendar year.

Note: An amount may only be credited under this section if it is for a federal purpose. The amount will be a gift (see subsection 287AAB(3A)).

(2) However, the sum of the following amounts must not exceed the annual gift cap (within the meaning of Division 3A) for the calendar year:

(a) amounts paid by the payer that are covered by subsection (1) and credited in the calendar year to federal accounts kept for the purposes of this Part in relation to the account beneficiary;

(b) amounts paid by the payer that are covered by subsection 292FAC(4) and credited in the calendar year to federal accounts kept for the purposes of this Part in relation to the payer.

Note: There are penalties for crediting an amount to a federal account if the amount is not required or permitted to be credited: see subsections 292FA(4) and (8).

292FAC Permitted credits to federal account for candidate, member or Senator

General

(1) For the purposes of subparagraph 292FA(4)(b)(ii), the following amounts may be credited to a federal account kept for the purposes of this Part in relation to a person (the ***account beneficiary***) covered by column 2 of item 1 or 4 of the table in subsection 292FA(1):

(a) interest earned on money standing to the credit of the account;

(b) a loan;

(c) a bequest;

(d) an amount paid from another federal account kept for the purposes of this Part in relation to another person or entity, if both the other person or entity and the account beneficiary are core members of the same expenditure group;

(e) an amount of a kind prescribed by the regulations for the purposes of this paragraph.

Note 1: The effect of paragraph (b) is that a commercial loan or a non-commercial loan can be credited to a federal account.

Note 2: The effect of paragraph (d) is that any amount can be credited to the federal account of a candidate, a member of the House of Representatives or a Senator if the amount is paid from the federal account of another candidate, member of the House of Representatives or Senator, or a registered political party, a State branch or nominated entity, and both the recipient and the payer are core members of the same expenditure group.

Note 3: There are penalties for crediting an amount to a federal account if the amount is not required or permitted to be credited: see subsections 292FA(4) and (8).

Contributions by independent candidates and members

(2) For the purposes of subparagraph 292FA(4)(b)(ii), an amount may be credited to a federal account kept for the purposes of this Part in relation to a person (the ***account beneficiary***) covered by column 2 of item 1 or 4 of the table in subsection 292FA(1) if all of the following apply:

(a) the amount is credited to the federal account by the account beneficiary at a time in a calendar year and is an amount of the account beneficiary's own money;

(b) at the time the amount is credited, the account beneficiary is either or both of the following:

(i) a candidate who is not endorsed by a registered political party;

(ii) a member of the House of Representatives, or a Senator, who is not a member of a registered political party;

(c) if the account beneficiary is a candidate at the time the amount is credited—the amount is credited to the federal account for the purposes of the account beneficiary's election campaign in the calendar year.

Note: For an amount to be a gift, it must be a disposition of property from one person to another person (see subsection 287AAB(1)).

(3) However, the sum of amounts that are covered by subsection (2) and credited in a calendar year to federal accounts kept for the purposes of this Part in relation to the account beneficiary must not exceed the annual gift cap (within the meaning of Division 3A) for the calendar year.

Note: There are penalties for crediting an amount to a federal account if the amount is not required or permitted to be credited: see subsections 292FA(4) and (8).

Contributions by other candidates and sitting members

(4) For the purposes of subparagraph 292FA(4)(b)(ii), an amount may be credited to a federal account kept for the purposes of this Part in relation to a person (the ***account beneficiary***) covered by column 2 of item 1 or 4 of the table in subsection 292FA(1) if all of the following apply:

(a) the amount is credited to the federal account by the account beneficiary at a time in a calendar year and is an amount of the account beneficiary's own money;

(b) at the time the amount is credited, the account beneficiary is either or both of the following:

(i) a candidate who is endorsed by a registered political party;

(ii) a member of the House of Representatives, or a Senator, who is a member of a registered political party;

(c) if the account beneficiary is a candidate at the time the amount is credited—the amount is credited to the federal account for the purposes of the account beneficiary's election campaign in the calendar year.

Note: For an amount to be a gift, it must be a disposition of property from one person to another person (see subsection 287AAB(1)).

(5) However, the sum of the following amounts must not exceed the annual gift cap (within the meaning of Division 3A) for the calendar year:

(a) amounts that are covered by subsection (4) and credited in the calendar year to federal accounts kept for the purposes of this Part in relation to the account beneficiary;

(b) amounts that are covered by subsection 292FAB(1) and credited in the calendar year to federal accounts kept for the purposes of this Part in relation to:

(i) the registered political party that endorsed the account beneficiary; or

(ii) the registered political party that the account beneficiary is a member of.

Note: There are penalties for crediting an amount to a federal account if the amount is not required or permitted to be credited: see subsections 292FA(4) and (8).

292FAD Permitted credits to federal account for significant third party, associated entity or third party

For the purposes of subparagraph 292FA(4)(b)(ii), the following amounts may be credited to a federal account kept for the purposes of this Part in relation to a person or entity covered by column 2 of item 5, 6 or 8 of the table in subsection 292FA(1):

(a) interest earned on money standing to the credit of the account;

(b) a loan;

(c) a bequest;

(d) an amount of a kind prescribed by the regulations for the purposes of this paragraph.

Note 1: The effect of paragraph (b) is that a commercial loan or a non-commercial loan can be credited to a federal account.

Note 2: There are penalties for crediting an amount to a federal account if the amount is not required or permitted to be credited: see subsections 292FA(4) and (8).

292FAE Permitted credits to federal account for significant third party, associated entity or third party: capped amounts of subscriptions etc.

(1) For the purposes of subparagraph 292FA(4)(b)(ii), the following amounts paid by a person or entity (the ***payer***) may be credited in a calendar year to a federal account kept for the purposes of this Part in relation to a person or entity (the ***account beneficiary***) covered by column 2 of item 5, 6 or 8 of the table in subsection 292FA(1):

(a) a subscription paid in respect of the payer's membership of the account beneficiary;

(b) an amount paid in respect of the payer's affiliation with the account beneficiary;

(c) if the payer is an elected official or employee of the account beneficiary—an annual levy paid by the payer to the account beneficiary.

Note: Amounts covered by paragraphs (a) to (c) that are credited to a federal account are gifts: see subsection 287AAB(4). Subdivision E of Division 4 imposes disclosure obligations in relation to gifts.

(2) However, the sum of amounts paid by the payer that are covered by subsection (1) and credited in a calendar year to federal accounts kept for the purposes of this Part in relation to the account beneficiary must not exceed:

(a) if the significant third party, associated entity or third party is a peak representative body—4 times the annual gift cap (within the meaning of Division 3A) for the calendar year; or

(b) otherwise—the annual gift cap (within the meaning of Division 3A) for the calendar year.

Note: Amounts covered by subsection (1) that are credited to a federal account are gifts: see subsection 287AAB(4). Subdivision E of Division 4 imposes disclosure obligations in relation to gifts.

292FB Kinds of federal accounts to be used

A person or entity covered by column 1 of an item in the table in subsection 292FA(1) must ensure that the federal account referred to in subsection 292FA(1) or (2) in relation to the person or entity covered by column 2 of that item is:

(a) for the agent of a candidate in an election:

(i) a federal account that is kept for the purposes of this Part in relation to a registered political party; or

(ii) a new federal account that is opened for the purposes of this Part in relation to the candidate; or

(iii) a federal account in relation to which the matters prescribed by the regulations for the purposes of this subparagraph are satisfied; or

(b) for the agent of a registered political party:

(i) a federal account that was in existence immediately before the commencement of this section and was kept for the purposes of this Part in relation to the party; or

(ii) a new federal account that is opened for the purposes of this Part in relation to the party; or

(iii) a federal account in relation to which the matters prescribed by the regulations for the purposes of this subparagraph are satisfied; or

(c) for the agent of a State branch of a registered political party:

(i) a federal account that was in existence immediately before the commencement of this section and was kept for the purposes of this Part in relation to the State branch; or

(ii) a new federal account that is opened for the purposes of this Part in relation to the State branch; or

(iii) a federal account in relation to which the matters prescribed by the regulations for the purposes of this subparagraph are satisfied; or

(d) for a person who is a member of the House of Representatives or a Senator:

(i) a federal account that is kept for the purposes of this Part in relation to a registered political party; or

(ii) a federal account that was kept for the purposes of this Part while the person was a candidate in an election that resulted in the person becoming a member of the House of Representatives or a Senator; or

(iii) a new federal account that is opened for the purposes of this Part in relation to the member or Senator; or

(iv) a federal account in relation to which the matters prescribed by the regulations for the purposes of this subparagraph are satisfied; or

(e) for the financial controller in relation to a person or entity that is a significant third party:

(i) a federal account that was in existence immediately before the commencement of this section and was kept for the purposes of this Part in relation to the significant third party; or

(ii) a new federal account that is opened for the purposes of this Part in relation to the significant third party; or

(iii) a federal account in relation to which the matters prescribed by the regulations for the purposes of this subparagraph are satisfied; or

(f) for the financial controller in relation to an entity that is an associated entity:

(i) a federal account that was in existence immediately before the commencement of this section and was kept for the purposes of this Part in relation to the associated entity; or

(ii) a new federal account that is opened for the purposes of this Part in relation to the associated entity; or

(iii) a federal account in relation to which the matters prescribed by the regulations for the purposes of this subparagraph are satisfied; or

(g) for the financial controller in relation to an entity that is a nominated entity:

(i) a federal account that was in existence immediately before the commencement of this section and was kept for the purposes of this Part in relation to the entity in the entity's capacity as an associated entity; or

(ii) a new federal account that is opened for the purposes of this Part in relation to the nominated entity; or

(iii) a federal account in relation to which the matters prescribed by the regulations for the purposes of this subparagraph are satisfied; or

(h) for a person or entity that is a third party:

(i) a federal account that was in existence immediately before the commencement of this section and was kept for the purposes of this Part in relation to the third party; or

(ii) a new federal account that is opened for the purposes of this Part in relation to the third party; or

(iii) a federal account in relation to which the matters prescribed by the regulations for the purposes of this subparagraph are satisfied.

Civil penalty: 200 penalty units.

292FC Notification of federal accounts used

(1) A person or entity covered by column 1 of an item in the table in subsection 292FA(1) must, in accordance with this section, give the Electoral Commission a notice in writing during the period beginning on the day (the ***start day***) after the earlier of the following days and ending at the end of the seventh day after the start day:

(a) the first day on which expenditure that is incurred by the person or entity covered by column 2 of that item is paid for with money from a federal account;

(b) the first day on which a gift of money received by the person or entity covered by column 2 of that item is credited to a federal account.

Civil penalty: 200 penalty units.

(2) The notice must:

(a) set out details of that federal account; and

(b) if the federal account is opened on or after the day on which this section commences and has a balance of at least $20,000

on the day before the notice is given—include a statement to that effect.

Investigation

(3) If a notice under this section includes a statement as mentioned in paragraph (2)(b) in relation to a federal account, one or more authorised officers (within the meaning of Division 5C) must conduct an investigation in relation to that federal account.

Note: See section 314AN for the powers available to an authorised officer conducting the investigation.

Division 3—Election funding

Subdivision A—Simplified outline of this Division

292G Simplified outline of this Division

Election funding may be payable in relation to registered political parties, candidates and groups under this Division. The election funding is payable in relation to any candidate who received at least 4% of the total formal first preference votes cast in the election. Election funding of $10,000 (as indexed) is paid as soon as practicable after 20 days after the polling day for the election or elections. However, a claim must be made for election funding of more than that amount to be paid.

The amount of the election funding is worked out by reference to the number of formal first preference votes received by the candidate. However, for an amount of election funding that is more than $10,000 (as indexed), the amount is capped at the amount of actual expenditure incurred by the candidate or the registered political party endorsing the candidate.

The regulations may also provide for an amount to be paid as an advance on election funding that may become payable in respect of a future election. Any such advance can only be paid to a registered political party, or candidate, entitled to election funding in the most recently held election. If an advance exceeds the election funding that ultimately becomes payable, the excess becomes a debt to the Commonwealth.

Subdivision B—Election funding

293 Election funding for registered political parties

(1) Election funding is payable in relation to a registered political party under this section for an election if either of the following applies:

(a) in respect of a candidate whom the party endorses in a House of Representatives election, or in a Senate election and who

is not a member of a group—the total number of formal first preference votes given for the candidate is at least 4% of the total number of formal first preference votes cast in the election;

(b) in respect of candidates whom the party endorses in a Senate election and who are members of a group—the total number of formal first preference votes given for the members of the group is at least 4% of the total number of formal first preference votes cast in the election.

Note: A claim must be made for election funding of more than $10,000 to be paid (see section 297).

(2) The amount of election funding that is payable in relation to the party is:

(a) the total of the following amounts for each candidate who satisfies paragraph (1)(a) and each group that satisfies paragraph (1)(b):

(i) the amount worked out by multiplying $5 by the number of formal first preference votes given for the candidate in the election, based on formal first preference votes counted as at the day mentioned in subsection (3);

(ii) if a group is a single-party endorsed group—the group amount for the group;

(iii) if a group is a jointly endorsed group—the percentage of the group amount for the group that is specified in an agreement made in accordance with subsection (4), or if there is no such agreement, that is determined for the party by the Electoral Commissioner; or

(b) if the amount worked out under paragraph (a) is more than $10,000—the lesser of:

(i) the amount worked out under that paragraph; and

(ii) the amount of electoral expenditure that is claimed in respect of the registered political party for all elections held that day, and accepted by the Electoral Commission under section 298C.

Note: The dollar amounts specified in subparagraph (2)(a)(i) and paragraph (b) are indexed under section 321.

(3) The amount worked out under paragraph (2)(a) is based on formal first preference votes counted as at the day:

(a) if the amount is to be paid under Subdivision BA—that is 20 days after the polling day for the election or elections; or

(b) if the amount is to be paid under Subdivision C—a determination on the party's interim claim or final claim (as the case requires) for election funding is made by the Electoral Commission.

(4) An agreement made for the purposes of subparagraph (2)(a)(iii) must:

(a) be signed by the agents of each of the parties endorsing candidates in the jointly endorsed group; and

(b) specify percentages for each of those parties that together do not exceed 100%; and

(c) be given to the Electoral Commission before the 20th day after the polling day for the election.

294 Election funding for unendorsed candidates

(1) Election funding is payable in relation to a candidate under this section if:

(a) the candidate is neither:

(i) endorsed by a registered political party; nor

(ii) in the case of a Senate election—a member of a group; and

(b) the total number of formal first preference votes given for the candidate in the election is at least 4% of the total number of formal first preference votes cast in the election.

Note: A claim must be made for election funding of more than $10,000 to be paid (see section 297).

(2) The amount of election funding that is payable in relation to the candidate is:

(a) the amount worked out by multiplying $5 by the number of formal first preference votes given for the candidate in the election, based on formal first preference votes counted as at the day mentioned in subsection (3); or

(b) if the amount worked out under paragraph (a) is more than $10,000—the lesser of:

(i) the amount worked out under paragraph (a); and

(ii) the amount of electoral expenditure that is claimed in respect of the candidate for the election, and accepted by the Electoral Commission under section 298C.

Note: The dollar amounts specified in paragraphs (2)(a) and (b) are indexed under section 321.

(3) The amount worked out under paragraph (2)(a) is based on formal first preference votes counted as at the day:

(a) if the amount is to be paid under Subdivision BA—that is 20 days after the polling day for the election; or

(b) if the amount is to be paid under Subdivision C—a determination on the candidate's interim claim or final claim (as the case requires) for election funding is made by the Electoral Commission.

295 Election funding for unendorsed groups

(1) Election funding is payable in relation to a group in a Senate election under this section if:

(a) none of the group's members is a candidate endorsed by a registered political party; and

(b) the total number of formal first preference votes given for candidates in the group is at least 4% of the total number of formal first preference votes cast in the Senate election.

Note: A claim must be made for election funding of more than $10,000 to be paid (see section 297).

(2) The amount of election funding that is payable in relation to the group is:

(a) the amount worked out by multiplying $5 by the number of formal first preference votes given for candidates in the group in the Senate election, based on formal first preference votes counted as at the day mentioned in subsection (3); or

(b) if the amount worked out under paragraph (a) is more than $10,000—the lesser of:

(i) the amount worked out under paragraph (a); and

(ii) the amount of electoral expenditure that is claimed in respect of the group for the Senate election, and accepted by the Electoral Commission under section 298C.

Note: The dollar amounts specified in paragraphs (2)(a) and (b) are indexed under section 321.

(3) The amount worked out under paragraph (2)(a) is based on formal first preference votes counted as at the day:

(a) if the amount is to be paid under Subdivision BA—that is 20 days after the polling day for the Senate election; or

(b) if the amount is to be paid under Subdivision C—a determination on the group's interim claim or final claim (as the case requires) for election funding is made by the Electoral Commission.

Subdivision BA—Automatic payment of election funding of $10,000

296 Automatic payment of election funding of $10,000

(1) As soon as practicable after 20 days after the polling day for an election or elections, the Electoral Commission must pay $10,000 in relation to:

(a) each registered political party that is entitled to claim, and wishes to receive, an amount under subsection 293(2) (but subject to subsection (1A)); or

(b) each candidate that is entitled to claim, and wishes to receive, an amount under subsection 294(2); or

(c) each group in a Senate election that is entitled to claim, and wishes to receive, an amount under subsection 295(2).

(1A) If:

(a) 2 or more registered political parties referred to in paragraph (1)(a) endorsed candidates in a jointly endorsed group; and

(b) each of the parties is only entitled to claim an amount under subparagraph 293(2)(a)(iii);

the amount paid in relation to each party under subsection (1) is the amount equal to the percentage, referred to in that subparagraph for the party, of $10,000.

(2) The amount must be paid to:

(a) for a registered political party:

(i) that is a State branch of a federal party; and

(ii) that the agent of the federal party has agreed may receive the amount;

the agent of the State branch; or

(b) for a registered political party:

(i) that is a State branch of a federal party; and

(ii) that the agent of the federal party has not agreed may receive the amount;

the agent of the federal party; or

(c) for any other registered political party—the agent of the registered political party; or

(d) for a candidate or group—the agent of the candidate or group.

Subdivision C—Claims for election funding of more than $10,000

297 Need for a claim for election funding of more than $10,000

(1) For election funding of more than $10,000 to be paid, a claim must be made by:

(a) for a registered political party:

(i) that is a State branch of a federal party; and

(ii) that the agent of the federal party has agreed may receive the election funding;

the agent of the State branch; or

(aa) for a registered political party:

(i) that is a State branch of a federal party; and

(ii) that the agent of the federal party has not agreed may receive the election funding;

the agent of the federal party; or

(ab) for any other registered political party—the agent of the registered political party; or

(b) the agent of a candidate or group.

Note: The amount of $10,000 is indexed under section 321.

(2) The agent may make:

(a) an interim claim; or

(b) both an interim claim and a final claim; or

(c) a final claim.

Note: If an interim claim only is made, see subsections 298C(3) and (4).

(3) A final claim must specify all electoral expenditure for which election funding is sought, even if:

(a) some of the election funding sought has already been paid under Subdivision BA; or

(b) some or all of the electoral expenditure has been specified in an interim claim.

(4) A final claim may specify electoral expenditure already specified in an interim claim by making reference to the interim claim.

(5) Only one interim claim and one final claim may be made (although a claim may be varied under section 298BA).

298 Electoral expenditure incurred

(1) A claim made by the agent of a registered political party must specify, in relation to all elections held on the same day, electoral expenditure covered by subsection (1A) for which election funding is sought.

(1A) The electoral expenditure must have been incurred, in relation to the elections, by:

(a) for a claim made by the agent of a registered political party under paragraph 297(1)(a) or (ab):

(i) the party; or

(ii) a candidate endorsed by the party; or

(b) for a claim made by the agent of a federal party under paragraph 297(1)(aa) in relation to a State branch of the federal party:
(i) the State branch; or
(ii) a candidate endorsed by the State branch or by the federal party; or
(iii) the federal party.

(2) A claim made by the agent of a candidate in an election who is not endorsed by a registered political party must specify electoral expenditure:
(a) incurred by the candidate in relation to the election; and
(b) for which election funding is sought.

(3) A claim made by the agent of a group in a Senate election must specify electoral expenditure:
(a) incurred by the candidates who are members of the group in relation to the election; and
(b) for which election funding is sought.

298A Form of claim

A claim must:
(a) specify whether the claim is an interim claim or final claim; and
(b) be in an approved form; and
(c) specify the person or persons to whom the election funding is to be paid; and
(ca) except if the claim is made by the agent of a registered political party—specify the federal account in which the election funding is to be paid; and
(d) if the election funding is to be paid to more than one person—specify the percentages in which the election funding is to be paid to each person; and
(e) provide all the information, and be accompanied by any documents, required by the form.

Note: See section 299A if the amount is payable to the agent of a registered political party.

298B Lodging of claim

(1) A claim must be lodged with the Electoral Commission during the period:
  (a) beginning 20 days after the polling day for the election or elections; and
  (b) ending 6 months after that polling day.

(2) A claim is taken not to have been made if it is not lodged within that period.

298BA Varying a claim

(1) If an interim claim or a final claim has not been determined by the Electoral Commission, the agent specified in subsection 297(1) who made the claim may vary the claim.

(2) To avoid doubt, a claim may be varied after the period mentioned in paragraph 298B(1)(b).

(3) The varied interim claim or varied final claim must be in the approved form.

(4) For the purposes of this Act, the Electoral Commission is taken to have received the interim claim or final claim (as the case requires) at the time the claim is varied.

298C Determination of claim

(1) The Electoral Commission must, within 20 days of the Electoral Commission receiving a claim:
  (a) decide whether to accept or refuse the claim, in whole or in part; and
  (b) to the extent that the Electoral Commission accepts the claim—pay the amount required by section 298D or 298E.

(2) In deciding whether to accept or refuse a claim, in whole or in part, the Electoral Commission must only consider:
  (a) whether expenditure claimed is electoral expenditure; and
  (b) if expenditure claimed is electoral expenditure—both:
    (i) whether the electoral expenditure was incurred; and

(ii) whether the electoral expenditure has been specified in a claim made by another agent.

(3) If an interim claim is accepted, in whole or in part, and a final claim is not lodged:
   (a) no further election funding is payable; and
   (b) the interim claim is taken to be a final claim accepted, in whole or in part, by the Electoral Commission for the purposes of subsection 301(1); and
   (c) if the interim claim is accepted only in part—the interim claim is taken to be a final claim refused in part by the Electoral Commission for the purposes of sections 298F, 298G and 298H.

(4) If:
   (a) an interim claim is refused; and
   (b) a final claim is not lodged;

the interim claim is taken to be a final claim refused by the Electoral Commission for the purposes of sections 298F, 298G and 298H.

(5) To avoid doubt, subsection (3) does not require the Electoral Commission to determine the amount of election funding that is payable based on formal first preference votes counted as at the day the interim claim is taken to be a final claim.

298D Payment to be made following acceptance of an interim claim

(1) This section applies if the Electoral Commission accepts, in whole or in part, an interim claim made by the agent of a registered political party, candidate or group in relation to an election or elections.

(2) Within 20 days of the Electoral Commission receiving the claim, the Electoral Commission must pay 95% of the amount:
   (a) payable in relation to the party, candidate or group under subsection 293(2), 294(2) or 295(2); and
   (b) reduced by any amount that has been paid in relation to the party, candidate or group in accordance with section 296.

The amount must be paid in accordance with paragraphs 298A(c) to (d).

Note 1: Section 298A deals with matters to be specified in a claim, including (except if the claim is made by the agent of a registered political party) the federal account in which the election funding is to be paid.

Note 2: See also section 299A if the amount is payable to the agent of a registered political party.

298E Payment to be made following acceptance of a final claim

(1) This section applies if the Electoral Commission accepts, in whole or in part, a final claim made by the agent of a registered political party, candidate or group in relation to an election or elections.

(2) Within 20 days of the Electoral Commission receiving the claim, the Electoral Commission must pay the amount:

(a) payable in relation to the party, candidate or group under subsection 293(2), 294(2) or 295(2); and

(b) reduced by any amount that has been paid in relation to the party, candidate or group in accordance with section 296 or 298D.

The amount must be paid in accordance with paragraphs 298A(c) to (d).

Note 1: Section 298A deals with matters to be specified in a claim, including (except if the claim is made by the agent of a registered political party) the federal account in which the election funding is to be paid.

Note 2: See also section 299A if the amount is payable to the agent of a registered political party.

298F Refusing a final claim

If a final claim is refused, in whole or in part, the Electoral Commission must cause to be given to the agent of the registered political party, candidate or group to which the claim relates, a notice that states that the claim has been refused, in whole or in part, and sets out the reasons for the refusal.

Note: A notice may be required under this section if an interim claim that is refused, in whole or in part, is taken to be a final claim under paragraph 298C(3)(c) or subsection 298C(4).

298G Application for reconsideration of decision to refuse a final claim

(1) If a final claim is refused, in whole or in part, the agent of the registered political party, candidate or group to which the claim relates may apply to the Electoral Commission for the Electoral Commission to reconsider the decision.

(2) The application must:
  (a) be in writing; and
  (b) set out the reasons for the application.

(3) The application must be made within:
  (a) 28 days after the day on which the agent is notified of the refusal; or
  (b) if, either before or after the end of that period of 28 days, the Electoral Commission extends the period within which the application may be made—the extended period for making the application.

298H Reconsideration by Electoral Commission

(1) Upon receiving such an application, the Electoral Commission must:
  (a) reconsider the decision; and
  (b) decide to:
    (i) affirm the decision; or
    (ii) vary the decision; or
    (iii) set aside the decision and make another decision.

(2) The Electoral Commission must give to the relevant agent a notice stating the decision on the reconsideration together with a statement of the reasons for the decision.

(3) If the Electoral Commission's decision on the reconsideration would require an amount, or an additional amount, of election funding to be paid, the Electoral Commission must pay the amount within 20 days of the day of its decision.

(4) The Electoral Commission may not delegate its power under subsection (1).

(5) Subsections 141(5) and (6) apply in relation to a decision under this section in the same way as those subsections apply to a reviewable decision made by the Electoral Commission under subsection 141(2) or (4).

Subdivision CA—Advance payment of election funding

298J Advance payment of election funding

(1) The regulations may provide for an amount to be paid, after a qualifying election is held, as an advance on election funding that may become payable (a ***future entitlement***):

(a) under section 293 in relation to a registered political party for an election to be held in the future; or

(b) under section 294 in relation to a candidate in an election to be held in the future.

(2) Either of the following is a ***qualifying election***:

(a) a general election;

(b) a Senate election for all States and Territories.

(3) The regulations must not provide for an amount to be paid as an advance on a future entitlement under section 293 in relation to a registered political party unless:

(a) an amount was payable to the registered political party under section 293 for the qualifying election and the advance amount does not exceed that amount; and

(b) a claim is made in respect of the registered political party in accordance with the regulations.

(4) The regulations must not provide for an amount to be paid in advance of a future entitlement under section 294 in relation to a candidate unless:

(a) either:

(i) an amount was payable to the candidate under section 294 as a candidate in the qualifying election and the advance amount does not exceed that amount; or

(ii) an amount was payable to a group in the qualifying election under section 295, the candidate was a member of the group and the advance amount does not exceed the amount determined under subsection (5); and

(b) a claim is made in respect of the candidate in accordance with the regulations.

(5) For the purposes of subparagraph (4)(b)(ii), the amount is the lower of:

(a) the amount payable to the group in the qualifying election as mentioned in the subparagraph; and

(b) the proportion of that amount prescribed by or worked out in accordance with the regulations.

(6) The regulations must not provide for more than one amount to be paid as an advance on any particular future entitlement. This does not prevent the regulations providing for an amount to be paid in instalments.

(7) If an amount paid as an advance on a future entitlement exceeds the future entitlement, the regulations (together with this Division) must have the effect that the excess may be recovered by the Commonwealth as a debt due to the Commonwealth by action against the recipient in a court of competent jurisdiction.

(8) The regulations must require the Electoral Commissioner to publish determinations made by the Electoral Commissioner of claims for advance amounts.

(9) The regulations may make provision for any or all of the following matters:

(a) the making of claims for advance amounts;

(b) the amount, or methods to work out the amount, of advance amounts;

(c) when and how advance amounts are payable;

(d) how recipients are to deal with advance amounts;

(e) the reduction of amounts to be paid in respect of any future entitlement in recognition of an amount having been paid as an advance on the entitlement;

(f) reporting obligations in relation to advance amounts;

(g) any other matters necessary or convenient to be prescribed for carrying out or giving effect to advance amounts provided for in accordance with subsection (1).

(10) For the purposes of sections 299 (recovery of amounts that are not payable) and 302 (appropriation) and Division 6 (miscellaneous):

(a) an advance amount paid under regulations made for the purposes of this section is a payment made under this Division; and

(b) a claim made in accordance with regulations made for the purposes of this section is a claim under this Part.

(11) The references in section 314AN (power of authorised officers to obtain information—compliance) to this Part include references to regulations made for the purposes of this Part.

Subdivision D—Payments of election funding

299 Recovery of amounts that are not payable

If:

(a) a payment is made under this Division; and

(b) the recipient is not entitled to receive the whole or a part of the amount paid;

that amount or part may be recovered by the Commonwealth as a debt due to the Commonwealth by action against the person in a court of competent jurisdiction.

299A Method of making payments

Payment by direct credit or by cheque

(1) If the Electoral Commission is required to pay an amount under section 298D or 298E to the agent of a party, the Electoral Commission must pay the amount:

(a) if the party has nominated a bank account for the purposes of this section—to the credit of that account; or

(b) otherwise—by cheque payable to the party.

Note: An interim claim or final claim must specify the person to whom election funding is payable which may be the agent (see paragraph 298A(c)).

Nominated bank account

(2) A bank account nominated by a party for the purposes of this section must satisfy the following conditions:

(a) the account must be maintained by the party;

(b) the account must be a federal account kept for the purposes of this Part;

(d) the account name must consist of, or include:

(i) if the account is maintained by a registered political party—the name of the party as it appears in the Register of Political Parties; or

(ii) if the account is held by a State branch of a political party, and the branch is not a registered political party—the name of the State branch.

Name on cheque

(3) For the purposes of this section, a cheque is taken not to be payable to a party unless:

(a) if the party is a registered political party—the cheque is made out:

(i) if a determination under subsection (4) is in force in relation to the name of the party—in the special abbreviation of the name of the party; or

(ii) otherwise—in the name of the party, being the name as it appears in the Register of Political Parties; or

(b) if the party is a State branch of a political party, and the branch is not a registered political party—the cheque is made out:

(i) if a determination under subsection (4) is in force in relation to the name of the State branch—in the special abbreviation of the name of the State branch; or

(ii) otherwise—in the name of the State branch.

Abbreviation of party names

(4) The Electoral Commission may, by notice published in the *Gazette*, determine that a specified abbreviation of the name of a party is a ***special abbreviation*** of the name of the party for the purposes of this section.

(5) The Electoral Commission must publish a copy of a notice under subsection (4) on the internet.

(6) Before making a determination under subsection (4) in relation to a party, the Electoral Commission must consult the party.

(7) To avoid doubt, if a cheque under this section is made out in the special abbreviation of the name of a party, the cheque is as valid as it would have been if it had been made out in the name of the party.

Dispatch of cheques

(8) To avoid doubt, if a cheque under this section is payable to a party, this section does not prevent the Electoral Commission from dispatching the cheque to the agent of the party.

Definitions

(9) In this section:

bank means a body corporate that is an ADI (authorised deposit-taking institution) for the purposes of the *Banking Act 1959*.

party means a registered political party or a State branch of a registered political party.

Subdivision E—Miscellaneous

300 Death of candidates or group members

Death of candidate

(1) If formal first preference votes were given for a candidate in an election, a payment may be made in respect of the candidate even if the candidate dies.

(2) If the candidate was neither:
  (a) endorsed by a registered political party; nor
  (b) a member of a group;
and was his or her own agent for the purposes of this Part, the payment may be made to the candidate's legal personal representative.

Death of member of group

(3) If group votes were given in a Senate election in relation to a group of candidates, a payment may be made for the group even if a candidate who was a member of the group dies.

301 Varying decisions accepting claims

(1) If:
  (a) the Electoral Commission has made a decision (the ***claim decision***) under section 298C to accept an amount of electoral expenditure specified in a final claim; and
  (b) the Electoral Commission becomes satisfied that:
    (i) the amount of electoral expenditure should not have been accepted; or
    (ii) only a lesser amount of electoral expenditure should have been accepted;
the Electoral Commission may vary the claim decision accordingly.

(2) If the Electoral Commission makes a decision (the ***variation decision***) to vary the claim decision, sections 298F, 298G and 298H apply in relation to the variation decision as if it were, to the

extent of the variation, a decision of the Commission to refuse the claim.

(3) If:

(a) the Electoral Commission varies the claim decision; and

(b) the total amount of election funding that has been paid to a person in respect of the final claim, and any interim claim, exceeds the amount that, under the claim decision as varied, should have been paid to the person in respect of the final claim;

the amount of the excess is an overpayment, and may be recovered by the Commonwealth as a debt due to the Commonwealth by action against the person.

302 Appropriation

Amounts payable under this Division are payable out of the Consolidated Revenue Fund, which is appropriated accordingly.

Division 3AA—Administrative assistance funding

Subdivision A—Simplified outline of this Division

302AA Simplified outline of this Division

Administrative assistance funding may be payable to a registered political party or an independent member for quarters in a calendar year.

The amount of the funding for a registered political party for a quarter is $7,500 for each member of the party who was a member of the House of Representatives, and $3,750 for each member of the party who was a Senator, for the whole of the immediately preceding quarter.

The amount of the funding for a person who is an independent member for a quarter is $7,500 if the person was a member of the House of Representatives, and $3,750 if the person was a Senator, for the whole of the immediately preceding quarter.

In some circumstances, the amount of the funding is worked out on a pro-rata basis.

The dollar amounts of funding are indexed each 1 July.

Subdivision B—Entitlement to administrative assistance funding

302AB Administrative assistance funding for registered political parties

Entitlement to funding

(1) A registered political party is entitled to administrative assistance funding for a quarter if:

(a) the registered political party was registered under Part XI for the whole or a part of the immediately preceding quarter; and

(b) at least one member of the political party was a member of the House of Representatives or a Senator for the whole or a part of the immediately preceding quarter.

Amount of funding

(2) The amount of administrative assistance funding the registered political party is entitled to for a quarter is the sum of the following amounts:

(a) for each person in respect of whom all of the days in the immediately preceding quarter are House of Representatives qualifying days for the person and the party—$7,500;

(b) for each person in respect of whom all of the days in the immediately preceding quarter are Senate qualifying days for the person and the party—$3,750;

(c) for each person in respect of whom some, but not all, of the days in the immediately preceding quarter are House of Representatives qualifying days for the person and the party—the amount worked out by:

(i) multiplying $7,500 by the number of days in the immediately preceding quarter that were House of

Representatives qualifying days for the person and the party; and

(ii) then dividing the result by the number of days in the immediately preceding quarter;

(d) for each person in respect of whom some, but not all, of the days in the immediately preceding quarter are Senate qualifying days for the person and the party—the amount worked out by:

(i) multiplying $3,750 by the number of days in the immediately preceding quarter that were Senate qualifying days for the person and the party; and

(ii) then dividing the result by the number of days in the immediately preceding quarter.

Note: The dollar amounts specified are indexed each 1 July under section 321AC.

(3) The amount worked out under subsection (2) is to be rounded to the nearest whole dollar (rounding 50 cents upwards).

Qualifying days

(4) A day in a quarter is a ***House of Representatives qualifying day*** for a person and a registered political party if all of the following apply on that day:

(a) the party was a registered political party;

(b) the person was a member of the party;

(c) the person was a member of the House of Representatives.

(5) A day in a quarter is a ***Senate qualifying day*** for a person and a registered political party if all of the following apply on that day:

(a) the party was a registered political party;

(b) the person was a member of the party;

(c) the person was a Senator.

Application of this section to State branches of federal parties and to federal parties

(6) A registered political party that is a State branch of a federal party is not entitled to administrative assistance funding under this section. However, if a member of that State branch:

(a) is a member of the House of Representatives or a Senator; and

(b) is not a member of the federal party;

then that member of that State branch is taken to be a member of the federal party for the purposes of this Division.

Example: Josh is a Senator and a member only of the Quokka Party (NSW), which is a State branch of the Federal Quokka Party. Both parties are registered political parties.

The Federal Quokka Party is entitled to administrative assistance funding in respect of Josh, but the Quokka Party (NSW) is not entitled to administrative assistance funding.

Multiple party memberships

(7) If an individual is a member of more than one registered political party, then, for the purposes of subsection (1):

(a) only the party nominated by the member may rely on the individual as a member; and

(b) no party may rely on the individual as a member if, after the Electoral Commission has given the individual at least 30 days to do so, the individual has not nominated a party.

302AC Administrative assistance funding for independent members

Entitlement to funding

(1) An individual is entitled to administrative assistance funding for a quarter if the individual was an independent member for the whole or a part of the immediately preceding quarter.

Amount of funding

(2) The amount of administrative assistance funding the individual is entitled to for a quarter is the following amount:

(a) if the individual was an independent member because of being a member of the House of Representatives for the whole of the immediately preceding quarter—$7,500;

(b) if the individual was an independent member because of being a Senator for the whole of the immediately preceding quarter—$3,750;

(c) if the individual was an independent member because of being a member of the House of Representative for some, but not all, of the days in the immediately preceding quarter—the amount worked out by:

(i) multiplying $7,500 by the number of days in the immediately preceding quarter in which the individual was an independent member and a member of the House of Representatives; and

(ii) then dividing the result by the number of days in the immediately preceding quarter;

(d) if the individual was an independent member because of being a Senator for some, but not all, of the days in the immediately preceding quarter—the amount worked out by:

(i) multiplying $3,750 by the number of days in the immediately preceding quarter in which the individual was an independent member and a Senator; and

(ii) then dividing the result by the number of days in the immediately preceding quarter.

Note: The dollar amounts specified are indexed each 1 July under section 321AC.

(3) The amount worked out under subsection (2) is to be rounded to the nearest whole dollar (rounding 50 cents upwards).

302AD Period a person is a member of the House of Representatives or a Senator

For the purposes of this Division, a person is a member of the House of Representatives or a Senator for the period the person is to be paid remuneration, as a member of the House of Representatives or a Senator, in accordance with sections 14 and 49 of the *Parliamentary Business Resources Act 2017*.

Subdivision C—Payment and spending of administrative assistance funding

302AE Payment of administrative assistance funding to registered political party

(1) If a registered political party is entitled to administrative assistance funding under section 302AB for a quarter, the Electoral Commission must pay the amount of the funding to the registered political party before the end of the seventh day in that quarter. This subsection is subject to subsections (5) and (10).

(2) The Electoral Commission must pay the amount to the credit of an account nominated by the registered political party for the purposes of this section.

(3) The account must be:

(a) maintained by the registered political party; and

(b) with an ADI within the meaning of the *Banking Act 1959*; and

(c) kept in Australia.

(3A) The account may be a federal administrative account.

(4) The account must not be a federal account kept for the purposes of this Part.

Payment to parliamentarians if political party no longer registered

(5) If:

(a) at the time the Electoral Commission proposes to pay the amount referred to in subsection (1), the political party is no longer a registered political party; and

(b) at that time, at least one individual covered by paragraph 302AB(1)(b) in respect of whom the entitlement referred to in subsection (1) of this section arose is a member of the House of Representatives or a Senator;

then the Electoral Commission must:

(c) if paragraph (b) applies to one individual—pay that amount to that individual; or

(d) if paragraph (b) applies to more than one individual—pay that amount in equal shares to those individuals.

(6) An amount paid to an individual under subsection (5) is taken to be an amount of administrative assistance funding paid to the individual.

Method of payment

(7) The Electoral Commission must pay an amount to an individual under subsection (5) to the credit of an account nominated by the individual for the purposes of this section.

(8) The account must be:

(a) maintained by the individual; and

(b) with an ADI within the meaning of the *Banking Act 1959*; and

(c) kept in Australia.

(8A) The account may be a federal administrative account.

(9) The account must not be a federal account kept for the purposes of this Part.

Circumstances in which no payment is made

(10) If:

(a) at the time the Electoral Commission proposes to pay the amount referred to in subsection (1), the political party is no longer a registered political party; and

(b) at that time, none of the individuals covered by paragraph 302AB(1)(b) in respect of whom the entitlement referred to in subsection (1) of this section arose is a member of the House of Representatives or a Senator;

then the Electoral Commission must not pay that amount to any person.

302AF Payment of administrative assistance funding to independent member

(1) If an individual is entitled to administrative assistance funding under section 302AC for a quarter, the Electoral Commission must pay the amount of the funding to the individual before the end of the seventh day in that quarter (whether or not the individual is still an independent member).

Method of payment

(2) The Electoral Commission must pay the amount to the credit of an account nominated by the individual for the purposes of this section.

(3) The account must be:

(a) maintained by the individual; and

(b) with an ADI within the meaning of the *Banking Act 1959*; and

(c) kept in Australia.

(3A) The account may be a federal administrative account.

(4) The account must not be a federal account kept for the purposes of this Part.

302AG Spending of administrative assistance funding

Registered political parties

(1) Subject to subsections (2) and (3), if a political party that is a registered political party is paid administrative assistance funding under this Division in a calendar year, the following person must ensure that the funding is used only to incur administrative expenditure:

(a) the agent of that party while that party is a registered political party;

(b) if that party ceases to be a registered political party after that administrative assistance funding is paid—the person (the ***former agent***) who was the agent of that party immediately before that party so ceased.

Civil penalty: 200 penalty units.

(2) If:

(a) paragraph (1)(b) applies in relation to the former agent of a political party; and

(b) the Electoral Commission notifies the former agent, in writing, that it is satisfied that the total amount of administrative assistance funding that was payable to that political party in that calendar year does not exceed the total amount of administrative expenditure incurred by that party in that year;

then subsection (1) ceases to apply in relation to the former agent and that funding after the former agent receives that notification.

(3) If the former agent receives a notification under subsection (2), the former agent must ensure that, after receiving that notification, the administrative assistance funding paid under this Division to that political party in that calendar year is not used to incur expenditure of a kind covered by paragraph 287AAA(2)(a), (b), (c) or (d).

Civil penalty: 200 penalty units.

Individuals

(4) Subject to subsections (5) and (6), if an individual is paid administrative assistance funding under this Division in a calendar year, the individual must ensure that the funding is used only to incur administrative expenditure.

Civil penalty: 200 penalty units.

(5) If:

(a) that individual is not an independent member; and

(b) the Electoral Commission notifies that individual, in writing, that it is satisfied that the total amount of administrative assistance funding that was payable to that individual in that calendar year does not exceed the total amount of administrative expenditure incurred by that individual in that year;

then subsection (4) ceases to apply in relation to that individual and that funding after that individual receives that notification.

(6) If that individual receives a notification under subsection (5), that individual must ensure that, after receiving that notification, the administrative assistance funding paid under this Division to that individual in that calendar year is not used to incur expenditure of a kind covered by paragraph 287AAA(2)(a), (b), (c) or (d).

Civil penalty: 200 penalty units.

Subdivision D—Recovery of amounts

302AH Recovery of amounts that are not payable

(1) If:

(a) a registered political party or an individual is paid an amount of administrative assistance funding under this Division; and

(b) the whole or a part of the amount paid was not payable to that party or individual;

the Electoral Commission may set off an amount equal to the amount that was not payable against one or more payments the Electoral Commission must make under this Division to that party or individual.

(2) If the Electoral Commission is not able to do so, the amount the Electoral Commission is not able to set off is a debt due to the Commonwealth and may be recovered by the Commonwealth by action in a court of competent jurisdiction.

302AI Recovery of amounts where administrative expenditure incurred less than administrative assistance funding

Registered political parties

(1) If:

(a) a registered political party is paid administrative assistance funding under this Division for one or more quarters in a calendar year; and

(b) the Electoral Commission is satisfied that the total amount of administrative assistance funding that was payable to the party for those one or more quarters exceeds the total amount

of administrative expenditure incurred by the party in that year;

the Electoral Commission may set off an amount equal to the excess against one or more payments the Electoral Commission must make under this Division to the party.

(2) If the Electoral Commission is not able to do so, the amount the Electoral Commission is not able to set off is a debt due to the Commonwealth and may be recovered by the Commonwealth by action in a court of competent jurisdiction.

Individuals

(3) If:

(a) an individual is paid administrative assistance funding under this Division for one or more quarters in a calendar year; and

(b) the Electoral Commission is satisfied that the total amount of administrative assistance funding that was payable to the individual for those one or more quarters exceeds the total amount of administrative expenditure incurred by the individual in that year;

the Electoral Commission may set off an amount equal to the excess against one or more payments the Electoral Commission must make under this Division to the individual.

(4) If the Electoral Commission is not able to do so, the amount the Electoral Commission is not able to set off is a debt due to the Commonwealth and may be recovered by the Commonwealth by action in a court of competent jurisdiction.

302AJ Recovery of amounts where failure to provide information about administrative expenditure

Registered political parties

(1) If:

(a) a registered political party is paid administrative assistance funding under this Division for one or more quarters in a calendar year; and

(b) in relation to a return given under section 310 in relation to that party and that calendar year, the Electoral Commission reasonably believes that information of a kind covered by paragraph 310(3)(g) that is included in that return is not correct;

the Electoral Commission may, by notice in writing given to the auditor who completed the certificate that accompanied the return, request the auditor to provide specified information to the Electoral Commission before the end of the period of 14 days beginning on the day the notice is given.

(2) If the auditor does not comply with the request under subsection (1), the Electoral Commission may, by notice in writing given to the agent of the registered political party, request the agent to provide specified information to the Electoral Commission before the end of the period of 14 days beginning on the day the notice is given.

(3) If the agent of the registered political party does not comply with the request under subsection (2), the Electoral Commission may set off an amount equal to the total amount of administrative assistance funding paid to that party during the calendar year covered by paragraph (1)(a) against one or more payments the Electoral Commission must make under this Division to that party.

(4) If the Electoral Commission is not able to do so, the amount the Electoral Commission is not able to set off is a debt due to the Commonwealth and may be recovered by the Commonwealth by action in a court of competent jurisdiction.

Individuals

(5) If:

(a) an individual is paid administrative assistance funding under this Division for one or more quarters in a calendar year; and

(b) in relation to a return given under section 310B in relation to that individual and that calendar year, the Electoral Commission reasonably believes that information of a kind covered by paragraph 310B(3)(c) that is included in that return is not correct;

the Electoral Commission may, by notice in writing given to the auditor who completed the certificate that accompanied the return, request the auditor to provide specified information to the Electoral Commission before the end of the period of 14 days beginning on the day the notice is given.

(6) If the auditor does not comply with the request under subsection (5), the Electoral Commission may, by notice in writing given to the individual, request the individual to provide specified information to the Electoral Commission before the end of the period of 14 days beginning on the day the notice is given.

(7) If the individual does not comply with the request under subsection (6), the Electoral Commission may set off an amount equal to the total amount of administrative assistance funding paid to that individual during the calendar year covered by paragraph (5)(a) against one or more payments the Electoral Commission must make under this Division to that individual.

(8) If the Electoral Commission is not able to do so, the amount the Electoral Commission is not able to set off is a debt due to the Commonwealth and may be recovered by the Commonwealth by action in a court of competent jurisdiction.

Division 3AB—Requirements relating to electoral expenditure

Subdivision A—Preliminary

302AKA Simplified outline of this Division

This Division deals with electoral expenditure incurred by the following persons and entities:

(a) registered political parties and State branches of registered political parties;

(b) candidates;

(c) members of the House of Representatives;

(d) Senators;

(e) significant third parties;

(f) associated entities;
(g) nominated entities;
(h) third parties.

They are all subject to caps on how much electoral expenditure they can incur in a calendar year. There are also separate caps on how much electoral expenditure they can incur for the purposes of a by-election in a Division or a Senate-only election in a State or Territory.

302AKB Objects of this Division

(1) The objects of this Division are as follows:

(a) to prevent Australian elections from being unfairly skewed by organisations or individuals with large amounts of money;

(b) to promote equal opportunity for all individuals and other entities to participate in political debate.

(2) This Division aims to achieve these objects by:

(a) limiting the amount of electoral expenditure that can be incurred each calendar year, both federally and in relation to Divisions, States and Territories; and

(b) limiting the amount of electoral expenditure that can be incurred for the purposes of a by-election or a Senate-only election.

Subdivision B—Interpretation

302ALA Definitions

In this Division:

acceptable expenditure action: see section 302ALE.

by-election cap, for a by-election, is 120% of the Divisional cap that applies on the day the writ for the by-election is issued.

Note 1: The by-election cap applies separately to each by-election.

Note 2: The Divisional cap is indexed under section 321AB.

by-election period, for a by-election, means the period:

(a) beginning on the day the writs for the by-election are issued; and

(b) ending on the polling day for the by-election.

capped entity by-election cap, for a by-election, means 120% of the capped entity Divisional cap that applies on the day the writ for the by-election is issued.

capped entity cap means $11,250,000.

Note: This amount is indexed under section 321AB.

capped entity Divisional cap means $100,000.

Note: This amount is indexed under section 321AB.

capped entity Senate base amount means $25,000.

Note: This amount is indexed under section 321AB.

capped entity Senate cap, for a State or Territory, means the capped entity Senate base amount multiplied by the number of Divisions in the State or Territory.

capped entity Senate-only election cap, for a Senate-only election in a State or Territory, is 120% of the capped entity Senate cap for the State or Territory.

capped expenditure entity means:

(a) a significant third party; or

(b) an associated entity; or

(c) a third party.

Divisional cap means $800,000.

Note: This amount is indexed under section 321AB.

expenditure covered by the by-election or Senate-only election caps: see section 302ALD.

express coverage matter: see subsection 302ALC(3).

Federal cap means $90 million.

Note: This amount is indexed under section 321AB.

Independent House candidate or member means:

(a) a candidate for election to the House of Representatives, for a Division, at any time while the candidate is not endorsed by a registered political party; or

(b) a member of the House of Representatives, for a Division, at any time while the member is not a member of a registered political party.

Note: A person who was not endorsed by a registered political party when elected, but who later becomes a member of a registered political party, ceases to be an ***Independent House candidate or member*** and instead becomes a member of a registered political party's expenditure group.

Independent House of Representatives by-election cap, for a by-election, means 120% of the Divisional cap that applies on the day the writ for the by-election is issued.

Independent House of Representatives cap means the Divisional cap.

Independent Senate candidate or Senator means:

(a) a candidate for election to the Senate, for a State or Territory, at any time while the candidate is not endorsed by a registered political party; or

(b) a Senator, for a State or Territory, at any time while the Senator is not a member of a registered political party.

Note: A person who was not endorsed by a registered political party when elected, but who later becomes a member of a registered political party, ceases to be an ***Independent Senate candidate or Senator*** and instead becomes a member of a registered political party's expenditure group.

Independent Senate cap, for a State or Territory, means the amount worked out by:

(a) multiplying the Senate base amount by the number of Divisions in the State or Territory; and

(b) dividing the result of paragraph (a) by:

(i) for a State—6; or

(ii) for a Territory—2.

liable person, for a member of a registered political party's expenditure group, means:

(a) for a registered political party other than a State branch—the registered officer of the party; or

(b) for a State branch of a registered political party—whichever of the following applies:

(i) if the State branch is a registered political party—the registered officer of the State branch;

(ii) otherwise—the agent of the State branch; or

(c) for a political party not covered by paragraph (a) or (b)—the agent of the political party; or

(d) for a candidate:

(i) if the candidate is endorsed by a registered political party—the registered officer of the registered political party; or

(ii) otherwise—the agent of the candidate; or

(e) for a member of the House of Representatives or a Senator—whichever of the following applies:

(i) if the member or Senator is a member of a registered political party—the registered officer of the registered political party;

(ii) otherwise—the member or Senator; or

(f) for a nominated entity—the financial controller of the nominated entity.

Senate base amount means $200,000.

Note: This amount is indexed under section 321AB.

Senate cap, for a State or Territory, means the Senate base amount multiplied by the number of Divisions in the State or Territory.

Senate-only election cap, for a Senate-only election in a State or Territory, is 120% of the Senate cap for the State or Territory.

Senate-only election Independent Senate cap, for a State or Territory, means 120% of the Independent Senate cap for the State or Territory.

Senate-only election period, for a Senate-only election, means the period:

(a) beginning on the day the writs for the election are issued; and

(b) ending on the polling day for the election.

targeted: see section 302ALC.

302ALB Electoral expenditure incurred by Senate groups

(1) This section applies if either of the following incurs electoral expenditure:

(a) a group for a Senate election;

(b) an agent acting on behalf of a group in a Senate election.

(2) For the purposes of this Part:

(a) if the group is a single-party endorsed group—the registered political party that endorsed the candidates in the group is taken to have incurred the expenditure; and

(b) if the group is a jointly endorsed group—each registered political party that endorsed one or more candidates in the group is taken to have incurred a share of the expenditure (rounded to the nearest dollar) proportionate to the number of candidates the party has endorsed; and

(c) if none of the group's members is a candidate endorsed by a registered political party—each member of the group is taken to have incurred an equal share of the expenditure (rounded to the nearest dollar); and

(d) in any case—the group is taken not to have incurred any of the expenditure.

Note: If paragraph (c) applies, each member of the group is required to report on the group member's share of the expenditure and that share counts towards any expenditure caps that apply in relation to the group members.

302ALC Electoral expenditure targeted to a Division, State or Territory

(1) For the purposes of this Part, if a person or entity incurs electoral expenditure, the amount worked out under subsection (2) is ***targeted*** to a Division, State or Territory if:

(a) the expenditure is incurred for the dominant purpose of creating or communicating electoral matter; and

(b) the electoral matter is express coverage matter (see subsection (3)) for the Division, State or Territory; and

(c) either:

(i) for a Division—the electoral matter is not mainly communicated to electors enrolled outside Divisions for which it is express coverage matter; or

(ii) for a State or Territory—the electoral matter is not mainly communicated to electors enrolled outside States and Territories for which it is express coverage matter.

(2) For the purposes of subsection (1), the amount that is targeted to the Division, State or Territory is:

(a) unless paragraph (b) applies—the amount of the expenditure; or

(b) if the electoral matter to which the expenditure relates is express coverage matter for more than one Division, State or Territory—that share of the expenditure that the liable person or financial controller for the person or entity is reasonably satisfied reflects the distribution of the electoral matter in the Division, State or Territory.

(3) Electoral matter is ***express coverage matter*** for a Division, State or Territory if the electoral matter:

(a) is communicated to electors enrolled in the Division, State or Territory; and

(b) does either or both of the following:

(i) expressly mentions the name, or includes an image or likeness of, a candidate for election to the House of Representatives for the Division or the Senate for the State or Territory;

(ii) expressly mentions the Division or a Senate election for the State or Territory.

(4) Despite subsection (1), an amount of electoral expenditure is not targeted to any Division, State or Territory if:

(a) the electoral matter to which the expenditure relates is a how-to-vote card; and

(b) if the electoral matter contains matter additional to matter that satisfies paragraph (a), (b) or (c) of the definition of ***how-to-vote card***—the dominant purpose of the matter is to convey matter that satisfies paragraph (a), (b) or (c) of the definition of ***how-to-vote*** card.

Note 1: Electoral expenditure that is not ***targeted*** to any Division, State or Territory will still (depending on who incurred it) count towards the Federal cap in section 302AMA or the capped entity cap in section 302APA.

Note 2: For the definition of ***how-to-vote card***, see subsection 4(1).

302ALD Expenditure covered by the by-election or Senate-only election caps

Electoral expenditure incurred by a person or entity is ***expenditure covered by the by-election or Senate-only election caps*** if the expenditure is incurred by the person or entity:

(a) in the by-election period for a by-election and for the purposes of the by-election; or

(b) in the Senate-only election period for a Senate-only election and for the purposes of the Senate-only election.

Note: Expenditure covered by the by-election or Senate-only election caps does not count towards the calendar year expenditure caps (see section 302AQB).

302ALE Acceptable expenditure action

Definition of acceptable expenditure action

(1) ***Acceptable expenditure action*** is taken in relation to an amount of electoral expenditure if:

(a) the expenditure of the amount is cancelled or reversed; or

(b) the recipient of the amount repays an equivalent amount to the person or entity that incurred the particular expenditure; or

(c) in relation to a cap mentioned in Subdivision C—the member of the expenditure group that incurred the expenditure, or another member of that group, transfers an equivalent amount to the Commonwealth for the purposes of this Division; or

(d) in relation to a cap mentioned in Subdivision D, E or F—the person or entity that incurred the expenditure transfers an equivalent amount to the Commonwealth for the purposes of this Division.

Effect of acceptable expenditure action on total expenditure

(2) Nothing in this Division prevents the taking of acceptable expenditure action in relation to an amount that is not an excess amount (within the meaning of a civil penalty provision in Subdivision C, D, E or F).

(3) However, for the purposes of such a civil penalty provision, the taking of acceptable expenditure action in relation to an amount, after a time at which the total electoral expenditure concerned has exceeded the cap concerned, does not reduce the total amount of expenditure incurred.

Note: This means that once a cap is exceeded, there is no way to subsequently reduce total expenditure to an amount that is below the cap (even if, by taking acceptable expenditure action, a penalty is avoided).

302ALF Expenditure group

*Definition of **expenditure group***

(1) Each registered political party (a ***group owner***) that is not itself a State branch of another registered political party or related to another registered political party in the way described in paragraph (b), has an ***expenditure group*** that is made up of:

(a) the following ***core members***:

(i) the group owner;

(ii) any State branch of the group owner;

(iii) any candidate endorsed by a registered political party covered by subparagraph (i) or (ii);

(iv) any member of the House of Representatives or Senator who is a member of a registered political party covered by subparagraph (i) or (ii);

(v) any nominated entity of a registered political party covered by subparagraph (i) or (ii); and

(b) any registered political party that, while not being a State branch of the group owner, is related to the group owner within the meaning of paragraph 123(2)(a) because it is part of the group owner; and

(c) any candidate endorsed by a registered political party covered by paragraph (b) of this subsection; and

(d) any member of the House of Representatives or Senator who is a member of a registered political party covered by paragraph (b) of this subsection; and

(e) any nominated entity of a registered political party covered by paragraph (b) of this subsection.

Note 1: Associated entities, significant third parties and third parties are not members of a registered political party's expenditure group for the purposes of this Division.

Note 2: See subsections 287(8) to (8D) for the treatment of significant third parties, third parties, associated entities and their branches, for the purposes of this Part.

Expenditure of member of multiple expenditure groups counts towards expenditure caps for each group

(2) If a person or entity is a member of more than one registered political party's expenditure group, then, for the purposes of Subdivision C, electoral expenditure incurred by the person or entity counts towards the total electoral expenditure of each such expenditure group.

Example: The Federal Quokka Party, the Quokka Party (WA), the Federal Wombat Party and the Wombat-Quokka Party (SA) are all registered political parties. The Quokka Party (WA) is a State branch of the Federal Quokka Party. The Wombat-Quokka Party (SA) is a State branch of the Federal Wombat Party. The Wombat-Quokka Party (SA) is not a State branch of the Federal Quokka Party but it is related

to the Federal Quokka Party within the meaning of paragraph 123(2)(a) because it is a part of the Federal Quokka Party.

The Quokka Party (WA) is a member of the Federal Quokka Party's expenditure group.

The Wombat-Quokka Party (SA) is a member of the Federal Wombat Party's expenditure group. It is also a member of the Federal Quokka Party's expenditure group under paragraph (1)(b).

The Wombat-Quokka Party (SA) incurs $50,000 of electoral expenditure. This expenditure will count towards the Federal cap for both of the expenditure groups that the Wombat-Quokka Party (SA) is a member of. If the expenditure is targeted to a Division, State or Territory within the meaning of section 302ALC, it will also count towards the Divisional cap or Senate cap for both of the expenditure groups.

Subdivision C—Expenditure caps for registered political party expenditure groups

302AMA Federal cap

(1) A person contravenes this subsection if:

(a) the person is the liable person for a member of a registered political party's expenditure group; and

(b) at a time in a calendar year, the member incurs particular electoral expenditure; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the year by members of the expenditure group exceeds the Federal cap.

Note: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the Federal cap—so much of

the particular expenditure as results in total expenditure exceeding that cap.

(3) To avoid doubt, electoral expenditure targeted to a Division, State or Territory is also electoral expenditure that counts towards the Federal cap.

Note: However, expenditure covered by the by-election or Senate-only election caps does not count (see section 302AQB).

(4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302AMB Divisional cap

(1) A person contravenes this subsection if:

(a) the person is the liable person for a member of a registered political party's expenditure group; and

(b) at a time in a calendar year, the member incurs particular electoral expenditure targeted to a Division; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the year targeted to the Division, by members of the expenditure group, exceeds the Divisional cap.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of electoral expenditure ***targeted*** to a Division, see section 302ALC.

Example: The Federal Quokka Party and the Quokka Party (ACT) are registered political parties. The Quokka Party (ACT) is a State branch of the Federal Quokka Party. Candidate K. Roo is the Quokka Party (ACT)'s endorsed candidate for the Division of Canberra. The Quokka Party (ACT) and K. Roo, along with the Federal Quokka Party itself, are therefore all members of the Federal Quokka Party's expenditure

group (see the definition of ***expenditure group*** in section 302ALF). The Quokka Party (ACT) and K. Roo each spend $10,000 on advertisements promoting K. Roo as the Quokka Party candidate for Canberra for the upcoming federal election. That electoral expenditure of $20,000 will count towards the Divisional cap, as well as the Federal cap, for the Federal Quokka Party's expenditure group as it was incurred by members of the expenditure group.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the Divisional cap—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302AMC Senate cap

(1) A person contravenes this subsection if:

(a) the person is the liable person for a member of a registered political party's expenditure group; and

(b) at a time in a calendar year, the member incurs particular electoral expenditure targeted to a State or Territory; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the year targeted to the State or Territory, by members of the expenditure group, exceeds the Senate cap for the State or Territory.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In

addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of electoral expenditure ***targeted*** to a State or Territory, see section 302ALC.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the Senate cap for the State or Territory—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302AMD By-election cap

(1) A person contravenes this subsection if:

(a) the person is the liable person for a member of a registered political party's expenditure group; and

(b) at a time in the by-election period for a by-election, the member incurs particular electoral expenditure for the purposes of the by-election; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the by-election period for the purposes of the by-election, by members of the expenditure group, exceeds the by-election cap for the by-election.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In

addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of ***by-election period***, see section 302ALA.

Note 3: This cap is separate from, and additional to, the Federal cap, the Divisional cap and the Senate cap that apply under sections 302AMA, 302AMB and 302AMC.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the by-election cap for the by-election—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302AME Senate-only election cap

(1) A person contravenes this subsection if:

(a) the person is the liable person for a member of a registered political party's expenditure group; and

(b) at a time in the Senate-only election period for a Senate-only election in a State or Territory, the member incurs particular electoral expenditure for the purposes of the election in the State or Territory; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the Senate-only election period for the purposes of the election in the State or Territory, by members of the expenditure group, exceeds the

Senate-only election cap for the election in the State or Territory.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of ***Senate-only election period***, see section 302ALA.

Note 3: This cap is separate from, and additional to, the Federal cap, the Divisional cap and the Senate cap that apply under sections 302AMA, 302AMB and 302AMC.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the Senate-only election cap for the election in the State or Territory—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

Subdivision D—Expenditure caps for Independent House candidates or members

302ANA Independent House of Representatives cap

(1) A person contravenes this subsection if:

(a) at a time in a calendar year, the person:

(i) is an Independent House candidate or member for a Division; and

(ii) incurs particular electoral expenditure; and

(b) as at the time (and including the particular expenditure), total electoral expenditure incurred in the year by the person, while the person is an Independent House candidate or member for the Division, exceeds the Independent House of Representatives cap.

Note: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(b) was less than the Independent House of Representatives cap—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302ANB Independent House of Representatives by-election cap

(1) A person contravenes this subsection if:

(a) at a time in the by-election period for a by-election for a Division, the person:

(i) is an Independent House candidate or member for the Division; and

(ii) incurs particular electoral expenditure for the purposes of the by-election; and

(b) as at the time (and including the particular expenditure), total electoral expenditure incurred in the by-election period for the purposes of the by-election by the person, while the person is an Independent House candidate or member for the Division, exceeds the Independent House of Representatives by-election cap for the by-election.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of ***by-election period***, see section 302ALA.

Note 3: This cap is separate from, and additional to, the Independent House of Representatives cap that applies under section 302ANA.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(b) was less than the Independent House of Representatives by-election cap for the by-election—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302ANC Application of caps in this Subdivision

(1) This section applies in relation to references in this Subdivision to electoral expenditure incurred by an Independent House candidate or member in a period.

(2) To avoid doubt, electoral expenditure incurred by an Independent House candidate or member is counted only once, even if the person satisfies both paragraphs (a) and (b) of the definition of ***Independent House candidate or member*** at the same time.

(3) To avoid doubt, if, at a time in the period, an Independent House candidate or member who satisfies one paragraph of the definition of ***Independent House candidate or member*** starts to satisfy the other paragraph instead, a reference to electoral expenditure incurred by the person in the period includes electoral expenditure incurred by the person before the time.

Subdivision E—Expenditure caps for Independent Senate candidates or Senators

302AOA Independent Senate cap

(1) A person contravenes this subsection if:

(a) at a time in a calendar year, the person:

(i) is an Independent Senate candidate or Senator for a State or Territory; and

(ii) incurs particular electoral expenditure; and

(b) as at the time (and including the particular expenditure), total electoral expenditure incurred in the year by the person, while the person is an Independent Senate candidate or Senator for the State or Territory, exceeds the Independent Senate cap for the State or Territory.

Note: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(b) was less than the Independent Senate cap for

the State or Territory—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302AOB Senate-only election Independent Senate cap

(1) A person contravenes this subsection if:

(a) at a time in the Senate-only election period for a Senate-only election in a State or Territory, the person:

(i) is an Independent Senate candidate or Senator for a State or Territory; and

(ii) incurs particular electoral expenditure for the purposes of the election in the State or Territory; and

(b) as at the time (and including the particular expenditure), total electoral expenditure incurred in the Senate-only election period for the purposes of the election by the person, while the person is an Independent Senate candidate or Senator, exceeds the Senate-only election Independent Senate cap for the State or Territory.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of ***Senate-only election period***, see section 302ALA.

Note 3: This cap is separate from, and additional to, the Independent Senate cap in section 302AOA.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(b) was less than the Senate-only election Independent Senate cap for the State or Territory—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302AOC Application of caps in this Subdivision

(1) This section applies in relation to references in this Subdivision to electoral expenditure incurred by an Independent Senate candidate or Senator in a period.

(2) To avoid doubt, electoral expenditure incurred by an Independent Senate candidate or Senator is counted only once, even if the person satisfies both paragraphs (a) and (b) of the definition of ***Independent Senate candidate or Senator*** at the same time.

(3) To avoid doubt, if, at a time in a period, an Independent Senate candidate or Senator who satisfies one paragraph of the definition of ***Independent Senate candidate or Senator*** starts to satisfy the other paragraph instead, a reference to electoral expenditure incurred by the person in the period includes electoral expenditure incurred by the person before the time.

Subdivision F—Expenditure caps for significant third parties, associated entities and third parties

302APA Capped entity cap

(1) A person contravenes this subsection if:

(a) the person is the financial controller of an entity; and

(b) at a time in a calendar year, the entity:

(i) is a capped expenditure entity; and

(ii) incurs particular electoral expenditure; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the year by the entity exceeds the capped entity cap.

Note: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the capped entity cap—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) To avoid doubt, electoral expenditure targeted to a Division, State or Territory is also electoral expenditure that counts towards the capped entity cap.

Note: However, expenditure covered by the by-election or Senate-only election caps does not count (see section 302AQB).

(4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302APB Capped entity Divisional cap

(1) A person contravenes this subsection if:

(a) the person is the financial controller of an entity; and

(b) at a time in a calendar year, the entity:

(i) is a capped expenditure entity; and

(ii) incurs particular electoral expenditure targeted to a Division; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the year targeted to the Division by the entity exceeds the capped entity Divisional cap.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of electoral expenditure ***targeted*** to a Division, see section 302ALC.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the capped entity Divisional cap—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302APC Capped entity Senate cap

(1) A person contravenes this subsection if:

(a) the person is the financial controller of an entity; and

(b) at a time in a calendar year, the entity:

(i) is a capped expenditure entity; and

(ii) incurs particular electoral expenditure targeted to a State or Territory; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the year targeted to the State or Territory by the entity exceeds the capped entity Senate cap for the State or Territory.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of electoral expenditure ***targeted*** to a State or Territory, see section 302ALC.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the capped entity Senate cap for the State or Territory—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302APD Capped entity by-election cap

(1) A person contravenes this subsection if:

(a) the person is the financial controller of an entity; and

(b) at a time in the by-election period for a by-election, the entity:

(i) is a capped expenditure entity; and

(ii) incurs particular electoral expenditure for the purposes of the by-election; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the by-election period for the purposes of the by-election, by the entity, exceeds the capped entity by-election cap for the by-election.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of ***by-election period***, see section 302ALA.

Note 3: This cap is separate from, and additional to, the capped entity cap, the capped entity Divisional cap and the capped entity Senate cap that apply under sections 302APA, 302APB and 302APC.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the capped entity by-election cap for the by-election—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302APE Capped entity Senate-only election cap

(1) A person contravenes this subsection if:

(a) the person is the financial controller of an entity; and

(b) at a time in the Senate-only election period for a Senate-only election in a State or Territory, the entity:

(i) is a capped expenditure entity; and

(ii) incurs particular electoral expenditure for the purposes of the election in the State or Territory; and

(c) as at the time (and including the particular expenditure), total electoral expenditure incurred in the Senate-only election period for the purposes of the election, by the entity, exceeds the capped entity Senate-only election cap for the election in the State or Territory.

Note 1: See Subdivision G for expenditure that does not count towards the cap, and for an exception for acceptable expenditure action. In addition, section 95 of the Regulatory Powers Act deals with mistake of fact.

Note 2: For the meaning of ***Senate-only election period***, see section 302ALA.

Note 3: This cap is separate from, and additional to, the capped entity cap, the capped entity Divisional cap and the capped entity Senate cap that apply under sections 302APA, 302APB and 302APC.

(2) For the purposes of this section, the excess amount of the particular expenditure is:

(a) unless paragraph (b) of this subsection applies—the amount of the particular expenditure; or

(b) if, immediately before the particular expenditure was incurred, total electoral expenditure incurred as mentioned in paragraph (1)(c) was less than the capped entity Senate-only election cap for the election in the State or Territory—so much of the particular expenditure as results in total expenditure exceeding that cap.

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following:

(a) 1,000 penalty units;

(b) 3 times the excess amount of the particular expenditure.

302APF Application of caps in this Subdivision

(1) This section applies in relation to references in this Subdivision to electoral expenditure incurred by a capped expenditure entity in a period.

(2) To avoid doubt, if, at a time in the period, a capped expenditure entity that satisfies one paragraph of the definition of ***capped expenditure entity*** starts to satisfy another paragraph instead, a reference to electoral expenditure incurred by the entity in the period includes electoral expenditure incurred by the entity before the time.

(3) If an entity was not a capped expenditure entity at the start of the period but starts to be one at a time during the period:

(a) a reference to electoral expenditure incurred by the entity in the period includes electoral expenditure incurred by the entity before that time; and

(b) any electoral expenditure incurred by the entity before that time is taken to have been incurred at the time the entity started to be a capped expenditure entity.

(4) This Subdivision does not apply in relation to electoral expenditure incurred by a capped expenditure entity at any time while the entity is a nominated entity of a registered political party.

Note: The nominated entity of a registered political party is a member of a registered political party's expenditure group and so its electoral expenditure is covered by Subdivision C.

Subdivision G—Exceptions

302AQA Exception—acceptable expenditure action

A civil penalty provision in Subdivision C, D, E or F does not apply to a person, in relation to the excess amount of particular expenditure within the meaning of the provision, if:

(a) at the time the particular expenditure was incurred, the person did not know, and could not reasonably have been expected to know, that the total expenditure concerned exceeded the cap concerned; and

(b) before the end of the period of 6 weeks starting on the day the person first became aware of the matter, acceptable expenditure action is taken in relation to the excess amount.

Note: A person who wishes to rely on this section bears an evidential burden in relation to the matters in this section (see section 96 of the Regulatory Powers Act).

302AQB Exception—expenditure covered by the by-election or Senate-only election caps

A civil penalty provision in Subdivision C, D, E or F that applies in relation to a calendar year does not apply in relation to expenditure covered by the by-election or Senate-only election caps.

Note 1: A person who wishes to rely on this section bears an evidential burden in relation to the matters in this section (see section 96 of the Regulatory Powers Act).

Note 2: For the meaning of ***expenditure covered by the by-election or Senate-only election caps***, see section 302ALD.

302AQC Exception—travel and translation expenses

(1) A civil penalty provision in Subdivision C does not apply in relation to electoral expenditure incurred by a member of a registered political party's expenditure group in the period concerned in relation to:

(a) travel by a candidate who is a member of the expenditure group, or by the candidate's staff, or travel-related accommodation for the candidate or staff, undertaken for the dominant purpose of the candidate's campaign; or

(b) translation or interpretation services used for the dominant purpose of the candidate's campaign.

Note 1: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Note 2: This exception does not apply in relation to contraventions of provisions in Subdivision F.

Note 3: A candidate's staff includes any volunteers.

(2) A civil penalty provision in Subdivision D or E does not apply in relation to electoral expenditure incurred by a person who is a candidate in the period concerned in relation to:

(a) travel by the candidate or by the candidate's staff, or travel-related accommodation for the candidate or staff, undertaken for the dominant purpose of the candidate's campaign; or

(b) translation or interpretation services used for the dominant purpose of the candidate's campaign.

Note 1: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Note 2: This exception does not apply in relation to contraventions of provisions in Subdivision F.

Note 3: A candidate's staff includes any volunteers.

(3) Paragraphs (1)(a) and (2)(a) do not include expenditure incurred in connection with a vessel, aircraft or vehicle which displays advertising or electoral matter for a candidate or registered political party.

302AQD Exception—salaries and allowances

A civil penalty provision in Subdivision C, D or E does not apply in relation to electoral expenditure incurred in the period concerned that is an amount of salary or allowance paid to a member of the Parliament, or a member of the staff of a member of the Parliament, including an amount of salary, remuneration, allowance or expenses payable under any of the following:

(a) the Constitution;

(b) the *Parliamentary Business Resources Act 2017*;

(c) an agreement for employment or engagement referred to in the *Members of Parliament (Staff) Act 1984*.

Note 1: A person who wishes to rely on this section bears an evidential burden in relation to the matters in this section (see section 96 of the Regulatory Powers Act).

Note 2: This exception does not apply in relation to contraventions of provisions in Subdivision F.

302AQE Exception—campaign office accommodation

(1) A civil penalty provision in Subdivision C does not apply in relation to so much of any electoral expenditure incurred by members of a registered political party's expenditure group in the period concerned as:

(a) is incurred on a campaign office for the party (including the party's campaign headquarters) or for a member of the expenditure group who is a candidate; and

(b) does not result in the members of the expenditure group incurring electoral expenditure exceeding:

(i) for a campaign office that is the party's campaign headquarters—$20,000; or

(ii) for a campaign office for a Division—$20,000 total for each Division; or

(iii) for a campaign office for a State and Territory—$20,000 total for each State or Territory.

Note 1: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Note 2: The amounts in subparagraphs (1)(b)(i), (ii) and (iii) are indexed under section 321AB.

Note 3: There is an equivalent exception in subsection (3) in relation to contraventions of provisions in Subdivisions D and E. There is not an equivalent exception in relation to contraventions of provisions in Subdivision F.

(2) To avoid doubt, an amount mentioned in subparagraph (1)(b)(ii) or (iii) applies regardless of the number of campaign offices for the Division, State or Territory.

(3) A civil penalty provision in Subdivision D or E does not apply in relation to so much of any electoral expenditure incurred by the person in the period concerned as is both:

(a) incurred on a campaign office for the person; and

(b) not more than $20,000.

Note 1: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Note 2: The amount in paragraph (3)(b) is indexed under section 321AB.

Note 3: There is an equivalent exception in subsection (1) in relation to contraventions of provisions in Subdivision C. There is not an equivalent exception in relation to contraventions of provisions in Subdivision F.

302AQF Exception—design and printing costs for certain how-to-vote cards

A civil penalty provision in Subdivision D or E does not apply in relation to so much of any expenditure incurred by the person in the period concerned as is both:

(a) expenditure incurred on the design or printing of a how-to-vote card; and

(b) not more than $20,000.

Note 1: A person who wishes to rely on this section bears an evidential burden in relation to the matters in this section (see section 96 of the Regulatory Powers Act).

Note 2: For the definition of ***how-to-vote card***, see subsection 4(1).

Note 3: The amount in paragraph (b) is indexed under section 321AB.

Note 4: This exception does not apply in relation to contraventions of provisions in Subdivision C or F.

Subdivision H—Miscellaneous

302ARA Notification if expenditure reaches a cap

Expenditure caps for registered political parties

(1) If:

(a) a person is the registered officer of a registered political party that has an expenditure group (see section 302ALF); and

(b) total electoral expenditure incurred in a period by members of the registered political party's expenditure group, that counts towards a cap mentioned in Subdivision C that applies to the period, reaches the cap;

the person must give the Electoral Commissioner a written notice in accordance with this section.

Civil penalty: 60 penalty units.

Expenditure caps for Independent House candidates or members

(2) If:

(a) a person is an Independent House candidate or member; and

(b) total electoral expenditure incurred in a period by the person, that counts towards a cap mentioned in Subdivision D that applies to the period, reaches the cap;

the person must give the Electoral Commissioner a written notice in accordance with this section.

Civil penalty: 60 penalty units.

Expenditure caps for Independent Senate candidates or Senators

(3) If:

(a) a person is an Independent Senate candidate or Senator; and

(b) total electoral expenditure incurred in a period by the person, that counts towards a cap mentioned in Subdivision E that applies to the period, reaches the cap;

the person must give the Electoral Commissioner a written notice in accordance with this section.

Civil penalty: 60 penalty units.

Expenditure caps for significant third parties, associated entities, nominated entities and third parties

(4) If:

(a) a person is the financial controller of a capped expenditure entity; and

(b) total electoral expenditure incurred in a period by the entity, that counts towards a cap mentioned in Subdivision F that applies to the period, reaches the cap;

the person must give the Electoral Commissioner a written notice in accordance with this section.

Civil penalty: 60 penalty units.

Requirements for notice

(5) The person must give the Electoral Commissioner the notice:

(a) as soon as practicable after becoming aware that the total electoral expenditure has reached the cap; and

(b) in the approved form (if any).

302ARB Electoral Commissioner must publish amounts and periods

(1) As soon as practicable after 1 January each calendar year, the Electoral Commission's website, the following for the year:

(a) the capped entity cap;

(b) the capped entity Divisional cap;

(c) the capped entity Senate base amount;

(d) the capped entity Senate cap, for each State and Territory;

(e) the Divisional cap;

(f) the Federal cap;

(g) the Senate base amount;

(h) the Senate cap, for each State and Territory;

(i) the amounts for the purposes of subparagraphs 302AQE(1)(b)(i), (ii) and (iii) and paragraph 302AQE(3)(b) (exceptions for campaign office accommodation);

(j) the amount for the purposes of paragraph 302AQF(b) (exception for design and printing costs for certain how-to-vote cards).

Note: These amounts are indexed on 1 January each year under section 321AB.

(2) As soon as practicable after the writs are issued for a by-election, the Electoral Commissioner must publish, on the Electoral Commission's website, the following for the by-election:

(a) the by-election cap;

(b) the by-election period;

(c) the capped entity by-election cap;

(d) the Independent House of Representatives by-election cap.

(3) As soon as practicable after the writs are issued for a Senate-only election in a State or Territory, the Electoral Commissioner must publish, on the Electoral Commission's website, the following for the Senate election:

(a) the capped entity Senate-only election cap for the State or Territory;

(b) the Senate-only election cap for the State or Territory;

(c) the Senate-only election period;

(d) the Senate-only election Independent Senate cap for the State or Territory.

302ARC Resetting of certain expenditure caps when multiple elections in a calendar year

(1) This section applies if:

(a) a general election is held in a calendar year; and

(b) after the polling day for the general election, another general election is, or is to be, held in the same calendar year; and

(c) the writs for the other general election have been issued.

(2) The civil penalty provisions in Subdivisions C, D, E and F that apply in relation to calendar years apply as if the part of the calendar year that occurred before the day the writs were issued for the other general election, and the part of the calendar year that occurred on and after that day, were different calendar years.

Note: This means new and separate caps apply for electoral expenditure incurred for the remainder of the year on and after the day the writs for the other general election were issued.

Division 3A—Requirements relating to donations

Subdivision A—Interpretation

302A Simplified outline of this Division

This Division regulates gifts that are made to members of the House of Representatives, Senators, registered political parties, candidates, significant third parties, associated entities, nominated entities and third parties.

Gifts to these persons and entities that are made for a federal purpose are subject to a cap. Gifts (other than gifts made for the purposes of a by-election or a Senate-only election) are subject to an annual cap for a calendar year. Gifts made for the purposes of a by-election or a Senate-only election are subject to a separate cap during the election period for the election. Gifts may be aggregated with other gifts made by the same donor to related persons or entities if the gifts are made in the same calendar year, or for the purposes of the same by-election or Senate-only election.

Separately, gifts made for a federal purpose by the same person or entity are subject to the overall gift cap, and any such gifts made to recipients related to a particular State or Territory are subject to the State and Territory gift cap.

Gifts of at least $1,000 to members of the House of Representatives, Senators, political entities (broadly, registered political parties and candidates), significant third parties, associated entities or nominated entities must not be made by foreign donors. A foreign donor is a person who does not have a connection to Australia, such as a person who is not an Australian citizen or an entity that does not have a significant business presence in Australia.

Broadly, gifts must not be made to a member of the House of Representatives, Senator, political entity, significant third party, associated entity, nominated entity or third party by a foreign

donor for the purpose of incurring electoral expenditure or creating or communicating electoral matter.

Anti-avoidance provisions apply to strengthen these requirements (see Subdivision C of Division 5C of this Part).

A person or entity may commit an offence or be liable to a civil penalty if the person or entity contravenes these requirements. There are some exceptions, such as when a gift is made in a personal capacity.

302B Definitions

acceptable donor action is taken in relation to a gift that exceeds the annual gift cap for a calendar year, the overall gift cap for a calendar year, the State and Territory gift cap for a calendar year, the by-election gift cap or the Senate-only election gift cap (whichever is applicable) if the donor, in writing, requests the person or entity to which the gift was made to return to the donor:

(a) the gift; or

(b) an amount equal to the amount or value by which the gift exceeds the applicable gift cap.

acceptable recipient action is taken in relation to a gift that exceeds the annual gift cap for a calendar year, the by-election gift cap or the Senate-only election gift cap (whichever is applicable) if:

(a) the gift, or an amount equal to the amount or value by which the gift exceeds the applicable gift cap, is returned by, or on behalf of, the recipient to the donor; or

(b) an amount equal to the amount or value of the gift, or the amount or value by which the gift exceeds the applicable gift cap, is transferred by, or on behalf of, the recipient to the Commonwealth, for the purposes of this Division.

annual gift means a gift to which Subdivision AA applies under subsection 302CB(1).

annual gift cap, for a calendar year, means $50,000.

Note 1: This amount is indexed under section 321A.

Note 2: The annual gift cap for a calendar year resets if a general election is held in the calendar year (see section 302CG).

by-election gift means a gift to which Subdivision AA applies under subsection 302CB(2).

by-election gift cap means $50,000.

Note 1: This amount is indexed under section 321A.

Note 2: The by-election gift cap has effect only during the election period for a by-election (see subsection 302CB(2)).

Note 3: A gift made to a person or entity for the purposes of a by-election is not counted for the purposes of the annual gift cap, the overall gift cap or the State and Territory gift cap for the calendar year in which the by-election is held (see section 302CB).

connected has the meaning given by subsection 302CJ(2).

exceeds the annual gift cap has the meaning given by subsection 302BA(1).

exceeds the by-election gift cap has the meaning given by subsection 302BA(2).

exceeds the overall gift cap has the meaning given by subsections 302CI(2) and (3).

exceeds the Senate-only election gift cap has the meaning given by subsection 302BA(3).

exceeds the State and Territory gift cap has the meaning given by subsections 302CJ(3) and (4).

In this Division:

acceptable action is taken in relation to a gift if any of the following action is taken:

(a) an amount equal to the amount or value of the gift is transferred to the Commonwealth for the purposes of this Division;

(b) the gift is returned to the donor or the person who made the gift;

(c) an amount equal to the amount or value of the gift is transferred to the donor or the person who made the gift.

acceptable action period, in relation to a gift, means:

(a) if the gift is made to, or for the benefit of, a person who is a candidate in an election or by-election—the period of 6 weeks beginning on the later of the following days:

(i) the day the gift is made;

(ii) the earlier of the day the person announced that the person would be a candidate in the election or by-election and the day the person nominated as a candidate in the election or by-election; or

(b) otherwise—the period of 6 weeks beginning on the day the gift is made.

appropriate donor information has the meaning given by section 302P.

overall gift cap for a calendar year means 32 times the annual gift cap for the calendar year.

Note: The overall gift cap for a calendar year resets if a general election is held in the calendar year (see section 302CK).

Senate-only election gift means a gift to which Subdivision AA applies under subsection 302CB(3).

Senate-only election gift cap means $50,000.

Note 1: This amount is indexed under section 321A.

Note 2: The Senate-only election gift cap has effect only during the election period for the Senate-only election (see subsection 302CB(3)).

Note 3: A gift made to a person or entity for the purposes of a Senate-only election is not counted for the purposes of the annual gift cap, the overall gift cap or the State and Territory gift cap for the calendar year in which the Senate-only election is held (see section 302CB).

State and Territory gift cap means 5 times the annual gift cap.

Note: The State and Territory gift cap for a calendar year resets if a general election is held in the calendar year (see section 302CK).

302BA Meaning of *exceeds the annual gift cap* etc.

*Meaning of **exceeds the annual gift cap***

(1) An annual gift ***exceeds the annual gift cap*** for a calendar year if:

(a) the amount or value of the gift is more than the annual gift cap for the calendar year in which the gift is made; or

(b) the amount or value of the gift, when added to the amount or value of each previous annual gift (if any) that was made:

(i) to the same person or entity; and

(ii) by, or on behalf of, the same donor; and

(iii) in the same calendar year;

results in an amount or value that is more than the annual gift cap for the calendar year; or

(c) the gift is made to a registered political party, or a person or entity related to a registered political party, and the amount or value of the gift, when added to the amount or value of each previous annual gift (if any) that was made:

(i) to the registered political party or any person or entity related to the registered political party; and

(ii) by, or on behalf of, the same donor; and

(iii) in the same calendar year;

results in an amount or value that is more than the annual gift cap for the calendar year.

Note 1: See subsection (4) for when a person or entity is related to a registered political party.

Note 2: The annual gift cap for a calendar year resets if a general election is held in the calendar year (see section 302CG).

*Meaning of **exceeds the by-election gift cap***

(2) A by-election gift ***exceeds the by-election gift cap*** if:

(a) the amount or value of the gift is more than the by-election gift cap; or

(b) the amount or value of the gift, when added to the amount or value of each previous by-election gift (if any) that was made:

(i) to the same person or entity; and

(ii) by, or on behalf of, the same donor; and

(iii) during the election period for the same by-election;

results in an amount or value that is more than the by-election gift cap; or

(c) the gift is made to a registered political party, or a person or entity related to a registered political party, and the amount or value of the gift, when added to the amount or value of each previous by-election gift (if any) that was made:

(i) to the registered political party or any person or entity related to the registered political party; and

(ii) by, or on behalf of, the same donor; and

(iii) during the election period for the same by-election;

results in an amount or value that is more than the by-election gift cap.

Note: See subsection (4) for when a person or entity is related to a registered political party.

Meaning of ***exceeds the Senate-only election gift cap***

(3) A Senate-only election gift ***exceeds the Senate-only election gift cap*** if:

(a) the amount or value of the gift is more than the Senate-only election gift cap; or

(b) the amount or value of the gift, when added to the amount or value of each previous Senate-only election gift (if any) that was made:

(i) to the same person or entity; and

(ii) by, or on behalf of, the same donor; and

(iii) during the election period for the same Senate-only election;

results in an amount or value that is more than the Senate-only election gift cap; or

(c) the gift is made to a registered political party, or a person or entity related to a registered political party, and the amount or value of the gift, when added to the amount or value of each previous Senate-only election gift (if any) that was made:

(i) to the registered political party or any person or entity related to the registered political party; and

(ii) by, or on behalf of, the same donor; and

(iii) during the election period for the same Senate-only election;

results in an amount or value that is more than the Senate-only election gift cap.

Note: See subsection (4) for when a person or entity is related to a registered political party.

When a person or entity is related to a registered political party

(4) For the purposes of paragraphs (1)(c), (2)(c) and (3)(c), each of the following is ***related*** to a registered political party:

(a) a member of the House of Representatives who is a member of the registered political party;

(b) a Senator who is a member of the registered political party;

(c) a candidate who is endorsed by the registered political party;

(d) the nominated entity (if any) registered as the registered political party's nominated entity, as set out in the Transparency Register at the time the relevant gift is made.

Note 1: For ***registered political party***, see subsection 4(1).

Note 2: An effect of subsection (4) is that a registered political party is not ***related*** to another registered political party for the purposes of paragraph (1)(c), (2)(c) or (3)(c).

Example: The Quokka Party (ACT) is a registered political party, as is the Quokka Party (NSW).

The amounts of gifts received by the Quokka Party (ACT) will not be aggregated with the amounts of gifts received by the Quokka Party (NSW).

The amounts of gifts received by candidates endorsed by the Quokka Party (ACT) are aggregated only with the amounts of gifts received by the Quokka Party (ACT), and not with the amounts of gifts received by candidates endorsed by the Quokka Party (NSW).

Note 3: See subsections 287(6) and (8) to (8D) for the treatment of related bodies corporate, and significant third parties, third parties, associated entities and their branches, for the purposes of this Part.

(5) If (apart from this subsection), a person who is a member of the House of Representatives, a Senator or a candidate would be related to more than one registered political party for the purposes of paragraphs (1)(c), (2)(c) and (3)(c), then, despite subsection (4), the person is taken to be ***related*** only to:

(a) if the person is a candidate—the registered political party that endorses the person; or

(b) if the person is a member of the House of Representatives or a Senator who is not a candidate:

(i) the registered political party that endorsed the person as a candidate in the election that most recently resulted in the person becoming a member of the House of Representatives or a Senator; or

(ii) if the person is a Senator who became a Senator other than as a result of an election—the registered political party that endorsed the person's predecessor as a candidate for election to the Senate; or

(c) in any case, if the person has given the Electoral Commission a written notice in the approved form specifying another of the registered political parties—the registered political party most recently so specified.

302C Objects of this Division

(1) The objects of this Division are as follows:

(a) to prevent Australian elections from being unfairly skewed by organisations or individuals with large amounts of money;

(b) to promote equal opportunity for all individuals and other entities to participate in political debate;

(c) to secure and promote the actual and perceived integrity of the Australian electoral process by reducing the risk of persons and entities, including foreign persons and entities, exerting or being perceived to exert undue or improper influence in the outcomes of elections.

(2) This Division aims to achieve these objects by:

(a) limiting the amount or value of gifts for a federal purpose a single donor can make to the same recipient within a calendar

year, or during an election period for a by-election or a Senate-only election; and

(b) restricting the receipt and use of gifts made by foreign persons or entities that do not have a legitimate connection to Australia.

302CA Gifts made etc. for federal purposes

Offering gifts

(1) Despite any State or Territory electoral law, a person or entity may offer to give a gift to, or for the benefit of, a regulated entity if the gift is expressly offered for federal purposes.

Seeking gifts

(2) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may seek a gift if the gift is expressly sought for use for federal purposes.

Giving gifts

(3) Despite any State or Territory electoral law, a person or entity may give a gift to, or for the benefit of, a regulated entity if the gift is expressly given for federal purposes.

Receiving or keeping gifts—money

(4) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may receive a gift of money if:

(a) the money is deposited into a federal account as soon as practicable after the money is received; and

(b) the money is not transferred or withdrawn out of the account except:

(i) to use the money for federal purposes; or

(ii) to transfer the money to another federal account.

(4A) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may keep a gift of money if:

(a) the money is kept in a federal account; and

(b) the money is not transferred or withdrawn out of the account except:

(i) to use the money for federal purposes; or

(ii) to transfer the money to another federal account.

(4B) To avoid doubt, subsections (4) and (4A) are taken never to have applied if, at any time, the money is transferred or withdrawn out of the account, or any other federal account, except as provided by subparagraph (4)(b)(i) or (ii) or (4A)(b)(i) or (ii).

Receiving or keeping gifts—gifts other than money

(5) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may receive or keep a gift that is not money unless the regulated entity keeps the gift for use for, or uses the gift for, purposes other than federal purposes.

(5A) To avoid doubt, subsection (5) is taken never to have applied if, at any time, the regulated entity keeps the gift for use for, or uses the gift for, purposes other than federal purposes.

Receiving or keeping gifts—additional operation

(6) Subsections (4), (4A) and (5) also have the effect they would have if a reference to a gift were confined to a gift expressly given for federal purposes.

Using gifts—money

(7) Despite any State or Territory electoral law, a regulated entity may use, or authorise the use of, a gift of money for federal purposes if the gift has been continuously kept in a federal account since it was deposited in that account, or any other federal account, in accordance with subsection (4).

Using gifts—gifts other than money

(7A) Despite any State or Territory electoral law, a regulated entity may use, or authorise the use of, a gift, that is not money, for federal

purposes if the gift has been continuously kept for federal purposes since it was received.

Using gifts—relationship with State or Territory electoral laws

(8) To avoid doubt, the fact that, as a result of subsection (7) or (7A), a State or Territory electoral law does not prohibit the use of a gift does not prevent that law from prohibiting the offering, seeking, giving, receiving or keeping of the gift.

Gifts not otherwise prohibited by this Division

(9) To avoid doubt, this section applies to a gift only if this Division does not prohibit the giving, receiving or keeping of the gift.

Parts of gifts

(10) For the purposes of this section, if a part of a gift is offered, sought, given, received, kept or used for a particular purpose, and that same action is taken in relation to another part of the gift for a different purpose, each part of the gift is taken to be a separate gift.

Extended meaning of gift

(11) Disregard subsection 287AAB(3) in working out whether something is a gift for the purposes of this section.

302CAA Gifts to Senate groups

(1) This section applies if a gift is made by or on behalf of a donor, to either of the following:

(a) a group;

(b) an agent acting on behalf of a group.

(2) For the purposes of this Part:

(a) if the group is a single-party endorsed group—the party that endorsed the candidates in the group is taken to have received the gift; and

(b) if the group is a jointly endorsed group or none of the group's members is a candidate endorsed by a registered political

party—each member of the group is taken to have received an equal share of the gift (rounded to the nearest dollar); and

(c) in any case—the group is taken not to have received the gift.

Note: Candidates may be subject to expedited disclosure requirements in relation to their share of the gift (see section 303A). Gifts received by endorsed candidates of a registered political party may be aggregated in certain circumstances for the purpose of determining whether a gift exceeds the relevant gift cap (see section 302BA).

Subdivision AA—Civil penalty provisions relating to annual gift cap, by-election gift cap and Senate-only election gift cap

302CB Gifts to which this Subdivision applies

Gifts made for a federal purpose—general

(1) This Subdivision applies to a gift (other than a gift to which subsection (2) or (3) applies) made for a federal purpose, by or on behalf of a donor, to any of the following:

(a) a registered political party;

(b) a State branch of a registered political party;

(c) a member of the House of Representatives;

(d) a Senator;

(e) a candidate;

(f) an associated entity;

(g) a significant third party;

(h) a nominated entity;

(i) a third party.

Note: For ***federal purpose***, see subsection 287(1).

Gifts made for a federal purpose—by-election

(2) This Subdivision applies to a gift made for a federal purpose by, or on behalf of, a donor if the gift:

(a) is to a person or entity referred to in any of paragraphs (1)(a) to (i); and

(b) is for the purposes of a by-election; and

(c) is made during the election period for the by-election.

Gifts made for a federal purpose—Senate-only election

(3) This Subdivision applies to a gift made for a federal purpose by, or on behalf of, a donor if the gift:

(a) is to a person or entity referred to in any of paragraphs (1)(a) to (i); and

(b) is for the purposes of a Senate-only election; and

(c) is made during the election period for the Senate-only election.

302CC Responsible person for recipients of gifts to which this Subdivision applies

For the purposes of this Subdivision, the person or entity specified in column 2 of an item in the following table is the ***responsible person*** for a person or entity (the ***recipient***) specified in column 1 of that item.

Responsible person for a recipient of an annual gift, a by-election gift or a Senate-only election gift

Item	Column 1 Recipient	Column 2 Responsible person
1	A registered political party	The registered officer of the registered political party
2	A State branch of a registered political party	Whichever of the following applies: (a) if the State branch is a registered political party—the registered officer of the State branch; (b) otherwise—the agent of the State branch
3	A member of the House of Representatives	Whichever of the following applies: (a) if the member is a member of a registered political party—the registered officer of the registered political party; (b) otherwise—the member

Responsible person for a recipient of an annual gift, a by-election gift or a Senate-only election gift		
Item	**Column 1** **Recipient**	**Column 2** **Responsible person**
4	A Senator	Whichever of the following applies: (a) if the Senator is a member of a registered political party—the registered officer of the registered political party; (b) otherwise—the Senator
5	A candidate	Whichever of the following applies: (a) if the candidate is endorsed by a registered political party—the registered officer of the registered political party; (b) otherwise—the agent of the candidate
6	An associated entity	The financial controller of the associated entity
7	A significant third party	The financial controller of the significant third party
8	A nominated entity	The financial controller of the nominated entity
9	A third party	The third party

Note: For table item 5, the agent of a candidate in an election or by-election is either the candidate or a person appointed by the candidate (see section 289).

302CD Gifts exceeding annual gift cap

Gifts received by a person or entity

(1) A person or entity contravenes this subsection if:

(a) the person or entity is the responsible person for a person or entity referred to in any of paragraphs 302CB(1)(a) to (i) (the ***recipient***); and

(b) the recipient receives an annual gift; and

(c) at the time the gift is made, the gift exceeds the annual gift cap for the calendar year in which the gift is made.

Note 1: For ***exceeds the annual gift cap***, see subsections 302BA(1) and (4).

Note 2: The amount or value by which the annual gift exceeds the annual gift cap may be a debt due to the Commonwealth under section 302Q.

Note 3: See subsections 287(6) and (8) to (8D) for the treatment of related bodies corporate, and significant third parties, third parties, associated entities and their branches, for the purposes of this Part.

Gifts made by a person or entity

(2) A person or entity (the ***donor***) contravenes this subsection if:

(a) the donor makes an annual gift; and

(b) at the time the gift is made, the gift exceeds the annual gift cap for the calendar year in which the gift is made.

Note 1: For ***exceeds the annual gift cap***, see subsections 302BA(1) and (4).

Note 2: The amount or value by which the annual gift exceeds the annual gift cap may be a debt due to the Commonwealth under section 302Q.

Note 3: See subsections 287(6) and (8) to (8D) for the treatment of related bodies corporate, and significant third parties, third parties, associated entities and their branches, for the purposes of this Part.

Exception—no knowledge annual gift cap exceeded

(3) Subsection (1) does not apply if:

(a) at the time the annual gift was received, the responsible person did not know, and could not reasonably have known, that the gift exceeded the annual gift cap for the calendar year; and

(b) acceptable recipient action was taken in relation to the gift within 6 weeks after the responsible person became aware that the gift exceeded the annual gift cap for the calendar year.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

(4) Subsection (2) does not apply if:

(a) at the time the annual gift was made, the donor did not know, and could not reasonably have known, that the gift exceeded the annual gift cap for the calendar year; and

(b) the donor took acceptable donor action in relation to the gift within 6 weeks after the donor became aware that the gift exceeded the annual gift cap for the calendar year.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Civil penalty

(5) A person or entity is liable to a civil penalty if the person or entity contravenes subsection (1) or (2).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, by which the annual gift exceeded the annual gift cap for the calendar year at the time the gift was made—3 times that amount or value.

302CE Gifts exceeding by-election gift cap

Gifts received by a person or entity

(1) A person or entity contravenes this subsection if:

(a) the person or entity is the responsible person for a person or entity referred to in any of paragraphs 302CB(1)(a) to (i) (the ***recipient***); and

(b) the recipient receives a by-election gift; and

(c) at the time the gift is made, the gift exceeds the by-election gift cap.

Note 1: For ***exceeds the by-election gift cap***, see subsections 302BA(2) and (4).

Note 2: The amount or value by which the by-election gift exceeds the by-election gift cap may be a debt due to the Commonwealth under section 302Q.

Note 3: See subsections 287(6) and (8) to (8D) for the treatment of related bodies corporate, and significant third parties, third parties, associated entities and their branches, for the purposes of this Part.

Gifts made by a person or entity

(2) A person or entity (the ***donor***) contravenes this subsection if:

(a) the donor makes a by-election gift; and

(b) at the time the gift is made, the gift exceeds the by-election gift cap.

Note 1: For ***exceeds the by-election gift cap***, see subsections 302BA(2) and (4).

Note 2: The amount or value by which the by-election gift exceeds the by-election gift cap may be a debt due to the Commonwealth under section 302Q.

Note 3: See subsections 287(6) and (8) to (8D) for the treatment of related bodies corporate, and significant third parties, third parties, associated entities and their branches, for the purposes of this Part.

Exception—no knowledge by-election gift cap exceeded

(3) Subsection (1) does not apply if:

(a) at the time the by-election gift was received, the responsible person did not know, and could not reasonably have known, that the gift exceeded the by-election gift cap; and

(b) acceptable recipient action was taken in relation to the gift within 6 weeks after the responsible person became aware that the gift exceeded the by-election gift cap.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

(4) Subsection (2) does not apply if:

(a) at the time the by-election gift was made, the donor did not know, and could not reasonably have known, that the gift exceeded the by-election gift cap; and

(b) the donor took acceptable donor action in relation to the gift within 6 weeks after the donor became aware that the gift exceeded the by-election gift cap.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Civil penalty

(5) A person or entity is liable to a civil penalty if the person or entity contravenes subsection (1) or (2).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, by which the by-election gift exceeded the by-election gift cap at the time the gift was made—3 times that amount or value.

302CF Gifts exceeding Senate-only election gift cap

Gifts received by a person or entity

(1) A person or entity contravenes this subsection if:

(a) the person or entity is the responsible person for a person or entity referred to in any of paragraphs 302CB(1)(a) to (i) (the ***recipient***); and

(b) the recipient receives a Senate-only election gift; and

(c) at the time the gift is made, the gift exceeds the Senate-only election gift cap.

Note 1: For ***exceeds the Senate-only election gift cap***, see subsections 302BA(3) and (4).

Note 2: The amount or value by which the Senate-only election gift exceeds the Senate-only election gift cap may be a debt due to the Commonwealth under section 302Q.

Note 3: See subsections 287(6) and (8) to (8D) for the treatment of related bodies corporate, and significant third parties, third parties, associated entities and their branches, for the purposes of this Part.

Gifts made by a person or entity

(2) A person or entity (the ***donor***) contravenes this subsection if:

(a) the donor makes a Senate-only election gift; and

(b) at the time the gift is made, the gift exceeds the Senate-only election gift cap.

Note 1: For ***exceeds the Senate-only election gift cap***, see subsections 302BA(3) and (4).

Note 2: The amount or value by which the Senate-only election gift exceeds the Senate-only election gift cap may be a debt due to the Commonwealth under section 302Q.

Note 3: See subsections 287(6) and (8) to (8D) for the treatment of related bodies corporate, and significant third parties, third parties, associated entities and their branches, for the purposes of this Part.

Exception—no knowledge Senate-only election gift cap exceeded

(3) Subsection (1) does not apply if:

(a) at the time the Senate-only election gift was received, the responsible person did not know, and could not reasonably have known, that the gift exceeded the Senate-only election gift cap; and

(b) acceptable recipient action was taken in relation to the gift within 6 weeks after the responsible person became aware that the gift exceeded the Senate-only election gift cap.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

(4) Subsection (2) does not apply if:

(a) at the time the Senate-only election gift was made, the donor did not know, and could not reasonably have known, that the gift exceeded the Senate-only election gift cap; and

(b) the donor took acceptable donor action in relation to the gift within 6 weeks after the donor became aware that the gift exceeded the Senate-only election gift cap.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Civil penalty

(5) A person or entity is liable to a civil penalty if the person or entity contravenes subsection (1) or (2).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, by which the Senate-only election gift exceeded the Senate-only election gift cap at the time the gift was made—3 times that amount or value.

302CG Annual gift cap resets if general election is held in calendar year

(1) If a general election is held in a calendar year, then, in determining for the purposes of a provision of this Part whether an annual gift exceeds the annual gift cap, the following periods in the calendar year are taken to be different calendar years:

(a) the period ending on the day that is 30 days after the writs for the general election are returned;

(b) the period starting immediately after that period ends.

(2) Subsection (1) does not apply if the period mentioned in paragraph (1)(a) ends after the end of the calendar year.

Subdivision AB—Receipts for certain gifts

302CH Receipts for certain gifts

(1) This section applies in relation to an amount paid by a person as a contribution, entry fee or other payment to attend, or otherwise obtain a benefit from, a fundraising venture or function, if the amount is, or can reasonably be assumed to be, a gift:

(a) within the meaning of paragraph 287AAB(2)(a); and

(b) to which Subdivision AA applies.

Note: See section 302CB for gifts to which Subdivision AA applies.

(2) The responsible person for the recipient of the gift must, as soon as practicable after receiving the gift, give the donor a receipt that specifies how much of the gift the responsible person reasonably believes forms part of the net proceeds of the venture or function.

Note: Expedited disclosure obligations may apply in relation to the gift depending on when it is made (see Subdivisions B and C of Division 4).

(3) If the responsible person's reasonable belief changes, the responsible person must give the donor an updated receipt.

(4) The donor is entitled to rely on a receipt given under this section for the purposes of the donor's disclosure obligations under Subdivision C of Division 4.

Subdivision AC—Civil penalty provisions relating to overall gift cap and State and Territory gift cap

302CI Gifts exceeding overall gift cap

(1) A person or entity (the ***donor***) contravenes this subsection if:

(a) at a time in a calendar year, the donor makes an annual gift to any of the following (an ***overall gift cap entity***):

(i) a registered political party;

(ii) a State branch of a registered political party;

(iii) a member of the House of Representatives;

(iv) a Senator;

(v) a candidate;

(vi) a nominated entity; and

(b) at that time, the gift exceeds the overall gift cap for the calendar year.

Note: The overall gift cap is 32 times the annual gift cap (see section 302B).

(2) An annual gift ***exceeds the overall gift cap*** for a calendar year if the amount or value of the gift is more than the overall gift cap for the calendar year.

(3) An annual gift also ***exceeds the overall gift cap*** for a calendar year if:

(a) the gift is made:

(i) in the calendar year; and

(ii) by a person or entity; and

(iii) to an overall gift cap entity; and

(b) the amount or value of the gift, when added to the amount or value of each previous annual gift (if any) made:

(i) in that calendar year; and

(ii) by that person or entity; and

(iii) to any overall gift cap entity;

results in an amount or value that is more than the overall gift cap for the calendar year.

Exception—no knowledge overall gift cap exceeded

(4) Subsection (1) does not apply if:

(a) at the time the annual gift was made, the donor did not know, and could not reasonably have been expected to know, that the gift exceeded the overall gift cap for the calendar year; and

(b) the donor took acceptable donor action in relation to the gift within 6 weeks after the donor became aware that the gift exceeded the overall gift cap for the calendar year.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Civil penalty

(5) A person or entity is liable to a civil penalty if the person or entity contravenes subsection (1).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, by which the gift exceeded the overall gift cap at the time the gift was made—3 times that amount or value.

302CJ Gifts exceeding State and Territory gift cap

(1) A person or entity (the ***donor***) contravenes this subsection if:

(a) at a time in a calendar year, the donor makes an annual gift to a person or entity connected to a State or Territory (see subsection (2)); and

(b) at that time, the gift exceeds the State and Territory gift cap for the calendar year, in relation to the State or Territory that the person or entity is connected to.

Note: The State and Territory gift cap is 5 times the annual gift cap (see section 302B).

(2) A person or entity is ***connected*** to a State or Territory if the person or entity is any of the following:

(a) a political party that is a State branch in the State or Territory;

(b) a member of the House of Representatives for a Division in the State or Territory;

(c) a Senator for the State or Territory;

(d) a candidate in a general election for a Division in the State or Territory;

(e) a candidate in a Senate election for the State or Territory;

(f) a nominated entity of a registered political party covered by paragraph (a).

(3) An annual gift made to a person or entity connected to a State or Territory ***exceeds the State and Territory gift cap*** for a calendar year, in relation to the State or Territory the person or entity is connected to, if the amount or value of the gift is more than the State and Territory gift cap for the calendar year.

(4) An annual gift made to a person or entity connected to a State or Territory also ***exceeds the State and Territory gift cap*** for a calendar year, in relation to the State or Territory the person or entity is connected to, if:

(a) the gift is made:

(i) in the calendar year; and

(ii) by a person or entity; and

(b) the amount or value of the gift, when added to the amount of value of each previous annual gift (if any) made:

(i) in that calendar year; and

(ii) by that person or entity; and

(iii) to any person or entity connected to that State or Territory;

results in an amount or value that is more than the State and Territory gift cap for the calendar year.

Exception—no knowledge State and Territory gift cap exceeded

(5) Subsection (1) does not apply if:

(a) at the time the annual gift was made, the donor did not know, and could not reasonably have been expected to know, that the gift exceeded the State and Territory gift cap for the calendar year in relation to the State or Territory that the person or entity that received the gift is connected to; and

(b) the donor took acceptable donor action in relation to the gift within 6 weeks after the donor became aware that the gift exceeded the State and Territory gift cap for the calendar year in relation to the State or Territory.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see section 96 of the Regulatory Powers Act).

Civil penalty

(6) A person or entity is liable to a civil penalty if the person or entity contravenes subsection (1).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, by which the gift exceeded the State and Territory gift cap in relation to the State or Territory at the time the gift was made—3 times that amount or value.

302CK Overall gift cap and State and Territory gift cap reset if general election is held in calendar year

Overall gift cap resets

(1) If a general election is held in a calendar year, then, in determining for the purposes of a provision of this Part whether an annual gift exceeds the overall gift cap, the following periods in the calendar year are to be treated as if they were different calendar years:

(a) the period ending on the day that is 30 days after the writs for the general election are returned;

(b) the period starting immediately after that period ends.

State and Territory gift cap resets

(2) If a general election is held in a calendar year, then, in determining for the purposes of a provision of this Part whether an annual gift exceeds the State and Territory gift cap in relation to a State or Territory, the following periods in the calendar year are to be treated as if they were different calendar years:

(a) the period ending on the day that is 30 days after the writs for the general election are returned;

(b) the period starting immediately after that period ends.

Exception

(3) Subsections (1) and (2) do not apply if the period mentioned in paragraph (1)(a) or (2)(a) ends after the end of the calendar year.

Subdivision B—Offences and civil penalty provisions relating to donations

302D Donations to members of the House of Representatives, Senators, registered political parties, candidates, significant third parties, associated entities and nominated entities by foreign donors

(1) A person contravenes this subsection if:

(a) the person is:

(ia) a member of the House of Representatives (the ***gift recipient***) or a Senator (the ***gift recipient***); or

(i) an agent of a political entity (the ***gift recipient***); or

(ii) a financial controller of a significant third party, an associated entity or a nominated entity (the ***gift recipient***); and

(b) a gift is made to, or for the benefit of, the gift recipient during a financial year; and

(c) the gift is made by, or on behalf of, a person (the ***donor***); and

(d) the donor is a foreign donor; and

(e) at the time the gift is made, the amount or value of the gift is at least $1,000; and

(f) acceptable action has not been taken in relation to the gift before the end of the acceptable action period in relation to the gift.

Note 2: The amount or value of the gift might be a debt due to the Commonwealth under section 302Q.

Note 3: The physical elements of an offence against subsection (2) are set out in this subsection (see section 302R).

Exception—obtaining information about foreign donor status

(1A) Subsection (1) does not apply in relation to a gift made by a person (the ***donor***) if:

(a) before the end of the acceptable action period in relation to the gift, the donor affirmed in writing to the member of the House of Representatives, Senator, agent or financial controller, or to the political entity, significant third party,

associated entity or nominated entity, that the donor was not a foreign donor; and

(b) for a gift whose amount or value was, at the time the gift was made, at least equal to the disclosure threshold—before the end of the acceptable action period in relation to the gift:

(i) the member of the House of Representatives, Senator, agent or financial controller obtained appropriate donor information in accordance with section 302P establishing that the donor was not a foreign donor; or

(ii) the member of the House of Representatives, Senator, agent or financial controller took reasonable steps to verify that the donor was not a foreign donor; and

(c) in any case—the member of the House of Representatives, Senator, agent or financial controller did not, at any time during the acceptable action period in relation to the gift, know, or have reasonable grounds to believe, that the donor was a foreign donor.

Note 1: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

Note 2: A person who makes a false affirmation or provides false donor information for the purposes of paragraph (a) or subparagraph (b)(i) of this subsection may be liable to a penalty (see section 302G).

Exception—private capacity

(1B) Subsection (1) does not apply if the gift was made in a private capacity to the gift recipient for the gift recipient's personal use.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

Exception—donations given on terms inconsistent with incurring electoral expenditure etc.

(1C) Subsection (1) does not apply if using the gift for a federal purpose would be inconsistent with the terms of the gift.

Note: A person who wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

Offence

(2) A person commits an offence if the person contravenes subsection (1).

Penalty: 200 penalty units.

Civil penalty

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, of the gift at the time the gift is made—3 times that amount or value.

Provision not continuing offence or civil penalty

(4) Section 4K of the *Crimes Act 1914* does not apply in relation to an offence against subsection (2). Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (3).

302E Donations to third parties by foreign donors

(1) A person or entity (the ***gift recipient***) contravenes this subsection if:

(a) the gift recipient is a third party; and

(b) a gift is made to, or for the benefit of, the gift recipient during a financial year; and

(c) the gift is made by, or on behalf of, a person or entity (the ***donor***); and

(d) the donor is a foreign donor; and

(e) at the time the gift is made, the amount or value of the gift is at least equal to the disclosure threshold; and

(f) the gift recipient uses the gift:

(i) for the purposes of incurring electoral expenditure; or

(ii) for the dominant purpose of creating or communicating electoral matter; and

(g) acceptable action has not been taken in relation to the gift before the end of 6 weeks after the gift is made.

Note 1: The amount or value of the gift might be a debt due to the Commonwealth under section 302Q.

Note 2: The physical elements of an offence against subsection (3) are set out in this subsection (see section 302R).

Exception—obtaining information about foreign donor status

(2) Subsection (1) does not apply if:

(a) before the end of 6 weeks after the gift was made, the donor affirmed in writing to the gift recipient that the donor was not a foreign donor; and

(b) before the end of 6 weeks after the gift was made:

(i) the gift recipient obtained appropriate donor information in accordance with section 302P establishing that the donor was not a foreign donor; or

(ii) the gift recipient took reasonable steps to verify that the donor was not a foreign donor; and

(c) in any case—the gift recipient did not, at any time during that 6-week period, know, or have reasonable grounds to believe, that the donor was a foreign donor.

Note 1: A person or entity that wishes to rely on this subsection bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3) of the *Criminal Code* and section 96 of the Regulatory Powers Act).

Note 2: A person who makes a false affirmation or provides false donor information for the purposes of paragraph (a) or subparagraph (b)(i) of this subsection may be liable to a penalty (see section 302G).

Offence

(3) A person or entity commits an offence if the person or entity contravenes subsection (1).

Penalty: 50 penalty units.

Civil penalty

(4) A person or entity is liable to a civil penalty if the person or entity contravenes subsection (1).

Civil penalty:

The higher of the following amounts:

(a) 100 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, of the gift at the time the gift is made—3 times that amount or value.

Provision not continuing offence or civil penalty

(5) Section 4K of the *Crimes Act 1914* does not apply in relation to an offence against subsection (3). Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (4).

302F Gifts provided for the purposes of incurring electoral expenditure etc.

Offence by gift recipient etc.

(1) A person or entity (the ***relevant person***) contravenes this subsection if:

(a) the relevant person is:

(ia) a member of the House of Representatives or a Senator; or

(i) the agent of a political entity; or

(ii) the financial controller of a significant third party, an associated entity or a nominated entity; or

(iii) a third party; and

(b) a gift is made to, or for the benefit of, the member of the House of Representatives, Senator, political entity, significant third party, associated entity, nominated entity or third party by a foreign donor; and

(c) the relevant person knows that the donor is a foreign donor; and

(d) the amount or value of the gift is at least $100; and

(e) either of the following applies:

(i) the relevant person knows that the foreign donor intends the gift to be used for the purposes of incurring electoral expenditure, or for the dominant purpose of creating or communicating electoral matter;

(ii) the relevant person accepted the gift intending to use the gift for the purposes of incurring electoral expenditure, or for the dominant purpose of creating or communicating electoral matter; and

(f) acceptable action has not been taken in relation to the gift before the end of the acceptable action period in relation to the gift.

Note: The physical elements of an offence against subsection (3) are set out in this subsection (see section 302R).

Offence by foreign donor

(2) A person or entity (the ***donor***) contravenes this subsection if:

(a) the donor is a foreign donor; and

(b) the donor makes a gift to, or for the benefit of, another person or entity; and

(c) the other person or entity is:

(ia) a member of the House of Representatives or a Senator; or

(i) a political entity; or

(ii) a significant third party; or

(iia) an associated entity; or

(iib) a nominated entity; or

(iii) a third party; and

(d) if the other person or entity is a third party:
  (i) the donor intends the gift to be used for the purposes of incurring electoral expenditure, or for the dominant purpose of creating or communicating electoral matter; or
  (ii) the donor knows that the other person or entity accepts the gift intending to use the gift for the purposes of incurring electoral expenditure, or for the dominant purpose of creating or communicating electoral matter; and
(e) in any case—acceptable action has not been taken in relation to the gift before the end of the acceptable action period in relation to the gift.

Note: The physical elements of an offence against subsection (3) are set out in this subsection (see section 302R).

Offence

(3) A person or entity commits an offence if the person or entity contravenes subsection (1) or (2).

Penalty:
(a) for a contravention of subsection (1) by a third party—50 penalty units; or
(b) otherwise—100 penalty units.

(4) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (3).

Civil penalty

(5) A person or entity is liable to a civil penalty if the person or entity contravenes subsection (1) or (2).

Civil penalty:

The higher of the following amounts:
(a) either:

(i) for a contravention of subsection (1) by a third party—100 penalty units; or

(ii) otherwise—200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, of the gift at the time the gift is made—3 times that amount or value.

(6) Subsection (5) applies:

(a) whether or not the conduct constituting the contravention of subsection (1) or (2) occurs in Australia; and

(b) whether or not a result of the conduct constituting the alleged contravention of subsection (1) or (2) occurs in Australia.

302G False affirmation or information that donor is not a foreign donor

(1) A person contravenes this subsection if:

(a) the person makes an affirmation or provides appropriate donor information in relation to a gift; and

(b) the affirmation or information is for the purposes of paragraph 302D(1A)(a) or 302E(2)(a) or subparagraph 302D(1A)(b)(i) or 302E(2)(b)(i); and

(c) the person knows that the affirmation or information is false.

Note: The physical elements of an offence against subsection (2) are set out in this subsection (see section 302R).

Offence

(2) A person commits an offence if the person contravenes subsection (1).

Penalty: 100 penalty units.

(3) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (2).

Civil penalty

(4) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, of the gift—3 times that amount or value.

(5) Subsection (4) applies:

(a) whether or not the conduct constituting the contravention of subsection (1) occurs in Australia; and

(b) whether or not a result of the conduct constituting the alleged contravention of subsection (1) occurs in Australia.

302P Information relating to foreign donor status

(1) A person or entity (the ***first person***) obtains ***appropriate donor information*** in relation to a person or entity (the ***donor***) making a gift, or on whose behalf a gift is made, establishing that the donor is not a foreign donor if the first person obtains information or a document specified in column 2 of the applicable item in the following table:

•	Appropriate donor information	
• tem	• Column 1 • If the donor is:	• Column 2 • then the appropriate donor information is:
1	an individual	(a) the particulars relating to the individual set out in a Roll; or (b) a copy of a passport, of a certificate evidencing the individual's naturalisation, or of any other document evidencing the individual's Australian citizenship; or (c) a copy of a visa evidencing the individual's permanent residency in Australia; or (d) a copy of the individual's Subclass 444 (Special Category) visa under the *Migration Act 1958* (or if that Subclass ceases to exist, the kind of visa that replaces that visa); or (e) any information or a copy of any document prescribed by the regulations for the purposes of this table item.
2	an incorporated entity	(a) a copy of the certificate of the entity's incorporation in Australia; or (b) particulars of the entity's registration with the Australian Securities Investment Commission evidencing the entity's incorporation in Australia; or (c) any information or a copy of any document prescribed by the regulations for the purposes of this table item.
3	an entity (whether or not incorporated)	(a) copies of at least 3 recent minutes or other official documents of the entity, in accordance with subsection (2), evidencing that high-level decisions of the entity are made in Australia, such as: (i) decisions setting the operational policies of the entity; or (ii) decisions appointing officers of the entity, or granting powers to such officers to carry on the entity's activities; or (iii) directions to persons appointed to carry out the entity's activities as to how to perform functions; or (iv) decisions on matters of finance, such as how profits are to be used; or (b) copies of at least 3 official documents of the entity establishing that the entity's activities are principally carried out in Australia, such as:

•	Appropriate donor information	
• tem	• Column 1 • If the donor is:	• Column 2 • then the appropriate donor information is:
		(i) documents recording separately the number of staff or members of the entity in Australia, and overseas, carrying on activities for the entity; or (ii) documents recording separately the scale or volume of the activities carried out in Australia, and overseas, (for example by reference to revenue derived in Australia and overseas); or (c) for an entity that is a trust or foundation—a trust deed or other governing document evidencing: (i) the governing law of the trust or foundation as the law of an Australian jurisdiction; or (ii) that the head office is in Australia, or that the principal place of activity is, or is in, Australia; or (d) any information or a copy of any document prescribed by the regulations for the purposes of this table item.

Note 1: A person or entity who obtains appropriate donor information may not commit an offence or contravene a civil penalty provision in this Division (see subsections 302D(1A) and 302E(2)).

Note 2: In 2018, trust deeds or other governing documents of entities registered under the *Australian Charities and Not-for-profits Commission Act 2012* were generally available on the Australian Charities and Not-for-profits Register as a governing document (see https://www.acnc.gov.au).

(2) For the purposes of paragraph (a) of item 3 of the table, each of the minutes or other official documents must evidence a different kind of decision.

(3) For the purposes of item 3 of the table, information may be omitted, redacted or deleted from the minutes, documents or information.

302Q Debts due to the Commonwealth

(1) This section applies if:

(a) a gift is made to, or for the benefit of, a person (the ***gift recipient***); and

(b) a court has determined that the gift recipient or any other person contravened:

(i) section 302CD, 302CE or 302CF in relation to the gift; or

(ii) any of sections 302D to 302F in relation to the gift.

(2) If subparagraph (1)(b)(i) applies, the amount or value by which the gift exceeds the annual gift cap, the by-election gift cap or the Senate-only election gift cap (as the case may be) (determined at the time the gift is made):

(a) is payable by the gift recipient to the Commonwealth; and

(b) may be recovered by the Commonwealth as a debt due to the Commonwealth by action in a court of competent jurisdiction.

(3) If subparagraph (1)(b)(ii) applies, the amount or value of the gift (determined at the time the gift is made):

(a) is payable by the gift recipient to the Commonwealth; and

(b) may be recovered by the Commonwealth as a debt due to the Commonwealth by action in a court of competent jurisdiction.

302R Physical elements of offences

(1) This section applies if a provision of this Division provides that a person contravening another provision of this Act (the ***conduct rule provision***) commits an offence.

(2) For the purposes of applying Chapter 2 of the *Criminal Code* to the offence, the physical elements of the offence are set out in the conduct rule provision.

Note: Chapter 2 of the *Criminal Code* sets out general principles of criminal responsibility.

Division 4—Disclosure of donations

Subdivision A—Preliminary

302V Simplified outline of this Division

A donation disclosure notice must be given to the Electoral Commission if certain kinds of gifts are received by any of the following:

(a) members of the House of Representatives and Senators;

(b) candidates in elections or by-elections;

(c) registered political parties;

(d) State branches of registered political parties;

(e) significant third parties, associated entities, third parties and nominated entities.

The kinds of gifts that must be disclosed are:

(a) gifts made for a federal purpose; or

(b) certain other gifts;

where the amount or value of the gift is over the disclosure threshold. A notice must also be given if the total amount or value of all gifts received from the same person or entity in a calendar year is over the disclosure threshold.

Subdivision B sets out when the recipient of a gift made for a federal purpose must give a donation disclosure notice to the Electoral Commission.

Subdivision C sets out when the donor of a gift made for a federal purpose must give a donation disclosure notice to the Electoral Commission.

Subdivision D requires the Electoral Commissioner to publish some of the information about gifts made for a federal purpose in a donation disclosure notice on the Transparency Register.

Subdivision E sets out when a recipient of certain other gifts must give a donation disclosure notice to the Electoral Commission.

Subdivision F requires the Electoral Commissioner to publish some of the information about those other gifts in a donation disclosure notice on the Transparency Register.

Subdivision G deals with limitations on loans made to political parties, State branches, significant third parties or candidates that are more than the disclosure threshold.

Subdivision G also provides that gifts of more than the disclosure threshold to a political party, State branch, significant third party or candidate by a corporation that is wound up within a year of making the gift may be recovered from the recipient of the gift.

303 Definitions

In this Division:

acceptable action has the same meaning as in Division 3A.

by-election means an election of a member of the House of Representatives that is not part of a general election.

election means a general election or an election of Senators for a State or Territory.

Note: ***Election*** includes a ***Senate-only election*** (see the definition of that term in subsection 287(1)).

election period, in relation to an election or by-election, means the period commencing on the day of issue of the writ for the election or by-election and ending at the latest time on polling day at which an elector in Australia could enter a polling booth for the purpose of casting a vote in the election or by-election.

expedited notice period, in relation to an election or by-election, means the period:

(a) beginning on the Saturday that immediately precedes the polling day for the election or by-election; and

(b) ending at the end of the seventh day after that polling day.

polling day, in relation to an election or by-election, means the day fixed for polling in the election or by-election.

Subdivision B—Disclosure of donations by recipients of gifts made for a federal purpose

303A Requirements for recipients of gifts

(1) If a person or entity (the ***recipient***) covered by column 1 of an item of the table at the end of this subsection receives a gift (the ***relevant gift***), the person or entity covered by column 2 of the item (the ***responsible person*** for the recipient) must, in accordance with this section, give the Electoral Commission a written notice in relation to the relevant gift, if:

(a) the relevant gift is made to the recipient for a federal purpose; and

(b) either or both of the following apply:

(i) the amount or value of the relevant gift is more than the disclosure threshold;

(ii) the total amount or value of all gifts received by the recipient, during the calendar year in which the relevant gift is received, from the person or entity who made the relevant gift is more than the disclosure threshold.

Note 1: The notice must be given before the end of the period worked out in accordance with the table in subsection (2).

Note 2: For the meaning of ***federal purpose***, see subsection 287(1).

Civil penalty:

The higher of the following:

(a) 60 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, of the relevant gift—3 times that amount or value.

Donation disclosure notices

Item	Column 1 Recipient	Column 2 Responsible person
1	A member of the House of Representatives or a Senator	Whichever of the following applies: (a) if the member or Senator is a member of a registered political

Donation disclosure notices		
Item	**Column 1** **Recipient**	**Column 2** **Responsible person**
		party—the registered officer of the registered political party; (b) otherwise—the member or Senator
2	A candidate in an election or by-election	Whichever of the following applies: (a) if the candidate is endorsed by a registered political party—the registered officer of the registered political party; (b) otherwise—the agent of the candidate
3	A registered political party	The registered officer of the registered political party
4	A State branch of a registered political party	Whichever of the following applies: (a) the registered officer of the State branch; (b) if the State branch is not a registered political party—the agent of the State branch
5	A person or entity that, at the time the relevant gift is received, is registered as a significant third party, an associated entity or a nominated entity	The financial controller of the person or entity
6	A person or entity that, at the time the relevant gift is received, is a third party	The third party

Note: For the purposes of table item 2, the agent of a candidate in an election or by-election is either the candidate or a person appointed by the candidate (see section 289).

Period for giving notice

(2) The notice in relation to the relevant gift must be given to the Electoral Commission before the end of the period worked out in accordance with the following table:

Time for giving notice		
Item	**Column 1** **If the recipient is …**	**Column 2** **then the notice must be given before the end of …**
1	A member of the House of Representatives or a Senator	(a) if the relevant gift is received at a time that occurs during the expedited notice period in relation to an election—the period of 24 hours beginning at the time the relevant gift is received; or (b) if the relevant gift is received at a time that occurs during the election period in relation to an election and paragraph (a) does not apply—the period of 7 days beginning on the day the relevant gift is received; or (c) if paragraphs (a) and (b) do not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is received (subject to subsection (7))
2	A candidate in an election or by-election	(a) if the relevant gift is received at a time that occurs during the expedited notice period in relation to the election or by-election—the period of 24 hours beginning at the time the relevant gift is received; or (b) if the relevant gift is received at a time that occurs during the election period in relation to the election or by-election and paragraph (a) does not apply—the period of 7 days beginning on the day the relevant gift is received; or (c) if paragraphs (a) and (b) do not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is received (subject to subsection (7))
3	A registered political party	(a) the period of 24 hours beginning at the time the relevant gift is received if the relevant gift is received at a time that occurs during the expedited notice period in relation to: (i) an election; or

Time for giving notice		
Item	**Column 1** **If the recipient is …**	**Column 2** **then the notice must be given before the end of …**
		(ii) if a candidate in the by-election is endorsed by the registered political party—a by-election; or (b) if the relevant gift is received at a time that occurs during the election period in relation to the election or by-election mentioned in paragraph (a) and that paragraph does not apply—the period of 7 days beginning on the day the relevant gift is received; or (c) if paragraphs (a) and (b) do not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is received (subject to subsection (7))
4	A State branch of a registered political party	(a) the period of 24 hours beginning at the time the relevant gift is received if the relevant gift is received at a time that occurs during the expedited notice period in relation to: (i) an election; or (ii) if the State branch has incurred, or intends to incur, electoral expenditure in relation to the by-election—a by-election; or (b) if the relevant gift is received at a time that occurs during the election period in relation to the election or by-election mentioned in paragraph (a) and that paragraph does not apply—the period of 7 days beginning on the day the relevant gift is received; or (c) if paragraphs (a) and (b) do not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is received (subject to subsection (7))
5	A person or entity that, at the time the relevant gift is received is:	(a) the period of 24 hours beginning at the time the relevant gift is received if the relevant

Time for giving notice

Item	Column 1 **If the recipient is …**	Column 2 **then the notice must be given before the end of …**
	(a) either: (i) registered as a significant third party, associated entity or nominated entity; or (ii) a third party; and (b) not registered under the *Australian Charities and Not-for-profits Commission Act 2012*	gift is received at a time that occurs during the expedited notice period in relation to: (i) an election; or (ii) if the recipient has incurred, or intends to incur, electoral expenditure in relation to the by-election—a by-election; or (b) if the relevant gift is received at a time that occurs during the election period in relation to the election or by-election mentioned in paragraph (a) and that paragraph does not apply—the period of 7 days beginning on the day the relevant gift is received; or (c) if paragraphs (a) and (b) do not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is received (subject to subsection (7))
6	A person or entity that, at the time the relevant gift is received is: (a) either: (i) registered as a significant third party; or (ii) a third party; and (b) registered under the *Australian Charities and Not-for-profits Commission Act 2012*	The 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is received (subject to subsection (8))

Note: Subsection 36(2) of the *Acts Interpretation Act 1901* (calculating time) does not apply to the giving of the notice (see section 303C of this Act).

Other requirements for notice

(3) The notice under subsection (1) must:

(a) be in the approved form; and

(b) set out the details required by section 303B (content of donation disclosure notices).

Notice on behalf of members and Senators who are not members of a registered political party

(4) A member of the House of Representatives or a Senator who is not a member of a registered political party is taken to have given a notice under subsection (1) in relation to a gift if the member or Senator causes another person to give the notice on behalf of the member or Senator.

Example: Assume Emma is a Senator who is not a member of a registered political party. Emma receives a gift where the amount of the gift is more than the disclosure threshold. An agent is able to give the notice under subsection (1) on behalf of Emma.

Bulk donation disclosure notices for registered political parties

(5) For the purposes of subsection (1), the responsible person for a registered political party or a State branch of a registered political party may give a single donation disclosure notice (a ***bulk donation disclosure notice***) in relation to more than one gift received by the registered political party or the State branch.

(6) The bulk donation disclosure notice must set out the details mentioned in section 303B in relation to each gift to which the bulk donation disclosure notice relates.

Gifts received close to the start of an election period—recipient other than registered charity

(7) Despite subsection (2), if:

(a) a recipient (other than a recipient covered by column 1 of item 6 of the table in subsection (2)) receives a gift before the start of the election period in relation to:

(i) an election; or

(ii) if the recipient is covered by subsection (9) in relation to the by-election—a by-election; and

(b) at the time the election period starts, the responsible person for the recipient has not given the Electoral Commission a notice under subsection (1) in relation to the gift;

then the responsible person must give the Electoral Commission the notice on or before the end of the earlier of the following days:

(c) the 21st day of the calendar month that immediately follows the calendar month in which the gift is received;

(d) the day before the day that is 12 days before polling day for the election or by-election (as the case requires).

Gifts received by registered charity during an election period

(8) Despite subsection (2), if a recipient covered by column 1 of item 6 of the table in subsection (2) receives a gift:

(a) after the start of the election period in relation to:

(i) an election; or

(ii) if the recipient is covered by subsection (9) in relation to the gift—a by-election; and

(b) before the Thursday that immediately precedes the polling day for the election or by-election;

then the responsible person for the recipient must give the Electoral Commission the notice on or before the earlier of the following days:

(c) the 21st day of the calendar month that immediately follows the calendar month in which the gift is received;

(d) the Thursday mentioned in paragraph (b).

(9) A recipient is covered by this subsection in relation to a by-election if:

(a) the recipient is a candidate in the by-election; or

(b) the recipient is a registered political party, and a candidate in the by-election is endorsed by the recipient; or

(c) the recipient is a significant third party, an associated entity, a third party, a nominated entity or a State branch of a registered political party, and the recipient has incurred, or

intends to incur, electoral expenditure in relation to the by-election.

Special provision if recipient is more than one kind of person or entity

(10) Despite subsection (1), a person or entity is not required to give a notice under that subsection in relation to a gift if:

(a) the recipient of the gift is covered by column 2 of more than one item in the table in that subsection; and

(b) a person or entity covered by column 1 of any one of those items has already given a notice under that subsection in relation to the gift.

303B Content of donation disclosure notices given by recipients

A donation disclosure notice given under section 303A in relation to a gift must set out the following details:

(a) the name of the recipient;

(b) the amount or value of the gift;

(c) the date on which the gift was received;

(d) if the gift was made during the election period for a by-election or a Senate-only election and was for the purposes of the by-election or the Senate-only election—the name of the Division or the State or Territory (as applicable) to which the election relates;

(e) if the person or entity who made the gift (the ***donor***) made the gift on behalf of the members of an unincorporated association, other than a registered industrial organisation:

(i) the name of the association; and

(ii) the names and addresses of the members of the executive committee (however described) of the association;

(f) if the donor is the trustee of a trust and the gift was purportedly made out of a trust fund or out of the funds of a foundation:

(i) the names and addresses of the trustees of the fund or of the foundation; and

(ii) the title or other description of the trust fund, or the name of the foundation, as the case requires;

(g) if the donor is not covered by paragraph (e) or (f)—the name and address of the donor;

(h) if the total amount or value of all gifts received by the recipient from the donor during the calendar year in which the gift is received is more than the disclosure threshold—the total amount or value of all gifts so far received by the recipient from the donor during the calendar year;

(i) if the recipient is a candidate in an election or by-election, a registered political party or a State branch of a registered political party—the name of the responsible person for the recipient;

(j) if the recipient is a candidate in an election or by-election, a member of the House of Representatives or a Senator—the registered political party (if any) that the recipient is related to (within the meaning of subsections 302BA(4) and (5));

(k) if the recipient is a person or entity that is registered as a significant third party, an associated entity or a nominated entity at the time the gift is received—the name of the financial controller in relation to the person or entity;

(l) if the person giving the donation disclosure notice to the Electoral Commission is not the recipient—the name of the person.

Note 1: A failure to include these details in a donation disclosure notice may contravene a civil penalty provision (see section 303A).

Note 2: A donation disclosure notice may be amended after it has been given to the Electoral Commission (see section 319A).

303C Relationship with other laws

Subsection 36(2) of the *Acts Interpretation Act 1901* (which deals with calculating time) does not apply to an act mentioned in this Subdivision.

303D No continuing contraventions

Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection 303A(1).

Subdivision C—Disclosure of donations by donors of gifts made for a federal purpose

303E Requirements for donors of gifts

(1) A person or entity (the ***donor***) must, in accordance with this section, give the Electoral Commission a written notice in relation to a gift (the ***relevant gift***) if:

(a) the relevant gift is made by the donor to a person or entity (the ***recipient***) covered by an item in the table at the end of this subsection; and

(b) the relevant gift is made to the recipient for a federal purpose; and

(c) either or both of the following apply:

(i) the amount or value of the relevant gift is more than the disclosure threshold;

(ii) the total amount or value of all gifts made to the recipient by the donor during the calendar year in which the relevant gift is made is more than the disclosure threshold.

Note 1: The notice must be given before the end of the period worked out in accordance with subsection (2).

Note 2: For the meaning of ***federal purpose***, see subsection 287(1).

Civil penalty:

The higher of the following:

(a) 60 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, of the relevant gift—3 times that amount or value.

Donation disclosure notices

Item	Recipient
1	A member of the House of Representatives or a Senator
2	A candidate in an election or by-election
3	A registered political party

Donation disclosure notices	
Item	**Recipient**
4	A State branch of a registered political party
5	A person or entity that, at the time the relevant gift is made, is registered as: (a) a significant third party; or (b) an associated entity; or (c) a nominated entity
6	A person or entity that, at the time the relevant gift is made, is a third party

Period for giving notice

(2) The notice in relation to the relevant gift must be given to the Electoral Commission before the end of the period worked out in accordance with the following table:

Time for giving notice		
Item	**If the recipient is …**	**then the notice must be given before the end of …**
1	A member of the House of Representatives or a Senator	(a) if the relevant gift is made at a time that occurs during the election period, or the expedited notice period, in relation to an election—the period of 7 days beginning on the day the relevant gift is made; or (b) if paragraph (a) does not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is made
2	A candidate in an election or by-election	(a) if the relevant gift is made at a time that occurs during the election period, or the expedited notice period, in relation to the election or by-election—the period of 7 days beginning on the day the relevant gift is made; or (b) if paragraph (a) does not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is made
3	A registered political party	(a) the period of 7 days beginning on the day the relevant gift is made if the relevant gift is

Time for giving notice		
Item	**If the recipient is …**	**then the notice must be given before the end of …**
		made at a time that occurs during the election period, or the expedited notice period, in relation to: (i) an election; or (ii) a by-election, if a candidate in the by-election is endorsed by the registered political party; or (b) if paragraph (a) does not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is made
4	A State branch of a registered political party	(a) the period of 7 days beginning on the day the relevant gift is made if the relevant gift is made at a time that occurs during the election period, or the expedited notice period, in relation to: (i) an election; or (ii) a by-election, if the donor reasonably believes that the recipient has incurred, or intends to incur, electoral expenditure in relation to the by-election; or (b) if paragraph (a) does not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is made
5	A person or entity that, at the time the relevant gift is made is: (a) either: (i) registered as a significant third party, associated entity or nominated entity; or	(a) the period of 7 days beginning on the day the relevant gift is made if the relevant gift is made at a time that occurs during the election period, or expedited notice period, in relation to: (i) an election; or (ii) a by-election, if the donor reasonably believes that the recipient has incurred, or intends to incur, electoral expenditure in relation to the by-election; or

Time for giving notice		
Item	**If the recipient is …**	**then the notice must be given before the end of …**
	(ii) a third party; and (b) not registered under the *Australian Charities and Not-for-profits Commission Act 2012*	(b) if paragraph (a) does not apply—the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is made
6	A person or entity that, at the time the relevant gift is made is: (a) either: (i) registered as a significant third party; or (ii) a third party; and (b) registered under the *Australian Charities and Not-for-profits Commission Act 2012*	The 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is made

Note: Subsection 36(2) of the *Acts Interpretation Act 1901* (calculating time) does not apply to the giving of the notice (see section 303G of this Act).

Requirements for notice

(3) The notice under subsection (1) must:

(a) be in the approved form; and

(b) set out the details required by subsection 303F(1) (content of donation disclosure notices).

303F Content of donation disclosure notices given by donors

(1) A donation disclosure notice given under section 303E in relation to a gift must set out the following details:

(a) if the person or entity who made the gift (the ***donor***) made the gift on behalf of the members of an unincorporated association, other than a registered industrial organisation:

(i) the name of the association; and

(ii) the names and addresses of the members of the executive committee (however described) of the association;

(b) if the donor is the trustee of a trust and the gift was purportedly made out of a trust fund or out of the funds of a foundation:

(i) the names and addresses of the trustees of the fund or of the foundation; and

(ii) the title or other description of the trust fund, or the name of the foundation, as the case requires;

(c) if the donor is not covered by paragraph (a) or (b)—the name and address of the donor;

(d) the name of the person or entity (the ***recipient***) to whom the donor made the gift;

(e) the amount or value of the gift;

(f) the date on which the gift was made;

(g) if the gift was made during the election period for a by-election or a Senate-only election and was for the purposes of the by-election or the Senate-only election—the name of the Division or the State or Territory (as applicable) to which the election relates;

(h) if the total amount or value of all gifts made by the donor to the recipient during the calendar year in which the gift is made is more than the disclosure threshold—the total amount or value of all gifts so far made by the donor to the recipient during the calendar year;

(i) the relevant details set out in subsection (2) of this section of any other gift (an ***earlier gift***) received by the donor at any time if:

(i) the earlier gift was used wholly or partly to enable the donor to make the gift, or reimburse the donor for the gift, to which the donation disclosure notice relates; and

(ii) the amount or value of the earlier gift is more than the disclosure threshold.

Note 1: A failure to include these details in a donation disclosure notice may contravene a civil penalty provision (see section 303E).

Note 2: A donation disclosure notice may be amended after it has been given to the Electoral Commission (see section 319A).

(2) For the purposes of paragraph (1)(i), the relevant details of the earlier gift are:

(a) the amount or value of the earlier gift; and

(b) the date on which the earlier gift was made; and

(c) in the case of an earlier gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation:

(i) the name of the association; and

(ii) the names and addresses of the members of the executive committee (however described) of the association; and

(d) in the case of an earlier gift purportedly made out of a trust fund or out of the funds of a foundation:

(i) the names and addresses of the trustees of the fund or of the foundation; and

(ii) the title or other description of the trust fund, or the name of the foundation, as the case requires; and

(e) if the person or entity who made the earlier gift is not covered by paragraph (c) or (d) of this subsection—the name and address of the person or entity.

303G Relationship with other laws

Subsection 36(2) of the *Acts Interpretation Act 1901* (which deals with calculating time) does not apply to an act mentioned in this Subdivision.

303H No continuing contraventions

Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection 303E(1) of this Act.

Subdivision D—Publication of information about gifts made for a federal purpose

303J Electoral Commissioner must publish information

(1) The Electoral Commissioner must publish on the Transparency Register the following information contained in a donation disclosure notice under subsection 303A(1) or 303E(1) in relation to a gift:

(a) the name of the person or entity (the ***recipient***) that received the gift;

(b) the name of the registered political party (if any) included for the purposes of paragraph 303B(j);

(c) the information (other than an address) covered by whichever of the following is applicable in relation to the person or entity (the ***donor***) that made the gift:

(i) for a notice given under section 303A—paragraphs 303B(e) to (g);

(ii) for a notice given under section 303E—paragraphs 303F(1)(a) to (c);

(d) the date on which the gift was:

(i) for a notice given under section 303A—received by the recipient; or

(ii) for a notice given under section 303E—made by the donor;

(e) the amount or value of the gift;

(f) if the total amount or value of all gifts received by the recipient from the donor during the calendar year in which the gift was received is more than the disclosure threshold—the total amount or value of all gifts so far received.

Note: If a donation disclosure notice relates to more than one gift, the Electoral Commissioner must publish the information in this subsection in relation to each gift covered by the notice.

Time for publishing information

(2) The Electoral Commissioner must publish the information before the end of:

(a) the period of 24 hours beginning at the time the donation disclosure notice is received by the Electoral Commission if:

(i) the gift is received by the recipient during the period beginning on the day of issue of the writ for an election and ending at the end of the seventh day after polling day for the election; or

(ii) the gift is received by the recipient during the period beginning on the day of issue of the writ for a by-election and ending at the end of the seventh day after polling day for the by-election, and the recipient is covered by subsection (3) in relation to the by-election; or

(iii) the gift is covered by subsection 303A(7) (gifts received close to the start of an election period); or

(iv) the donation disclosure notice is otherwise received by the Electoral Commission during the election period in relation to an election; or

(b) in any other case—the period of 10 days beginning on the day the donation disclosure notice is received by the Electoral Commission.

Note: Subsection 36(2) of the *Acts Interpretation Act 1901* (calculating time) does not apply to the publication of information under subsection (1) of this section (see section 303K of this Act).

(3) A recipient is covered by this subsection in relation to a by-election if:

(a) the recipient is a candidate in the by-election; or

(b) the recipient is a registered political party, and a candidate in the by-election is endorsed by the recipient; or

(c) the recipient is a significant third party, an associated entity, a nominated entity, a third party or a State branch of a registered political party and, in the opinion of the Electoral Commissioner, the recipient has incurred, or intends to incur, electoral expenditure in relation to the by-election.

False or misleading information

(4) Despite subsection (1), the Electoral Commissioner is not required to publish on the Transparency Register information contained in a donation disclosure notice if the Electoral Commissioner reasonably believes that the information is false or misleading in a material particular.

Publication of other information where acceptable action taken

(5) If, in relation to a gift, the recipient referred to in paragraph (1)(a) advises the Electoral Commissioner that:

(a) acceptable recipient action, or action that would be acceptable recipient action if the gift had exceeded the annual gift cap for a calendar year; or

(b) acceptable donor action, or action that would be acceptable donor action if the gift had exceeded the annual gift cap for a calendar year; or

(c) acceptable action;

has been taken in relation to the gift, the Electoral Commissioner must publish the following in the entry in the Transparency Register relating to the gift before the end of the period of 24 hours beginning at the time the recipient so advises the Electoral Commissioner:

(d) a statement that the recipient has advised the Electoral Commissioner that acceptable recipient action, acceptable donor action or acceptable action (as the case requires) has been taken in relation to the gift;

(e) such other information (if any) prescribed by regulations made for the purposes of this paragraph.

Note: Subsection 36(2) of the *Acts Interpretation Act 1901* (calculating time) does not apply to the publication of a statement or information under this subsection (see section 303K of this Act).

303K Relationship with other laws

Subsection 36(2) of the *Acts Interpretation Act 1901* (which deals with calculating time) does not apply to an act mentioned in this Subdivision.

Subdivision E—Disclosure of donations by recipients of certain other gifts

303L Requirements for recipients of gifts

(1) If a person or entity (the ***recipient***) covered by column 1 of an item of the table at the end of this subsection receives a gift (the ***relevant gift***), the person or entity covered by column 2 of the item (the ***responsible person*** for the recipient) must, in accordance with this section, give the Electoral Commission a written notice in relation to the relevant gift, if:

(a) the relevant gift is credited to a federal account in relation to the recipient; and

(b) subsection 287AAB(4) applies to the relevant gift; and

(c) either or both of the following apply:

(i) the amount or value of the relevant gift is more than the disclosure threshold;

(ii) the total amount or value of all gifts credited in relation to the recipient, during the calendar year in which the relevant gift is credited, is more than the disclosure threshold.

Note 1: Under subsection 287AAB(4), certain amounts that are credited to a federal account by the financial controller are gifts.

Note 2: The notice must be given before the end of the period worked out in accordance with the table in subsection (2) of this section.

Civil penalty:

The higher of the following:

(a) 60 penalty units;

(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, of the relevant gift—3 times that amount or value.

Donation disclosure notices		
Item	**Column 1** **Recipient**	**Column 2** **Responsible person**
1	A person or entity that, at the time the relevant gift is credited, is registered as: (a) a significant third party; or (b) an associated entity	The financial controller of the person or entity
2	A person or entity that, at the time the relevant gift is credited, is a third party	The third party

Period for giving notice

(2) The notice in relation to the relevant gift must be given to the Electoral Commission before the end of the period worked out in accordance with the following table.

Time for giving notice		
Item	**Column 1** **If the recipient is …**	**Column 2** **then the notice must be given before the end of …**
1	A person or entity that, at the time the relevant gift is credited, is: (a) either: (i) registered as a significant third party or associated entity; or (ii) a third party; and (b) not registered under the *Australian Charities and Not-for-profits*	(a) the period of 24 hours beginning at the time the relevant gift is credited if the relevant gift is credited at a time that occurs during the expedited notice period in relation to: (i) an election; or (ii) a by-election, if the recipient has incurred, or intends to incur, electoral expenditure in relation to the by-election; or (b) if the relevant gift is credited at a time that occurs during the election period in relation to the election or by-election mentioned in paragraph (a) and that paragraph does not apply—the period of 7 days beginning on the day the relevant gift is credited; or (c) if paragraphs (a) and (b) do not apply—the 21st day of the calendar month that

Time for giving notice		
Item	**Column 1** **If the recipient is …**	**Column 2** **then the notice must be given before the end of …**
	Commission Act 2012	immediately follows the calendar month in which the relevant gift is credited (subject to subsection (4))
2	A person or entity that, at the time the relevant gift is credited, is: (a) either: (i) registered as a significant third party; or (ii) a third party; and (b) registered under the *Australian Charities and Not-for-profits Commission Act 2012*	The 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is credited (subject to subsection (5))

Note: Subsection 36(2) of the *Acts Interpretation Act 1901* (calculating time) does not apply to the giving of the notice (see section 303N of this Act).

Other requirements for notice

(3) The notice under subsection (1) must:

(a) be in the approved form; and

(b) set out the details required by section 303M (content of donation disclosure notices).

Gifts credited close to the start of an election period—recipient other than registered charity

(4) Despite subsection (2), if:

(a) a gift is credited in relation to a recipient (other than a recipient covered by column 1 of item 2 of the table in

subsection (2)) before the start of the election period in relation to:

(i) an election; or

(ii) a by-election, if the recipient is covered by subsection (6) in relation to the by-election; and

(b) at the time the election period starts, the responsible person for the recipient has not given the Electoral Commission a notice under subsection (1) in relation to the gift;

then the responsible person must give the Electoral Commission the notice on or before the end of the earlier of the following days:

(c) the 21st day of the calendar month that immediately follows the calendar month in which the gift is credited;

(d) the day before the day that is 12 days before polling day for the election or by-election (as the case requires).

Gift credited by registered charity during an election period

(5) Despite subsection (2), if a gift is credited in relation to a recipient covered by column 1 of item 2 of the table in subsection (2):

(a) after the start of the election period in relation to:

(i) an election; or

(ii) a by-election, if the recipient is covered by subsection (6) in relation to the by-election; and

(b) before the Thursday that immediately precedes the polling day for the election or by-election;

then the responsible person for the recipient must give the Electoral Commission the notice on or before the earlier of the following days:

(c) the 21st day of the calendar month that immediately follows the calendar month in which the relevant gift is credited;

(d) the Thursday mentioned in paragraph (b).

(6) A recipient is covered by this subsection in relation to a by-election if the recipient:

(a) is a significant third party, an associated entity or a third party; and

(b) has incurred, or intends to incur, electoral expenditure in relation to the by-election.

Special provision if recipient is more than one kind of person or entity

(7) Despite subsection (1), a person or entity is not required to give a notice under that subsection in relation to a gift if:

(a) the recipient of the gift is covered by column 1 of more than one item in the table in that subsection; and

(b) a person or entity covered by column 2 of any one of those items has already given a notice under that subsection in relation to the gift.

303M Content of donation disclosure notices given by recipients

A donation disclosure notice given under section 303L in relation to a gift must set out the following details:

(a) the name of the person or entity (the ***recipient***) in relation to whom the gift is credited;

(b) the amount or value of the gift;

(c) the date on which the gift was credited to the federal account;

(d) the number of memberships, subscriptions or other persons in respect of whom the gift was paid;

(e) if the total amount or value of all gifts credited in relation to the recipient during the calendar year in which the gift is credited is more than the disclosure threshold—the total amount or value of all gifts so far credited in relation to the recipient during the calendar year;

(f) if the federal account is not in the name of the person who gave the donation disclosure notice—the name of that person.

Note 1: A failure to include these details in a donation disclosure notice may contravene a civil penalty provision (see section 303L).

Note 2: A donation disclosure notice may be amended after it has been given to the Electoral Commission (see section 319A).

303N Relationship with other laws

Subsection 36(2) of the *Acts Interpretation Act 1901* (which deals with calculating time) does not apply to an act mentioned in this Subdivision.

303P No continuing contraventions

Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection 303L(1) of this Act.

Subdivision F—Publication of information about certain other gifts

303Q Electoral Commissioner must publish information

(1) The Electoral Commissioner must publish on the Transparency Register the following information contained in a donation disclosure notice under subsection 303L(1) in relation to a gift:

(a) the name of the person or entity (the ***recipient***) in relation to whom the gift was credited;

(b) the date on which the gift was credited;

(c) the amount of the gift;

(d) if the total amount or value of all gifts to which that subsection applies credited in relation to the recipient during the calendar year in which the gift was credited is more than the disclosure threshold—the total amount or value of all gifts so far credited.

Note: If a donation disclosure notice relates to more than one gift, the Electoral Commissioner must publish the information in this subsection in relation to each gift covered by the notice.

Time for publishing information

(2) The Electoral Commissioner must publish the information before the end of:

(a) the period of 24 hours beginning at the time the donation disclosure notice is received by the Electoral Commission, if:

(i) the gift is credited in relation to the recipient during the period beginning on the day of issue of the writ for an election and ending at the end of the seventh day after polling day for the election; or

(ii) the gift is credited in relation to the recipient during the period beginning on the day of issue of the writ for a by-election and ending at the end of the seventh day

after polling day for the by-election, and the recipient is covered by subsection (3) in relation to the by-election; or

(iii) the gift is covered by subsection 303L(4) (gifts credited close to the start of an election period); or

(iv) the donation disclosure notice is otherwise received by the Electoral Commission during the election period in relation to an election; or

(b) in any other case—the period of 10 days beginning on the day the donation disclosure notice is received by the Electoral Commission.

Note: Subsection 36(2) of the *Acts Interpretation Act 1901* (calculating time) does not apply to the publication of information under subsection (1) of this section (see section 303R of this Act).

(3) A recipient is covered by this subsection in relation to a by-election if the recipient is a significant third party, an associated entity or a third party and, in the opinion of the Electoral Commissioner, the recipient has incurred, or intends to incur, electoral expenditure in relation to the by-election.

False or misleading information

(4) Despite subsection (1), the Electoral Commissioner is not required to publish on the Transparency Register information contained in a donation disclosure notice if the Electoral Commissioner reasonably believes that the information is false or misleading in a material particular.

Publication of other information where acceptable action taken

(5) If, in relation to a gift, the recipient referred to in paragraph (1)(a) advises the Electoral Commissioner that acceptable action has been taken in relation to the gift, the Electoral Commissioner must publish the following in the entry in the Transparency Register relating to the gift before the end of the period of 24 hours beginning at the time the recipient so advises the Electoral Commissioner:

(a) a statement that the recipient has advised the Electoral Commissioner that acceptable action has been taken in relation to the gift;

(b) such other information (if any) prescribed by regulations made for the purposes of this paragraph.

Note: Subsection 36(2) of the *Acts Interpretation Act 1901* (calculating time) does not apply to the publication of a statement or information under this subsection (see section 303R of this Act).

303R Relationship with other laws

Subsection 36(2) of the *Acts Interpretation Act 1901* (which deals with calculating time) does not apply to an act mentioned in this Subdivision.

Subdivision G—Loans and repayments of gifts etc.

306A Certain loans not to be received

(1) It is unlawful for any of the following:

(a) a political party or a State branch of a political party;

(b) a person acting on behalf of a political party or a State branch of a political party;

(c) a significant third party, or a person acting on behalf of a significant third party;

to receive a loan of more than the disclosure threshold from a person or entity other than a financial institution unless the loan is made in accordance with subsection (3).

(2) It is unlawful for a candidate or a member of a group or a person acting on behalf of a candidate or group to receive a loan of more than the disclosure threshold from a person or entity other than a financial institution unless the loan is made in accordance with subsection (3).

(3) The receiver of the loan must keep a record of the following:

(a) the terms and conditions of the loan;

(b) the following information in relation to the loan (as the case requires):

(i) for a loan from a registered industrial organisation other than a financial institution—the name of the organisation, and the names and addresses of the members of the executive committee (however described) of the organisation;

(ii) for a loan from an unincorporated association—the name of the association, and the names and addresses of the members of the executive committee (however described) of the association;

(iii) for a loan paid out of a trust fund or out of the funds of a foundation—the names and addresses of the trustees of the fund or foundation, and the title, name or other description of the trust fund or foundation;

(iv) for any other loan—the name and address of the person or organisation that made the loan.

(6) Where a person receives a loan that, by virtue of this section, it is unlawful for the person to receive, an amount equal to the amount or value of the loan is payable by that person to the Commonwealth and may be recovered by the Commonwealth as a debt due to the Commonwealth by action, in a court of competent jurisdiction, against:

(a) in the case of a loan to or for the benefit of a political party, a State branch of a political party, or a significant third party, (the ***loan recipient***):

(i) if the loan recipient is a body corporate—the loan recipient; or

(ii) otherwise—the agent or financial controller of the loan recipient; or

(b) in any other case—the candidate or a member of the group or the agent of the candidate or of the group, as the case may be.

(7) For the purposes of this section, if credit is provided on a credit card in respect of card transactions, the credit is to be treated as a separate loan for each transaction.

(8) In this section:

financial institution means an entity which carries on a business that consists of, or includes, the provision of financial services or financial products and which is:

(a) a bank; or

(b) a credit union; or

(c) a building society; or

(d) any other entity registered under the Australian Financial Institutions Commission Codes as a special service provider; or

Note: See section 111AZB of the *Corporations Act 2001* for the Australian Financial Institutions Commission Codes.

(e) an entity prescribed by the regulations for the purposes of this paragraph.

306B Repayment of gifts where corporations wound up etc.

(1) This section applies if:

(a) a registered political party, a significant third party, a candidate or a member of a group receives from a corporation a gift whose amount or value is more than the disclosure threshold; and

(b) the corporation is wound up in insolvency, or by the court on other grounds, within a year of making the gift.

(2) The amount or value of the gift is payable, and may be recovered by the liquidator as a debt due to the liquidator in a court of competent jurisdiction, by:

(a) for a gift to or for the benefit of a registered political party or a significant third party (the ***gift recipient***):

(i) if the gift recipient is a body corporate—the gift recipient; or

(ii) if the gift recipient is a registered political party that is not a body corporate—the agent of the gift recipient; or

(iii) if the gift recipient is a significant third party that is not a body corporate—the financial controller of the gift recipient; or

(b) for a gift to or for the benefit of a candidate or member of the group—the candidate or member, or the agent of the candidate or the group.

Note: The gift received by the liquidator is an asset of the corporation to be distributed under the provisions of the *Corporations Act 2001*.

Division 5—Annual disclosure of donations and electoral expenditure etc.

Subdivision A—Preliminary

307A Simplified outline of this Division

Registered political parties, State branches of registered political parties, candidates, members of the House of Representatives, Senators, significant third parties, associated entities, nominated entities and third parties must provide annual returns to the Electoral Commission in respect of a calendar year. New significant third parties and associated entities must provide annual returns to the Electoral Commission in respect of the previous calendar year.

Broadly, the returns must set out details of amounts received (including as gifts) and amounts paid (including electoral expenditure incurred) during the year, as well as amounts of outstanding debts.

Commonwealth Departments must attach a statement of amounts paid to advertising agencies and other organisations to annual reports.

Information in returns provided under this Division is published by the Electoral Commissioner, on the Transparency Register, under section 320.

308 Interpretation

In this Division:

amount includes the value of a gift (within the ordinary meaning of that expression) or loan.

Note: In this definition ***gift*** has its ordinary meaning so it is not limited to gifts as defined in section 287AAB.

by-election period has the same meaning as in Division 3AB.

discretionary benefit means a benefit (including a grant, a benefit under a contract, or any other kind of benefit) that is not a statutory entitlement.

Senate-only election period has the same meaning as in Division 3AB of this Part.

targeted has the same meaning as in Division 3AB.

309 Nil returns

(1) If:

(a) a provision in this Division requires that a return be provided for a period, with respect to a person or entity; and

(b) the provision requires the return to set out an amount paid, incurred or received during the period; and

(c) the person or entity did not pay, incur or receive such an amount during the period;

the return must include a statement that there is no such amount to be set out for the period.

(2) Subsection (1) does not require a candidate, or a member of the House of Representatives or a Senator, to provide a return if, because of subsection 310A(5) or 310B(1), none is required.

Subdivision B—Annual disclosure obligations

310 Registered political party and State branch returns

(1) The agent of an entity that is:

(a) a registered political party; or

(b) a State branch of a registered political party;

at any time during a calendar year must provide the Electoral Commission a return for the calendar year in accordance with this section.

Note 1: A return must be provided even if no amounts were received, paid or incurred (see section 309).

Note 2: An obligation imposed on an agent applies to each member of the executive committee of a political party or State branch if there is no agent of the party or branch, as applicable (see section 292B).

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (1) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(2) The return must:

(a) be provided to the Electoral Commission within 8 weeks of the end of the calendar year; and

(b) be in the approved form.

Content of return

(3) The return must set out the following information:

(a) the total amount received by or on behalf of the entity during the calendar year, together with the details (if any) required by section 310J;

(b) the total amount of gifts made for a federal purpose that were received by the entity during the calendar year, together with the details required by section 310K;

(c) the total amount paid by or on behalf of the entity during the calendar year;

(d) the total electoral expenditure incurred by the entity during the calendar year, together with the details required by section 310M;

(e) the total outstanding amount, as at the end of the calendar year, of all debts incurred by or on behalf of the entity, together with the details (if any) required by section 310N;

(f) details of any discretionary benefits received by or on behalf of the entity from the Commonwealth during the calendar year;

(g) if the entity is a registered political party that is paid administrative assistance funding under Division 3AA during the calendar year—the details required by section 310P;

(h) if the entity is a registered political party and an entity is registered, at any time during the calendar year, as the nominated entity of the party—the name of the nominated entity.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Example: The Federal Quokka Party was registered as a registered political party on 1 October. The Federal Quokka Party is therefore required to provide a return for that calendar year in accordance with this section. The return must set out the information required by this section for the entire calendar year, not only the portion of the calendar year on and from 1 October.

Returns for State branches that are not registered political parties

(4) For the purposes of paragraphs (3)(a), (c) and (e), if:

(a) the agent of an entity that is a State branch of a registered political party is required by this section to provide a return with respect to the entity for a calendar year; and

(b) there is no time during the year at which the entity was a registered political party;

the return is required to set out amounts received, paid or incurred only to the extent the amounts were received, paid or incurred for a federal purpose.

Details of federal administrative accounts

(4A) The return must set out details of any federal administrative accounts kept in relation to the entity at any time in the calendar year.

Audit of administrative assistance funding and expenditure

(5) If the entity is a registered political party that is paid administrative assistance funding under Division 3AA during the calendar year, the return must include a certificate that meets the requirements in section 311.

(6) A return is taken not to have been provided to the Electoral Commission unless the return includes such a certificate (subject to section 318).

Exception—information provided in another return

(7) This section does not apply to the agent of a State branch of a registered political party if the agent of the registered political party provides a return under this section that sets out the information required by this section in relation to the State branch.

No continuing contraventions

(8) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

310A Candidate returns

(1) The agent of a person who is a candidate for any period of time during a calendar year must provide the Electoral Commission a return for the period in accordance with this section.

Note 1: For when a person starts to be a candidate, see subsection 287(9).

Note 2: If the person is also a member of the House of Representatives or a Senator for any period of time during the calendar year, a return may also be required under section 310B.

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (1) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(2) The return must:

(a) be provided to the Electoral Commission within 8 weeks of the end of the calendar year; and

(b) be in the approved form.

Content of return

(3) The return must set out the following information:

(a) if the election in which the person is a candidate is held in the calendar year—the name of the candidate as it appeared on the ballot paper;

(b) the total amount of gifts made for a federal purpose that were received by the candidate, together with the details required by section 310K;

(c) the total electoral expenditure incurred by the candidate, together with the details required by section 310M;

(d) details of any discretionary benefits received by or on behalf of the candidate from the Commonwealth during the calendar year.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Details of federal administrative accounts

(3A) The return must set out details of any federal administrative accounts kept in relation to the candidate at any time in the calendar year.

Exception—information provided in another return

(4) This section does not apply if:

(a) the candidate is endorsed by a registered political party; and

(b) the agent of the registered political party provides a return under section 310 that sets out the information required by subsection (3) of this section.

Exception—no gifts, electoral expenditure or discretionary benefits

(5) This section does not apply if:

(a) a gift made for a federal purpose was not received by the candidate during the calendar year; and

(b) the candidate did not incur electoral expenditure during the calendar year; and

(c) discretionary benefits were not received by, or on behalf of, the candidate from the Commonwealth during the calendar year.

Agent of person who ceased to be a candidate

(6) If a person has ceased to be a candidate before the end of a calendar year, subsection (1) applies to the person who was the agent of the candidate immediately before the candidate ceased to be a candidate.

(7) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

310B Members of the House of Representatives and Senator returns

(1) A person who is a member of the House of Representatives or a Senator for any period of time during a calendar year must provide the Electoral Commission a return for that period in accordance with this section if, during that period, the member or Senator:

(a) received a gift made for a federal purpose; or

(b) incurred electoral expenditure; or

(c) was paid administrative assistance funding.

Note: If the person is also a candidate for any period of time during the calendar year, a return may also be required under section 310A.

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (1) and there is sufficient evidence for the court to

determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(2) The return must:

(a) be provided to the Electoral Commission within 8 weeks of the end of the calendar year; and

(b) be in the approved form.

Content of return

(3) The return must set out the following information:

(a) the total amount of gifts made for a federal purpose that were received by the member or Senator, together with the details required by section 310K;

(b) the total electoral expenditure incurred by the member or Senator during the calendar year, together with the details required by section 310M;

(c) if the member or Senator is paid administrative assistance funding under Division 3AA during the calendar year—the details required by section 310P.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Details of federal administrative accounts

(3A) The return must set out details of any federal administrative accounts kept in relation to the member or Senator at any time in the calendar year.

Audit of administrative assistance funding and expenditure

(4) If the member or Senator is paid administrative assistance funding under Division 3AA during the calendar year, the return must include a certificate that meets the requirements in section 311.

(5) A return is taken not to have been provided to the Electoral Commission unless the return includes such a certificate (subject to section 318).

Exception—information provided in another return

(6) If the agent of a registered political party, of which the member or Senator was a member at any time during the calendar year, provides a return under section 310 that sets out information required by subsection (3) of this section in relation to the member or Senator:

(a) that information is not required to be set out in a return under this section; and

(b) no return under this section is required if, because of paragraph (a), no information is required to be set out in a return under this section.

No continuing contraventions

(7) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

310C Significant third party returns

(1) The financial controller of a person or entity that is a significant third party at any time during a calendar year must provide the Electoral Commission a return for the calendar year in accordance with this section.

Note 1: See section 310G for additional disclosure obligations for persons or entities that become registered as a significant third party in a calendar year.

Note 2: A return must be provided even if no amounts were received, paid or incurred (see section 309).

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (1) and there is sufficient evidence for the court to

determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(2) The return must:

(a) be provided to the Electoral Commission within 8 weeks of the end of the calendar year; and

(b) be in the approved form.

Content of return

(3) The return must set out the following information:

(a) the total amount received by or on behalf of the person or entity during the calendar year, together with the details (if any) required by section 310J;

(b) the total amount of gifts made for a federal purpose that were received by the person or entity during the calendar year, together with the details required by section 310K;

(c) the total amount paid by or on behalf of the person or entity during the calendar year;

(d) the total electoral expenditure incurred by the person or entity during the calendar year, together with the details required by section 310M;

(e) the total outstanding amount, as at the end of the calendar year, of all debts incurred by or on behalf of the person or entity, together with the details (if any) required by section 310N;

(f) details of any discretionary benefits received by or on behalf of the person or entity from the Commonwealth during the calendar year.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Details of federal administrative accounts

(3A) The return must set out details of any federal administrative accounts kept in relation to the person or entity at any time in the calendar year.

Expenditure incurred when not registered but required to be so

(4) The financial controller of a person or entity that is taken to have incurred an amount of electoral expenditure in a calendar year (the ***later calendar year***) under section 287J must provide:

(a) a return for the calendar year in which the expenditure was actually incurred that includes that expenditure; and

(b) a separate return for the later calendar year that does not include the expenditure that was taken under section 287J to have been incurred in the later calendar year.

Financial controller of deregistered significant third party

(5) If a significant third party is deregistered before the end of the period for providing the return as mentioned in paragraph (2)(a), subsection (1) applies to the person who was the financial controller of the significant third party immediately before that deregistration.

Exception—amounts received in personal capacity

(6) Any return provided under this section in respect of a person who is an individual is not required to include the following:

(a) any amounts, or the details of any discretionary benefits, received by, or on behalf of, the person in a purely personal capacity;

(b) any amounts paid by, or on behalf of, the person for personal purposes and not solely or substantially for a purpose related to an election;

(c) the amount, or other details, of any debt incurred by, or on behalf of, the person in a purely personal capacity.

Exception—amounts received by registered charities

(7) This section does not apply in relation to an amount if:

(a) the amount was received by, or on behalf of, a person or entity that was registered under the *Australian Charities and Not-for-profits Commission Act 2012*; and

(b) no part of the amount was used during the calendar year by the person or entity:

(i) to enable the person or entity to incur electoral expenditure, or create or communicate electoral matter; or

(ii) to reimburse the person or entity for incurring electoral expenditure, or creating or communicating electoral matter.

Exception—information provided in another return

(8) This section does not apply to the financial controller of an entity for a calendar year if:

(a) the financial controller is required to provide a return under section 310D (associated entity returns) or section 310E (nominated entity returns) with respect to the entity for the year; and

(b) the return the financial controller provides under that section:

(i) states that the entity was also a significant third party in the year; and

(ii) sets out the information required by this section with respect to the entity for the year.

Note: An entity that is registered as both a significant third party and an associated entity at a time is, for the purposes of this Part, to be treated at that time as if it were only an associated entity: see subsection 287(8A).

No continuing contraventions

(9) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

310D Associated entity returns

(1) The financial controller of an entity that is an associated entity at any time during a calendar year must provide the Electoral

Commission a return for a calendar year in accordance with this section.

Note 1: All nominated entities are required to be registered as associated entities: see paragraphs 287H(1)(b) and 287MB(1)(c).

Note 2: See section 310H for additional disclosure obligations for entities that become registered as an associated entity in a calendar year.

Note 3: A return must be provided even if no amounts were received, paid or incurred (see section 309).

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (1) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(2) The return must:

(a) be provided to the Electoral Commission within 8 weeks of the end of the calendar year; and

(b) be in the approved form.

Content of return

(3) The return must set out the following information:

(a) the total amount received by or on behalf of the entity during the calendar year, together with the details (if any) required by section 310J;

(b) the total amount of gifts made for a federal purpose that were received by the entity during the calendar year, together with the details required by section 310K;

(c) the total amount paid by or on behalf of the entity during the calendar year, together with the details (if any) required by section 310L;

(d) the total electoral expenditure incurred by the entity during the calendar year, together with the details required by section 310M;

(e) the total outstanding amount, as at the end of the calendar year, of all debts incurred by or on behalf of the entity, together with the details (if any) required by section 310N;

(f) details of any discretionary benefits received by or on behalf of the entity from the Commonwealth during the calendar year.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Details of federal administrative accounts

(3A) The return must set out details of any federal administrative accounts kept in relation to the entity at any time in the calendar year.

Financial controller of deregistered associated entity

(4) If an associated entity is deregistered before the end of the period for providing the return as mentioned in paragraph (2)(a), subsection (1) applies to the person who was the financial controller of the associated entity immediately before that deregistration.

Exception—information provided in another return

(5) Subsection (1) does not apply to the financial controller of an entity for a calendar year if:

(a) the entity is also a nominated entity at a time in the year; and

(b) a return is provided under section 310E (nominated entity returns) that:

(i) sets out the information required by this section for the entity for the year; and

(ii) specifies any period in the year during which the entity was an associated entity and not also a nominated entity; and

(iii) for any such period—makes clear which information relates to the period.

No continuing contraventions

(6) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

310E Nominated entity returns

(1) The financial controller of an entity that is a nominated entity at any time during a calendar year must provide the Electoral Commission a return for a calendar year in accordance with this section.

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (1) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(2) The return must:

(a) be provided to the Electoral Commission within 8 weeks of the end of the calendar year; and

(b) be in the approved form.

Content of return

(3) The return must set out the following information:

(a) the total amount received by or on behalf of the entity during the calendar year, together with the details (if any) required by section 310J;

(b) the total amount of gifts made for a federal purpose that were received by the entity during the calendar year, together with the details required by section 310K;

(c) the total amount paid by or on behalf of the entity during the calendar year, together with the details (if any) required by section 310L;

(d) the total electoral expenditure incurred by the entity during the calendar year, together with the details required by section 310M;

(e) the total outstanding amount, as at the end of the calendar year, of all debts incurred by or on behalf of the entity, together with the details (if any) required by section 310N;

(f) details of any discretionary benefits received by or on behalf of the entity from the Commonwealth during the calendar year.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Details of federal administrative accounts

(3A) The return must set out details of any federal administrative accounts kept in relation to the entity at any time in the calendar year.

Financial controller of deregistered nominated entity

(4) If the registration of the entity as a nominated entity is cancelled before the end of the period for providing the return as mentioned in paragraph (2)(a), subsection (1) applies to the person who was the financial controller of the entity immediately before that cancellation.

No continuing contraventions

(5) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

310F Third party returns

(1) A person or entity who is a third party at any time during a calendar year must provide the Electoral Commission a return for the calendar year in accordance with this section.

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (1) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(2) The return must:

(a) be provided to the Electoral Commission within 8 weeks of the end of the calendar year; and

(b) be in the approved form.

Content of return

(3) The return must set out the following information:

(a) the total amount of gifts made for a federal purpose that were received by the person or entity during the calendar year, together with the details required by section 310K;

(b) the total electoral expenditure incurred by the person or entity during the calendar year, together with the details required by section 310M.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Note 3: To avoid doubt, a registered charity under the *Australian Charities and Not-for-profits Commission Act 2012* does not need to report amounts that were not received, paid, or incurred for a federal purpose.

Details of federal administrative accounts

(3A) The return must set out details of any federal administrative accounts kept in relation to the person or entity at any time in the calendar year.

Exception—information provided in another return

(4) This section does not apply to a person or entity for a calendar year if:

(a) the financial controller of the person or entity is required to provide a return under section 310C (significant third party returns), section 310D (associated entity returns) or section 310E (nominated entity returns) with respect to the person or entity (as applicable) for the year; and

(b) the return the financial controller provides under that section:

(i) states that the person or entity was also a third party in the year; and

(ii) sets out the information required by this section with respect to the person or entity for the year.

No continuing contraventions

(5) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

Subdivision C—Disclosure obligations for new significant third parties and associated entities

310G New significant third party returns

(1) This section applies if:

(a) a person or entity is registered as a significant third party at any time during a calendar year; and

(b) the person or entity was neither registered, nor required to be registered, as a significant third party in the previous calendar year.

(2) The financial controller of the person or entity must provide to the Electoral Commission a return for the previous calendar year in accordance with this section.

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (4) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(3) A return under this section must:

(a) be provided to the Electoral Commission within 30 days beginning on the day the entity is registered as a significant third party; and

(b) be in the approved form.

Content of return

(4) The return must set out the following information:

(a) the total amount received by or on behalf of the person or entity during the previous calendar year, together with the details (if any) required by section 310J;

(b) the total amount of gifts made for a federal purpose that were received by the person or entity during the previous calendar year, together with the details required by section 310K;

(c) the total amount paid by or on behalf of the person or entity during the previous calendar year;

(d) the total electoral expenditure incurred by the person or entity during the previous calendar year, together with the details required by section 310M;

(e) the total outstanding amount, as at the end of the previous calendar year, of all debts incurred by or on behalf of the person or entity, together with the details (if any) required by section 310N;

(f) details of any discretionary benefits received by or on behalf of the person or entity from the Commonwealth during the previous calendar year.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Note 3: A return must be provided even if no amounts were received, paid or incurred (see section 309).

No continuing contraventions

(5) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (2) of this section.

310H New associated entity returns

(1) This section applies if:

(a) an entity is registered as an associated entity at any time during a calendar year; and

(b) the entity was neither registered, nor required to be registered, as an associated entity at any time in the previous calendar year.

Note: All nominated entities are required to be registered as associated entities: see paragraphs 287H(1)(b) and 287MB(1)(c).

(2) The financial controller of the entity must provide to the Electoral Commission a return for the previous calendar year in accordance with this section.

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed in accordance with subsection (4) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

Timing of return etc.

(3) A return under this section must:

(a) be provided to the Electoral Commission within 30 days beginning on the day the entity is registered as an associated entity; and

(b) be in the approved form.

Content of return

(4) The return must set out the following information:

(a) the total amount received by or on behalf of the entity during the previous calendar year, together with the details (if any) required by section 310J;

(b) the total amount of gifts made for a federal purpose that were received by the entity during the previous calendar year, together with the details required by section 310K;

(c) the total amount paid by or on behalf of the entity during the previous calendar year, together with the details (if any) required by section 310L;

(d) the total electoral expenditure incurred by the entity during the previous calendar year, together with the details required by section 310M;

(e) the total outstanding amount, as at the end of the previous calendar year, of all debts incurred by or on behalf of the entity, together with the details (if any) required by section 310N;

(f) details of any discretionary benefits received by or on behalf of the entity from the Commonwealth during the previous calendar year;

(g) if subsection (5) applies in relation to any information—a statement to that effect.

Note 1: For the meaning of ***federal purpose***, see subsection 287(1).

Note 2: See Division 4 (disclosure of donations) for additional disclosure obligations in relation to certain gifts.

Note 3: A return must be provided even if no amounts were received, paid or incurred (see section 309).

Exception—information provided in a previous return

(5) Despite subsection (4), the return is not required to set out information mentioned in any of paragraphs (4)(a) to (f) that has already been set out in a return provided with respect to the entity under Subdivision B or section 310G.

No continuing contraventions

(6) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (2) of this section.

Subdivision D—Details required etc.

310J Details of amount received

(1) This section applies for the purposes of a provision in Subdivision B or C that refers to the details required by this section in relation to the total amount received by or on behalf of a person or entity during a calendar year.

Note: Amounts may be received in different ways, including as gifts in kind (see the definition of ***amount*** in section 308).

(2) The details set out in subsection (3) are required if the sum of all amounts received by or on behalf of the person or entity during the calendar year is more than the disclosure threshold.

(3) The details are the following:

(a) if an amount was received from an unincorporated association, other than a registered industrial organisation:

(i) the name of the association; and

(ii) the names and addresses of the members of the executive committee (however described) of the association;

(b) if the sum was purportedly paid out of a trust fund or out of the funds of a foundation:

(i) the names and addresses of the trustees of the fund or of the foundation; and

(ii) the title or other description of the trust fund, or the name of the foundation, as the case requires;

(c) if the sum was received as a result of a loan—the information required to be kept under subsection 306A(3), or the name of the financial institution, as the case requires;

(d) in any other case—the name and address of the person or organisation.

310K Details of gifts made for a federal purpose

(1) This section applies for the purposes of a provision in Subdivision B or C that refers to the details required by this section in relation

to the total amount of gifts made for a federal purpose received by a person or entity during a calendar year.

(2) The details are the following:

(a) the total amount of the gifts that are not required to be disclosed under section 303A (requirements for recipients of gifts);

(b) the total amount of those gifts received during a by-election period for a by-election;

(c) the total amount of those gifts received during a Senate-only election period for a Senate-only election.

310L Details of amounts paid out of funds generated from capital

(1) This section applies for the purposes of a provision in Subdivision B or C that refers to the details required by this section in relation to amounts paid by or on behalf of an entity during a calendar year.

(2) The details set out in subsection (3) are required for each person who contributed to capital of the entity after the commencement of this section if:

(a) any amount paid by or on behalf of the entity during the calendar year was paid to, or for the benefit of, one or more registered political parties; and

(b) the payment was made out of funds generated from that capital.

(3) The details are:

(a) the name and address of the person; and

(b) the total amount of the person's contributions to the entity's capital, up to the end of the calendar year.

(4) Subsection (2) does not apply to contributions that have been set out in a previous return under subsection (1).

310M Details of electoral expenditure

(1) This section applies for the purposes of a provision in Subdivision B or C that refers to the details required by this section in relation

to the total electoral expenditure incurred by a person or entity during a calendar year.

(2) The details are the following:

(a) the total electoral expenditure that counts towards a cap mentioned in the following provisions:

(i) subsection 302AMA(1) (Federal cap);

(ii) subsection 302ANA(1) (Independent House of Representatives cap);

(iii) subsection 302AOA(1) (Independent Senate cap);

(iv) subsection 302APA(1) (capped entity cap);

(b) for any electoral expenditure targeted to a Division:

(i) the name of the Division; and

(ii) the total expenditure that counts towards the cap mentioned in subsection 302AMB(1) (Divisional cap) or 302APB(1) (capped entity Divisional cap) in relation to the Division;

(c) for any electoral expenditure targeted to a State or Territory:

(i) the name of the State or Territory; and

(ii) the total expenditure that counts towards the cap mentioned in subsection 302AMC(1) (Senate cap) or 302APC(1) (capped entity Senate cap) in relation to the State or Territory;

(d) for any electoral expenditure incurred in the by-election period for a by-election, for the purposes of the by-election:

(i) the name of the Division to which the by-election relates; and

(ii) the total expenditure that counts towards the cap mentioned in subsection 302AMD(1) (by-election cap), 302ANB(1) (Independent House of Representatives by-election cap) or 302APD(1) (capped entity by-election cap), in relation to the by-election;

(e) for any electoral expenditure incurred in the Senate-only election period for a Senate-only election in a State or Territory, for the purposes of the election:

(i) the name of the State or Territory; and

(ii) the total expenditure that counts towards the cap mentioned in subsection 302AME(1) (Senate-only election cap), 302AOB(1) (Senate-only election Independent Senate cap) or 302APE(1) (capped entity Senate-only election cap) in relation to the election;

(f) the total electoral expenditure covered by section 302AQC (exception—travel and translation expenses);

(g) the total electoral expenditure covered by section 302AQE (exception—campaign office accommodation);

(h) the total electoral expenditure covered by section 302AQF (exception—design and printing costs for certain how-to-vote cards).

Note 1: Electoral expenditure does not count towards to a particular cap if it is covered by an exception for the cap (for the exceptions, see Subdivision G of Division 3AB).

Note 2: For electoral expenditure targeted to a Division, State or Territory, see section 302AD.

310N Details of outstanding amounts

(1) This section applies for the purposes of a provision in Subdivision B or C that refers to the details required by this section in relation to the total outstanding amount, as at the end of a calendar year, of all debts incurred by a person or entity.

(2) The details set out in subsection (3) are required if the sum of the debts is more than the disclosure threshold.

(3) The details are the following, for the amount outstanding in relation to each debt:

(a) if the amount was owed to an unincorporated association, other than a registered industrial organisation:

(i) the name of the association; and

(ii) the names and addresses of the members of the executive committee (however described) of the association;

(b) if the amount was purportedly incurred as a debt to a trust fund or to a foundation:

(i) the names and addresses of the trustees of the fund or of the foundation; and

(ii) the title or other description of the trust fund, or the name of the foundation, as the case requires;

(c) in any other case—the name and address of the person or organisation.

310P Details of administrative expenditure

(1) This section applies for the purposes of a provision in Subdivision B that refers to the details required by this section in relation to administrative assistance funding paid to a person or entity.

(2) The details are the following:

(a) a statement specifying whether the person or entity incurred administrative expenditure during the calendar year that is less than, the same as, or more than the administrative assistance funding paid to the person or entity during that year;

(b) if the person or entity incurred administrative expenditure during the calendar year that is less than the administrative assistance funding paid to the person or entity during that year—the amount of the difference between the amount incurred and the amount paid.

311 Audit requirements in relation to administrative expenditure

(1) This section applies for the purposes of a provision in Subdivision B that refers to the requirements that must be met by a certificate in relation to a person or entity paid administrative assistance funding during a calendar year.

(2) A certificate meets the requirements in this section if:

(a) it is issued by a registered company auditor (within the meaning of the *Corporations Act 2001*); and

(b) the auditor has audited any administrative expenditure incurred by the person or entity during the calendar year; and

(c) the audit was conducted in accordance with any applicable Auditing Standards; and

(d) the certificate states that the auditor:

(i) was given full and free access at all reasonable times to all accounts, records, documents and papers relating directly or indirectly to the information required to be set out in the return; and

(ii) examined that material for the purpose of giving the certificate; and

(iii) received all information and explanations that the auditor requested in respect of that material; and

(iv) has no reason to believe that any information required to be set out in the return is not correct.

Subdivision E—Commonwealth annual reports: statement of amounts paid

311A Annual returns of income and expenditure of Commonwealth Departments

(1) Subject to this section, the principal officer of each Commonwealth Department must attach a statement to its annual report setting out particulars of all amounts paid by, or on behalf of, the Commonwealth Department during the financial year to:

(a) advertising agencies;

(b) market research organisations;

(c) polling organisations;

(d) direct mail organisations; and

(e) media advertising organisations;

and the persons or organisations to whom those amounts were paid.

(2) Nothing in subsection (1) requires particulars of a payment made by a Commonwealth Department in a financial year to be included in a return if the value of the payment is less than or equal to the third party threshold.

(3) The first return under this section need only contain particulars in relation to the period starting on the commencement of this section and ending on the next 30 June.

(4) In this section:

Commonwealth Department means:

(a) a Department of State of the Commonwealth; or

(b) a Department of the Parliament established under the *Parliamentary Service Act 1999*; or

(c) an Agency (within the meaning of the *Public Service Act 1999*).

principal officer means:

(a) in relation to a Department—the person holding, or performing the duties of, the office of Secretary of the Department; and

(b) in relation to an Agency—the Agency Head (within the meaning of the *Public Service Act 1999*) of the Agency.

Subdivision F—Miscellaneous

312 Returns not to include lists of party membership

Returns provided in accordance with this Division are not to include lists of party membership.

313 Regulations

(1) The regulations may prescribe:

(a) additional information to be set out in returns; or

(b) additional details to be provided for information already required by this Division to be set out in returns.

(2) Without limiting paragraph (1)(b), the regulations may require that the total amounts referred to in this Division be broken down in the way specified in the regulations.

Division 5B—Electoral expenditure by foreign campaigners

314AH Simplified outline of this Division

This Division limits electoral expenditure and fundraising for electoral expenditure by foreign campaigners (that is, persons who, broadly, do not have a connection with Australia).

Electoral expenditure incurred by or with the authority of a foreign campaigner must not total $1,000 or more in a financial year. Amounts fundraised for that purpose must not total $1,000 or more in a financial year.

314AI Objects of this Division

(1) The objects of this Division are:

(a) to ensure, to the extent possible, that only Australians and those with a genuine, legitimate stake in the outcomes of the Australian political process are able to influence those outcomes; and

(b) to reduce the risk of foreign persons or entities influencing the results of Australian elections through electoral expenditure.

(2) This Division aims to achieve these objects by limiting electoral expenditure and fundraising for electoral expenditure by foreign persons or entities that do not have a legitimate connection to Australia.

314AJ Prohibition on foreign campaigners incurring electoral expenditure or fundraising for that purpose

(1) A foreign campaigner contravenes this subsection if:

(a) amounts of electoral expenditure incurred by or with the authority of the foreign campaigner in a financial year total $1,000 or more; or

(b) amounts fundraised for the purpose of electoral expenditure being incurred by or with the authority of the foreign campaigner in a financial year total $1,000 or more.

Civil penalty:

The higher of the following amounts:

(a) 200 penalty units;

(b) if there is sufficient evidence for the court to determine or estimate the amount of electoral expenditure incurred or fundraised in contravention of this subsection—3 times that amount.

(2) Subsection (1) applies:

(a) whether or not the conduct constituting the contravention of that subsection occurs in Australia; and

(b) whether or not a result of the conduct constituting the alleged contravention of that subsection occurs in Australia.

Division 5C—Compliance and enforcement powers

Subdivision A—Preliminary

314AKA Simplified outline of this Division

This Division is about compliance and enforcement.

Subdivision B deals with the appointment and powers of authorised officers. Authorised officers may:

(a) require a person to give information or produce documents, or appear and answer questions, relevant to the enforcement of this Part or the *Criminal Code* to the extent that it relates to this Part; and

(b) enter and search premises, and seize documents or other things, under a warrant; and

(c) make and retain copies of documents produced to the authorised officer; and

(d) retain documents produced to, or seized by, the authorised officer; and

(e) retain other things seized by the authorised officer.

An authorised officer's decision to require a person to give information or produce documents, or to appear and answer questions, is subject to internal review.

Subdivision C deals with anti-avoidance. A person commits an offence or is liable to a civil penalty if the person, either alone or with one or more other persons or entities, enters into a scheme, begins to carry out a scheme or carries out a scheme with the sole or dominant purpose of avoiding the application of certain sections of the Act to the person or another person or entity. A person commits an offence or is liable to a civil penalty if the person enters into, begins to carry out or carries out such a scheme in contravention of a notice given by the Electoral Commissioner that requires the person not to do so.

The Electoral Commissioner's decision to give such a notice to a person is subject to internal review.

314AL Definitions

In this Division:

authorised officer means a person authorised by the Electoral Commissioner under section 314AM.

Subdivision B—Investigations etc.

314AM Appointment of authorised officers

(1) The Electoral Commission may, in writing signed by the Electoral Commissioner on behalf of the Electoral Commission, authorise a person or a person included in a class of persons to exercise a power under this Subdivision.

(2) Before authorising a person or a class of persons to exercise a power under this Subdivision, the Electoral Commission must consider whether the person or class of persons has appropriate expertise to exercise the power.

314AN Power of authorised officers to obtain information—compliance

(1) This section applies if an authorised officer reasonably believes that a person is capable of giving information, or producing a document or other thing, that is relevant for the purposes of ensuring compliance with:

(a) this Part; or

(b) the *Criminal Code* to the extent that it relates to this Part.

Notice to give information, produce document or thing or appear

(2) The authorised officer may, by written notice given to the person, require the person:

(a) to give to the authorised officer, within the period and in the manner and form specified in the notice, any such information; or

(b) to produce to the authorised officer, within the period and in the manner and form specified in the notice, any such document or other thing; or

(c) to answer questions asked by the authorised officer, at the date and time, and by the means, specified in the notice.

Note: This may include a requirement to produce information or documents relating to a federal account or federal administrative account kept for the purposes of this Part.

(3) If paragraph (2)(a) or (b) applies, the period specified in the notice must be at least 14 days, but not longer than 30 days, after the notice is given.

(4) If paragraph (2)(c) applies, the date specified in the notice must be at least 14 days after the notice is given.

(5) A notice given to a person under subsection (2) must set out the effect of:

(a) subsection (6) of this section (right to request review); and

(b) subsections (14), (15) and (16) of this section (failure to comply with notice); and

(c) sections 137.1 and 137.2 of the *Criminal Code* (false or misleading information or documents).

Electoral Commission review

(6) A person who is given a notice under subsection (2) may request that the Electoral Commission review the decision to issue the notice. The request must be:

(a) in writing; and

(b) given to the Electoral Commission before the end of the period or before the date for complying with the notice (or if both a period and a date are specified, before whichever is later).

(7) The Electoral Commission must:

(a) review the decision as soon as practicable after receiving the request; and

(b) affirm, vary or set aside the decision; and

(c) if the Electoral Commission affirms or varies the decision—specify a longer period or a later date for complying with the notice; and

(d) give the person written notice of:

(i) its decision on the review; and

(ii) if paragraph (c) applies—that period or the date, time and place, as applicable.

(8) Subject to any extensions the Electoral Commission considers reasonable in the circumstances, subsections (3) and (4) apply to the period or date specified by the Electoral Commission in a notice under subsection (7) in the same way as they apply to a notice under subsection (2).

(9) Paragraphs (5)(b) and (c) apply to a notice given by the Electoral Commission under subsection (7) in the same way as they apply to a notice under subsection (2).

(10) If a person requests a review of a decision, the person is not required to comply with a notice at any time before the Electoral Commission notifies the person of its decision on the review.

Answers to be given on oath or affirmation

(11) The authorised officer may require answers provided under paragraph (2)(c) to be verified by, or given on, oath or affirmation and provided either orally or in writing.

(12) The authorised officer may administer the oath or affirmation.

Person must comply with notice

(13) A person contravenes this subsection if:

(a) the person is given a notice under this section; and

(b) the person fails to comply with the notice.

Fault-based offence

(14) A person commits an offence if the person contravenes subsection (13).

Penalty: Imprisonment for 6 months or 30 penalty units, or both.

Strict liability offence

(15) A person commits an offence of strict liability if the person contravenes subsection (13).

Penalty: 10 penalty units.

Civil liability provision

(16) A person is liable to a civil penalty if the person contravenes subsection (13).

Civil penalty: 60 penalty units.

314AO Notice given to officer of a political party, significant third party, associated entity or nominated entity

(1) This section applies if a notice under paragraph 314AN(2)(c) to appear before an authorised officer is given to:

(a) an officer of a political party (other than the agent of the party); or

(b) an officer of a significant third party (other than the financial controller of the significant third party); or

(c) an officer of a third party (other than the financial controller of the third party); or

(d) an officer of an associated entity (other than the financial controller of the associated entity); or

(e) an officer of a nominated entity (other than the financial controller of the nominated entity).

(2) The agent of the political party, or the financial controller of the significant third party, third party, associated entity or nominated entity (as the case requires), may:

(a) appear before the authorised officer; or

(b) nominate, in writing, another person to attend the proceeding on behalf of the agent or financial controller.

314AP Copies of documents

An authorised officer may inspect a document produced under section 314AN and may make and retain copies of such a document.

314AQ Search warrants

Application for warrant

(1) If:

(a) an authorised officer reasonably suspects that there may be, at any time within the following 24 hours, on any land or on or in any premises, vessel, aircraft or vehicle, a document or other thing that may afford evidence relating to a contravention of a civil penalty provision in, or an offence against, this Part; and

(b) the authorised officer reasonably believes that, if a notice under section 314AN were issued for the production of the document or other thing, the document or other thing might be concealed, lost, mutilated or destroyed;

the authorised officer may apply to a magistrate for the issue of a search warrant under this section.

Issue of search warrant

(2) The magistrate may issue a search warrant authorising:

(a) the authorised officer or any other person named in the warrant (each an ***executing officer***):

(i) to enter on the land or on or into the premises, vessel, aircraft or vehicle; and

(ii) to search the land, premises, vessel, aircraft or vehicle for documents or other things that may afford evidence relating to a contravention of the civil penalty provision or offence, being documents or other things of a kind described in the warrant; and

(iii) to seize any documents or other things of the kind referred to in subparagraph (ii); and

(b) the executing officer to use such assistance as the officer thinks reasonably necessary to do a thing specified in paragraph (a); and

(c) an executing officer who is an authorised officer to use such force against things as the officer thinks reasonably necessary to do a thing specified in paragraph (a).

(3) However, the magistrate must not issue a search warrant unless:

(a) the authorised officer or some other person has given to the magistrate an affidavit setting out the grounds on which the issue of the search warrant is being sought; and

(b) the authorised officer or some other person has given to the magistrate, either orally or by affidavit, such further information (if any) as the magistrate requires concerning the grounds on which the issue of the search warrant is being sought; and

(c) the magistrate is satisfied that there are reasonable grounds for issuing the search warrant.

Powers conferred on magistrates

(4) A power conferred on a magistrate by this section is conferred on the magistrate in a personal capacity and not as a court or a member of a court. The magistrate need not accept the power conferred.

(5) A magistrate exercising such a power has the same protection and immunity as if the magistrate were exercising that power as, or as a member of, the court of which the magistrate is a member.

Content of search warrant

(6) The search warrant must:

(a) describe the land, premises, vessel, aircraft or vehicle to which the warrant relates; and

(b) state the purposes for which the warrant is issued, including a reference to the alleged contravention of the civil penalty

provision or offence in relation to which the warrant is issued; and

(c) state the name of the executing officer; and

(d) state whether entry is authorised at any time of the day or night; and

(e) describe the kind of documents or other things authorised to be seized; and

(f) state the day the warrant ceases to be in force.

(7) The day specified in the search warrant must not be more than 7 days after the day on which the warrant was issued.

Copy of warrant to be given to occupier etc.

(8) If a warrant in relation to land or premises is being executed and the occupier of the land or premises, or another person who apparently represents the occupier, is present at the premises, the executing officer must give a copy of the warrant to that person.

(9) If a warrant in relation to a vessel, aircraft or vehicle is being executed and the owner of the vessel, aircraft or vehicle, or another person who apparently represents the owner of the vessel, aircraft or vehicle is present, the executing officer must give a copy of the warrant to that person.

(10) The executing officer must identify themselves to the person at the land, premises, vessel, aircraft or vehicle being searched.

314AR Use etc. of documents and things

(1) An authorised officer may take possession of:

(a) a document or other thing produced under section 314AN; or

(b) a document or other thing seized by a person under a search warrant issued under section 314AQ.

(2) The person otherwise entitled to possession of a document is entitled to be supplied, as soon as practicable, with a copy certified by the authorised officer to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the authorised officer must, at such times and places as the authorised officer thinks appropriate, permit the person otherwise entitled to possession of a document, or a person authorised by that person, to inspect and make copies of the document.

(5) The authorised officer may use the document or other thing, or make it available to another authorised officer to use, for the following purposes, if using the document or thing is necessary for the purpose:

(a) investigating a contravention of a civil penalty provision in, or an offence against, this Part;

(b) deciding whether to institute proceedings in relation to such a contravention or offence;

(c) proceedings in relation to such a contravention or offence.

(6) The document or other thing may be retained for as long as is reasonably necessary, but, unless it is evidence in proceedings as mentioned in paragraph (5)(c), not longer than the day that is 60 days after the day on which the authorised officer took possession of the document or thing.

Subdivision C—Anti-avoidance

314AS Preventing application of certain obligations under this Part

(1) A person contravenes this subsection if:

(a) the person, either alone or with one or more other persons or entities:

(i) enters into a scheme; or

(ii) begins to carry out a scheme; or

(iii) carries out a scheme; and

(b) the sole or dominant purpose of the scheme is to avoid the operation of any one or more of the following provisions in relation to the person or another person or entity:

(i) a civil penalty provision in Subdivision B of Division 1A (requirement to register as a significant third party or an associated entity);

(ii) a civil penalty provision in Division 3AB (caps on electoral expenditure);

(iii) a civil penalty provision in Subdivision AA or AC of Division 3A (caps on gifts);

(iv) an offence or civil penalty provision in section 302D, 302E or 302F (donations by foreign donors);

(v) a civil penalty provision in section 314AJ (foreign campaigner incurring, or fundraising for, electoral expenditure).

Note: For the definition of ***scheme***, see subsection 287(1).

Fault-based offence

(2) A person commits an offence if the person contravenes subsection (1).

Penalty: Imprisonment for 3 years or 180 penalty units, or both.

Civil penalty provision

(3) A person is liable to a civil penalty if the person contravenes subsection (1).

Civil penalty:

(a) if the sole or dominant purpose of the scheme is to avoid the application of a single provision—the penalty applicable to the provision; and

(b) if the sole or dominant purpose of the scheme is to avoid the application of multiple provisions—the highest of the penalties applicable to the provisions.

(4) This section applies whether or not the scheme is entered into, begun to be carried out or carried out:

(a) in Australia; or

(b) outside Australia; or

(c) partly in Australia and partly outside Australia.

314AT Anti-avoidance notice

(1) The Electoral Commissioner may give a person a written notice if:

(a) the person, either alone or with one or more other persons or entities:

(i) enters into a scheme; or

(ii) begins to carry out a scheme; or

(iii) carries out a scheme; and

(b) there are reasonable grounds to conclude that the sole or dominant purpose of the scheme is to avoid the operation of any one or more of the following provisions in relation to the person or another person or entity:

(i) a civil penalty provision in Subdivision B of Division 1A (requirement to register as a significant third party or an associated entity);

(ii) a civil penalty provision in Division 3AB (caps on electoral expenditure);

(iii) a civil penalty provision in Subdivision AA of Division 3A (caps on gifts);

(iv) an offence or civil penalty provision in section 302D, 302E or 302F (donations by foreign donors);

(v) a civil penalty provision in section 314AJ (foreign campaigner incurring, or fundraising for, electoral expenditure).

Note 1: A decision to give a notice is a reviewable decision (see section 120).

Note 2: For the definition of ***scheme***, see subsection 287(1).

(2) The notice must:

(a) specify the conduct constituting the scheme; and

(b) require the person:

(i) not to enter into the scheme; or

(ii) not to begin to carry out the scheme; or

(iii) not to continue to carry out the scheme.

(3) A person contravenes this subsection if:

(a) the person is given a notice under subsection (1); and

(b) the person engages in conduct; and

(c) the conduct contravenes the notice.

Fault-based offence

(4) A person commits an offence if the person contravenes subsection (3).

Penalty: Imprisonment for 3 years or 180 penalty units, or both.

Civil penalty provision

(5) A person is liable to a civil penalty if the person contravenes subsection (3).

Civil penalty:

(a) if the sole or dominant purpose of the scheme is to avoid the application of a single provision—the penalty applicable to the provision; and

(b) if the sole or dominant purpose of the scheme is to avoid the application of multiple provisions—the highest of the penalties applicable to the provisions.

(6) This section applies whether or not the scheme is entered into, begun to be carried out or carried out:

(a) in Australia; or

(b) outside Australia; or

(c) partly in Australia and partly outside Australia.

314AU Physical elements of offences

(1) This section applies if a provision of this Division provides that a person contravening another provision (the ***conduct rule provision***) commits an offence.

(2) For the purposes of applying Chapter 2 of the *Criminal Code* to the offence, the physical elements of the offence are set out in the conduct rule provision.

Note: Chapter 2 of the *Criminal Code* sets out general principles of criminal responsibility.

314AV Contravening an offence or a civil penalty provision

(1) This section applies if a provision of this Division provides that a person contravening another provision (the ***conduct provision***) commits an offence or is liable to a civil penalty.

(2) For the purposes of this Act, and the Regulatory Powers Act to the extent that it relates to this Act, a reference to a contravention of an offence provision or a civil penalty provision includes a reference to a contravention of the conduct provision.

Note: This also affects references in the Regulatory Powers Act to a contravention of an offence provision or a civil penalty provision.

Division 6—Miscellaneous

314A Simplified outline of this Division

This Division deals with:

(a) the recovery of payments made by the Commonwealth; and

(b) the powers of the Electoral Commission in relation to investigating compliance with this Part; and

(c) general provisions relating to claims and returns (such as amending claims and returns, and record-keeping and publishing requirements).

314B Disclosure of amounts given etc. for federal purposes

Disclosure of amounts and benefits given etc.

(1) Despite any State or Territory electoral law, a person or entity is not required to disclose under that law an amount of money, or information relating to an amount of money, (including a gift or loan) if the person or entity expressly gives the amount to, or for the benefit of, a regulated entity for federal purposes.

(1A) Despite any State or Territory electoral law, a person or entity is not required to disclose under that law the value of a non-monetary benefit, or information relating to a non-monetary benefit, if the person or entity expressly provides the benefit to, or for the benefit of, a regulated entity for federal purposes.

Note: For the definition of ***non-monetary benefit***, see subsection (8).

Disclosure of amounts and other benefits received

(1B) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount of money, or information relating to an amount of money, (including a gift or loan) that is received by or on behalf of the regulated entity if:

(a) the amount is deposited into a federal account as soon as practicable after the amount is received; and

(b) the amount is not transferred or withdrawn out of the account except:

(i) to use the amount for federal purposes; or

(ii) to transfer the amount to another federal account.

(1C) To avoid doubt, subsection (1B) is taken never to have applied if, at any time, the amount is transferred or withdrawn out of the account, or any other federal account, except as provided by subparagraph (1B)(b)(i) or (ii).

(2) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law the value of a non-monetary benefit, or information relating to a non-monetary benefit, that is received by or on behalf of the regulated entity unless the regulated entity keeps the benefit for use for, or uses the benefit for, purposes other than federal purposes.

(3) To avoid doubt, subsection (2) is taken never to have applied if, at any time, the regulated entity keeps the benefit for use for, or uses the benefit for, purposes other than federal purposes.

(4) Subsections (1B) and (2) also have the effect they would have if a reference to an amount or benefit were confined to an amount or benefit expressly given or provided for federal purposes.

Disclosure of expenditure

(5) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount, or information relating to an amount, of expenditure if the expenditure is electoral expenditure.

Disclosure of debts

(6) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount, or information relating to an amount, of a debt (except a debt incurred as a result of a loan) if the debt is incurred for federal purposes.

Interpretation

(7) Despite any State or Territory electoral law, if, as a result of this section, a person or entity is not required to disclose under that law an amount, information or value referred to in this section (the ***federal information***), then:

(a) it is immaterial whether the federal information is required to be included in a return provided under this Part; and

(b) a total amount, or information relating to a total amount, that is required to be disclosed under that law is not required to include the federal information.

(8) A ***non-monetary benefit*** is a gift, or a good or service that is lent, that is not money.

(9) For the purposes of this section, if an action (such as, giving or using) is taken in relation to a part of an amount or non-monetary benefit for a particular purpose, and that same action is taken in relation to another part of the amount or benefit for a different purpose, each part of the amount or benefit is taken to be a separate amount or benefit.

(9A) Disregard subsection 287AAB(3) in working out whether something is a gift for the purposes of this section.

Compulsory production provisions excluded

(10) This section does not apply in relation to any compulsory production provision in a State or Territory electoral law.

(11) A ***compulsory production provision*** in a State or Territory electoral law is a provision that confers a power on a person or body (the ***regulator***) to compel a particular person to disclose information (including an amount or value) for the purposes of the regulator investigating a potential contravention of that or any other law.

Note: A provision that confers a power for a person or body to give a notice to produce to a regulated entity is an example of a compulsory production provision.

314C Gifts made etc. for federal administrative purposes

Offering gifts

(1) Despite any State or Territory electoral law, a person or entity may offer to give a gift to, or for the benefit of, a regulated entity if the gift is expressly offered for federal administrative purposes.

Seeking gifts

(2) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may seek a gift if the gift is expressly sought for use for federal administrative purposes.

Giving gifts

(3) Despite any State or Territory electoral law, a person or entity may give a gift to, or for the benefit of, a regulated entity if the gift is expressly given for federal administrative purposes.

Receiving or keeping gifts—money

(4) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may receive a gift of money if:

(a) the money is deposited into a federal administrative account as soon as practicable after the money is received; and

(b) the money is not transferred or withdrawn out of the account except:

(i) to use the money for federal administrative purposes; or

(ii) to transfer the money to another federal administrative account.

(5) Despite any State or Territory electoral law, a regulated entity, or a person on behalf of a regulated entity, may keep a gift of money if:

(a) the money is kept in a federal administrative account; and

(b) the money is not transferred or withdrawn out of the account except:

(i) to use the money for federal administrative purposes; or

(ii) to transfer the money to another federal administrative account.

(6) To avoid doubt, subsections (4) and (5) are taken never to have applied if, at any time, the money is transferred or withdrawn out of the account, or any other federal administrative account, except as provided by subparagraph (4)(b)(i) or (ii) or (5)(b)(i) or (ii).

Receiving or keeping gifts—gifts other than money

(7) Despite any State or Territory electoral law and despite subsection 302CA(5), a regulated entity, or a person on behalf of a regulated entity, may receive or keep a gift that is not money unless the regulated entity keeps the gift for use for, or uses the gift for, purposes other than federal purposes or federal administrative purposes.

(8) To avoid doubt, subsection (7) is taken never to have applied if, at any time, the regulated entity keeps the gift for use for, or uses the gift for, purposes other than federal administrative purposes.

Receiving or keeping gifts—additional operation

(9) Subsections (4), (5) and (6) also have the effect they would have if a reference to a gift were confined to a gift expressly given for federal administrative purposes.

Using gifts—money

(10) Despite any State or Territory electoral law, a regulated entity may use, or authorise the use of, a gift of money for federal administrative purposes if the gift has been continuously kept in a federal administrative account since it was deposited in that account, or any other federal administrative account, in accordance with subsection (4).

Using gifts—gifts other than money

(11) Despite any State or Territory electoral law, a regulated entity may use, or authorise the use of, a gift, that is not money, for federal administrative purposes if the gift has been continuously kept for federal administrative purposes since it was received.

Using gifts—relationship with State or Territory electoral laws

(12) To avoid doubt, the fact that, as a result of subsection (10) or (11), a State or Territory electoral law does not prohibit the use of a gift does not prevent that law from prohibiting the offering, seeking, giving, receiving or keeping of the gift.

Gifts not otherwise prohibited by this Part

(13) To avoid doubt, this section applies to a gift only if this Part does not prohibit the giving, receiving or keeping of the gift.

Parts of gifts

(14) For the purposes of this section, if a part of a gift is offered, sought, given, received, kept or used for a particular purpose, and that same action is taken in relation to another part of the gift for a different purpose, each part of the gift is taken to be a separate gift.

Extended meaning of gift

(15) Disregard subsection 287AAB(3) in working out whether something is a gift for the purposes of this section.

314D Disclosure of amounts given etc. for federal administrative purposes

Disclosure of amounts and benefits given etc.

(1) Despite any State or Territory electoral law, a person or entity is not required to disclose under that law an amount of money, or information relating to an amount of money, (including a gift or loan) if the person or entity expressly gives the amount to, or for the benefit of, a regulated entity for federal administrative purposes.

(2) Despite any State or Territory electoral law, a person or entity is not required to disclose under that law the value of a non-monetary benefit, or information relating to a non-monetary benefit, if the person or entity expressly provides the benefit to, or for the benefit of, a regulated entity for federal administrative purposes.

Note: For the definition of ***non-monetary benefit***, see subsection (11).

Disclosure of amounts and other benefits received

(3) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount of money, or information relating to an amount of money, (including a gift or loan) that is received by or on behalf of the regulated entity if:

(a) the amount is deposited into a federal administrative account as soon as practicable after the amount is received; and

(b) the amount is not transferred or withdrawn out of the account except:

(i) to use the amount for federal administrative purposes; or

(ii) to transfer the amount to another federal administrative account.

(4) To avoid doubt, subsection (3) is taken never to have applied if, at any time, the amount is transferred or withdrawn out of the account, or any other federal administrative account, except as provided by subparagraph (3)(b)(i) or (ii).

(5) Despite any State or Territory electoral law and despite subsection 314B(2), a regulated entity is not required to disclose under that law the value of a non-monetary benefit, or information relating to a non-monetary benefit, that is received by or on behalf of the regulated entity unless the regulated entity keeps the benefit for use for, or uses the benefit for, purposes other than federal purposes or federal administrative purposes.

(6) To avoid doubt, subsection (5) is taken never to have applied if, at any time, the regulated entity keeps the benefit for use for, or uses the benefit for, purposes other than federal administrative purposes.

(7) Subsections (3) and (5) also have the effect they would have if a reference to an amount or benefit were confined to an amount or benefit expressly given or provided for federal administrative purposes.

Disclosure of administrative expenditure

(8) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount, or information relating to an amount, of expenditure if the expenditure is administrative expenditure.

Disclosure of debts

(9) Despite any State or Territory electoral law, a regulated entity is not required to disclose under that law an amount, or information relating to an amount, of a debt (except a debt incurred as a result of a loan) if the debt is incurred for federal administrative purposes.

Interpretation

(10) Despite any State or Territory electoral law, if, as a result of this section, a person or entity is not required to disclose under that law an amount, information or value referred to in this section (the ***federal information***), then:

(a) it is immaterial whether the federal information is required to be included in a return provided under this Part; and

(b) a total amount, or information relating to a total amount, that is required to be disclosed under that law is not required to include the federal information.

(11) A ***non-monetary benefit*** is a gift, or a good or service that is lent, that is not money.

(12) For the purposes of this section, if an action (such as giving or using) is taken in relation to a part of an amount or non-monetary benefit for a particular purpose, and that same action is taken in relation to another part of the amount or benefit for a different purpose, each part of the amount or benefit is taken to be a separate amount or benefit.

(13) Disregard subsection 287AAB(3) in working out whether something is a gift for the purposes of this section.

Compulsory production provisions excluded

(14) This section does not apply in relation to any compulsory production provision in a State or Territory electoral law.

(15) A ***compulsory production provision*** in a State or Territory electoral law is a provision that confers a power on a person or body (the ***regulator***) to compel a particular person to disclose information (including an amount or value) for the purposes of the regulator investigating a potential contravention of that or any other law.

Note: A provision that confers a power for a person or body to give a notice to produce to a regulated entity is an example of a compulsory production provision.

315 Requirement to refund payments

If:

(a) a person is convicted of an offence under section 137.1 of the *Criminal Code* in relation to the giving of a return or the making of a claim under this Part; or

(b) a civil penalty order is made against a person in relation to a contravention of a civil penalty provision in this Part;

a court of competent jurisdiction may, in addition to imposing a penalty under section 137.1 or making the civil penalty order, order the person to refund to the Commonwealth the amount of any payment wrongfully obtained by the person under Division 3 of this Part, or the amount or value of any gift made in contravention of this Part.

315A Recovery of payments

(1) An action in a court to recover an amount due to the Commonwealth under section 299 or 302Q or subsection 301(3), or under a civil penalty order made in relation to a contravention of a civil penalty provision in this Part, may be brought in the name of the Commonwealth by the Electoral Commissioner.

(2) Any process in the action required to be served on the Commonwealth may be served on the Electoral Commissioner.

(3) Nothing in this section is intended to limit the operation of section 61 or 63 of the *Judiciary Act 1903*.

317 Keeping records

(1) A person who is subject to a civil penalty provision in this Part must keep the following records in accordance with subsections (2) and (3):

(a) records allowing the person to provide an accurate return, claim or donation disclosure notice under this Part;

(b) records required for the purposes of complying with Division 3A (requirements relating to donations);

(c) any other records required for the purposes of allowing the Electoral Commissioner to determine whether the person is complying, or has complied, with this Part;

(d) any other records required by the regulations or a determination under subsection (4).

Civil penalty: 200 penalty units.

(1A) A person or entity (the ***record keeper***) must keep records in accordance with subsections (2) and (3) for the purposes of allowing a person, court or other body to determine whether section 302CA, 314B, 314C or 314D applies in relation to the record keeper.

Example: A statement of all transactions into and out of a federal account or federal administrative account is an example of a record that must be kept for the purposes of this subsection.

Civil penalty: 200 penalty units.

(2) A record kept under subsection (1) or (1A) must be kept for:

(a) if the record relates to a return in relation to a financial year—5 years after the end of the financial year; and

(b) if the record relates to a return in relation to a gift—5 years after the day the gift is made; and

(c) if the record relates to a claim—5 years after the polling day in the election to which the claim relates; and

(ca) if the record relates to a donation disclosure notice in relation to a gift—5 years after the day the gift is made; and

(d) if the record relates to compliance with Division 3A—5 years after the day the relevant gift is made; and

(e) if the record relates to the application of section 302CA, 314B, 314C or 314D—5 years after the day the relevant gift, amount or benefit is offered, sought, given, provided, received or used, or the relevant expenditure or debt is incurred.

(3) The record must be kept in accordance with any other requirements determined under subsection (4).

(4) The Electoral Commissioner may, by legislative instrument, determine:

(a) records for the purposes of paragraph (1)(d); or

(b) requirements for records for the purposes of subsection (3).

318 Inability to complete returns

(1) Where a person who is required to give a donation disclosure notice under Division 4, or furnish a return under Division 5, considers that it is impossible to complete the return or donation disclosure notice because he or she is unable to obtain particulars that are required for the preparation of the return or donation disclosure notice, the person may:

(a) prepare the return or donation disclosure notice to the extent that it is possible to do so without those particulars;

(b) furnish the return or donation disclosure notice so prepared; and

(c) give to the Electoral Commission notice in writing:

(i) identifying the return or donation disclosure notice;

(ii) stating that the return or donation disclosure notice is incomplete by reason that he or she is unable to obtain certain particulars;

(iii) identifying those particulars;

(iv) setting out the reasons why he or she is unable to obtain those particulars; and

(v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief

and the reasons for it and the name and address of that other person;

and a person who complies with this subsection shall not, by reason of the omission of those particulars, be taken, for the purposes of this Part, to have furnished a return, or given a donation disclosure notice, or donation disclosure notice that is incomplete.

(2) Where the Electoral Commission has been informed under paragraph (1)(c) or subsection (3) that a person can supply particulars that have not been included in a return or donation disclosure notice, the Electoral Commission may, by notice in writing served on that person, require the person to furnish to the Electoral Commission, within the period specified in the notice and in writing, those particulars and, subject to subsection (3), the person shall comply with that requirement.

(2A) Particulars that were not provided in a donation disclosure notice under Division 4, or a return under Division 5, that are provided under subsection (2) are, for the purposes of this Part, taken to be a return or donation disclosure notice provided under that Division.

(3) If a person who is required to furnish particulars under subsection (2) considers that he or she is unable to obtain some or all of the particulars, the person shall give to the Electoral Commission a written notice:

(a) setting out the particulars (if any) that the person is able to give;

(b) stating that the person is unable to obtain some or all of the particulars;

(c) identifying the particulars the person is unable to obtain;

(d) setting out the reasons why the person considers he or she is unable to obtain those particulars; and

(e) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—setting out the name and address of that other person and the reasons why he or she believes that that other person is able to give those particulars.

(3A) A person who complies with subsection (3) shall not, because of the omission of particulars required under subsection (2), be taken, for the purpose of this Part, to have furnished a return, or given a donation disclosure notice, that is incomplete.

319 Non-compliance with Part (other than Division 3AB) does not affect election

(1) A failure of a person to comply with a provision of this Part (other than Division 3AB) in relation to an election does not invalidate that election.

(2) Without limiting the generality of subsection (1), where:

(a) a political party endorsed a candidate in an election; and

(b) the candidate was elected at the election;

any failure by the agent of the political party or by the agent of any State branch of the political party to comply with a provision of this Part in relation to the election does not invalidate the election of the candidate.

(3) Without limiting the generality of subsection (1), if the agent of a candidate who is elected at an election fails to comply with a provision of this Part in relation to the election, that failure does not invalidate the election of the candidate.

(4) Without limiting the generality of subsection (1), if the agent of a group, being a group one or more of the members of which is or are elected at an election, fails to comply with a provision of this Part in relation to the election, that failure does not invalidate the election of the member or members.

319A Amendment of claims, returns and disclosure donation notices

(1) Where the Electoral Commissioner is satisfied that a claim, return or donation disclosure notice under this Part contains a formal error or is subject to a formal defect, the Commissioner may amend the claim or return to the extent necessary to correct the error or remove the defect.

(2) A person who has furnished a return or given a donation disclosure notice under this Part may request the permission of the Electoral

Commission to make a specified amendment of the return or donation disclosure notice for the purpose of correcting an error or omission.

(2A) If the return was furnished, or the donation disclosure notice was given, by:

(aa) a member of the House of Representatives or a Senator; or

(a) the agent of a registered political party; or

(b) the financial controller of a significant third party, associated entity or nominated entity; or

(c) a third party;

the request under subsection (2) may be made by:

(d) the person who furnished the return or gave the donation disclosure notice; or

(e) the person who is currently registered as the agent or nominated as a financial controller; or

(f) for a third party—any person who is a member, agent or officer (however described) of the third party who, acting in the person's actual or apparent authority, has authority to furnish a return.

(3) A request under subsection (2) shall:

(a) be by notice in writing signed by the person making the request; and

(b) be lodged with the Electoral Commission.

(4) Where:

(a) a request has been made under subsection (2); and

(b) the Electoral Commission is satisfied that there is an error in, or omission from, the return or donation disclosure notice to which the request relates;

the Commission shall permit the person making the request to amend the return or donation disclosure notice in accordance with the request.

(5) Where the Electoral Commission decides to refuse a request under subsection (2), the Commission shall give to the person making the request written notice of the reasons for the decision.

(6) An officer authorised for the purpose by the Electoral Commission may exercise the power of the Commission under subsection (4).

(7) Where an officer acting under subsection (6) decides to refuse a request under subsection (2):

(a) subsection (5) applies as if the officer were the Electoral Commission; and

(b) the person who made the request may, by notice in writing lodged with the Commission within 28 days after notice of the refusal was given, request the Commission to review the decision.

(8) Where a request is made under subsection (7), the Electoral Commission shall review the decision to which the request relates and make a fresh decision.

(9) The amendment of a return or donation disclosure notice under this section does not affect whether a civil penalty order may be made against a person because of a contravention of a civil penalty provision in this Part arising out of the furnishing of the return.

320 Requirement to publish determinations, notices and return information

(1) The Electoral Commissioner must publish the following on the Transparency Register in accordance with the following table.

•	**Requirement to publish determinations, notices and return information**	
• **tem**	• **The Electoral Commissioner must publish …**	• **at this time …**
1	each determination made under section 298C or subsection 301(1) (determination and variation of determination of claims for election funding)	as soon as reasonably practicable after making the determination.
2	each notice of a refusal of a final claim given under section 298F	as soon as reasonably practicable after giving the notice.

•	Requirement to publish determinations, notices and return information	
• tem	• The Electoral Commissioner must publish …	• at this time …
3	each notice given under section 298H reconsidering the refusal of a final claim	as soon as reasonably practicable after giving the notice.
4	return information (other than an address or details of federal administrative accounts) provided under Subdivision B of Division 5	before the end of 10 weeks after the end of the calendar year to which the return relates.
5	return information (other than an address) provided under section 310G (new significant third party returns)	before the end of 10 weeks after the day the entity is registered as a significant third party.
5A	return information (other than an address) provided under section 310H (new associated entity returns)	before the end of 10 weeks after the day the entity is registered as an associated entity.
6	return information (other than an address) provided under Division 2 of Part VIIIA of the *Referendum (Machinery Provisions) Act 1984*	before the end of 10 weeks after the voting day for the referendum to which the return relates.

Note: For the publication of donation disclosure notices under Division 4, see sections 303J and 303Q.

(1A) Despite subsection (1), the Electoral Commissioner may:

(a) redact or remove personal information (within the meaning of the *Privacy Act 1988*) required to be published in item 4 or 5 of the table in subsection (1) from the Register; or

(b) decide not to include the information in the Register;

if the Commissioner is satisfied that the publication of the information places, or would place, the personal safety of a person, or of members of the person's family, at risk.

(2) A person is not entitled to inspect a determination, notice or return information referred to in subsection (1) before the determination, notice or return information is published under that subsection.

321 Indexation

(1) In this section:

index number, in relation to a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of that quarter.

relevant amount means an amount specified in the following provisions:

(aa) the definition of ***group amount*** in subsection 287(1);

(a) subparagraph 293(2)(a)(i);

(b) paragraphs 293(2)(b), 294(2)(a) and (b) and 295(2)(a) and (b);

(c) subsections 296(1) and (1A) and 297(1).

relevant period means each period of 6 months beginning on 1 January or 1 July.

(2) Subject to subsection (3), if at any time, whether before or after the commencement of this section, the Australian Statistician has published or publishes an index number in respect of a quarter in substitution for an index number previously published in respect of that quarter, the publication of the later index number shall be disregarded for the purposes of this section.

(3) If at any time, whether before or after the commencement of this section, the Australian Statistician has changed or changes the index reference period for the Consumer Price Index, then, for the purposes of the application of this section after the change took place or takes place, regard shall be had only to index numbers published in terms of the new index reference period.

(4) Where the factor ascertained under subsection (5) in relation to a relevant period is greater than 1, this Part has effect in relation to any election the polling day in which occurs during that relevant period as if for each relevant amount there were substituted an amount ascertained by multiplying by that factor:

(a) in a case to which paragraph (b) does not apply—the relevant amount; or

(b) if, by virtue of another application or other applications of this section, this Part has had effect as if another amount was substituted, or other amounts were substituted, for the relevant amount—the substituted amount or the last substituted amount, as the case may be.

(5) The factor to be ascertained for the purposes of subsection (4) in relation to a relevant period is the number ascertained:

(a) if the relevant period commences on 1 July—by dividing the index number for the last preceding March quarter by the index number for the last preceding September quarter; or

(b) if the relevant period commences on 1 January—by dividing the index number for the last preceding September quarter by the index number for the last preceding March quarter.

(6) The following are to be ascertained to 3 decimal places, but increased by .001 if the fourth decimal place is more than 4:

(a) a factor ascertained under subsection (5);

(b) a relevant amount referred to in:

(i) the definition of ***group amount*** in subsection 287(1); or

(ii) subparagraph 293(2)(a)(i) or paragraph 294(2)(a) or 295(2)(a).

(7) Any other relevant amount ascertained for the purposes of subsection (4) is to be rounded to the nearest dollar, rounding up in the case of 50 cents or more.

321A Indexation of gift cap amounts etc. each calendar year

(1) This section applies to the dollar amounts specified in the following provisions (each of the amounts is an ***indexable amount***):

(a) the definition of ***annual gift cap*** in section 302B;

(b) the definition of ***by-election gift cap*** in section 302B;

(c) the definition of ***Senate-only election gift cap*** in section 302B;

(d) the definition of ***third party threshold*** in subsection 287(1).

(2) An indexable amount, for an indexation year the indexation factor for which is greater than 1, is replaced by the amount worked out using the following formula:

$$\text{Indexable amount for the previous calendar year} \times \text{Indexation factor for the indexation year}$$

(3) A dollar amount worked out for the purposes of subsection (2) is to be rounded to the nearest $100 (rounding $50 or more upwards).

(4) The ***indexation factor*** for an indexation year is the number worked out using the following formula:

$$\frac{\text{September quarter index number for the previous calendar year}}{\text{September quarter index number for the year before the previous calendar year}}$$

(5) The indexation factor is to be calculated to 3 decimal places, but increased by 0.001 if the fourth decimal place is more than 4.

(6) Calculations under subsection (4):

(a) are to be made using only the September quarter index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and

(b) are to be made disregarding September quarter index numbers that are published in substitution for previously published September quarter index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

(7) In this section:

indexation year means each calendar year beginning on 1 January.

September quarter index number means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of the 3 months ending on 30 September.

321AA Indexation of disclosure threshold after a general election

Indexation of disclosure threshold

(1) This section applies to the dollar amount (an ***indexable amount***) specified in the definition of ***disclosure threshold*** in subsection 287(1).

(2) If the indexation factor for the first 1 January after a general election (an ***indexation day***) is greater than 1, the indexable amount is, on that day, replaced by the amount worked out using the following formula:

$$\text{Indexable amount immediately before indexation day} \times \text{Indexation factor for the indexation day}$$

(3) The amount worked out under subsection (2) is to be rounded to the nearest $100 (rounding $50 or more upwards).

Indexation factor

(4) The ***indexation factor*** for an indexation day is the number worked out using the following formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

Where:

base quarter means the September quarter 2 years before the indexation day.

index number, for a quarter, means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in for that quarter.

reference quarter means the September quarter immediately before the indexation day.

September quarter means the 3 months ending on 30 September.

(5) The indexation factor is to be calculated to 3 decimal places, but increased by 0.001 if the fourth decimal place is more than 4.

(6) Calculations under subsection (4):

(a) are to be made using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and

(b) are to be made disregarding index numbers that are published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

(7) The Electoral Commissioner must, as soon as practicable after each indexation day, publish on the Electoral Commission's website the disclosure threshold. However, a failure by the Electoral Commissioner to do so does not invalidate the indexation.

321AB Indexation of amounts relating to electoral expenditure

(1) This section applies to the dollar amounts (each of which is an ***indexable amount***) mentioned in the following provisions:

(a) the following definitions in section 302ALA:

(i) definition of ***capped entity cap***;

(ii) definition of ***capped entity Divisional cap***;

(iii) definition of ***capped entity Senate base amount***;

(iv) definition of ***Divisional cap***;

(v) definition of ***Federal cap***;

(vi) definition of ***Senate base amount***;

(b) subparagraphs 302AQE(1)(b)(i), (ii) and (iii) and paragraph 302AQE(3)(b) (exceptions for campaign office accommodation);

(c) paragraph 302AQF(b) (exception for design and printing costs for certain how-to-vote cards).

(2) An indexable amount, for an indexation year whose indexation factor is greater than 1, is replaced by the amount worked out using the following formula:

$$\text{Indexable amount for the previous calendar year} \times \text{Indexation factor for the indexation year}$$

(3) A dollar amount worked out for the purposes of subsection (2) is to be rounded to the nearest $100 (rounding $50 or more upwards).

(4) The ***indexation factor*** for an indexation year is the number worked out using the following formula:

$$\frac{\text{September quarter index number for the previous calendar year}}{\text{September quarter index number for the year before the previous calendar year}}$$

(5) The indexation factor is to be calculated to 3 decimal places, but increased by 0.001 if the fourth decimal place is more than 4.

(6) Calculations under subsection (4):

(a) are to be made using only the September quarter index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and

(b) are to be made disregarding September quarter index numbers that are published in substitution for previously published September quarter index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

(7) In this section:

indexation year means each calendar year beginning on 1 January.

September quarter index number means the All Groups Consumer Price Index number, being the weighted average of the 8 capital cities, published by the Australian Statistician in respect of the 3 months ending on 30 September.

321AC Indexation of administrative assistance funding amount

(1) If the indexation factor for an indexation day is greater than 1, the indexable amount is, on that day, replaced by the amount worked out using this formula:

$$\text{The indexable amount immediately before the indexation day} \times \text{Indexation factor for the indexation day}$$

(2) The amount worked out under subsection (1) is to be rounded to the nearest whole dollar (rounding 50 cents upwards).

Indexation factor

(3) The ***indexation factor*** for an indexation day is the number worked out using this formula:

$$\frac{\text{Index number for the reference quarter}}{\text{Index number for the base quarter}}$$

(4) The indexation factor is to be worked out to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

Changes to CPI index reference period and publication of substituted index numbers

(5) Amounts are to be worked out under this section:

(a) using only the index numbers published in terms of the most recently published index reference period for the Consumer Price Index; and

(b) disregarding index numbers published in substitution for previously published index numbers (except where the substituted numbers are published to take account of changes in the index reference period).

Definitions

(6) In this section:

base quarter means the last March quarter before the reference quarter.

indexable amount means the dollar amount applicable under the following:

(a) paragraph 302AB(2)(a) or (b);

(b) subparagraph 302AB(2)(c)(i) or (d)(i);

(c) paragraph 302AC(2)(a) or (b);

(d) subparagraph 302AC(2)(c)(i) or (d)(i).

indexation day means the first 1 July to occur after the commencement of this section and each later 1 July.

index number, for a quarter, means the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) published by the Australian Statistician for that quarter.

March quarter means a period of 3 months starting on 1 January.

reference quarter means the last March quarter before the indexation day.

Division 1—Preliminary

321B Definitions

In this Part:

address of a natural person or entity means:

(a) for a natural person—a full street address and suburb or locality at which the person can be contacted; or

(b) for an entity:

(i) if the entity has a principal office—a full street address and suburb or locality of the office; or

(ii) if the entity does not have a principal office, but does have premises—a full street address and suburb or locality of the premises; or

(iii) in the case of any other entity that authorised the communication of electoral matter—a full street address and suburb or locality at which the natural person who was responsible for giving effect to the authorisation can be contacted.

ancillary contravention of section 321D or 321DA means a contravention of that section as a result of section 92 of the Regulatory Powers Act (ancillary contravention of civil penalty provisions).

authorises: a person authorises the communication of electoral matter if:

(a) if the content of the matter is approved before the matter is communicated—the person approves the content of the matter; or

(b) otherwise—the person communicates the matter.

Examples: In the case of a call centre, the person who was originally responsible for approving the content of the phone calls from the call centre is the person who authorises the communication. In the case of an email whose content has not previously been approved, the person who sends the email authorises the communication.

by-election means an election of a member of the House of Representatives that is not part of a general election.

communicate: a carriage service provider does not ***communicate*** electoral matter merely because the carriage service provider supplies the listed carriage service used to communicate the matter.

conduct means an act or an omission to perform an act.

disclosure entity: a person or entity is a ***disclosure entity*** at a particular time if the person or entity is any of the following at that time:

(a) a registered political party;

(aa) a significant third party (within the meaning of Part XX);

(ab) a third party (within the meaning of Part XX);

(b) an associated entity (within the meaning of Part XX);

(ba) a nominated entity (within the meaning of Part XX);

(c) a senator or a member of the House of Representatives;

(d) a candidate in an election or by-election;

(e) a person who was a candidate in:

(i) an election or by-election of a member of the House of Representatives in the previous 4 years; or

(ii) an election of Senators for a State or Territory in the previous 7 years;

(f) a group of 2 or more candidates nominated for election to the Senate who have their names grouped in the ballot papers in accordance with section 168;

(g) if that time occurs in a calendar year—a person or entity who:

(i) made a gift at a time in that calendar year that occurs before the particular time; and

(ii) was required to give the Electoral Commission a notice under section 303E in relation to the making of the gift.

election means a general election or an election of Senators for a State or Territory.

primary contravention of section 321D or 321DA means a contravention of that section that is not an ancillary contravention of that section.

relevant town or city of an entity or natural person (the ***authoriser***) that authorised the communication of electoral matter means:

(a) if the authoriser has a principal office—the town or city in which the office is located; or

(b) if the authoriser does not have a principal office, but does have premises from which the authoriser operates—the town or city in which the premises are located; or

(c) otherwise—the town or city in which:

(i) the authoriser lives; or

(ii) if the authoriser is an entity—the natural person who was responsible for giving effect to the authorisation lives.

321C Objects of this Part

(1) The objects of this Part are to promote free and informed voting at elections by enhancing the following:

(a) the transparency of the electoral system, by allowing voters to know who is communicating electoral matter;

(b) the accountability of those persons participating in public debate relating to electoral matter, by making those persons responsible for their communications;

(c) the traceability of communications of electoral matter, by ensuring that obligations imposed by this Part in relation to those communications can be enforced;

(d) the integrity of the electoral system, by ensuring that only those with a legitimate connection to Australia are able to influence Australian elections.

(2) This Part aims to achieve these objects by doing the following:

(a) requiring the particulars of the person who authorised the communication of electoral matter to be notified if:

(i) the matter is an electoral advertisement, all or part of whose distribution or production is paid for; or

(ii) the matter forms part of a specified printed communication; or

(iii) the matter is communicated by, or on behalf of, a disclosure entity;

(b) ensuring that the particulars are clearly identifiable, irrespective of how the matter is communicated;

(c) restricting the communication of electoral matter authorised by foreign campaigners.

(3) This Part is not intended to detract from:

(a) the ability of Australians to communicate electoral matters to voters; and

(b) voters' ability to communicate with each other on electoral matters.

Division 2—Authorisation of certain electoral matter

321D Authorisation of certain electoral matter

(1) This section applies in relation to electoral matter that is communicated to a person if:

(a) all of the following apply:

(i) the matter is an electoral advertisement;

(ii) all or part of the distribution or production of the advertisement was paid for;

(iii) the content of the advertisement was approved by a person (the ***notifying entity***) (whether or not that person is a person who paid for the distribution or production of the advertisement); or

(b) both of the following apply:

(i) the matter forms part of a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card;

(ii) the content of the matter was approved by a person (the ***notifying entity***); or

(c) the matter is communicated by, or on behalf of, a disclosure entity (the ***notifying entity***) (and the matter is not an advertisement covered by paragraph (a), nor does the matter form part of a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card).

Note 1: For paragraph (1)(c), matter may be communicated on behalf of an entity whether or not the entity pays for the communication of the matter.

Note 2: Examples of matters that may be covered by this section include internet advertisements, bulk text messages and bulk voice calls containing electoral matter.

Note 3: For the geographical application of this section, see section 321E.

Note 4: For the meaning of ***communicate*** for carriage service providers, see the definition of that term in section 321B.

(2) For the purposes of subsection (1), if:

(a) electoral matter is communicated by an individual who is a disclosure entity; and

(b) the matter is communicated on behalf of another disclosure entity; and

(c) the content of the matter is approved by the other disclosure entity before the matter is communicated;

the other disclosure entity (and not the individual) is the ***notifying entity***. However, if the content of the matter is not approved by the other disclosure entity before the matter is communicated, the individual (and not the other disclosure entity) is the ***notifying entity***.

Exceptions

(3) However, this section does not apply in relation to electoral matter:

(a) if the matter forms part of clothing or any other item that it is intended to be worn on the body; or

(aa) if the matter forms part of any other promotional item (such as a balloon, pen, mug, tote bag or marquee, but not a sticker or fridge magnet) and contains only the name, logo or other identifying feature of the notifying entity; or

(b) if the matter forms part of a communication, or in any other circumstances, determined under subsection (7) for the purposes of this paragraph; or

(c) if the matter is communicated in circumstances giving rise to a contravention of subsection 321DA(1) (communications authorised by foreign campaigners).

(4) This section also does not apply in relation to electoral matter referred to in paragraphs (1)(b) and (c) if the matter forms part of:

(c) an opinion poll or research relating to voting intentions at an election or by-election; or

(d) a communication communicated for personal purposes; or

(e) an internal communication of a notifying entity; or

(f) a communication at a meeting of 2 or more persons if the identity of the person (the ***speaker***) communicating at the meeting, and any disclosure entity on whose behalf the speaker is communicating, can reasonably be identified by the person or persons to whom the speaker is speaking; or

(g) a live communication of a meeting covered by paragraph (f), but not any later communication of that meeting; or

(h) a communication communicated solely for the purpose of announcing a meeting; or

(i) a letter or card that contains the name and address of the notifying entity.

Notifying particulars

(5) The notifying entity must ensure that the particulars set out in the following table, and any other particulars determined under subsection (7) for the purposes of this subsection, are notified in accordance with any requirements determined under that subsection.

•	**Required particulars**	
• **tem**	• **If …**	• **the following particulars are required …**
1	the communication is a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card authorised by a disclosure entity that is not a natural person	(a) the particulars of the name of the entity required by subsection (5A); (b) the address of the entity; (c) the name of the natural person responsible for giving effect to the authorisation
2	the communication is any other communication authorised by a disclosure entity that is not a natural person	(a) the particulars of the name of the entity required by subsection (5A); (b) the relevant town or city of the entity; (c) the name of the natural person responsible for giving effect to the authorisation
3	the communication is a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card authorised by a disclosure entity who is a natural person	(a) the name of the person; (b) the address of the person
4	the communication is any other communication authorised by a	(a) the name of the person;

•	Required particulars	
• tem	• If …	• the following particulars are required …
	disclosure entity who is a natural person	(b) the relevant town or city of the person
5	the communication is a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card authorised by an entity that is not a disclosure entity or a natural person	(a) the name of the entity; (b) the address of the entity
6	the communication is any other communication authorised by an entity that is not a disclosure entity or a natural person	(a) the name of the entity; (b) the relevant town or city of the entity
7	the communication is a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card authorised by a natural person who is not a disclosure entity	(a) the name of the person; (b) the address of the person
8	the communication is any other communication authorised by a natural person who is not a disclosure entity	(a) the name of the person; (b) the relevant town or city of the person

Note 1: This provision is a civil penalty provision which is enforceable under the Regulatory Powers Act (see section 384A of this Act).

Note 2: A person may contravene this subsection if the person fails to ensure that particulars are notified or if the particulars notified are incorrect.

Note 3: For the application of this provision to a notifying entity that is not a legal person, see subsection (6).

Civil penalty: 120 penalty units.

(5A) For the purposes of items 1 and 2 of the table in subsection (5), the required particulars of the name of the entity are:

(a) if the entity is a registered political party—the name of the party (the ***registered name***) that is entered in the Register of Political Parties or that name omitting any of the following:

(i) if the registered name includes both a word or phrase and its abbreviation—the abbreviation;

(ii) if the registered name includes "Incorporated" or an abbreviation of that word—that word or its abbreviation;

(iii) if the registered name includes "of Australia"—those words;

(iv) if the registered name ends with "Australia"—that word;

(v) if the entity is a registered branch or division of a registered political party—the words indicating the name of the branch or division; or

(b) if the entity is a disclosure entity (but not a registered political party)—the name of the entity entered on the Transparency Register; or

(c) if the entity is not an entity covered by paragraph (a) or (b) and a return has been given under Part XX in relation to the entity—the name included in the most recent return given in relation to the entity; or

(d) in any other case—the name of the entity.

Note: For example, under paragraph (a) the registered name "Quokka Party of Australia Inc.—NSW" may be notified as "Quokka Party".

(5B) If an abbreviation (the ***registered abbreviation***) of the name of an entity is entered in the Register of Political Parties and the entity is:

(a) a registered political party that has a registered branch or division; or

(b) a registered branch or division of a registered political party;

then, for the purposes of items 1 and 2 of the table in subsection (5), the required particulars of the name of the entity are taken to be either:

(c) the particulars referred to in paragraph (5A)(a); or

(d) the registered abbreviation.

Application of civil penalty to entities that are not legal persons

(6) For the purposes of this Act and the Regulatory Powers Act, a contravention of subsection (5) that would otherwise have been

committed by a notifying entity that is not a legal person is taken to have been committed by each member, agent or officer (however described) of the entity who, acting in his or her actual or apparent authority, engaged in the conduct or made the omission constituting the contravention.

Legislative instrument

(7) The Electoral Commissioner may, by legislative instrument, determine:

(a) communications or circumstances for the purposes of either or both of the following:

(i) paragraph (3)(b) of this section;

(ii) paragraph 110C(3)(c) of the *Referendum (Machinery Provisions) Act 1984*; and

(b) requirements or particulars for the purposes of any one or more of the following:

(i) subsection (5) of this section;

(ii) subsection 110C(5) of the *Referendum (Machinery Provisions) Act 1984*;

(iii) subsection 79A(2) and paragraph 79A(6)(b) of the *Australian Broadcasting Corporation Act 1983*;

(iv) paragraph 1(2)(b) and subclause 4(2) of Schedule 2 to the *Broadcasting Services Act 1992*;

(v) subsection 70A(2) and paragraph 70A(6)(b) of the *Special Broadcasting Service Act 1991*.

Note: Requirements or particulars may be determined by reference to classes of communications, and different requirements or particulars may be determined for different classes of communications (see subsection 33(3A) of the *Acts Interpretation Act 1901*).

321DA Prohibition on foreign campaigners authorising certain electoral matter

(1) A foreign campaigner contravenes this subsection if electoral matter is communicated to a person and:

(a) all of the following apply:

(i) the matter is an electoral advertisement;

(ii) all or part of the distribution or production of the advertisement was paid for;

(iii) the content of the advertisement was approved by the foreign campaigner (whether or not the foreign campaigner paid for the distribution or production of the advertisement); or

(b) both of the following apply:

(i) the matter forms part of a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card;

(ii) the content of the matter was approved by the foreign campaigner; or

(c) the foreign campaigner is a disclosure entity and communicates the matter, or the foreign campaigner communicates the matter on behalf of a disclosure entity, and the matter is not an advertisement covered by paragraph (a), nor does the matter form part of a sticker, fridge magnet, leaflet, flyer, pamphlet, notice, poster or how-to-vote card.

Civil penalty: 120 penalty units.

Exceptions

(2) Subsection (1) does not apply in relation to electoral matter referred to in paragraphs (1)(b) and (c) if the matter forms part of:

(a) an opinion poll or research relating to voting intentions at an election or by-election; or

(b) a communication communicated for personal purposes; or

(c) an internal communication of the foreign campaigner; or

(d) a communication at a meeting of 2 or more persons if the identity of the person (the ***speaker***) communicating at the meeting, and any foreign campaigner on whose behalf the speaker is communicating, can reasonably be identified by the person or persons to whom the speaker is speaking; or

(e) a live communication of a meeting covered by paragraph (d), but not any later communication of that meeting; or

(f) a communication communicated solely for the purpose of announcing a meeting.

Application of civil penalty to entities that are not legal persons

(3) For the purposes of this Act and the Regulatory Powers Act, a contravention of subsection (1) that would otherwise have been committed by a foreign campaigner that is not a legal person is taken to have been committed by each member, agent or officer (however described) of the foreign campaigner who, acting in the foreign campaigner's actual or apparent authority, engaged in the conduct or made the omission constituting the contravention.

Note 1: For paragraph (1)(c), matter may be communicated on behalf of a disclosure entity whether or not the disclosure entity pays for the communication of the matter.

Note 2: Examples of matters that may be covered by this section include internet advertisements, bulk text messages and bulk voice calls containing electoral matter.

Note 3: For the geographical application of this section, see section 321E.

Note 4: For the meaning of ***communicate*** for carriage service providers, see the definition of that term in section 321B.

321E Extended geographical application of sections 321D and 321DA

(1) A person does not contravene section 321D or 321DA unless:

(a) the conduct constituting the alleged contravention occurs:

(i) wholly or partly in Australia; or

(ii) wholly or partly on board an Australian aircraft or an Australian ship; or

(b) the conduct constituting the alleged contravention occurs wholly outside Australia and a result of the conduct occurs:

(i) wholly or partly in Australia; or

(ii) wholly or partly on board an Australian aircraft or an Australian ship; or

(c) the conduct constituting the alleged contravention occurs wholly outside Australia and at the time of the alleged contravention, the person is:

(i) an Australian citizen; or

(ii) a resident of Australia; or

(iii) a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory; or

(d) all of the following conditions are satisfied:

(i) the alleged contravention is an ancillary contravention of that section;

(ii) the conduct constituting the alleged contravention occurs wholly outside Australia;

(iii) the conduct constituting the primary contravention of that section, or a result of that conduct, occurs, or is intended by the person to occur, wholly or partly in Australia or wholly or partly on board an Australian aircraft or an Australian ship.

Exception—foreign entities engaging in legal conduct wholly in foreign countries

(2) A person does not contravene section 321D or 321DA if:

(a) the conduct constituting the alleged contravention occurs wholly in a foreign country, but not on board an Australian aircraft or an Australian ship; and

(b) for an ancillary contravention of that section—the conduct constituting the primary contravention of that section, or a result of that conduct, occurs, or is intended by the person to occur, wholly in a foreign country, but not on board an Australian aircraft or an Australian ship; and

(c) the person is neither:

(i) an Australian citizen; nor

(ii) a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory; and

(d) there is not a law creating an offence or contravention that corresponds to that section in force in the foreign country, or the part of the foreign country, where:

(i) the conduct constituting the primary contravention occurs; or

(ii) for an ancillary contravention of that section—a result of the conduct constituting the primary contravention occurs.

Division 3—Information-gathering powers

321F Electoral Commissioner may obtain information and documents from persons

(1) This section applies to a person (whether within or outside Australia) if the Electoral Commissioner has reason to believe that the person has information or a document that is relevant to:

(a) assessing compliance with section 321D; or

(b) investigating a possible contravention of section 321DA.

(2) The Electoral Commissioner may, by written notice given to the person, require the person:

(a) to give to the Commissioner, within the period and in the manner and form specified in the notice, any such information; or

(b) to produce to the Commissioner, within the period and in the manner specified in the notice, any such documents; or

(c) to make copies of any such documents and to produce to the Commissioner, within the period and in the manner specified in the notice, those copies.

Matters to which regard must be had before giving notice

(3) Before giving a person a notice under subsection (2), the Electoral Commissioner must have regard to the costs, in complying with any requirement in the notice, that would be likely to be incurred by the person.

(4) Subsection (3) does not limit the matters to which regard may be had.

Content of notice

(5) A notice given to a person under this section must set out the effect of sections 137.1 and 137.2 of the *Criminal Code* (false or misleading information or documents).

Copying documents—reasonable compensation

(6) A person is entitled to be paid by the Commonwealth reasonable compensation for complying with a requirement covered by paragraph (2)(c).

321G Copies of documents

(1) The Electoral Commissioner may inspect a document or copy produced under section 321F and may make and retain copies of such a document.

(2) The Electoral Commissioner may retain possession of a copy of a document produced in accordance with a requirement covered by paragraph 321F(2)(c).

321H Retention of documents

(1) The Electoral Commissioner may take, and retain for as long as is necessary, possession of a document produced under section 321F.

(2) The person otherwise entitled to possession of the document is entitled to be supplied, as soon as practicable, with a copy certified by the Electoral Commissioner to be a true copy.

(3) The certified copy must be received in all courts and tribunals as evidence as if it were the original.

(4) Until a certified copy is supplied, the Electoral Commissioner must, at such times and places as he or she thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect and make copies of the document.

Part XXI—Electoral offences

322 Interpretation

In this Part, ***relevant period***, in relation to an election under this Act, means the period commencing on the issue of the writ for the election and expiring at the latest time on polling day at which an elector in Australia could enter a polling booth for the purpose of casting a vote in the election.

323 Officers and scrutineers to observe secrecy

A person who is, or has been, an officer or a scrutineer shall not either directly or indirectly, divulge or communicate any information with respect to the vote of an elector acquired by him or her in the performance of functions, or in the exercise of powers, under this Act or the regulations in a manner that is likely to enable the identification of the elector.

Penalty: Imprisonment for 6 months or 10 penalty units, or both.

323A Officers and scrutineers not to divulge or communicate Senate election results before close of adjourned polling

A person commits an offence if:

(a) the person is an officer or a scrutineer; and

(b) the polling is adjourned at a polling place in a Division under section 241 or 242; and

(c) the person divulges or communicates the results of the Senate election for a polling place in the Division to the public or a section of the public; and

(d) the person does so before the closing of the poll for the polling place mentioned in paragraph (b).

Penalty: 10 penalty units.

324 Officers not to contravene Act etc.

A person who, being an officer, contravenes:

(a) a provision of this Act for which no other penalty is provided; or

(b) a direction given to him or her under this Act;

commits an offence punishable on conviction by a fine not exceeding 10 penalty units.

325 Officers not to influence vote

An officer who does any act or thing with the intention of influencing the vote of another person, commits an offence punishable on conviction by imprisonment for a period not exceeding 6 months or a fine not exceeding 10 penalty units, or both.

325A Influencing votes of hospital patients etc.

(1) A person who is the proprietor of, or an employee of the proprietor of, a hospital or nursing home shall not do anything with the intention of influencing the vote of a patient in, or resident at, the hospital or nursing home.

Penalty: Imprisonment for 6 months or 10 penalty units, or both.

(2) The reference in subsection (1) to the proprietor of a hospital or nursing home includes a reference to a person who is a member or officer of a body corporate that is the proprietor of a hospital or nursing home.

326 Bribery

(1) A person shall not ask for, receive or obtain, or offer or agree to ask for, or receive or obtain, any property or benefit of any kind, whether for the same or any other person, on an understanding that:

(a) any vote of the first-mentioned person;

(b) any candidature of the first-mentioned person;

(c) any support of, or opposition to, a candidate, a group of candidates or a political party by the first-mentioned person;

(d) the doing of any act or thing by the first-mentioned person the purpose of which is, or the effect of which is likely to be,

to influence the preferences set out in the vote of an elector; or

(e) the order in which the names of candidates nominated for election to the Senate whose names are included in a group in accordance with section 168 appear on a ballot paper;

will, in any manner, be influenced or affected.

Penalty: Imprisonment for 2 years or 50 penalty units, or both.

(2) A person shall not, with the intention of influencing or affecting:

(a) any vote of another person;

(b) any candidature of another person; or

(c) any support of, or opposition to, a candidate, a group of candidates or a political party by another person;

(d) the doing of any act or thing by another person the purpose of which is, or the effect of which is likely to be, to influence the preferences set out in the vote of an elector; or

(e) the order in which the names of candidates for election to the Senate whose names are included in a group in accordance with section 168 appear on a ballot paper;

give or confer, or promise or offer to give or confer, any property or benefit of any kind to that other person or to a third person.

Penalty: Imprisonment for 2 years or 50 penalty units, or both.

(3) This section does not apply in relation to a declaration of public policy or a promise of public action.

327 Interference with political liberty etc.

(1) A person shall not hinder or interfere with the free exercise or performance, by any other person, of any political right or duty that is relevant to an election under this Act.

Note: Violence, obscene or discriminatory abuse, property damage and harassment or stalking are examples of conduct that may be an offence under this subsection.

Penalty: Imprisonment for 3 years or 100 penalty units, or both.

(2) A person must not discriminate against another person on the ground of the making by the other person of a donation to a political party, to a State branch or a division of a State branch of a political party, to a candidate in an election or by-election or to a group:

(a) by denying him or her access to membership of any trade union, club or other body;

(b) by not allowing him or her to work or to continue to work;

(c) by subjecting him or her to any form of intimidation or coercion;

(d) by subjecting him or her to any other detriment.

Penalty:

(a) if the offender is a natural person—imprisonment for 2 years or 50 penalty units, or both; or

(b) if the offender is a body corporate—200 penalty units.

(3) A law of a State or Territory has no effect to the extent to which the law discriminates against a member of a local government body on the ground that:

(a) the member has been, is, or is to be, nominated; or

(b) the member has been, is, or is to be, declared;

as a candidate in an election for the House of Representatives or the Senate.

(4) In subsection (3):

member of a local government body means a member of a local governing body established by or under a law of a State or Territory.

329 Misleading or deceptive publications etc.

(1) A person shall not, during the relevant period in relation to an election under this Act, print, publish or distribute, or cause, permit or authorize to be printed, published or distributed, any matter or thing that is likely to mislead or deceive an elector in relation to the casting of a vote.

(4) A person who contravenes subsection (1) commits an offence.

Penalty:

(a) if the person is a natural person—imprisonment for 3 years or 100 penalty units, or both; or

(b) if the person is a body corporate—500 penalty units.

(5) In a prosecution of a person for an offence against subsection (4) by virtue of a contravention of subsection (1), it is a defence if the person proves that he or she did not know, and could not reasonably be expected to have known, that the matter or thing was likely to mislead an elector in relation to the casting of a vote.

Note: A defendant bears a legal burden in relation to the defence in subsection (5) (see section 13.4 of the *Criminal Code*).

(5A) Section 15.2 of the *Criminal Code* (extended geographical jurisdiction—category B) applies to an offence against subsection (4).

(6) In this section, ***publish*** includes publish by radio, television, internet or telephone.

330 False statements in relation to Rolls

A person who, on polling day, makes a statement to an elector, either orally or in writing, with respect to the enrolment of the elector that, to the knowledge of the first-mentioned person, is false or misleading in a material respect, commits an offence punishable on conviction by imprisonment for a period not exceeding 6 months or a fine not exceeding 10 penalty units, or both.

335 Cards in polling booth

(1) A person shall not, except for the purposes of section 234, exhibit or leave in any polling booth any card or paper having thereon any direction or instruction as to how an elector should vote or as to the method of voting.

Penalty: 5 penalty units.

(2) This section shall not apply to any official instructions exhibited by proper authority at any polling booth.

336 Signature to electoral paper

(1) Every electoral paper which by this Act or the regulations has to be signed by any person shall be signed by that person with his or her personal signature.

(2) Where a person who is unable to sign his or her name in writing makes a mark as his or her signature to an electoral paper, the mark shall be deemed to be his or her personal signature, if it is identifiable as such, and is made in the presence of a witness who signs the electoral paper as such witness:

Provided that nothing in this section shall authorize any person to sign any electoral paper by a mark or otherwise than in his or her own handwriting in cases where the Act or the regulations require that the electoral paper be signed in the persons' own handwriting.

(3) A person shall not make the signature of any other person on an electoral paper.

Penalty: 10 penalty units.

(4) Subsection (3) shall not affect the liability of any person to be proceeded against for forgery, but so that a person shall not be liable to be punished twice in respect of the same offence.

(5) In this section, ***electoral paper*** includes a prescribed form and an approved form.

Note: An approved form and signature may be electronic (see paragraph (b) of the definition of ***approved form*** in subsection 4(1) and section 10 of the *Electronic Transactions Act 1999*).

337 Witnessing electoral papers

(1) A person shall not:

(a) sign as witness any blank electoral paper; or

(b) sign as witness any electoral paper which has been wholly or partly filled up unless it has been signed by the person intended to sign it; or

(c) sign as witness any electoral paper unless he or she has seen the person, whose signature he or she purports to witness, sign it; or

(d) write on any electoral paper as his or her own name:

(i) the name of another person; or

(ii) any name not being his or her own name.

Penalty: Imprisonment for 12 months.

(2) In this section, ***electoral paper*** includes a document in a prescribed or approved form or in a form in Schedule 1.

Note 1: The *Criminal Code Act 1995* contains defences for offences involving mistake or ignorance.

Note 2: An approved form and signature may be electronic (see paragraph (b) of the definition of ***approved form*** in subsection 4(1) and section 10 of the *Electronic Transactions Act 1999*).

338 Unlawfully marking ballot papers

Except where expressly authorized by this Act, a person (other than the elector to whom the ballot paper has been lawfully issued) shall not mark a vote or make any mark or writing on the ballot paper of any elector.

Penalty: Imprisonment for 6 months or 10 penalty units, or both.

339 Other offences relating to ballot papers etc.

(1) A person shall not:

(a) impersonate any person with the intention of securing a ballot paper to which the impersonator is not entitled; or

(b) impersonate any person with the intention of voting in that other person's name; or

(c) fraudulently do an act that results in the destruction, defacement or other corruption of any nomination or ballot paper; or

(d) fraudulently put any ballot paper or other paper into the ballot-box; or

(e) fraudulently take any ballot paper out of any polling booth or counting centre; or

(g) supply ballot papers without authority; or

(h) do an act that results in the unlawful destruction of, taking of, opening of, or interference with, ballot-boxes or ballot papers.

Penalty: Imprisonment for 6 months.

(1A) A person commits an offence if the person votes more than once in the same election.

Note: The Electoral Commissioner may declare that a person convicted of an offence against this subsection is a designated elector (see subsection 202AH(1)).

Penalty: 10 penalty units.

(1B) An offence against subsection (1A) is an offence of strict liability.

(1C) A person commits an offence if the person intentionally votes more than once in the same election.

Note: The Electoral Commissioner may declare that a person convicted of an offence against this subsection is a designated elector (see subsection 202AH(1)).

Penalty: 60 penalty units or imprisonment for 12 months, or both.

(1D) If a person votes more than once in the same election, the number of offences the person commits under subsection (1A) or (1C) because of that voting is the number of times the person voted in that election less one.

Note: This subsection means that each act of voting (other than the one act of voting that would be legitimate) gives rise to a separate offence but it is not necessary to know which act of voting was the first one and therefore legitimate.

(2) A person commits an offence if the person:

(a) does an act; and

(b) the act results in the defacement, mutilation, destruction or removal of any notice, list or other document affixed by, or by the authority of, any Divisional Returning Officer.

Penalty: 5 penalty units.

339A Officers not to interfere with etc. ballot-boxes or ballot papers

An officer commits an offence if:

(a) the officer does an act; and

(b) the act results in the unlawful destruction of, taking of, opening of, or interference with, a ballot-box or a ballot paper.

Penalty: Imprisonment for 6 months.

340 Prohibition of certain behaviour near polling booths and pre-poll voting places

(1) A person commits an offence if:

(a) the person engages in any of the following activities:

(i) canvassing for votes in an election;

(ii) soliciting the vote of an elector in an election;

(iii) inducing an elector not to vote for a particular candidate in an election;

(iv) inducing an elector not to vote in an election;

(v) exhibiting a notice or sign (other than an official notice or sign) relating to an election; and

(b) the activity is engaged in at an entrance to, or in any place (whether public or private) within 6 metres of an entrance to:

(i) a polling booth at which voting in the election is taking place; or

(ii) a pre-poll voting office at which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, for the election; and

(c) the activity is engaged in:

(i) in relation to a polling booth—on polling day or on a day to which the polling is adjourned for the election; or

(ii) in relation to a pre-poll voting office—at any time during which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, at the office.

Penalty: 5 penalty units.

(1A) A person commits an offence against this subsection if:

(a) the person engages in any of the following activities:

(i) canvassing for votes in an election;

(ii) soliciting the vote of an elector in an election;

(iii) inducing an elector not to vote for a particular candidate in an election;

(iv) inducing an elector not to vote in an election; and

(b) the activity is engaged in in any place (whether public or private) 6 metres or more from an entrance to:

(i) a polling booth at which voting in the election is taking place; or

(ii) a pre-poll voting office at which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, for the election; and

(ba) the activity is engaged in:

(i) in relation to a polling booth—on polling day or on a day to which the polling is adjourned for the election; or

(ii) in relation to a pre-poll voting office—at any time during which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, at the office; and

(c) the person uses any of the following to engage in that activity:

(i) a loud speaker;

(ii) a public address system;

(iii) an amplifier (whether fixed or mobile);

(iv) a broadcasting van;

(v) a sound system;

(vi) radio equipment;

(vii) any other equipment or device for broadcasting; and

(d) that activity is audible:

(i) within the polling booth or pre-poll voting office (as the case requires); or

(ii) at an entrance to the polling booth or pre-poll voting office (as the case requires); or

(iii) within 6 metres of an entrance to the polling booth or pre-poll voting office (as the case requires).

Penalty: 5 penalty units.

(2) Where:

(a) a building used as a polling booth or pre-poll voting office is situated in grounds within an enclosure; and

(b) the appropriate Divisional Returning Officer causes to be displayed throughout the days or at all times referred to in paragraph (1)(c) or (1A)(ba) at each entrance to those grounds a notice signed by the Divisional Returning Officer stating that those grounds are, for the purposes of this section, part of the polling booth or pre-poll voting office (as the case requires);

those grounds shall, for the purposes of this section, be deemed to be part of the polling booth or pre-poll voting office (as the case requires).

341 Badges or emblems in polling booths

(1) A person commits an offence if:

(a) the person is an officer or a scrutineer; and

(b) the person wears or displays any badge or emblem of a candidate or political party; and

(c) the person does so:

(i) in a polling booth on polling day or on a day to which the polling is adjourned for the election; or

(ii) in a pre-poll voting office at any time during which applications for pre-poll votes may be made, or pre-poll ordinary voting is available, at the office.

Penalty: 10 penalty units.

(2) Strict liability applies to an offence against subsection (1).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

342 Duty of witness to claim

The person witnessing any claim for age 16 enrolment or any claim for enrolment or transfer of enrolment shall, before signing the claim as witness, satisfy himself or herself, by inquiry from the claimant or otherwise, that the statements contained in the claim are true unless he or she knows that the statements contained in the claim are true.

Penalty: 10 penalty units.

343 Failure to transmit claim

(1) Any person who accepts, for transmission to the Electoral Commissioner, the custody of, a claim for age 16 enrolment or a claim for enrolment or transfer of enrolment shall forthwith transmit the claim to the Electoral Commissioner.

Penalty: 10 penalty units.

(2) Strict liability applies to an offence against subsection (1).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

345 Employers to allow employees leave of absence to vote

(1) If an employee who is an elector notifies his or her employer before the polling day that the employee desires leave of absence for the purpose of voting at any election, the employer shall, if the absence desired is necessary to enable the employee to vote at the election, allow the employee leave of absence without any penalty or disproportionate deduction of pay for such reasonable period not exceeding 2 hours as is necessary to enable the employee to vote at the election.

(2) No employee shall under pretence that he or she intends to vote at the election, but without the bona fide intention of doing so, obtain leave of absence under this section.

(3) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he or she is engaged.

Penalty:

(a) if the offender is a natural person—5 penalty units; or

(b) if the offender is a body corporate—25 penalty units.

346 Protection of the official mark

(1) A person shall not, without lawful authority, proof whereof shall lie upon the person:

(a) make any official mark on or in any paper;

(b) be in possession of any paper bearing any official mark; or

(c) make use of or be in possession of any instrument capable of making on or in any paper an official mark.

Penalty: 10 penalty units.

(2) A person who, without lawful authority, proof whereof shall lie upon the person, makes on or in any ballot paper, or on or in any paper purporting to be a ballot paper, an official mark, shall be deemed to have a forged ballot paper, and shall be punishable accordingly.

(3) All paper bearing an official mark, and all instruments capable of making on or in paper an official mark, made, used, or in the possession of any person without lawful authority (proof whereof shall lie upon the person) shall be forfeited to the Commonwealth, and may without warrant be seized by a member of the Australian Federal Police or a member of the police force of a State or Territory and destroyed or dealt with as prescribed.

(4) In this section the words ***official mark*** mean any prescribed mark to be placed or made on or in any electoral paper, and include any mark so nearly resembling an official mark as to be likely to deceive.

347 Disorderly behaviour at meeting

(1) Any person who, at any public meeting to which this section applies, acts in a disorderly manner with the intention of preventing the transaction of the business for which the meeting is held commits an offence against this Act.

Penalty: 5 penalty units.

(2) This section applies to any lawful public political meeting held in relation to any election of members of the Parliament between the date of the issue of the writ for the election and the date of the return of the writ.

(3) The chairperson of any meeting to which this section applies may direct a member of the Australian Federal Police or of the police force of a State or Territory to remove from the room or building in which the meeting is being held any person who, in the opinion of the chairperson, is preventing the transaction of the business for which the meeting is held, and thereupon the member may take such steps as are necessary for the removal of the person from the room or building.

(4) Any person:

(a) who has been removed from a room or building in accordance with a direction given under subsection (3); or

(b) whose removal from a room or building has been directed under subsection (3) and who has left that room or building;

and who returns to that room or building while the meeting is in progress, commits an offence.

Penalty: Imprisonment for 6 months or 10 penalty units, or both.

(5) Subsection (4) does not apply if the person proves that he or she is authorised by the chairperson to return.

Note: A defendant bears a legal burden in relation to the matter in subsection (5) (see section 13.4 of the *Criminal Code*).

348 Control of behaviour at polling booths etc.

(1) A person shall not:

(a) commit misconduct in premises to which this section applies;

(b) while in such premises, disobey a lawful direction given by the person in charge of the premises; or

(c) enter or remain in such premises without the permission of the person in charge of the premises.

Note: For the purposes of paragraph (a), making an audio or video recording in the premises without the permission of the person in charge of the premises is an example of conduct that may be misconduct under this paragraph.

Penalty: 5 penalty units.

(1A) A person commits an offence if:

(a) the person makes an audio or video recording in premises to which this section applies; and

(b) the recording is made without the permission of the person in charge of the premises; and

(c) the making of the recording constitutes a contravention of paragraph 348(1)(a); and

(d) the person:

(i) publishes the whole or a part of the recording; or

(ii) causes to be published the whole or a part of the recording.

Penalty: 5 penalty units.

(2) This section applies to the following premises:

(a) a polling booth;

(b) a counting centre;

(c) premises in Australia at which an application may be made for a pre-poll vote.

(3) Paragraph (1)(c) does not apply to:

(a) a polling official;

(b) a scrutineer who is entitled to be on the premises; or

(c) in the case of a polling booth—a voter who enters the booth for the purpose of voting and remains no longer than is reasonably necessary for that purpose.

(4) The person in charge of premises is:

(a) in the case of a polling booth—the presiding officer or substitute presiding officer;

(b) in the case of a counting centre—the Australian Electoral Officer, DRO or Assistant Returning Officer conducting the scrutiny at the centre; and

(c) in the case of premises at which an application may be made for a pre-poll vote—any pre-poll voting officer at those premises.

(5) A person who contravenes subsection (1) or (1A) may be removed from the premises by a police officer or by an authorised person.

(6) In this section:

authorised person means a person acting at the request of the person in charge of premises.

counting centre means premises being used for the purpose of the preliminary scrutiny of declaration votes or the scrutiny of ballot papers.

351 Publication of matter regarding candidates

(1) If, in any matter announced or published by any person, or caused by any person to be announced or published, on behalf of any association, league, organization or other body of persons, it is:

(a) claimed or suggested that a candidate in an election is associated with, or supports the policy or activities of, that association, league, organization or other body of persons; or

(b) expressly or impliedly advocated or suggested:

(i) in the case of an election of Senators for any State—that a voter should place in the square corresponding with the name of a candidate on a ballot paper a number not greater than the number of Senators to be elected; or

(ii) in the case of an election of a Member of the House of Representatives—that that candidate is the candidate for whom the first preference vote should be given;

that person commits an offence.

Penalty:

(a) if the offender is a natural person—10 penalty units; or

(b) if the offender is a body corporate—50 penalty units.

(1A) Subsection (1) does not apply if the person proves that he or she is authorised in writing by the candidate to announce or publish the thing claimed, suggested or advocated.

Note: A defendant bears a legal burden in relation to the matter in subsection (1A) (see section 13.4 of the *Criminal Code*).

(2) Where any matter, the announcement or publication of which by any person without the written authority of a candidate would be an offence against subsection (1) on the part of that person, is announced or published by or on behalf of, or with the support of, any association, league, organization or other body of persons, every person who was an officer thereof at the time of that announcement or publication is taken to have committed an offence against subsection (1).

(3) For the purposes of this section, where any matter purports expressly or impliedly to be announced or published by or on behalf of, or in the interests or with the support of, any association, league, organization or other body of persons, the matter shall, in the absence of proof to the contrary, be deemed to be announced or published by or on behalf, or with the support, of the association, league, organization or other body of persons.

Note: A defendant bears a legal burden in relation to proof to the contrary under subsection (3) (see section 13.4 of the *Criminal Code*).

(4) Nothing in the foregoing provisions of this section shall apply to or in relation to any announcement or publication made or authorized by any bona fide political party or by any bona fide branch thereof respecting a candidate who, by public announcement, has declared his or her candidature to be a candidature on behalf of or in the interests of that party.

(5) The person whose name is notified under section 321D in relation to electoral matter as the person who authorised the communication of the matter, in the absence of evidence to the contrary, is taken to have announced or published the matter, or caused it to be announced or published, for the purpose of this section.

Note: A defendant bears an evidential burden in relation to evidence to the contrary under subsection (5) (see subsection 13.3(3) of the *Criminal Code*).

Part XXII—Court of Disputed Returns

Division 1—Disputed Elections and Returns

352 Interpretation

(1) In this Part:

bribery or ***corruption*** means a contravention of section 326.

illegal practice means a contravention of this Act or the regulations.

undue influence means a contravention of section 327 of this Act or section 83.4 of the *Criminal Code*.

(2) For the purposes of this Part, a person who aids, abets, counsels or procures, or by act or omission is in any way directly or indirectly knowingly concerned in, or party to, the contravention of a provision of this Act, the *Crimes Act 1914* or the regulations under this Act shall be deemed to have contravened that provision.

353 Method of disputing elections

(1) The validity of any election or return may be disputed by petition addressed to the Court of Disputed Returns and not otherwise.

(2) The choice of a person to hold the place of a Senator by the Houses of Parliament of a State or the appointment of a person to hold the place of a Senator by the Governor of a State under section 15 of the Constitution shall be deemed to be an election within the meaning of this section, and the provisions of this Division shall, so far as applicable, have effect as if that choice or appointment were an election within the meaning of this Division.

(3) The choice of a person to hold the place of a Senator for the Australian Capital Territory by the Legislative Assembly for the Australian Capital Territory or the appointment of a person to hold the place of such a Senator by the Chief Minister for the Australian Capital Territory under subsection 44(1) shall be deemed to be an election within the meaning of this section, and the provisions of

this Division shall, so far as applicable, have effect as if that choice or appointment were an election within the meaning of this Division.

(4) The choice of a person to hold the place of a Senator for the Northern Territory by the Legislative Assembly of the Northern Territory or the appointment of a person to hold the place of a Senator by the Administrator of the Northern Territory under subsection 44(2) shall be deemed to be an election within the meaning of this section, and the provisions of this Division shall, so far as applicable, have effect as if that choice or appointment were an election within the meaning of this Division.

354 The Court of Disputed Returns

(1) The High Court shall be the Court of Disputed Returns, and shall have jurisdiction either to try the petition or to refer it for trial to the Federal Court of Australia (the ***Federal Court***).

(2) When a petition has been so referred for trial, the Federal Court shall have jurisdiction to try the petition, and shall in respect of the petition be and have all the powers and functions of the Court of Disputed Returns.

(3) The High Court may refer to the Federal Court part of a petition in respect of an election or return, being a part that consists of a question or questions of fact.

(4) Subject to any directions by the High Court, if the High Court refers part of a petition to the Federal Court under subsection (3):

(a) the Federal Court has jurisdiction to deal with the part of the petition that has been referred; and

(b) the Federal Court has, in respect of the petition, the powers and functions of the Court of Disputed Returns, other than the powers referred to in paragraphs 360(1)(v), (vi), (vii) and (viii) and in section 379; and

(c) subject to any directions by the High Court, further proceedings in relation to the part of the petition are as directed by the Federal Court.

(5) The High Court may have regard to the findings of the Federal Court in dealing with the petition and may in its discretion receive further evidence on questions of fact.

(6) The jurisdiction conferred by this section may be exercised by a single Justice or Judge.

355 Requisites of petition

Subject to section 357, every petition disputing an election or return in this Part called the petition shall:

(a) set out the facts relied on to invalidate the election or return;

(aa) subject to subsection 358(2), set out those facts with sufficient particularity to identify the specific matter or matters on which the petitioner relies as justifying the grant of relief;

(b) contain a prayer asking for the relief the petitioner claims to be entitled to;

(c) be signed by a candidate at the election in dispute or by a person who was qualified to vote thereat, or, in the case of the choice or the appointment of a person to hold the place of a Senator under section 15 of the Constitution or section 44 of this Act, by a person qualified to vote at Senate elections in the relevant State or Territory at the date of the choice or appointment;

(d) be attested by 2 witnesses whose occupations and addresses are stated;

(e) be filed in the Registry of the High Court within 40 days after:

(i) if the polling day for the election in dispute is not the polling day for any other election—the return of the writ for the election; or

(ii) if the polling day for the election in dispute is also the polling day for another election or other elections—the return of whichever of the writs for the election in dispute and that other election or those other elections is returned last; or

(iii) if the choice or the appointment of a person to hold the place of a Senator under section 15 of the Constitution

is in dispute—the notification of that choice or appointment.

356 Deposit as security for costs

When filing the petition, the petitioner must deposit with the Chief Executive and Principal Registrar, the Senior Registrar, or a Deputy Registrar, of the High Court $500 as security for costs.

357 Petition by Electoral Commission

(1) The Electoral Commission is entitled to file a petition disputing an election.

(1A) The Electoral Commission shall file a petition disputing an election in relation to which a DRO has given notice under subsection 274(9C).

(2) Paragraphs 355(c) and (d) do not apply in relation to a petition filed by the Electoral Commission disputing an election but such a petition shall be signed by the Electoral Commissioner for and on behalf of the Commission.

358 No proceedings unless requirements complied with

(1) Subject to subsection (2), no proceedings shall be had on the petition unless the requirements of sections 355, 356 and 357 are complied with.

(2) The Court may, at any time after the filing of a petition and on such terms (if any) as it thinks fit, relieve the petitioner wholly or in part from compliance with paragraph 355(aa).

(3) The Court shall not grant relief under subsection (2) unless it is satisfied that:

(a) in spite of the failure of the petition to comply with paragraph 355(aa), the petition sufficiently identifies the specific matters on which the petitioner relies; and

(b) the grant of relief would not unreasonably prejudice the interests of another party to the petition.

359 Right of Electoral Commissioner to be represented

The Electoral Commission shall be entitled by leave of the Court of Disputed Returns to enter an appearance in any proceedings in which the validity of any election or return is disputed, and to be represented and heard thereon, and in such case shall be deemed to be a party respondent to the petition.

360 Powers of Court

(1) The Court of Disputed Returns shall sit as an open Court and its powers shall include the following:

(i) To adjourn;

(ii) To compel the attendance of witnesses and the production of documents;

(iii) To grant to any party to a petition leave to inspect in the presence of a prescribed officer the rolls and other documents (except ballot papers) used at or in connexion with any election and to take, in the presence of the prescribed officer, extracts from those rolls and documents;

(iv) To examine witnesses on oath;

(v) To declare that any person who was returned as elected was not duly elected;

(vi) To declare any candidate duly elected who was not returned as elected;

(vii) To declare any election absolutely void;

(viii) To dismiss or uphold the petition in whole or in part;

(ix) To award costs;

(x) To punish any contempt of its authority by fine or imprisonment.

(2) The Court may exercise all or any of its powers under this section on such grounds as the Court in its discretion thinks just and sufficient.

(3) Without limiting the powers conferred by this section, it is hereby declared that the power of the Court to declare that any person who was returned as elected was not duly elected, or to declare an

election absolutely void, may be exercised on the ground that illegal practices were committed in connexion with the election.

(4) The power of the Court of Disputed Returns under paragraph (1)(ix) to award costs includes the power to order costs to be paid by the Commonwealth where the Court considers it appropriate to do so.

361 Inquiries by Court

The Court shall inquire whether or not the petition is duly signed, and so far as Rolls and voting are concerned may inquire into the identity of persons, and whether their votes were improperly admitted or rejected, assuming the Roll to be correct, but the Court shall not inquire into the correctness of any Roll.

362 Voiding election for illegal practices etc.

(1) If the Court of Disputed Returns finds that a successful candidate has committed or has attempted to commit bribery or undue influence, the election of the candidate shall be declared void.

(2) No finding by the Court of Disputed Returns shall bar or prejudice any prosecution for any illegal practice.

(3) The Court of Disputed Returns shall not declare that any person returned as elected was not duly elected, or declare any election void:

(a) on the ground of any illegal practice committed by any person other than the candidate and without the knowledge or authority of the candidate; or

(b) on the ground of any illegal practice other than bribery or corruption or attempted bribery or corruption;

unless the Court is satisfied that the result of the election was likely to be affected, and that it is just that the candidate should be declared not to be duly elected or that the election should be declared void.

(4) The Court of Disputed Returns must not declare that any person returned as elected was not duly elected, or declare any election void, on the ground that someone has contravened the

Broadcasting Services Act 1992 or the *Radiocommunications Act 1992*.

363 Court to report cases of illegal practices

When the Court of Disputed Returns finds that any person has committed an illegal practice, the Chief Executive and Principal Registrar of the High Court shall forthwith report the finding to the Minister.

363A Court must make its decision quickly

The Court of Disputed Returns must make its decision on a petition as quickly as is reasonable in the circumstances.

364 Real justice to be observed

The Court shall be guided by the substantial merits and good conscience of each case without regard to legal forms or technicalities, or whether the evidence before it is in accordance with the law of evidence or not.

364A Provision for Court to have regard to certain rejected ballot papers

In making its decision on a petition, the Court may:

(a) have regard to postal ballot papers rejected at the preliminary scrutiny because of paragraph 7 of Schedule 3 if the Court is satisfied that the votes marked on the ballot papers were recorded prior to the close of the poll; and

(b) have regard to any declaration vote ballot papers (including postal ballot papers) rejected at the preliminary scrutiny if the Court is of the opinion that the ballot papers should not have been rejected.

365 Immaterial errors not to vitiate election

No election shall be avoided on account of any delay in the declaration of nominations, the provision of certified lists of voters to candidates, the polling, or the return of the writ, or on account of

the absence or error of or omission by any officer which did not affect the result of the election:

Provided that where any elector was, on account of the absence or error of, or omission by, any officer, prevented from voting in any election, the Court shall not, for the purpose of determining whether the absence or error of, or omission by, the officer did or did not affect the result of the election, admit any evidence of the way in which the elector intended to vote in the election.

365A Election not affected by failure of delivery arrangement

(1) This section applies if a DRO or Assistant Returning Officer, under section 188, arranges for delivery of a certificate and ballot paper instead of posting them.

(2) The Court of Disputed Returns must not:

(a) declare that a person returned as elected was not duly elected; or

(b) declare an election void;

on the ground of a failure of the arrangement for delivery.

(3) This section is not intended to imply anything about the effect of a failed delivery by post.

366 Errors relating to printing of party affiliations

The Court of Disputed Returns is not to declare that a person returned as elected was not duly elected, or declare an election void, by reason only that:

(a) there was or was not printed on one or more ballot papers used in the election:

(i) the name; or

(ii) an abbreviation of the name; or

(iii) a logo of a political party;

adjacent to the name of a candidate or group of candidates; or

(b) the name or an abbreviation of the name of a political party printed on one or more ballot papers used in the election was misspelt; or

(c) the name, an abbreviation of the name or a logo of a political party printed on one or more ballot papers used in the election was inaccurate or incorrect; or

(d) an officer failed to comply with section 210A, 214 or 214A in relation to the election.

367 Evidence that person not permitted to vote

On the trial of any petition the Court shall not admit the evidence of any witness that the witness was not permitted to vote in any election during the hours of polling on polling day unless the witness satisfies the Court:

(a) that the witness claimed to vote, in the election, pursuant to that provision of this Act under which he or she was entitled or might be permitted to vote; and

(b) that the witness complied with the requirements of this Act and the regulations made thereunder relative to voting by electors in so far as he or she was permitted so to do.

367A Disposal of petition where election cannot be decided

(1) The Court shall give its decision on a petition filed by the Electoral Commission under subsection 357(1A), and shall make an order on the petition, within 3 months after the day on which the petition was filed.

(2) In the case of a petition under subsection 357(1A), subsection 360(1) applies as if for subparagraphs (v), (vi), (vii) and (viii) the following subparagraphs were substituted:

"(v) to declare a candidate elected;

(vi) to declare the election absolutely void;".

368 Decisions to be final

All decisions of the Court shall be final and conclusive and without appeal, and shall not be questioned in any way.

369 Copies of petition and order of Court to be sent to House affected, Governor-General and Speaker

The Chief Executive and Principal Registrar of the High Court must, forthwith after the filing of the petition, give to the Clerk of the House of Parliament affected by the petition a copy of the petition, and, forthwith after the trial of the petition, give to:

(a) that Clerk; and

(b) in the case of a general election or a House of Representatives election the writ for which was issued by the Governor-General—the Governor-General; and

(c) in the case of a House of Representatives election the writ for which was not issued by the Governor-General—the Speaker;

a copy of the order of the Court.

370 Representation of parties before Court

A party to the petition may appear in person or be represented by counsel or solicitor.

371 Costs

The Court may award costs against an unsuccessful party to the petition.

372 Deposit applicable for costs

If costs are awarded to any party against the petitioner, the deposit shall be applicable in payment of the sum ordered, but otherwise the deposit shall be repaid to the petitioner.

373 Other costs

All other costs awarded by the Court, including any balance above the deposit payable by the petitioner, shall be recoverable as if the order of the Court were a judgment of the High Court of Australia, and such order, certified by the Court, may be entered as a judgment of the High Court of Australia, and enforced accordingly.

374 Effect of decision

Effect shall be given to any decision of the Court as follows:

(i) If any person returned is declared not to have been duly elected, the person shall cease to be a Senator or Member of the House of Representatives;

(ii) If any person not returned is declared to have been duly elected, the person may take his or her seat accordingly;

(iii) If any election is declared absolutely void a new election shall be held.

375 Power to make Rules of Court

The Justices of the High Court or a majority of them may make Rules of Court not inconsistent with this Act for carrying this Part of this Act into effect and in particular for regulating the practice and procedure of the Court the forms to be used and the fees to be paid by parties.

Note: Section 86 of the *Judiciary Act 1903* provides that certain provisions of the *Legislation Act 2003* apply, with modifications, to rules of court made by the Court. Section 88 of the *Judiciary Act 1903* provides that regulations may be made modifying and adapting certain provisions of the *Legislation Act 2003* in their application to the Court.

375A Right of Electoral Commission to have access to documents

Unless the Court orders otherwise, the filing of a petition does not deprive the Electoral Commission of any right to have access to a document for the purposes of the performance of its functions.

Division 2—Qualifications and vacancies

376 Reference of question as to qualification or vacancy

Any question respecting the qualifications of a Senator or of a Member of the House of Representatives or respecting a vacancy in either House of the Parliament may be referred by resolution to the Court of Disputed Returns by the House in which the question arises and the Court of Disputed Returns shall thereupon have jurisdiction to hear and determine the question.

377 President or Speaker to state case

When any question is referred to the Court of Disputed Returns under this Part, the President if the question arises in the Senate, or the Speaker if the question arises in the House of Representatives, shall transmit to the Court of Disputed Returns a statement of the question upon which the determination of the Court is desired, together with any proceedings, papers, reports, or documents relating to the question in the possession of the House in which the question arises.

378 Parties to the reference

The Court of Disputed Returns may allow any person who in the opinion of the Court is interested in the determination of any question referred to it under this Part to be heard on the hearing of the reference, or may direct notice of the reference to be served on any person, and any person so allowed to be heard or so directed to be served shall be deemed to be a party to the reference.

379 Powers of Court

On the hearing of any reference under this Part the Court of Disputed Returns shall sit as an open Court and shall have the powers conferred by section 360 so far as they are applicable, and in addition thereto shall have power:

(a) to declare that any person was not qualified to be a Senator or a Member of the House of Representatives;

(b) to declare that any person was not capable of being chosen or of sitting as a Senator or a Member of the House of Representatives; and

(c) to declare that there is a vacancy in the Senate or in the House of Representatives.

380 Order to be sent to House affected

After the hearing and determination of any reference under this Part the Chief Executive and Principal Registrar of the High Court shall forthwith forward to the Clerk of the House by which the question has been referred a copy of the order or declaration of the Court of Disputed Returns.

381 Application of certain sections

The provisions of sections 364, 368, 370, 371, 373, 374 and 375 shall apply so far as applicable to proceedings on a reference to the Court of Disputed Returns under this Part.

Part XXIII—Miscellaneous

381A Extension of time for acts by officers

Where:

(a) an officer is required by a provision of this Act or the regulations to do an act;

(b) the officer refuses or fails to do the act at the time, or within the period, required by that provision;

the Commission may determine that the act may be done within such further time, not exceeding 48 hours, as the Commission fixes.

382 General provisions about enrolment-related claims etc.

Definitions

(1) In this section:

enrolment-related claim or notice means a claim, application, notice, objection, request or other communication that is required or permitted to be sent to the Electoral Commissioner by any of the following:

(a) a provision of Part VII, VIII, IX or X;

(b) section 184A.

sent to includes given, made or delivered to, or lodged with.

Addresses to which enrolment-related claims or notices may be sent

(2) The Electoral Commissioner may, in writing, determine one or more addresses to which enrolment-related claims or notices may be sent.

(3) A determination under subsection (2) may specify different addresses for the purposes of different provisions or for use in different circumstances.

(4) To avoid doubt, an address determined under subsection (2) may be an electronic address.

(5) If a person sends an enrolment-related claim or notice to an address in accordance with a determination under subsection (2), the person is taken to have sent the enrolment-related claim or notice to the Electoral Commissioner.

Note: Requirements relating to the form, content etc. of the enrolment-related claim or notice must still be complied with (subject to subsections (7) and (8)).

(6) A determination under subsection (2) is not a legislative instrument.

Enrolment-related claims or notices do not have to be signed in certain circumstances

(7) Subject to subsection (8), if:

(a) an enrolment-related claim or notice is required to be signed by a person; and

(b) the person is already enrolled; and

(c) the person's name is still the same as the name under which he or she is enrolled;

the requirement that the claim or application be signed is (despite section 336) taken to be satisfied if the person instead satisfies the requirements prescribed by the regulations for the purpose of this subsection.

(8) Subsection (7) does not apply to:

(a) an enrolment-related claim or notice that is required or permitted to be sent to the Electoral Commissioner by a provision of Part IX or X; or

(b) any of the following requirements for a signature:

(ia) the requirement in subparagraph 98AA(2)(c)(ii);

(i) the requirement in subsection 98(3);

(ii) the requirement in subsection 99A(5);

(iii) the requirement in subsection 99B(3);

(iv) the requirement that a statutory declaration referred to in subsection 104(3) be signed;

(v) any other requirement for a signature that is prescribed by the regulations for the purpose of this subparagraph.

383 Injunctions

Restraining injunctions

(1) Where a person has engaged, is engaging or is proposing to engage in any conduct that constituted, constitutes or would constitute a contravention of, or an offence against, this Act or any other law of the Commonwealth in its application to elections, the Federal Court of Australia (the ***Federal Court***) may, on the application of:

(a) in a case where the conduct relates to an election—a candidate in the election; or

(b) in any case—the Electoral Commission;

grant an injunction restraining the first-mentioned person from engaging in the conduct and, if in the opinion of the Federal Court it is desirable to do so, requiring that person to do any act or thing.

Performance injunctions

(2) Where:

(a) a person has refused or failed, is refusing or failing, or is proposing to refuse or fail, to do an act or thing; and

(b) the refusal or failure was, is, or would be, a failure to comply with, or an offence against, this Act or any other law of the Commonwealth in its application to elections;

the Federal Court may, on the application of:

(c) in a case where the refusal or failure relates to an election—a candidate in the election; or

(d) in any case—the Electoral Commission;

grant an injunction requiring the first-mentioned person to do that act or thing.

Injunctions relating to section 321D—carriage service providers

(2A) Without limiting subsection (1), if:

(a) an injunction could be granted under subsection (1) or (2) in relation to a contravention or proposed contravention by a

person (the ***notifying entity***) of section 321D in relation to an electoral matter; and

(b) a carriage service provider supplies, or is to supply, a listed carriage service to the notifying entity; and

(c) the listed carriage service is to be used solely for making bulk voice calls or sending bulk text messages;

the Federal Court may, on the application of:

(d) if the conduct relates to an election—a candidate in the election; or

(e) in any case—the Electoral Commission;

grant an injunction restraining the carriage service provider from supplying the listed carriage service to the notifying entity.

Note: Section 321D requires the name of the person who authorised the communication of certain electoral matter to be notified.

Injunctions relating to section 321D—broadcasters

(2B) Without limiting subsection (1), if an injunction could be granted under subsection (1) or (2) in relation to a contravention or proposed contravention by a person (the ***notifying entity***) of section 321D in relation to an electoral matter, the Federal Court may, on the application of:

(a) if the conduct relates to an election—a candidate in the election; or

(b) in any case—the Electoral Commission;

grant an injunction restraining a broadcaster from broadcasting the matter.

Injunctions relating to section 321DA—carriage service providers

(2C) Without limiting subsection (1), if:

(a) an injunction could be granted under subsection (1) or (2) in relation to a contravention or proposed contravention by a foreign campaigner of section 321DA in relation to an electoral matter; and

(b) a carriage service provider supplies, or is to supply, a listed carriage service to the foreign campaigner; and

(c) the listed carriage service is to be used solely for making bulk voice calls or sending bulk text messages;

the Federal Court may, on the application of:

(d) if the conduct relates to an election—a candidate in the election; or

(e) in any case—the Electoral Commission;

grant an injunction restraining the carriage service provider from supplying the listed carriage service to the foreign campaigner.

Note: Section 321DA prohibits the communication of certain electoral matter authorised by a foreign campaigner.

Injunctions relating to section 321DA—broadcasters

(2D) Without limiting subsection (1), if an injunction could be granted under subsection (1) or (2) in relation to a contravention or proposed contravention by a foreign campaigner of section 321DA in relation to an electoral matter, the Federal Court may, on the application of:

(a) if the conduct relates to an election—a candidate in the election; or

(b) in any case—the Electoral Commission;

grant an injunction restraining a broadcaster from broadcasting the matter.

Interim injunctions

(3) Where an application is made to the Federal Court for an injunction under subsection (1), (2A), (2B), (2C) or (2D), the Federal Court may, if in the opinion of the Federal Court it is desirable to do so, before considering the application, grant an interim injunction restraining a person from engaging in conduct of the kind referred to in subsection (1), or restraining the carriage service provider or broadcaster as referred to in subsection (2A), (2B), (2C) or (2D), pending the determination of the application.

Discharging and varying injunctions

(4) The Federal Court may discharge or vary an injunction granted under this section.

Court not required to consider past and future conduct

(5) Where an application is made to the Federal Court for the grant of an injunction under subsection (1) restraining a person from engaging in conduct of a particular kind, the power of the Federal Court to grant the injunction may be exercised:

(a) if the Federal Court is satisfied that the person has engaged in conduct of that kind—whether or not it appears to the Federal Court that the person intends to engage again, or to continue to engage, in conduct of that kind; or

(b) if it appears to the Federal Court that, in the event that an injunction is not granted, it is likely that the person will engage in conduct of that kind—whether or not the person has previously engaged in conduct of that kind and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person engages in conduct of that kind.

(6) Where an application is made to the Federal Court for the grant of an injunction under subsection (1) or (2) requiring a person to do a particular act or thing, the power of the Federal Court to grant the injunction may be exercised:

(a) if the Federal Court is satisfied that the person has refused or failed to do that act or thing—whether or not it appears to the Federal Court that the person intends to refuse or fail again, or to continue to refuse or fail, to do that act or thing; or

(b) if it appears to the Federal Court that, in the event that an injunction is not granted, it is likely that the person will refuse or fail to do that act or thing—whether or not the person has previously refused or failed to do that act or thing and whether or not there is an imminent danger of substantial damage to any person if the first-mentioned person refuses or fails to do that act or thing.

(6A) If an application is made to the Federal Court for the grant of an injunction under subsection (2A) or (2B) restraining a carriage service provider or broadcaster as referred to in that subsection, the power of the Federal Court to grant the injunction may be exercised:

(a) if the Federal Court is satisfied that the notifying entity has contravened section 321D—whether or not it appears to the Federal Court that the notifying entity intends to contravene or continue to contravene that section; or

(b) if it appears to the Federal Court that, in the event that an injunction is not granted, it is likely that the notifying entity will contravene section 321D—whether or not the notifying entity has previously contravened that section.

(6B) If an application is made to the Federal Court for the grant of an injunction under subsection (2C) or (2D) restraining a carriage service provider or broadcaster as referred to in that subsection, the power of the Federal Court to grant the injunction may be exercised:

(a) if the Federal Court is satisfied that the foreign campaigner has contravened section 321DA—whether or not it appears to the Federal Court that the foreign campaigner intends to contravene or continue to contravene that section; or

(b) if it appears to the Federal Court that, in the event that an injunction is not granted, it is likely that the foreign campaigner will contravene section 321DA—whether or not the foreign campaigner has previously contravened that section.

No undertakings as to damages

(7) Where the Electoral Commission makes an application to the Federal Court for the grant of an injunction under this section, the Federal Court shall not require the Electoral Commission or any other person, as a condition of the granting of an interim injunction, to give any undertakings as to damages.

This section does not limit other powers of the Federal Court

(10) The powers conferred on the Federal Court under this section are in addition to, and not in derogation of, any other powers of the Federal Court, whether conferred by this Act or otherwise.

Definitions

(11) In this section:

broadcaster means:

(a) a broadcaster within the meaning of subclause 4(1) of Schedule 2 to the *Broadcasting Services Act 1992*; or

(b) the Australian Broadcasting Corporation; or

(c) the Special Broadcasting Service Corporation.

bulk text message means an electronic message (within the meaning of section 5 of the *Spam Act 2003*) that is sent, in bulk, to electronic addresses in connection with telephone accounts.

bulk voice call means a call or calls that send in bulk a pre-recorded message to standard telephone services.

384 Prosecution of offences

(1) Subject to subsection (2), an offence against section 326 is an indictable offence.

(2) A court of summary jurisdiction may hear and determine proceedings in respect of the offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

(3) If, under subsection (2), a court of summary jurisdiction convicts a person of the offence, the court may impose a penalty of imprisonment for a period not exceeding 12 months or a fine not exceeding 20 penalty units, or both.

384A Application of Regulatory Powers Act

Application of Parts 4 and 6

(1) Each civil penalty provision of this Act is enforceable under Parts 4 and 6 of the Regulatory Powers Act.

Note: Part 4 of the Regulatory Powers Act allows a civil penalty provision to be enforced by obtaining an order for a person to pay a pecuniary penalty for the contravention of the provision. Part 6 of that Act creates a framework for accepting and enforcing undertakings relating to compliance with provisions.

Authorised applicant and relevant court

(2) For the purposes of Parts 4 and 6 of the Regulatory Powers Act:

(a) for Part 4—the Electoral Commissioner is an authorised applicant; and

(b) for Part 6—the Electoral Commissioner is an authorised person; and

(c) for Parts 4 and 6—the Federal Court of Australia is a relevant court;

in relation to each civil penalty provision of this Act.

Commissioner may publish enforceable undertakings

(2A) The Electoral Commissioner may publish on the Transparency Register an undertaking given in relation to a civil penalty provision of this Act.

Delegation

(3) The Electoral Commissioner may, in writing, delegate his or her powers and functions under the Regulatory Powers Act to an SES employee, or acting SES employee, of the Commission.

Note: The expressions ***SES employee*** and ***acting SES employee*** are defined in section 2B of the *Acts Interpretation Act 1901*.

(4) A person exercising powers or performing functions under a delegation under subsection (3) must comply with any directions of the Electoral Commissioner.

385 Certificate evidence

On any prosecution under this Act the certificate of the Electoral Commissioner, Australian Electoral Officer, or Divisional Returning Officer that the election mentioned in the certificate was duly held and that the person named in the certificate was a candidate at the election shall be evidence of the matter stated.

385A Evidence of authorship or authorisation of material

In proceedings for an offence against, or a contravention of a civil penalty provision in, this Act:

(a) a communication of electoral matter that includes a name purporting to be the author's name is admissible as evidence

that the person named is the author of the communication; and

(b) a communication of electoral matter that includes a statement that it was authorised by a specified person is admissible as evidence of that fact.

386 Disqualification for bribery and undue influence

Any person who:

(a) is convicted of an offence against:

(i) section 326 or 327 of this Act or section 83.4 of the *Criminal Code*; or

(ii) an offence against section 11.1 of the *Criminal Code* that relates to an offence referred to in subparagraph (i); or

(b) is found by the Court of Disputed Returns to have committed or attempted to commit bribery or undue influence, within the meaning of Part XXII, when a candidate;

shall, during a period of 2 years from the date of the conviction or finding, be incapable of being chosen or of sitting as a Member of either House of the Parliament.

386A Immunity from suit

(1) No action, suit or proceeding (except proceedings under this Act) lies against the Commonwealth, or a person who has been an officer or employee of the Commonwealth, in relation to anything done in good faith by the Electoral Commission, or an officer or an employee of the Electoral Commission, under this Act in relation to a logo of a party.

(2) No action, suit or proceeding (except proceedings under this Act) lies against the Commonwealth, or a person who has been an officer or employee of the Commonwealth, in relation to anything done in good faith by the Electoral Commission, or an officer or an employee of the Electoral Commission, in relation to publishing documents under section 181A (publication of qualification checklist etc. on website).

387 Electoral papers to be sent free by post

All electoral papers provided for by this Act may be transmitted through the post free of charge to any elector or person claiming to be an elector, subject to the regulations in force under the *Postal Services Act 1975*, and all papers so transmitted to an elector, if duly addressed, shall, on proof of posting, unless the contrary be shown, be deemed to have been duly served on and received by the elector to whom they were addressed on the day when in the ordinary course of post they should have been received at the elector's address.

387A Service of process by mail

For the purposes of proceedings for an offence under section 245, process is taken to be served on a person if it is delivered by mail to the person's latest known address.

388 Averments deemed to be proved

In any prosecution in a court of summary jurisdiction in respect of a contravention of the provisions of this Act or the regulations relating to compulsory enrolment or compulsory voting, instituted by an officer or by any person acting under the direction of an officer, the averments of the prosecutor contained in the information or complaint shall be deemed to be proved in the absence of evidence to the contrary.

389 Defendant may be called upon to give evidence

Where any person has secured enrolment in pursuance of an electoral claim, or has made a claim for enrolment or transfer of enrolment and any proceedings arise in any court of competent jurisdiction in respect of such claim for enrolment or transfer of enrolment the person may be called upon to give evidence upon oath to the court as to the truth of the statements contained in the claim for enrolment or transfer of enrolment.

390 Production of claims for enrolment etc.

(1) A person who is, or has been, an officer shall not, except for the purposes of this Act, be required:

(a) to produce in court a claim for enrolment (including a provisional claim for enrolment) or transfer of enrolment under this Act, a copy of a notice given under section 103A or 103B or anything received in response to a notice given under subsection 103A(2) or 103B(2); or

(b) to disclose or communicate to a court any matter or thing that has come under the person's notice in the performance of duties or functions under this Act in relation to:

(i) a claim for enrolment (including a provisional claim for enrolment) or transfer of enrolment under this Act; or

(ii) anything done under subsection 103A(2), (3), (4) or (6), or subsection 103B(2), (3), (4) or (6).

Note: Section 103A deals with updating or transferring a person's enrolment, and section 103B deals with enrolling an unenrolled person, without a claim or notice from the person.

(2) In this section, ***officer*** includes any person performing duties, or exercising powers or functions, under or in relation to this Act.

390A Claims for enrolment etc. not to be subject to warrants

(1) A warrant issued under section 3E of the *Crimes Act 1914* does not authorise the seizure of a claim for enrolment or transfer of enrolment, a copy of a notice given under section 103A or 103B, or anything received in response to a notice given under subsection 103A(2) or 103B(2), in the possession of the Electoral Commission or of an officer.

Note: Section 103A deals with updating or transferring a person's enrolment, and section 103B deals with enrolling an unenrolled person, without a claim or notice from the person.

(2) In this section:

claim for enrolment includes a provisional claim for enrolment.

officer includes any person performing duties, or exercising powers or functions, under or in relation to this Act.

391 Record of claims for enrolment etc.

(1) A claim for enrolment (including a provisional claim for enrolment) or transfer of enrolment under this Act may, with the approval of the Electoral Commissioner, be destroyed if a record of the particulars contained in the claim is made and kept in any permanent form approved, in writing, by the Electoral Commissioner.

(2) A record made and kept under subsection (1) of particulars contained in a claim for enrolment (including a provisional claim for enrolment) or transfer of enrolment is admissible in evidence in any proceeding and is prima facie evidence of any such particular.

392 Forms

(1) Strict compliance with the forms in Schedule 1, except the qualification checklist in Form DB in Schedule 1, shall not be required, and substantial compliance therewith shall suffice for the purposes of this Act.

Note: Paragraph 170(1)(d) provides that a nomination is not valid if a mandatory question in the qualification checklist in Form DB of Schedule 1 is not answered.

(2) The regulations may provide:

(a) that a form in Schedule 1 be altered as specified in the regulations; or

(b) that a form be used in place of a form in Schedule 1.

(2A) Where regulations have been made in relation to a form in Schedule 1, a provision of this Act that refers to the form shall be taken to refer:

(a) if the regulations provide that the form be altered, to the form so altered; and

(b) if the regulations provide that another form be used in place of the form, to that other form.

(3) The regulations may prescribe combined forms containing the substance of any 2 or more forms to the intent that the combined form may be used in lieu of any of those forms.

(4) The regulations may permit the use of any repealed form for any prescribed period, notwithstanding that a new form has been prescribed in lieu of it, and without any attestation or witnessing further than is provided for in the repealed form.

(5) In subsection (4) ***repealed form*** includes:

(a) a form prescribed under any Act repealed by this Act and in force at the commencement of this Act; and

(b) a form prescribed by any regulations made under this Act and subsequently repealed.

Alteration of the qualification checklist

(6) To avoid doubt, regulations made for the purposes of this section may alter the qualification checklist in Form DB in Schedule 1.

(7) However, alterations of that Form by the regulations must not be expressed to commence before the first day those regulations are no longer liable to be disallowed, or to be taken to have been disallowed, under section 42 of the *Legislation Act 2003*.

393A Preservation of documents

(1) In this section, ***electoral documents*** includes:

(a) ballot papers; and

(b) certified lists of voters; and

(ba) approved lists of voters; and

(c) certified copies of the Roll; and

(d) declarations; and

(e) postal vote certificates; and

(f) pre-poll vote certificates for declaration voting; and

(g) lists prepared under section 245.

(2) An Australian Electoral Officer is responsible for the safe custody, in accordance with the directions of the Electoral Commissioner, of ballot papers transmitted to him or her in accordance with paragraph 273(3)(d) until the ballot papers are destroyed.

(3) The DRO for a Division is responsible for the safe custody, in accordance with the directions of the Electoral Commissioner, of

electoral documents used in the Division in connection with an election until the documents are destroyed.

(4) An officer who conducts a scrutiny shall, after the completion of the scrutiny, parcel up and seal all electoral documents (except approved lists of voters) dealt with or used in the scrutiny.

(5) Each Assistant Returning Officer shall send to the DRO, in parcels fastened and sealed, all electoral documents (except approved lists of voters) used in an election in that portion of the Division for which he or she was appointed.

(6) A DRO may open a parcel sent to the DRO by an Assistant Returning Officer.

(7) Material removed from a parcel shall:
  (a) be retained by the DRO; or
  (b) be dealt with according to the directions of the Electoral Commissioner.

(8) When the purpose for which material was removed from a parcel has been satisfied, the DRO shall:
  (a) as soon as practicable, replace the material in the parcel and refasten and reseal the parcel; and
  (b) write on the covering of the parcel a notation indicating that the parcel has been opened by the DRO and specifying the purpose for which it was opened.

(9) A DRO who opens a parcel shall not mark or alter, or permit any other person to mark or alter, a document removed from the parcel.

(10) Subject to Part XXII, the Electoral Commissioner may direct that electoral documents be destroyed if:
  (a) not less than 6 months have elapsed since the declaration of the poll in the election in which the documents were used; and
  (b) the documents are no longer required by the Electoral Commission for the performance of its functions.

394 No State or Territory vote to be held on polling day

(1) On the day appointed as polling day for an election of the Senate or a general election of the House of Representatives, no election, referendum or vote of the electors of a State or Territory or part of a State or Territory may, without the authority of the Governor-General, be held or taken under a law of the State or Territory.

(2) On the day appointed as polling day for an election of the Senate or a general election of the House of Representatives, no election, referendum or vote of the electors of Norfolk Island may, without the authority of the Governor-General, be held or taken under a law in force in Norfolk Island.

(3) In subsection (1):

Territory means:

(a) the Australian Capital Territory, not including Norfolk Island; or

(b) the Northern Territory.

395 Regulations

The Governor-General may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for giving effect to this Act, and in particular:

(a) prescribing penalties not exceeding 5 penalty units for any contravention of any regulation made in pursuance of this Act; and

(b) prescribing the procedure in relation to the imposition and recovery of penalties for offences against the compulsory enrolment or compulsory voting provisions of this Act; and

(c) the grounds upon which postal ballot papers are to be rejected as informal; and

(d) requiring electors who are registered in accordance with section 185 as general postal voters for a Division to notify the Divisional Returning Officer for the Division of any change in address or of any other circumstances relevant to

the elector's registration under that section as a general postal voter for the Division; and

(e) providing for how the Commission is to supply goods or services under an arrangement under section 7A.

396 Modifications by legislative instrument in the event of an emergency

Scope

(1) This section applies if:

(a) an emergency is declared (however described) under a Commonwealth emergency law; and

(b) the Electoral Commissioner is satisfied on reasonable grounds that the emergency to which the declaration relates would interfere with the due conduct of an election in a geographical area to which the declaration applies (the ***emergency area***).

Electoral Commissioner may modify operation of this Act, or provisions of this Act, in certain circumstances

(2) If the Electoral Commissioner is satisfied on reasonable grounds that it is necessary or conducive to ensure the due conduct of the election in the emergency area, the Electoral Commissioner may, by legislative instrument, modify the operation of this Act, or specified provisions of this Act, in relation to any or all of the following:

(a) expanding the grounds on which a person in the emergency area may apply for a postal vote or a pre-poll vote (see sections 183 and 200A);

(b) extending the period during which applications for pre-poll votes may be made to a pre-poll voting officer (see section 200BA) at a place in the emergency area (but not so as to be earlier than 5 days after the declaration of nominations);

(c) amending the number of scrutineers a group of candidates is entitled (see section 264) to be represented by at a scrutiny under section 273A at a particular counting centre in the

emergency area (but not so as to be less than one scrutineer per group of candidates per officer engaged in a scrutiny or counting of ballot papers at that centre).

Note: For the meaning of ***group***, see subsection (10).

(3) The Electoral Commissioner may, by legislative instrument, modify the operation of this Act, or specified provisions of this Act, to allow a person to do either or both of the following:

(a) if the Electoral Commissioner is satisfied, on reasonable grounds, that the person being present for action that is to take place under the Act in the emergency area is necessary or conducive for the due conduct of the election in the emergency area—travel, or be present, for the action;

(b) conduct an activity mentioned in subsection (4) within 100 metres of the entrance to a polling booth or pre-poll voting office in the emergency area, or travel for the purposes of conducting the activity;

despite a prescribed Commonwealth, State or Territory law, or a prescribed kind of Commonwealth, State or Territory law.

Note: Paragraph (a) may cover, for example:

(a) permitting candidates, and agents for candidates, to be present at a place of nomination, in the emergency area, for the determination of the order of the names of the candidates or of groups in ballot papers to be used in an election; or

(b) permitting scrutineers to be present at a counting centre, in the emergency area, for scrutiny.

(4) For the purposes of paragraph (3)(b), the activities are the following:

(a) canvassing for votes in an election;

(b) supplying electoral matter to electors;

(c) soliciting the vote of an elector in an election;

(d) exhibiting a notice or sign (other than an official notice or sign) relating to an election.

(5) A legislative instrument made under subsection (2) or (3) has effect according to its terms, despite any other provision of this Act.

Electoral Commissioner must notify the Prime Minister and Leader of the Opposition

(6) Before making an instrument under subsection (2) or (3), the Electoral Commissioner must notify the Prime Minister and the Leader of the Opposition in the House of Representatives, in writing:

(a) that the Electoral Commissioner is considering making the instrument; and

(b) why the Electoral Commissioner considers it necessary to make the instrument; and

(c) how modifications to be made under the instrument will be limited to the emergency area and the period for which the relevant emergency declaration is in force.

Modification must be published on the Electoral Commission's website

(7) If the Electoral Commissioner makes a legislative instrument under subsection (2) or (3), the Electoral Commissioner:

(a) must publish the legislative instrument on the Electoral Commission's website; and

(b) may publish the legislative instrument in any other way the Electoral Commissioner considers appropriate.

Commonwealth emergency law

(8) In this section, ***Commonwealth emergency law*** means the following:

(a) the *Biosecurity Act 2015*;

(b) the *National Emergency Declaration Act 2020*;

(c) the *National Health Act 1953*;

(d) the *National Health Security Act 2007*;

(e) any other Commonwealth law specified under subsection (9).

(9) The Minister may, by legislative instrument, specify a law of the Commonwealth for the purposes of the definition of ***Commonwealth emergency law*** in subsection (8).

Group of candidates

(10) In this section, ***group*** of candidates has the same meaning as in Part XX.

Note: See subsection 287(1).

Sunset

(11) A legislative instrument made under subsection (2) or (3) ceases to have effect at the earlier of the following:

(a) when the emergency declaration referred to in subsection (1) is revoked, repealed or otherwise ceases to have effect;

(b) when the writs for the election to which the legislative instrument relates are returned.

Schedule 1—Forms

Section 152

FORM A

COMMONWEALTH OF AUSTRALIA

To the Australian Electoral Officer for the State of [*here insert name of State*].

GREETING.

We command you to cause election to be made according to law of [*here insert number*] Senators for our State of [*here insert name of State*] to serve in the Senate of the Parliament of the Commonwealth of Australia. And we appoint the day of 20 as the day for the close of the Rolls. And we appoint the day of 20 , at twelve o'clock noon to be the day and time before which nominations of Senators at and for the said election are to be made. And we appoint the day of 20 , to be the day on which the poll is to be taken in the event of the said election being contested. And we command you to certify the names of the Senators elected and to return this our writ with the certificate attached to our Governor in and over our said State on or before the day of 20 .

Witness [*here insert the title of the Governor of the State issuing the writ*] at [*here insert place*] in our said State the day of in the year of our Lord Two thousand and

Section 152

FORM AA

COMMONWEALTH OF AUSTRALIA

To the Australian Electoral Officer for the Territory of [*here insert name of Territory*].

GREETING.

We command you to cause election to be made according to law of 2 Senators for our Territory of [*here insert name of Territory*] to serve in the Senate of the Parliament of the Commonwealth of Australia from and after the date of their election. And we appoint the day of 20 as the day for the close of the Rolls. And we appoint the day of 20 , at twelve o'clock noon to be the day and time before which nominations of Senators at and for the said election are to be made. And we appoint the day of 20 , to be the day on which the poll is to be taken in the event of the said election being contested. And we command you to certify the names of the Senators elected and to return this our writ with the certificate attached to our Governor-General in and over our said Commonwealth of Australia on or before the day of 20 .

Witness [*here insert the Governor-General's title*] at [*here insert place*] the day of in the year of our Lord Two thousand and

Section 152

FORM B

Writ for the Election of [*here insert members or a member, as the case requires*] *of the House of Representatives.*

COMMONWEALTH OF AUSTRALIA

To, Electoral Commissioner.

GREETING.

We command you that you cause [*here insert elections or election, as the case requires*], to be made according to law of [*here insert Members of the House of Representatives or one Member of the House of Representatives for the Electoral Division of* [*here insert name of Division*], *as the case requires*], to serve in the Parliament of our Commonwealth of Australia and we appoint the following dates for the purposes of the said, [*elections or election as the case requires*]

1. For the close of the Rolls the day of 20 .
2. For nomination the day of 20 .
3. For taking the poll at the different polling places in the event of the election being contested the day of 20 .
4. For the return of the writ on or before the day of 20 .

Witness [*here insert the Governor-General's title or Speaker's title, as the case requires*] at [*here insert place*] the day of in the year of our Lord Two thousand and

Section 166

FORM C

Nomination of a Senator

To the Electoral Commissioner.

We, electors on the electoral roll for [*name of State or Territory*] and entitled to vote at the election of Senators for that [State/Territory], hereby nominate the person named below as a Senator for that [State/Territory] to serve in the Senate of the Parliament of the Commonwealth.

Dated 20 .

Nominators

Surname or family name	Christian or given names	Residential address for which enrolled	Date of Birth	Signature

Candidate

Name of candidate as enrolled		Form of Christian or given names to appear on ballot paper
Surname or family name	Christian or given names	
Residential address		Occupation

I, the candidate named above, state that:

	Please tick [√]	
• I am an Australian citizen	Yes [ ]	No [ ]
• I am at least 18 years of age	Yes [ ]	No [ ]
• I am an elector or qualified to be an elector	Yes [ ]	No [ ]
• I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Senator	Yes [ ]	No [ ]

and I declare that:

- I am qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator;
- I am not, and do not intend to be, a candidate in any other election to be held on the same day as the election to which the above nomination relates;
- I consent to act as a Senator for the above [State/Territory] if elected.

I wish my Christian or given names to appear on the ballot paper in the form shown above.

[*Signature of candidate*]

Section 166

FORM CA

Nomination of a Senator

To the Electoral Commissioner.

I, [*name*], the registered officer [*or* deputy registered officer] of the [*name of registered political party*] hereby nominate the person named below as a Senator for [*name of State or Territory*] to serve in the Senate of the Parliament of the Commonwealth.

I wish/do not wish the logo of the [*name of registered political party*] entered in the Register to appear on the ballot paper.

Dated 20 .

[*Signature*]

Candidate

<table>
<tr><td colspan="2">Name of candidate as enrolled</td><td rowspan="2">Form of Christian or given names to appear on ballot paper</td></tr>
<tr><td>Surname or family name</td><td>Christian or given names</td></tr>
<tr><td colspan="2">Residential address</td><td>Occupation</td></tr>
</table>

I, the candidate named above, state that:

	Please tick [√]	
• I am an Australian citizen	Yes [ ]	No [ ]
• I am at least 18 years of age	Yes [ ]	No [ ]
• I am an elector or qualified to be an elector	Yes [ ]	No [ ]
• I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Senator	Yes [ ]	No [ ]

and I declare that:

- I am qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator;
- I am not, and do not intend to be, a candidate in any other election to be held on the same day as the election to which the above nomination relates;
- I consent to act as a Senator for the above [State/Territory] if elected.

I wish my Christian or given names to appear on the ballot paper in the form shown above.

[*Signature of candidate*]

Section 166

FORM CC

Nomination of Senators

To the Electoral Commissioner.

I, [*name*], the registered officer [*or* deputy registered officer] of the [*name of registered political party*] hereby nominate the persons named below as Senators for [*name of State or Territory*] to serve in the Senate of the Parliament of the Commonwealth.

I wish/do not wish the logo of the [*name of registered political party*] entered in the Register to appear on the ballot paper.

Dated 20 .

[*Signature*]

Each of the candidates named below, states that:

	Please tick [√]	
• I am an Australian citizen	Yes [ ]	No [ ]
• I am at least 18 years of age	Yes [ ]	No [ ]
• I am an elector or qualified to be an elector	Yes [ ]	No [ ]
• I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Senator	Yes [ ]	No [ ]

and declares as follows:

- I am qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator;
- I am not, and do not intend to be, a candidate in any other election to be held on the same day as the election to which the above nomination relates;
- I consent to act as a Senator for the above [State/Territory] if elected.

Each of the candidates named below requests that the Christian or given names of the candidate appear on the ballot paper in the form shown below.

Name of candidate as enrolled		Form of Christian or given names to appear on ballot paper	Residential address	Occupation	Signature
Surname or family name	Christian or given names				

Section 166

FORM D

Nomination of a Member of the House of Representatives

To the Electoral Commissioner

We, electors on the electoral roll for the Division of [*name of Division*] and entitled to vote at the election of a Member of the House of Representatives for that Division, hereby nominate the person named below as a Member of that House for that Division.

Dated 20 .

Nominators

Surname or family name	Christian or given names	Residential address for which enrolled	Date of Birth	Signature

Candidate

Name of candidate as enrolled		Form in which Christian or given names to appear on ballot paper
Surname or family name	Christian or given names	
Residential address		Occupation

I, the candidate named above, state that:

	Please tick [√]	
• I am an Australian citizen	Yes [ ]	No [ ]
• I am at least 18 years of age	Yes [ ]	No [ ]
• I am an elector or qualified to be an elector	Yes [ ]	No [ ]

- I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a member of the House of Representatives — Yes [ ] No [ ]

and I declare that:

- I am qualified under the Constitution and the laws of the Commonwealth to be elected as a Member of the House of Representatives;
- I am not, and do not intend to be, a candidate in any other election to be held on the same day as the election to which the above nomination relates;
- I consent to act as a Member of the House of Representatives for the above Division if elected.

I wish my Christian or given names to appear on the ballot paper in the form shown above.

[*Signature of candidate*]

Section 166

FORM DA

Nomination of a Member of the House of Representatives

To the Electoral Commissioner

I, [*name*], the registered officer [*or* deputy registered officer] of the [*name of registered political party*] hereby nominate the person named below as a Member of the House of Representatives for the Division of [*name of Division*].

I wish/do not wish the logo of the [*name of registered political party*] entered in the Register to appear on the ballot paper.

Dated 20 .

[*Signature*]

Name of candidate as enrolled		Form in which Christian or given names to appear on ballot paper
Surname or family name	Christian or given names	
Residential address		Occupation

I, the candidate named above, state that:

	Please tick [√]	
• I am an Australian citizen	Yes [ ]	No [ ]
• I am at least 18 years of age	Yes [ ]	No [ ]
• I am an elector or qualified to be an elector	Yes [ ]	No [ ]
• I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a member of the House of Representatives	Yes [ ]	No [ ]

and I declare that:

- I am qualified under the Constitution and the laws of the Commonwealth to be elected as a Member of the House of Representatives;
- I am not, and do not intend to be, a candidate in any other election to be held on the same day as the election to which the above nomination relates;
- I consent to act as a Member of the House of Representatives for the above Division if elected.

I wish my Christian or given names to appear on the ballot paper in the form shown above.

[*Signature of candidate*]

Definition of ***qualification checklist*** in subsection 4(1); paragraph 170(1)(d)

FORM DB

QUALIFICATION CHECKLIST RELATING TO YOUR ELIGIBILITY UNDER SECTION 44 OF THE AUSTRALIAN CONSTITUTION

……..
[*Candidate's name*]

Please fill out this checklist.

Be aware that completing this checklist does not guarantee that you are eligible to be elected under section 44 of the Australian Constitution or under the *Commonwealth Electoral Act 1918*.

If you have any doubts about your eligibility, you should seek independent legal advice.

If you provide information in this checklist that you know is false or misleading, you may commit an offence against the *Criminal Code* with a maximum penalty of imprisonment for 12 months, $12,600 or both.

You must answer every question in the checklist that has check boxes by marking one, and only one, of the boxes provided. Your nomination will be rejected if you do not mark any of the boxes, or if you mark more than one of the boxes, provided for any of these questions.

Please provide supporting documentation as appropriate. You may provide additional documents if you are unable to fit all your responses in this checklist.

Note: If you answer 'yes' in question 10 then you **must provide at least one document** in response to question 10a.

You should not include information in this checklist, or in any additional documents you provide, that is inappropriate in any way. If you do, the information may be redacted by the Electoral Commissioner and not published on the Australian Electoral Commission's website.

You may choose to redact information (for example, your own or another person's personal information) from additional documents before providing

them. Redactions must be in accordance with any directions of the Electoral Commissioner.

The candidate statement and declaration that you have made elsewhere in this nomination also relate to your eligibility to be elected. In that statement and declaration:

(a) you have declared that you are qualified under the Constitution and the laws of the Commonwealth to be elected as a Senator or member of the House of Representatives; and

(b) you have stated that you are an Australian citizen.

1. Do you know the place of birth of each of your parents and grandparents (whether biological or adoptive)?

YES ☐ NO ☐

1a. Please provide any relevant details (for example, why you do not know the place of birth of a parent or grandparent):

Other relevant details relating to your knowledge of your parents' and grandparents' places of birth

[Please provide particulars of, or documents related to, any details provided in response to question 1a. These will be published with this checklist on the Australian Electoral Commission's website.]

2. Do you have a parent or grandparent that you know was born in another country? This may be a biological or adoptive parent or grandparent. (If you do not know any of your parents' or grandparents' places of birth, please mark the 'N/A' box.)

YES ☐ NO ☐ N/A ☐

2a. If 'yes', please provide the following details, to the extent known:

Relationship to you (eg mother or adoptive father)	Place of birth	Date of birth

2b. Please provide any other relevant details:

Other relevant details relating to your parents' and grandparents' places and dates of birth

[Please provide particulars of, or documents related to, any details provided in response to questions 2a and 2b. These will be published with this checklist on the Australian Electoral Commission's website.]

3. Have you provided details in question 2a in relation to each parent and grandparent that you know was born in another country? (If you do not know any of your parents' or grandparents' places of birth, please mark the 'N/A' box.)

YES ☐ NO ☐ N/A ☐

3a. If 'no', please explain why you have not provided those details:

Explanation of why you have not provided details relating to each parent and grandparent that you know was born in another country

4. Do you know which citizenships have been held by each of your parents and grandparents (whether biological or adoptive)?

YES ☐ NO ☐

4a. Please provide any relevant details (for example, why you do not know the citizenships held at a particular time by a particular parent or grandparent):

Other relevant details relating to your knowledge of your parents' and grandparents' citizenships

[Please provide particulars of, or documents related to, any details provided in response to question 4a. These will be published with this checklist on the Australian Electoral Commission's website.]

5. Do you have a parent or grandparent that you know acquired citizenship of another country by descent, naturalisation or other means? This may be a biological or adoptive parent or grandparent. (If you do not know any of your parents' or grandparents' citizenship, please mark the 'N/A' box.)

YES ☐ NO ☐ N/A ☐

5a. If 'yes', please provide the following details, to the extent known:

Relationship to you (eg mother or adoptive father)	Country of foreign citizenship	Period foreign citizenship held

5b. Please provide any other relevant details:

Other relevant details relating to your parents' and grandparents' foreign citizenships

[Please provide particulars of, or documents related to, any details provided in response to questions 5a and 5b. These will be published with this checklist on the Australian Electoral Commission's website.]

6. Have you provided details in question 5a in relation to each parent and grandparent that you know acquired citizenship of another country by descent, naturalisation or other means? (If you do not know any of your parents' or grandparents' citizenship, please mark the 'N/A' box.)

YES ☐ NO ☐ N/A ☐

6a. If 'no', please explain why you have not provided those details:

Explanation of why you have not provided details relating to each parent and grandparent that you know acquired citizenship of another country

7. Do you know which citizenships have been held by each of your current and former spouses and similar partners? (If you do not have a current or former spouse or similar partner, please mark the 'N/A' box.)

YES ☐ NO ☐ N/A ☐

7a. Please provide any relevant details (for example, why you do not know the particular citizenships held at a particular time by a current or former spouse or similar partner):

Other relevant details relating to your knowledge of the citizenships of your current and former spouses and similar partners

[Please provide particulars of, or documents related to, any details provided in response to question 7a. These will be published with this checklist on the Australian Electoral Commission's website.]

8. Do you have a current or former spouse or similar partner who you know is or was a citizen of another country? (If you do not have a current or former spouse or similar partner, or you do not know the citizenship of any of your current or former spouses or similar partners, please mark the 'N/A' box.)

YES ☐ NO ☐ N/A ☐

8a. If 'yes', please provide the following details, to the extent known:

Relationship to you (eg wife or former de facto partner)	Country of foreign citizenship	Was foreign citizenship held at the time of marriage (if applicable)?

8b. Please provide any other relevant details (for example, whether you acquired foreign citizenship because of a spouse's foreign citizenship):

Other relevant details relating to your current or former spouse's or similar partner's foreign citizenship

[Please provide particulars of, or documents related to, any details provided in response to questions 8a and 8b. These will be published with this checklist on the Australian Electoral Commission's website.]

9. Have you provided details in question 8a in relation to each current or former spouse or similar partner that you know is or was a citizen of another country? (If you do not have a current or former spouse or similar partner, or you do not know the citizenship of any of your current or former spouses or similar partners, please mark the 'N/A' box.)

YES ☐ NO ☐ N/A ☐

9a. If 'no', please explain why you have not provided those details:

Explanation of why you have not provided details relating to each current or former spouse or similar partner that you know is or was a citizen of another country

10. Have you ever been a subject or citizen of any country other than Australia?

YES ☐ NO ☐ UNKNOWN ☐

10a. If 'yes', please provide the following details, to the extent known:

Country of foreign citizenship	Manner in which foreign citizenship was lost (if applicable)	Date of losing foreign citizenship (if applicable)

[If you contend that you have renounced or lost your foreign citizenship, you **must provide at least one document** that you are satisfied supports your contention. (The document may be an official document, or if you have no official document, a statutory declaration.) This will be published with this checklist on the Australian Electoral Commission's website.]

10b. Please provide any other relevant details (for example, how you lost your foreign citizenship, or why the response to question 10 is unknown):

Other relevant details relating to the loss of your foreign citizenship

[In addition to the requirement to provide at least one document mentioned under question 10a, please provide particulars of, or documents related to, any other details provided in response to questions 10a and 10b. These will be published with this checklist on the Australian Electoral Commission's website.]

11. Are you now a subject or citizen of any country other than Australia?

YES ☐ NO ☐ UNKNOWN ☐

11a. If 'yes', please provide the following details, to the extent known:

Country of foreign citizenship	Date of acquiring foreign citizenship

11b. Please provide any other relevant details (for example, why you are prevented from renouncing your foreign citizenship, or why the response to question 11 is unknown):

Other relevant details relating to possible disqualification by reason of section 44(i) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to questions 11a and 11b. These

will be published with this checklist on the Australian Electoral Commission's website.]

12. Are you under sentence or subject to be sentenced, for an offence for which you have been convicted, which is punishable by imprisonment for one year or longer?

NOTE: A person convicted of an offence with a maximum penalty of imprisonment for one year or longer may be disqualified even if the sentence imposed on the person for the offence is less than the maximum penalty.

YES ☐ NO ☐

12a. If 'yes', please provide any relevant details:

Relevant details relating to possible disqualification by reason of section 44(ii) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to question 12a. These will be published with this checklist on the Australian Electoral Commission's website.]

13. Are you an undischarged bankrupt or insolvent?

YES ☐ NO ☐

13a. If 'yes', please provide any relevant details:

Relevant details relating to possible disqualification by reason of section 44(iii) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to question 13a. These will be published with this checklist on the Australian Electoral Commission's website.]

14. Do you hold an office of profit under the Crown, other than an office expressly exempt from section 44(iv) of the Australian Constitution? (Offices of profit under the Crown include, for example, many public sector jobs in Australia.)

YES ☐ NO ☐ UNKNOWN ☐

14a. Please provide any relevant details, to the extent known (for example, the relevant body in which you hold the office of profit and your role, or why the response to question 14 is unknown):

Relevant details relating to possible disqualification by reason of section 44(iv) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to question 14a. These will be published with this checklist on the Australian Electoral Commission's website.]

15. Do you have a direct or indirect financial interest in any contract or other agreement with the Commonwealth public service? Do not count an interest that is expressly excluded from section 44(v) of the Australian Constitution, such as a shareholding in a company that has 25 or more other shareholders.

NOTE: Section 44(v) may disqualify you even if you are not a party to the relevant contract or agreement. A disqualifying financial interest may arise, for example, from an agreement between the Commonwealth public service and a trustee of a family trust of which you are a beneficiary.

YES ☐ NO ☐ UNKNOWN ☐

15a. Please provide any relevant details, to the extent known (for example, your direct or indirect financial interests, or why the response to question 15 is unknown):

Relevant details relating to possible disqualification by reason of section 44(v) of the Australian Constitution

[Please provide particulars of, and documents related to, any details provided in your response to question 15a. These will be published with this checklist on the Australian Electoral Commission's website.]

16. Please provide any additional details relating to your qualification under the Australian Constitution or the *Commonwealth Electoral Act 1918*:

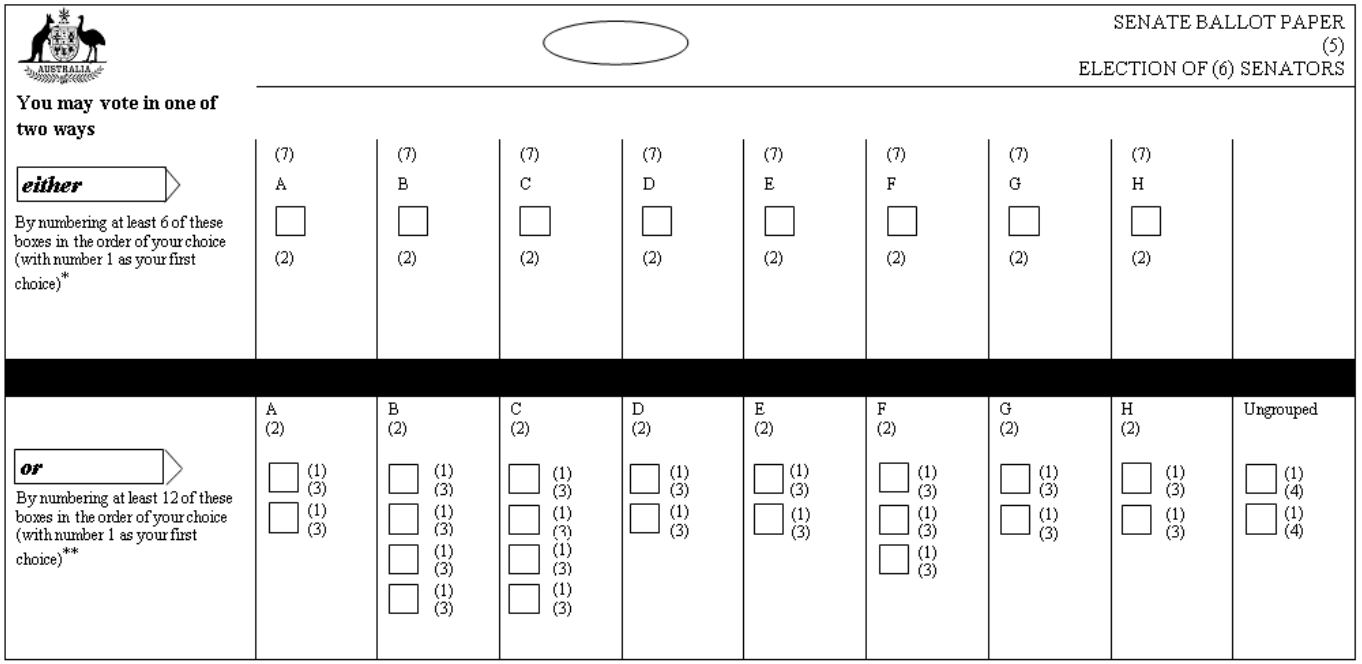
[Please provide particulars of, and documents related to, any details provided in your response to question 16. These will be published with this checklist on the Australian Electoral Commission's website.]

I confirm the information in the checklist provided above, and any additional information provided in support of my statements, to be true and correct, to the best of my knowledge.

[*Signature of candidate*] [*Date*]

Note: See section 209.

FORM E



(1) Here, or below the square, insert name of a candidate.

(2) Here insert name of a registered political party or composite name of registered political parties if to be printed.

(3) Here, or below the square, insert the name of a registered political party if to be printed.

(4) Here, or below the square, insert name of a registered political party or word 'Independent' if to be printed.

(5) Here insert name of State or Territory and year of election.

(6) Here insert number of vacancies.

(7) Here insert the logo of a registered political party if to be printed.

* If the ballot paper has 6 or fewer squares above the line, replace the instruction with “By numbering these boxes in the order of your choice (with number 1 as your first choice)”.

** If the ballot paper has 12 or fewer squares below the line, replace the instruction with “By numbering these boxes in the order of your choice (with number 1 as your first choice)”.

Section 209

FORM F

BALLOT PAPER

HOUSE OF REPRESENTATIVES

[*here insert name of State or Territory as appropriate*]

Electoral Division of [*here insert name of Division*].

Number the boxes from 1 to [*here insert number of candidates*] in the order of your choice

3 ☐ 1
2

3 ☐ 1
2

☐ 1
2

3 ☐ 1
2

Remember. . . . number *every* box to make your vote count.

[1 *Here insert name of a candidate.*

2 *Here insert name of a registered political party, composite name of registered political parties or "Independent" if to be printed.*

3 *Here insert logo of a registered party if to be printed.*]

Schedule 2—Grounds of application for postal or pre-poll vote

Sections 183 and 200A

1. Throughout the hours of polling on polling day, the person will be absent from the State or Territory for which the person is enrolled.

2. The person will not, at any time during the hours of polling on polling day, be within 8 kilometres by the nearest practicable route of any polling booth in the State or Territory for which the person is enrolled.

3. Throughout the hours of polling on polling day, the person will be travelling under conditions that will prevent the person attending a polling booth in the State or Territory for which the person is enrolled.

3A. Throughout the hours of polling on polling day, the person will be absent from the Division for which the person is enrolled.

4. The person will be unable to attend a polling booth on polling day because the person:
   (a) is seriously ill; or
   (b) is infirm; or
   (c) has recently given birth or is expected shortly to do so; or
   (d) is a person with disability.

   (In the case of a person who will be a patient at a hospital on polling day, this paragraph applies regardless of the operation of sections 224 and 227 of the Act.)

5. The person will be unable to attend a polling booth on polling day because the person will be at a place (other than a hospital) caring for a person who:
   (a) is seriously ill; or
   (b) is infirm; or
   (c) has recently given birth or is expected shortly to do so; or
   (d) is a person with disability.

6. Throughout the hours of polling on polling day, the person will be a patient at a hospital and unable to vote at the hospital.

7A. The person will be unable to attend a polling booth on polling day because of a reasonable fear for, or a reasonable apprehension about, his or her personal wellbeing or safety.

8. Because of the person's religious beliefs or membership of a religious order, the person:
   (a) is precluded from attending a polling booth; or
   (b) for the greater part of the hours of polling on polling day, is precluded from attending a polling booth.

9. On polling day, the person will be serving a sentence of imprisonment or otherwise under detention.

10. The person's address has been excluded from the Roll under section 104.

11. Throughout the hours of polling on polling day, the person will be engaged in his or her employment or occupation and:
   (a) if the person is an employee, the person is not entitled to leave of absence under section 345; and
   (b) in any other case, the absence of the person for the purpose of attending at a polling booth to vote would be likely to cause loss to the person in his or her occupation.

Schedule 3—Rules for the conduct of a preliminary scrutiny of declaration votes

Subsection 266(3)

1. The DRO shall produce unopened all envelopes containing declaration votes of the kind to which the preliminary scrutiny relates received by the DRO:
   (a) in the case of the first preliminary scrutiny—before the commencement of that scrutiny; and
   (b) in the case of a subsequent preliminary scrutiny—after the commencement of the last preceding preliminary scrutiny and before the commencement of the subsequent preliminary scrutiny.

3. If the DRO has reason to doubt that the signature on the postal vote certificate that purports to be the elector's signature is the elector's signature, the DRO must check the signature against the most recent record (if any) of the elector's signature that is available to the DRO.

3A. For each envelope in relation to which the following paragraphs are satisfied:
   (a) the envelope purports to contain a provisional vote ballot paper;
   (b) the DRO has reason to doubt that the signature on the envelope that purports to be the elector's signature is the elector's signature;

   the DRO must check the signature against the most recent record (if any) of the elector's signature that is available to the DRO. If, after so checking the signature, the DRO is not satisfied that the signature on the envelope is the signature of the elector, the DRO must make all reasonable attempts to contact the elector within 3 days after the election, to require the elector to provide evidence of his or her identity by the first Friday following the polling day for that election.

4. The DRO shall divide the envelopes being dealt with into groups, as follows:

(a) in one group, the envelopes that meet the requirements of paragraph 6;
(b) in another group, the envelopes that do not meet those requirements.

5. The DRO shall, without opening the envelopes, subject to the operation of paragraphs 23 and 24, exclude from further scrutiny the ballot papers contained in envelopes that do not meet the requirements of paragraph 6.

6. An envelope meets the requirements of this paragraph if the DRO is satisfied:
   (a) in the case of an envelope purporting to contain a postal ballot paper, other than an envelope sent under section 186 to a registered general postal voter who was registered on the ground specified in paragraph 184A(2)(e) or (f), that the signature on the certificate is that of the elector and that:
      (i) the signature purports to be witnessed by an authorised witness; or
      (ii) the signature is taken to be witnessed by an authorised witness because of subsection 194(1A); and
   (b) in the case of an envelope purporting to contain a pre-poll vote ballot paper, that the certificate has been signed in accordance with section 200E and that the signature purports to be witnessed by the officer who issued the certificate; and
   (c) in the case of an envelope purporting to contain an absent vote ballot paper or a provisional vote ballot paper, that the certificate has been signed in accordance with section 222 or 235 or subsection 234(4), as the case requires, and that the signature purports to be witnessed in accordance with that section or subsection, as the case may be; and
   (ca) in the case of an envelope purporting to contain a provisional vote ballot paper and in relation to which paragraph 3A applies—that the signature on the envelope is that of the elector; and
   (cb) in the case of an envelope purporting to contain a postal ballot paper, a pre-poll vote ballot paper, an absent vote ballot paper or a provisional vote ballot paper, cast by an elector who is provisionally enrolled—that, by the first Friday following the polling day for that election, the elector has provided an officer with evidence that the elector has

become an Australian citizen under the *Australian Citizenship Act 2007*; and

(e) in the case of an envelope purporting to contain a postal ballot paper, that the vote marked on the ballot paper was recorded prior to the close of the poll.

6AA. Despite subparagraphs 6(b) and (c), the DRO may treat an envelope as having met the requirements of paragraph 6 if the DRO is satisfied that:

(a) the envelope purports to contain either:

(i) a pre-poll vote ballot paper for an elector who, but for paragraph 200DG(1)(c), would have been entitled to vote by pre-poll ordinary vote; or

(ii) an absent vote ballot paper for an elector; and

(b) the ballot paper was issued to the elector by a voting officer using an approved list of voters for a Division in accordance with Parts XVA and XVI; and

(c) the elector is neither a designated elector nor a person whose address has been excluded or deleted from a Roll under section 104; and

(d) it is appropriate to do so.

6A. If the DRO is satisfied that more than one envelope that meets the requirements of paragraph 6 purports to contain a declaration vote by the same elector, the DRO must:

(a) treat only one of the envelopes, as selected by the DRO, as meeting the requirements of paragraph 6; and

(b) exclude from further scrutiny the ballot papers contained in the other envelope or envelopes, without opening the envelope or envelopes; and

(c) seal up in a parcel the envelope or envelopes excluded from further scrutiny by subparagraph (b); and

(d) write on the parcel a description of its contents, the name of the Division and the date of the commencement of the preliminary scrutiny.

In applying subparagraph (a), the DRO should, to the extent that it is possible, select the envelope that was received first.

6B. Paragraphs 23 and 24 do not apply to envelopes excluded from further scrutiny because of subparagraph 6A(b).

7. A vote marked on a postal ballot paper must be taken not to have been recorded prior to the close of the poll if the date referred to in paragraph 194(1)(c) in relation to the postal vote certificate is a date after polling day.

7A. A vote marked on a postal ballot paper must be taken not to have been recorded prior to the close of the poll if:
   (a) subsection 194(1A) applies in relation to the vote; and
   (b) the date referred to in paragraph 194(1A)(a) is a date after polling day.

7B. Paragraphs 7 and 7A do not apply to a vote marked on a postal ballot paper if:
   (a) the envelope purporting to contain the postal ballot paper is endorsed with the date and time of receipt under paragraph 195A(2)(c); and
   (b) the date and time is before the close of the poll.

8. An envelope purporting to contain an absent vote ballot paper or a provisional vote ballot paper or a pre-poll vote ballot paper shall not be regarded as failing to meet the requirements of paragraph 6 only because the declaration or certificate, as the case requires, is not witnessed if the voter's name appears on a record made under subsection 232(2) or section 200G, as the case requires, or, if neither of those requirements is met, if the DRO is satisfied that the ballot paper was properly issued.

9. The DRO shall seal up in a parcel the envelopes that do not meet the requirements of paragraph 6 and shall write on the parcel a description of its contents, the name of the Division and the date of commencement of the preliminary scrutiny.

10. If the preliminary scrutiny relates to a Senate election held concurrently with a House of Representatives election or a Senate election held alone, the DRO must divide the envelopes that meet the requirements of paragraph 6 into groups as follows:
   (a) in one group:
      (i) the envelopes bearing certificates or declarations by persons who are enrolled for the Division or whose claims for enrolment are claims to which subsection 102(5) of the Act applies; and

(ia) the envelopes that, under paragraph 6AA, have been treated as having met the requirements of paragraph 6; and

(ii) the envelopes to which paragraph 12 applies and that bear certificates or declarations by persons who, at the time of the omission referred to in that paragraph, were living at an address in the Division;

(b) in another group:

(i) the envelopes bearing certificates or declarations by persons who are not enrolled for the Division but are enrolled for the State or Territory in which the Division is situated; and

(ii) the envelopes to which paragraph 12 applies and that bear certificates or declarations by persons who, at the time of the omission referred to in that paragraph, were not living at an address in the Division but were living at an address in the State or Territory in which the Division is situated;

(c) in another group, all the other envelopes.

11. If the preliminary scrutiny relates to a House of Representatives election not held concurrently with a Senate election, the DRO must divide the envelopes that meet the requirements of paragraph 6 into groups as follows:

(a) in one group:

(i) the envelopes bearing certificates or declarations by persons who are enrolled for the Division or whose claims for enrolment are claims to which subsection 102(5) of the Act applies; and

(ia) the envelopes that, under paragraph 6AA, have been treated as having met the requirements of paragraph 6; and

(ii) the envelopes to which paragraph 12 applies and that bear certificates or declarations by persons who, at the time of the omission referred to in that paragraph, were living at an address in the Division;

(b) in another group, all the other envelopes.

12. This paragraph applies to an envelope if the DRO is satisfied:

(a) that the elector who signed a certificate or declaration on the envelope is not enrolled for the Division; and

(b) after making enquiry:

(i) that the elector was, at the time of voting, entitled to be enrolled for the Division; and

(ii) that the omission of the elector's name from the Roll for the Division was due to an error made by an officer or to a mistake of fact.

13. Subparagraph 12(b) does not apply if:

(a) more than one election (excluding the election to which the scrutiny relates) has been held since the error or mistake was made; or

(b) where there has been a redistribution of the State or Territory that includes the Division since the last election but one before the election to which the scrutiny relates, the error or mistake was made before the last such redistribution.

14. In paragraph 13, ***election*** means:

(a) a general election for the House of Representatives;

(b) a Senate election not held concurrently with a general election for the House of Representatives; or

(c) a referendum not held concurrently with a general election.

15. The DRO shall, without opening the envelopes, subject to the operation of paragraphs 23 and 25, exclude from further scrutiny the ballot papers contained in envelopes referred to in subparagraphs 10(c) and 11(b).

16. The DRO shall seal up in a parcel the envelopes referred to in subparagraphs 10(c) and 11(b) and shall write on the parcel a description of the contents, the name of the Division and the date.

17. The DRO shall, without inspecting them or allowing any other person to do so, withdraw the ballot papers from the envelopes referred to in paragraph 10 or 11 that still remain in the preliminary scrutiny.

17A. The DRO:

(a) may withdraw the ballot papers in accordance with paragraph 17:

(i) for ballot papers of electors other than designated electors—at any time on or after the day that is 5 days before polling day; or

(ii) for ballot papers of designated electors—after the close of the poll; and

(b) if the DRO has not withdrawn the ballot papers in accordance with paragraph 17 by the close of the poll—must do so after the close of the poll.

18. Ballot papers withdrawn from envelopes referred to in subparagraph 10(a) or 11(a) shall be placed in a ballot-box by themselves for further scrutiny.

19. A ballot paper for a Senate election withdrawn from an envelope referred to in subparagraph 10(b) shall be placed in the ballot-box referred to in paragraph 18 for further scrutiny. A ballot paper for a House of Representatives election withdrawn from such an envelope shall be excluded from further scrutiny.

20. The DRO shall seal up in a parcel ballot papers excluded under paragraph 19 and shall write on the parcel a description of its contents, the name of the Division and the date.

22. For the purposes of paragraph 17, an envelope that contains a ballot paper for a referendum shall be dealt with as if it did not contain that ballot paper.

23. In the course of a preliminary scrutiny of declaration votes, the DRO must, at a time determined to be appropriate by the DRO (which may be before the close of the poll for the Division):

(a) open the parcel of envelopes that contains the ballot papers that are, under paragraph 5 and subject to the operation of this paragraph and paragraph 24, excluded from scrutiny, and deal further with those declaration votes in accordance with paragraph 24; and

(b) open the parcel of envelopes that contains the ballot papers that are, under paragraph 15 and subject to the operation of this paragraph and paragraph 25, excluded from scrutiny, and deal further with those declaration votes in accordance with paragraph 25.

24. For the purpose of dealing further with declaration votes referred to in subparagraph 23(a), paragraphs 3 to 22, inclusive, reapply in relation to those votes as if:

(a) the words “subject to the operation of paragraphs 23 and 24,” were omitted from paragraph 5; and

(b) the words “subject to the operation of paragraphs 23 and 25,” were omitted from paragraph 15.

25. For the purpose of dealing further with declaration votes referred to in subparagraph 23(b), paragraphs 10 to 22, inclusive, reapply in relation to those votes as if the words “subject to the operation of paragraphs 23 and 25,” were omitted from paragraph 15.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes
Endnote 2—Abbreviation key
Endnote 3—Legislation history
Endnote 4—Amendment history

Abbreviation key—Endnote 2
The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4
Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes
The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments
A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment can be given effect as intended, then the misdescribed amendment can be

incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and "(md not incorp)" is added to the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted

am = amended

amdt = amendment

c = clause(s)

C[x] = Compilation No. x

Ch = Chapter(s)

def = definition(s)

Dict = Dictionary

disallowed = disallowed by Parliament

Div = Division(s)

ed = editorial change

exp = expires/expired or ceases/ceased to have effect

F = Federal Register of Legislation

gaz = gazette

LA = *Legislation Act 2003*

LIA = *Legislative Instruments Act 2003*

(md) = misdescribed amendment can be given effect

(md not incorp) = misdescribed amendment cannot be given effect

mod = modified/modification

No. = Number(s)

o = order(s)

Ord = Ordinance

orig = original

par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)

pres = present

prev = previous

(prev…) = previously

Pt = Part(s)

r = regulation(s)/rule(s)

reloc = relocated

renum = renumbered

rep = repealed

rs = repealed and substituted

s = section(s)/subsection(s)

Sch = Schedule(s)

Sdiv = Subdivision(s)

SLI = Select Legislative Instrument

SR = Statutory Rules

Sub-Ch = Sub-Chapter(s)

SubPt = Subpart(s)

<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Commonwealth Electoral Act 1918	27, 1918	21 Nov 1918	s 1–3, 76, 85–97, 105, 113, 124, 133, 134, 136, 138–140, 168, 169, 174, 178, 219 and Sch (Form F): 25 Nov 1918 (s 2 and gaz 1918, No 184, p 2257) s 32: 14 Dec 1920 (s 2 and gaz 1920, No 110, p 2277) Remainder: 21 Mar 1919 (s 2 and gaz 1919, No 34, p 401)	
Commonwealth Electoral Act 1919	31, 1919	28 Oct 1919	28 Oct 1919	—
Commonwealth Electoral Act 1921	14, 1921	15 Dec 1921	15 Dec 1921	—
Commonwealth Electoral Act 1922	14, 1922	28 Sept 1922	4 Oct 1922 (s 2 and gaz 1922, No 84, p 1787)	—
Commonwealth Electoral Act 1924	10, 1924	31 July 1924	31 July 1924	—
Commonwealth Electoral Act 1925	20, 1925	26 Sept 1925	26 Sept 1925	—
Commonwealth Electoral Act 1928	17, 1928	22 June 1928	22 June 1928	—
Commonwealth Electoral Act 1929	2, 1929	25 Feb 1929	25 Feb 1929	—
Commonwealth Electoral Act 1934	9, 1934	27 July 1934	27 July 1934	—
Commonwealth Electoral Act 1940	19, 1940	29 May 1940	16 Aug 1940 (s 2 and gaz 1940, No 155, p 1727)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Commonwealth Electoral Act 1946	42, 1946	15 Aug 1946	15 Aug 1946 (s 2(1), (2))	—
Commonwealth Electoral Act 1948	17, 1948	18 May 1948	18 May 1948 (s 2)	—
Commonwealth Electoral Act 1949	10, 1949	25 Mar 1949	22 Apr 1949	—
Commonwealth Electoral Act (No. 2) 1949	47, 1949	27 Oct 1949	27 Oct 1949 (s 2)	s 4(2)
Commonwealth Electoral Act 1952	106, 1952	18 Nov 1952	16 Dec 1952	—
Commonwealth Electoral Act 1953	79, 1953	10 Dec 1953	7 Jan 1954	—
Commonwealth Electoral Act 1961	26, 1961	19 May 1961	16 June 1961	—
Commonwealth Electoral Act 1962	31, 1962	21 May 1962	18 June 1962	—
Commonwealth Electoral Act 1965	48, 1965	3 June 1965	1 July 1965	—
Commonwealth Electoral Act (No. 2) 1965	70, 1965	22 Nov 1965	1 July 1965 (s 2)	—
Commonwealth Electoral Act 1966	32, 1966	24 May 1966	24 May 1966 (s 2)	—
Statute Law Revision (Decimal Currency) Act 1966	93, 1966	29 Oct 1966	s 9 and First Sch: 1 Dec 1966 (s 2(1))	—
Commonwealth Electoral Act 1973	7, 1973	16 Mar 1973	21 Mar 1973 (s 2 and gaz 1973, No 33A)	s 8
Commonwealth Electoral Act (No. 2) 1973	38, 1974	7 Aug 1974	20 Sept 1974 (s 2 and gaz 1974, No 77A)	s 3(2)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Postal and Telecommunications Commissions (Transitional Provisions) Act 1975	56, 1975	12 June 1975	Sch 2: 1 July 1975 (s 2(1))	—
Commonwealth Electoral Amendment Act 1977	14, 1977	28 Feb 1977	28 Feb 1977 (s 2)	—
Commonwealth Electoral Amendment Act (No. 2) 1977	116, 1977	7 Nov 1977	s 3(1): 28 Feb 1977 (s 3(2)) Remainder: 7 Nov 1977 (s 2)	s 3(2) and 4
Jurisdiction of Courts (Miscellaneous Amendments) Act 1979	19, 1979	28 Mar 1979	s 124(1): 28 Mar 1979 (s 2(1)) Sch: 15 May 1979 (s 2(3) and gaz 1979, No S86)	s 124(1)
Commonwealth Electoral Amendment Act 1980	102, 1980	6 June 1980	6 June 1980 (s 2)	—
High Court of Australia (Consequential Provisions) Act 1980	155, 1980	19 Sept 1980	s 6–10: 19 Sept 1980 (s 2)	—
Statute Law (Miscellaneous Amendments) Act 1981	176, 1981	2 Dec 1981	s 32–35: 26 Jan 1984 (s 2(5) and gaz 1983, No S247)	—
as amended by				
Statute Law (Miscellaneous Amendments) Act (No. 1) 1982	26, 1982	7 May 1982	s 215: 26 Jan 1984 (s 2(10))	—
Statute Law (Miscellaneous Amendments) Act (No. 2) 1982	80, 1982	22 Sept 1982	s 43, 44: 22 Sept 1982 (s 2(1))	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law (Miscellaneous Provisions) Act (No. 1) 1983	39, 1983	20 June 1983	s 7(1) and Sch 1: 18 July 1983 (s 2(1))	s 7(1)
Migration (Miscellaneous Amendments) Act 1983	84, 1983	14 Nov 1983	s 8: 2 Apr 1984 (s 2(1))	—
Commonwealth Electoral Legislation Amendment Act 1983	144, 1983	22 Dec 1983	s 3–144, 150(2), 151(2)–(6), 152–154 and Sch 1–4: 21 Feb 1984 (s 2 and gaz 1984, No S62)	s 10(2)–(4), 11(2)–(6), 14(2), (3), 40(2), 65(2), 113(2), 150(2), (3), 151(2)–(6) and 152–154
as amended by				
Commonwealth Electoral Legislation Amendment Act 1984	45, 1984	25 June 1984	Sch 1: 21 Feb 1984 (s 2(2))	—
Commonwealth Electoral Legislation Amendment Act 1984	45, 1984	25 June 1984	s 5, 6, 8 and Sch 1–3: 23 July 1984 (s 2(3))	s 6 and 8
Cocos (Keeling) Islands Self-Determination (Consequential Amendments) Act 1984	46, 1984	25 June 1984	s 4–6: 25 June 1984 (s 2(1))	—
Christmas Island Administration (Miscellaneous Amendments) Act 1984	120, 1984	18 Oct 1984	s 8–10: 18 Oct 1984 (s 2(1))	—
Electoral and Referendum Amendment Act 1984	133, 1984	25 Oct 1984	s 4–6: 25 Oct 1984 (s 2)	—
Broadcasting and Television (Consequential Amendments) Act 1985	67, 1985	5 June 1985	s 4 and Sch: 1 Jan 1986 (s 2)	s 4

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Public Service and Statutory Authorities Amendment Act 1985	166, 1985	11 Dec 1985	s 45(2) and Sch: 8 Jan 1986 (s 2(7))	s 45(2)
Statute Law (Miscellaneous Provisions) Act (No. 2) 1985	193, 1985	16 Dec 1985	s 16: 16 Dec 1985 (s 2(1)) Sch 1: 1 May 1987 (s 2(5))	s 16
Commonwealth Electoral Amendment Act 1987	35, 1987	3 June 1987	3 June 1987 (s 2)	s 35(2)
Statute Law (Miscellaneous Provisions) Act 1987	141, 1987	18 Dec 1987	s 5(1) and Sch 1: 18 Dec 1987 (s 2(1))	s 5(1)
Broadcasting Amendment Act (No. 3) 1987	184, 1987	30 Dec 1987	s 38: 27 Jan 1988 (s 2(1))	—
Industrial Relations (Consequential Provisions) Act 1988	87, 1988	8 Nov 1988	Sch 2: 1 Mar 1989 (s 2(2))	—
Statutory Instruments (Tabling and Disallowance) Legislation Amendment Act 1988	99, 1988	2 Dec 1988	Sch: 2 Dec 1988 (s 2)	—
A.C.T. Self-Government (Consequential Provisions) Act 1988	109, 1988	6 Dec 1988	Sch 5: 11 May 1989 (s 2(3) and gaz 1989, No S164)	—
Migration Legislation Amendment (Consequential Amendments) Act 1989	159, 1989	18 Dec 1989	Sch 2: 19 Dec 1989 (s 2(2))	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral and Referendum Amendment Act 1989	24, 1990	23 Jan 1990	s 4(a), (c), (e), 38, 44–48, 54, 55(c), 57, 58, 61, 65, 73, 74, 76, 80(e), 81(e)–(n), 85(a), (d)–(f), 86–109, 111–113, 115, 116, 119, 120 and Sch 3 (amdt to s 29(2), 100(1), 128, 169(2), 277, 294(2), 334(4) Commonwealth Electoral Act 1918): 9 Feb 1990 (s 2(2) and gaz 1990, No S30) s 4(b), 31–35, 37, 39, 41, 42, 49, 51–53, 55(a), (b), 56, 59, 60, 62–64, 66–72, 75, 77–79, 80(a)–(d), 81(a)–(d), 82–84, 85(b), (c), 110, 114, 118, Sch 2 and Sch 3 (amdt to 4(3), 89(1), 98(1), (3), 101(2), (3), (6), 120(1), 166(1), 203(2)–(7), 207, 220(d), 231(1), 248(2)(b), 337(2), 342, 343, The Schedule Commonwealth Electoral Act 1918): 30 Sept 1990 (s 2(3)) s 4(d), 5–30, 36, 40, 43, 50 and 117: 23 Jan 1990 (s 2(1))	s 7(2), 9(2), 10(2), 22(2), 34(2), 45(2), 91(2), 95(2), (3) and 96(2)
as amended by				
Electoral and Referendum Amendment Act 1991	167, 1991	13 Nov 1991	Sch 3: 30 Sept 1990 (s 2(3))	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Industrial Relations Legislation Amendment Act 1991	122, 1991	27 June 1991	s 31(2) and Sch: 10 Dec 1991 (s 2(3) and gaz 1991, No S332)	s 31(2)
Electoral and Referendum Amendment Act 1991	167, 1991	13 Nov 1991	s 4–31: 13 May 1992 (s 2(4))	s 26(2)
Special Broadcasting Service Act 1991	180, 1991	25 Nov 1991	Sch: 23 Dec 1991 (s 2(1))	—
Political Broadcasts and Political Disclosures Act 1991	203, 1991	19 Dec 1991	s 3, 11–31: 19 Dec 1991 (s 2(1))	s 3, 15(2), 18(2) and 31
Australian Capital Territory Self-Government Legislation Amendment Act 1992	10, 1992	6 Mar 1992	s 15–17: 6 Mar 1992 (s 2(1))	—
Commonwealth Electoral Amendment Act 1992	45, 1992	11 June 1992	11 June 1992 (s 2)	—
Broadcasting Services (Transitional Provisions and Consequential Amendments) Act 1992	105, 1992	9 July 1992	s 3 and Sch 2: 5 Oct 1992 (s 2)	s 3
Norfolk Island (Electoral and Judicial) Amendment Act 1992	121, 1992	17 Oct 1992	s 4–16: 17 Oct 1992 (s 2)	—
Radiocommunications (Transitional Provisions and Consequential Amendments) Act 1992	167, 1992	11 Dec 1992	s 14(2) and Sch: 1 July 1993 (s 2)	s 14(2)
Electoral and Referendum Amendment Act 1992	219, 1992	24 Dec 1992	s 4–14, 16–31 and Sch: 24 Dec 1992 (s 2(1)) s 15: 24 June 1993 (s 2(3))	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Law and Justice Legislation Amendment Act 1993	13, 1994	18 Jan 1994	s 36–39: 11 Apr 1994 (s 2(3) and gaz 1994, No S126)	—
Commonwealth Electoral Amendment Act 1994	21, 1994	16 Feb 1994	16 Feb 1994 (s 2)	—
Migration Legislation Amendment Act 1994	60, 1994	9 Apr 1994	Sch 3 (items 21, 22): 1 Sept 1994 (s 2(3))	—
Commonwealth Electoral Amendment Act 1995	42, 1995	15 June 1995	15 June 1995 (s 2)	s 4–6
Electoral and Referendum Amendment Act 1995	166, 1995	16 Dec 1995	s 5 and Sch 1: 16 Dec 1995 (s 2)	s 5
Workplace Relations and Other Legislation Amendment Act 1996	60, 1996	25 Nov 1996	Sch 16 (items 2, 3): 25 May 1997 (s 2(2), (3)) Sch 19 (items 14, 15): 25 Nov 1996 (s 2(1), (2))	—
as amended by				
Workplace Relations and Other Legislation Amendment Act (No. 2) 1996	77, 1996	19 Dec 1996	Sch 3 (items 1, 2): 25 Nov 1996 (s 2(4))	—
Financial Sector Reform (Consequential Amendments) Act 1998	48, 1998	29 June 1998	Sch 1 (item 35): 29 June 1998 (s 2(1))	—
Electoral and Referendum Amendment Act 1998	94, 1998	17 July 1998	Sch 1 (items 1–37, 43–146, 148–152, 155–182): 18 July 1998 (s 2(1)) Sch 1 (items 38–42, 147, 153 and 154): 14 Aug 1998 (s 2(2))	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral and Referendum Amendment Act (No. 1) 1999	134, 1999	13 Oct 1999	s 4 and Sch 1 (items 13–30): 13 Oct 1999 (s 2(1)) Sch 1 (items 1–9): 10 Nov 1999 (s 2(2)) Sch 1 (items 10–12): repealed before commencing (s 2(3))	s 4
as amended by				
Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004	115, 2004	13 July 2004	Sch 1 (item 103): 13 July 2004 (s 2(1) item 26)	—
Public Employment (Consequential and Transitional) Amendment Act 1999	146, 1999	11 Nov 1999	Sch 1 (items 301–317): 5 Dec 1999 (s 2(1), (2))	—
Commonwealth Electoral Amendment Act (No. 1) 2000	126, 2000	26 Oct 2000	Sch 2: 3 Oct 2000 (s 2(2)) Remainder: 26 Oct 2000 (s 2(1))	Sch 2 (items 10–12)
Criminal Code Amendment (Theft, Fraud, Bribery and Related Offences) Act 2000	137, 2000	24 Nov 2000	Sch 2 (items 134–140, 418, 419): 24 May 2001 (s 2(3))	Sch 2 (items 418, 419)
Electoral and Referendum Amendment Act (No. 1) 2001	34, 2001	28 Apr 2001	Sch 1: 16 July 2001 (s 2 and gaz 2001, No S284)	Sch 1 (items 80, 81)
Corporations (Repeals, Consequentials and Transitionals) Act 2001	55, 2001	28 June 2001	s 4–14 and Sch 3 (items 125, 126): 15 July 2001 (s 2(1), (3))	s 4–14

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Finance and Administration Legislation Amendment (Application of Criminal Code) Act 2001	109, 2001	17 Sept 2001	s 5 and Sch 1A (items 1–36): 15 Oct 2001 (s 2(a))	s 5
Abolition of Compulsory Age Retirement (Statutory Officeholders) Act 2001	159, 2001	1 Oct 2001	Sch 1 (items 35, 97): 29 Oct 2001 (s 2(1))	Sch 1 (item 97)
Commonwealth Electoral Amendment Act (No. 1) 2002	81, 2002	10 Oct 2002	10 Oct 2002 (s 2)	—
Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002	105, 2002	14 Nov 2002	Sch 3 (items 34, 36): 12 May 2003 (s 2(1) item 23)	—
Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003	140, 2003	17 Dec 2003	Sch 1 (items 13, 14): 1 Jan 2005 (s 2(1) item 3)	—
Commonwealth Electoral Amendment (Members of Local Government Bodies) Act 2003	144, 2003	17 Dec 2003	17 Dec 2003 (s 2)	—
Commonwealth Electoral Amendment (Representation in the House of Representatives) Act 2004	34, 2004	20 Apr 2004	Sch 1: 27 Apr 2004 (s 2(1) item 2)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Act 2004	78, 2004	23 June 2004	Sch 1 (items 1–32, 43–72, 110–120): 21 July 2004 (s 2(1) item 2)	Sch 1 (items 110–120)
Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004	115, 2004	13 July 2004	Sch 1 (items 1–4, 6–8, 11, 14, 15, 20–25, 27–36, 38–41, 43, 44, 46–61, 64–74, 76, 77, 88–92, 92A, 93–102, 132A, 133–135): 10 Aug 2004 (s 2(1) items 2, 4, 7, 10, 15, 17, 19, 21, 23, 25, 31) Sch 1 (items 5, 18A, 19, 42): repealed before commencing (s 2(1) items 3, 14, 18)	Sch 1 (items 133–135)
as amended by				
Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004	123, 2004	16 Aug 2004	Sch 3: 10 Aug 2004 (s 2(1) item 9)	—
Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006	65, 2006	22 June 2006	Sch 1 (items 100, 101): 22 June 2006 (s 2(1) item 14)	—
Electoral and Referendum Amendment (Prisoner Voting and Other Measures) Act 2004	123, 2004	16 Aug 2004	Sch 1 (items 1–5): 10 Aug 2004 (s 2(1) items 2–6)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Administrative Appeals Tribunal Amendment Act 2005	38, 2005	1 Apr 2005	Sch 1 (item 206): 16 May 2005 (s 2(1) item 6)	—
Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006	65, 2006	22 June 2006	Sch 1 (items 1–16, 20, 24, 28, 36, 39–91, 93–99), Sch 2 (item 28) and Sch 3: 22 June 2006 (s 2(1) items 2, 4, 6, 8, 10, 12, 14, 20, 22) Sch 1 (items 17–19, 21–23, 25–27, 29–35): 21 Nov 2006 (s 2(1) items 3, 5, 7, 9) Sch 1 (items 37, 38, 92): 1 July 2007 (s 2(1) items 11, 13) Sch 2 (items 1–27, 29): 8 Dec 2005 (s 2(1) items 19, 21)	Sch 1 (items 7, 16, 85), Sch 2 (item 29) and Sch 3
as amended by				
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 2 (items 6, 7, 10, 11): 15 Mar 2007 (s 2(1) item 49)	—
Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Act 2006	170, 2006	12 Dec 2006	Sch 1 (items 13–17): 13 Dec 2006 (s 2(1) item 4)	—
Australian Citizenship (Transitionals and Consequentials) Act 2007	21, 2007	15 Mar 2007	Sch 1 (items 9–16) and Sch 3 (items 14, 18): 1 July 2007 (s 2(1) item 2)	Sch 3 (items 14, 18)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral and Referendum Legislation Amendment Act 2007	22, 2007	15 Mar 2007	Sch 1 (items 1–24), Sch 2 (item 1) and Sch 3 (items 5–9, 17): 15 Mar 2007 (s 2(1) items 2, 4) Sch 3 (items 1–4): 16 Apr 2007 (s 2(1) item 3)	Sch 3 (item 4)
Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2007	52, 2007	12 Apr 2007	Sch 1 (items 54–57): 13 Apr 2007 (s 2(1) item 6)	—
Commonwealth Electoral Amendment (Democratic Plebiscites) Act 2007	157, 2007	24 Sept 2007	24 Sept 2007 (s 2)	—
Statute Law Revision Act 2008	73, 2008	3 July 2008	Sch 4 (items 169, 170): 4 July 2008 (s 2(1) item 64)	—
Same-Sex Relationships (Equal Treatment in Commonwealth Laws—General Law Reform) Act 2008	144, 2008	9 Dec 2008	Sch 7 (items 1–7): 9 Mar 2009 (s 2(1) item 15)	—
Fair Work (State Referral and Consequential and Other Amendments) Act 2009	54, 2009	25 June 2009	Sch 10 (items 4, 5): 1 July 2009 (s 2(1) item 32)	—
Disability Discrimination and Other Human Rights Legislation Amendment Act 2009	70, 2009	8 July 2009	Sch 3 (item 16): 5 Aug 2009 (s 2(1) item 7)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 1 (items 8–14), Sch 4 and Sch 5 (item 137): 1 Mar 2010 (s 2(1) items 2, 29, 30, 38)	—
Electoral and Referendum Amendment (How-to-Vote Cards and Other Measures) Act 2010	108, 2010	14 July 2010	Sch 1 and Sch 2 (items 1, 2, 5): 23 July 2010 (s 2(1) items 2, 3)	Sch 1 (item 9) and Sch 2 (item 5)
Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010	109, 2010	14 July 2010	Sch 1 (items 1–39, 77), Sch 3 and Sch 4 (items 1–20, 40): 14 July 2010 (s 2(1) items 2, 4) Sch 2 (items 1–181, 189): 19 July 2010 (s 2(1) item 3)	Sch 1 (item 77), Sch 2 (item 189), Sch 3 (item 5) and Sch 4 (item 40)
as amended by				
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 2 (item 6): 19 July 2010 (s 2(1) item 6)	—
Electoral and Referendum Amendment (Modernisation and Other Measures) Act 2010	110, 2010	14 July 2010	Sch 1 (items 1–18, 34–36), Sch 4 (items 1–17, 32–38, 46, 47), Sch 8 (items 1, 2, 5) and Sch 9 (items 1–46, 49): 15 July 2010 (s 2(1) items 2, 3, 5–8, 13) Sch 2 and 3: 19 July 2010 (s 2(1) item 4) Sch 5 (items 1–54, 107, 108(1)) and Sch 7: 23 July 2010 (s 2(1) items 9, 12) Sch 6 (items 1, 3–10, 21, 22): 14 Jan 2011 (s 2(1) item 10)	Sch 1 (items 3, 9, 18), Sch 2 (items 11, 12), Sch 3 (item 9), Sch 5 (items 107, 108(1)), Sch 6 (items 21, 22), Sch 7 (item 12), Sch 8 (item 5) and Sch 9 (item 49)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Statute Law Revision Act 2011	5, 2011	22 Mar 2011	Sch 5 (items 52–55) and Sch 6 (items 23, 123): 19 Apr 2011 (s 2(1) items 13, 15, 17)	—
Electoral and Referendum Amendment (Enrolment and Prisoner Voting) Act 2011	29, 2011	25 May 2011	Sch 1 (items 1–8, 13) and Sch 2 (items 1–5, 7): 25 May 2011 (s 2)	Sch 1 (item 13) and Sch 2 (item 7)
Electoral and Referendum Amendment (Provisional Voting) Act 2011	37, 2011	26 May 2011	Sch 1 (items 1–3, 7): 26 May 2011 (s 2)	Sch 1 (item 7)
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (items 381–407) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 3, 12)	Sch 3 (items 10, 11)
Electoral and Referendum Amendment (Maintaining Address) Act 2012	110, 2012	24 July 2012	Sch 1 and Sch 2 (items 1–15): 25 July 2012 (s 2)	—
Electoral and Referendum Amendment (Protecting Elector Participation) Act 2012	111, 2012	24 July 2012	Sch 1 (items 1–16) and Sch 2 (items 1–6): 25 July 2012 (s 2(1) items 2, 3)	—
Privacy Amendment (Enhancing Privacy Protection) Act 2012	197, 2012	12 Dec 2012	Sch 5 (items 22–25) and Sch 6 (items 15–19): 12 Mar 2014 (s 2(1) items 3, 19)	Sch 6 (items 15–19)
Electoral and Referendum Amendment (Improving Electoral Procedure) Act 2013	19, 2013	27 Mar 2013	Sch 1 (items 1–51, 103, 104(1)), Sch 2 and Sch 3 (items 1, 2, 5–9, 12–40, 47): 27 Mar 2013 (s 2)	Sch 1 (items 103, 104(1)), Sch 2 (item 7) and Sch 3 (item 47)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral and Referendum Amendment (Improving Electoral Administration) Act 2013	26, 2013	28 Mar 2013	Sch 1 (items 1–24, 26, 27, 27A–27C, 28, 54): 29 Mar 2013 (s 2(1) items 2–4, 6) Sch 2 (items 1–3, 7): 1 Jan 2014 (s 2(1) item 7)	Sch 1 (item 54) and Sch 2 (item 7)
Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Act 2014	62, 2014	30 June 2014	Sch 6 (item 33), Sch 8 (items 58–66) and Sch 14: 1 July 2014 (s 2(1) items 6, 14)	Sch 14
as amended by				
Public Governance and Resources Legislation Amendment Act (No. 1) 2015	36, 2015	13 Apr 2015	Sch 2 (items 7–9) and Sch 7: 14 Apr 2015 (s 2)	Sch 7
as amended by				
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 486): 5 Mar 2016 (s 2(1) item 2)	—
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (item 495): 5 Mar 2016 (s 2(1) item 2)	—
Tribunals Amalgamation Act 2015	60, 2015	26 May 2015	Sch 8 (item 15) and Sch 9: 1 July 2015 (s 2(1) items 19, 22)	Sch 9

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Acts and Instruments (Framework Reform) (Consequential Provisions) Act 2015	126, 2015	10 Sept 2015	Sch 1 (items 125, 126): 5 Mar 2016 (s 2(1) item 2)	—
Statute Law Revision Act (No. 2) 2015	145, 2015	12 Nov 2015	Sch 4 (items 5, 6): 10 Dec 2015 (s 2(1) item 7)	—
Statute Law Revision Act (No. 1) 2016	4, 2016	11 Feb 2016	Sch 1 (item 16) and Sch 4 (items 1, 59–65, 340, 341): 10 Mar 2016 (s 2(1) items 2, 6)	—
Commonwealth Electoral Amendment Act 2016	25, 2016	21 Mar 2016	22 Mar 2016 (s 2(1) item 1)	Sch 1 (items 42A, 57, 95)
Territories Legislation Amendment Act 2016	33, 2016	23 Mar 2016	Sch 4 (items 1–45): 1 July 2016 (s 2(1) item 5) Sch 4 (items 49–60): 24 Mar 2016 (s 2(1) item 6)	Sch 4 (items 49–60)
Statute Update Act 2016	61, 2016	23 Sept 2016	Sch 1 (items 98–149) and Sch 2 (item 12): 21 Oct 2016 (s 2(1) item 1)	—
Electoral and Other Legislation Amendment Act 2017	99, 2017	14 Sept 2017	Sch 1 (items 1–28): 14 Mar 2018 (s 2(1) item 2)	—
National Security Legislation Amendment (Espionage and Foreign Interference) Act 2018	67, 2018	29 June 2018	Sch 1 (items 35, 36): 30 June 2018 (s 2(1) item 2)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Act 2018	147, 2018	30 Nov 2018	Sch 1 (items 1, 1A–1H, 1J–1N, 1P, 1Q, 3–6, 6A, 7, 7A, 8–11, 11A, 12, 12A, 13): 1 Dec 2018 (s 2(1) item 2) Sch 1 (items 14–16, 16A, 17, 18, 18A–18C, 19–36, 36A, 37, 38, 38A, 39, 41–45, 45A, 45B, 46–49, 49A, 50–54, 54A, 55–58, 58A, 59–63, 63A, 64–74, 77–92, 92A, 93–120, 120A, 120B, 121–129, 129A, 130, 130A, 131, 132, 132A–132D, 133–138, 138A, 143, 144): 1 Jan 2019 (s 2(1) item 3)	Sch 1 (items 13, 143, 144)
Electoral Legislation Amendment (Modernisation and Other Measures) Act 2019	2, 2019	1 Mar 2019	Sch 1 (items 1–83) and Sch 2 (items 3–6, 22, 28–51, 59, 62, 63, 65–68, 70–87, 92, 93): 8 Mar 2019 (s 2(1) item 2)	Sch 1 (item 3)
Electoral Legislation Amendment (Miscellaneous Measures) Act 2020	95, 2020	10 Nov 2020	Sch 1 (items 1–142, 237) and Sch 2 (items 1–8): 1 Dec 2020 (s 2(1) item 1)	Sch 1 (items 34, 237) and Sch 2 (item 8)
Electoral Amendment (Territory Representation) Act 2020	127, 2020	15 Dec 2020	15 Feb 2021 (s 2(1) item 1)	Sch 1 (items 32, 108)
Electoral Legislation Amendment (Counting, Scrutiny and Operational Efficiencies) Act 2021	92, 2021	2 Sept 2021	3 Sept 2021 (s 2(1) item 1)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral Legislation Amendment (Electoral Offences and Preventing Multiple Voting) Act 2021	93, 2021	2 Sept 2021	Sch 1 and 2: 3 Sept 2021 (s 2(1) items 2–4)	Sch 1 (item 15)
Electoral Legislation Amendment (Party Registration Integrity) Act 2021	94, 2021	2 Sept 2021	3 Sept 2021 (s 2(1) item 1)	Sch 1 (item 20)
Electoral Legislation Amendment (Annual Disclosure Equality) Act 2021	134, 2021	13 Dec 2021	14 Dec 2021 (s 2(1) item 1)	Sch 1 (items 21, 34, 52)
Electoral Legislation Amendment (Assurance of Senate Counting) Act 2021	135, 2021	13 Dec 2021	Sch 2: 1 Jan 2023 (s 2(1) item 3) Remainder: 14 Dec 2021 (s 2(1) items 1, 2)	—
Electoral Legislation Amendment (Contingency Measures) Act 2021	136, 2021	13 Dec 2021	14 Dec 2021 (s 2(1) item 1)	Sch 1 (item 15)
Electoral Legislation Amendment (Political Campaigners) Act 2021	137, 2021	13 Dec 2021	14 Dec 2021 (s 2(1) item 1)	Sch 1 (item 4), Sch 2 (item 35) and Sch 3 (item 78)
Courts and Tribunals Legislation Amendment (2021 Measures No. 1) Act 2022	3, 2022	17 Feb 2022	Sch 1 (items 30–32): 18 Feb 2022 (s 2(1) item 3)	Sch 1 (item 32)
Electoral Legislation Amendment (Authorisations) Act 2022	4, 2022	17 Feb 2022	Sch 1 (items 1, 2, 5): 18 Feb 2022 (s 2(1) item 1)	Sch 1 (item 5)

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral Legislation Amendment (COVID Enfranchisement) Act 2022	5, 2022	17 Feb 2022	18 Feb 2022 (s 2(1) item 1)	—
Electoral Legislation Amendment (Foreign Influences and Offences) Act 2022	6, 2022	17 Feb 2022	Sch 1 and Sch 2 (items 1–3): 18 Feb 2022 (s 2(1) item 1)	Sch 1 (items 19, 22)
Referendum (Machinery Provisions) Amendment Act 2023	11, 2023	27 Mar 2023	Sch 4 (items 6, 7) and Sch 5 (items 1–3, 14, 15): 27 Mar 2023 (s 2(1) item 1)	Sch 5 (items 14, 15)
Statute Law Amendment (Prescribed Forms and Other Updates) Act 2023	74, 2023	20 Sept 2023	Sch 4 (items 11–13): 18 Oct 2023 (s 2(1) item 3)	—
Administrative Review Tribunal (Consequential and Transitional Provisions No. 2) Act 2024	39, 2024	31 May 2024	Sch 7 (items 1–13): 14 Oct 2024 (s 2(1) item 2)	—
Anti-Money Laundering and Counter-Terrorism Financing Amendment Act 2024	110, 2024	10 Dec 2024	Sch 2 (items 39–44): 31 Mar 2026 (s 2(1) item 2) Sch 11 (items 27–30): 7 Jan 2025 (s 2(1) item 13)	—

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Electoral Legislation Amendment (Electoral Reform) Act 2025	16, 2025	20 Feb 2025	Sch 1 (items 1–7), Sch 5 (items 17–22), Sch 9 (items 1–4), Sch 10 (items 1–43, 71), and Sch 11: 21 Feb 2025 (s 2(1) items 2, 7, 12, 14) Sch 1 (items 8–44A, 47–70), Sch 2 (items 1–34), Sch 3, Sch 4, Sch 5 (items 1–12), Sch 6, Sch 6A, Sch 7, Sch 8 (items 1–8) and Sch 9 (items 5–10): 1 July 2026 (s 2(1) items 3–6, 8, 9, 13) Sch 8 (items 9, 10): never commenced (s 2(1) items 10, 11)	Sch 1 (item 7), Sch 1 (item 47), Sch 3 (items 10, 11), Sch 4 (items 6, 7), Sch 10 (item 71) and Sch 11 (item 1)

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
163, 1940	15 Aug 1940	15 Aug 1940	—
as amended by			
287, 1984	18 Oct 1984	18 Oct 1984	—
339, 1988	21 Dec 1988	21 Dec 1988	—
32, 1989	13 Mar 1989	13 Mar 1989	—
422, 1992	24 Dec 1992	24 Dec 1992	—
21, 1995	28 Feb 1995	28 Feb 1995	—

Number and year	FRLI registration or gazettal	Commencement	Application, saving and transitional provisions
301, 1999	4 Dec 1999	Sch 1 (Pt 4): 5 Dec 1999 (r 1.2)	—
as amended by			
332, 2000	8 Dec 2000	Sch 1 (item 2): 5 Dec 1999 (r 2(a))	—

Endnote 4—Amendment history

Provision affected	How affected
Part I	
s. 3	am. No. 9, 1934
s 4	am No 144, 1983; No 45, 1984; No 46, 1984; No 120, 1984; No 35, 1987; No 24, 1990; No 167, 1991; No 121, 1992; No 94, 1998; No 34, 2001; No 34, 2004; No 78, 2004; No 65, 2006; No 22, 2007; No 144, 2008; No 8, 2010; No 108, 2010; No 109, 2010; No 110, 2010; No 5, 2011; No 29, 2011; No 19, 2013; No 62, 2014; No 25, 2016; No 33, 2016; No 99, 2017; No 147, 2018; No 2, 2019; No 95, 2020; No 127, 2020; No 93, 2021; No 136, 2021; No 6, 2022; No 16, 2025
s 4AA	ad No 147, 2018
	am No 137, 2021
s. 4A	ad. No. 35, 1987
s. 4B	ad. No. 35, 1987
	am. No. 121, 1992; No 33, 2016
s. 4C	ad. No. 35, 1987
	am No 25, 2016
s. 4D	ad. No. 109, 2001
Part II	
Division 1	
Division 1 heading	ad. No. 144, 1983
s 5	rs No 144, 1983
	am No 87, 1988; No 24, 1990; No 219, 1992; No 60, 1996; No 105, 2002; No 73, 2008; No 54, 2009; No 147, 2018
s. 5A	ad. No. 24, 1990
Division 2	
Division 2 heading	ad. No. 144, 1983
s. 6	rs. No. 144, 1983
	am. No. 24, 1990; No. 60, 1996; No. 146, 1999; No 62, 2014
s 7	ad No 144, 1983
	am No 10, 1992; No 219, 1992; No 5, 2011; No 147, 2018
s. 7A	ad. No. 219, 1992

Provision affected	How affected
	am. No. 94, 1998; No. 157, 2007; No. 70, 2009; No 197, 2012
s. 7B	ad. No. 219, 1992
	am. No. 94, 1998
s. 8	ad. No. 144, 1983
	am. No. 24, 1990; No. 219, 1992
s. 9	ad. No. 144, 1983
s. 10	ad. No. 144, 1983
	am. No. 24, 1990
s. 11	ad. No. 144, 1983
	am. No. 24, 1990; No 62, 2014
s. 12	ad. No. 144, 1983
	am. No. 24, 1990
s. 13	ad. No. 144, 1983
	am. No. 24, 1990; No. 46, 2011
s. 14	ad. No. 144, 1983
	am. No. 24, 1990; No. 46, 2011
s. 14A	ad. No. 24, 1990
	am. No. 219, 1992
s. 15	ad. No. 144, 1983
	am. No. 24, 1990
s. 16	ad. No. 144, 1983
	rs. No. 24, 1990
	am. No. 94, 1998
	ed C64
s 17	ad No 144, 1983
	am No 24, 1990; No 203, 1991; No 219, 1992; No 126, 2000; No 65, 2006; No 110, 2010; No 62, 2014; No 16, 2025 (Sch 2 item 1)
s 17A	ad No 203, 1991
	am No 62, 2014; No 147, 2018; No 16, 2025
Division 3	
Division 3	ad No 144, 1983
s 18	ad No 144, 1983

Provision affected	How affected
	am. No. 141, 1987; No. 24, 1990; No. 10, 1992
s. 19	ad. No. 144, 1983
	am. No. 24, 1990; No. 46, 2011
s. 20	ad. No. 144, 1983
	am. No. 141, 1987; No. 24, 1990
s. 21	ad. No. 144, 1983
	am. No. 24, 1990; No. 159, 2001
s. 22	ad. No. 144, 1983
	am. No. 24, 1990 (as am. by No. 167, 1991); No 4, 2016
s. 23	ad. No. 144, 1983
	rs. No. 122, 1991
	am. No. 146, 1999
s. 24	ad. No. 144, 1983
	am. No. 24, 1990
s. 25	ad. No. 144, 1983
	am. No. 24, 1990; No. 122, 1991; No 62, 2014
s. 26	ad. No. 144, 1983
	am. No. 24, 1990; No. 46, 2011
s. 27	ad. No. 144, 1983
	am. No. 24, 1990; No. 46, 2011
s 28	ad No 144, 1983
	rs No 24, 1990
	am No 109, 2010; No 110, 2012
	rs No 19, 2013
	am No 135, 2021; No 136, 2021
Division 4	
Division 4	ad. No. 144, 1983
s. 29	ad. No. 144, 1983
	am. No. 24, 1990; No. 146, 1999
s. 30	ad. No. 144, 1983
	am. No. 24, 1990; No. 167, 1991; No. 46, 2011
s. 31	ad. No. 144, 1983

Provision affected	How affected
	am. No. 24, 1990; No. 110, 2010; No. 46, 2011
s. 32	am. No. 144, 1983; No. 141, 1987; No. 24, 1990
s. 33	am. No. 31, 1919; No. 19, 1940; No. 106, 1952; No. 144, 1983; No. 45, 1984; No. 24, 1990
	rs. No. 19, 2013
s. 34	rs. No. 144, 1983
	am. Nos. 46 and 120, 1984
s. 35	rs. No. 144, 1983
	am. No. 166, 1985; No. 219, 1992; No. 166, 1995; No. 146, 1999
Division 5	
Division 5 heading	ad. No. 144, 1983
s. 36	am. No. 24, 1990
s 37	am No 144, 1983
	rep No 110, 2010
	ad No 95, 2020
s. 38	rs. No. 144, 1983; No. 65, 2006
Part III	
Part III	ad. No. 144, 1983
Division 1AA	
Division 1AA heading	am No 127, 2020
Division 1AA	ad. No. 24, 1990
s 38AA	ad No 127, 2020
s 38A	ad No 24, 1990
	am No 33, 2016; No 127, 2020
Division 1	
s. 39	am. No. 14, 1977
	rs. No. 144, 1983
Division 2	
s. 40	rs. No. 144, 1983
	am. No. 24, 1990; No 33, 2016
s. 41	rs. No. 144, 1983
s. 42	rs. No. 48, 1965; No. 38, 1974
	am. No. 14, 1977

Provision affected	How affected
	rs. No. 144, 1983
	am. No. 24, 1990
s. 43	rs. No. 48, 1965; No. 144, 1983
s. 44	rs. No. 48, 1965; No. 144, 1983
	am. No. 109, 1988; No. 24, 1990; No. 167, 1991
Division 3	
Division 3 heading	am. No. 24, 1990
s. 45	rs. No. 48, 1965; No. 144, 1983
	am. No. 121, 1992; No 33, 2016
s. 46	rs. No. 48, 1965
	am. No. 14, 1977
	rs. No. 144, 1983
	am. No. 35, 1987; No. 24, 1990; No. 121, 1992; No. 94, 1998; No. 34, 2004; No 33, 2016
s 47	am No 14, 1977
	rs No 144, 1983
	am No 24, 1990
	rs No 34, 2004
	am No 127, 2020
s 48	am No 38, 1974; No 14, 1977; No 116, 1977
	rs No 144, 1983
	am No 24, 1990; No 34, 2004; No 33, 2016; No 127, 2020
s 48A	ad No 34, 2004
	am No 127, 2020
s 49	ad No 14, 1977
	rs No 144, 1983
	am No 24, 1990; No 34, 2004; No 33, 2016; No 127, 2020
s. 50	ad. No. 144, 1983
	am. No. 24, 1990
Division 4 heading	rep. No. 24, 1990
s. 51	ad. No. 144, 1983
	rs. No. 24, 1990
	am. No. 121, 1992; No 33, 2016

Provision affected	How affected
s 52	ad No 144, 1983
	rep No 24, 1990
s 53	ad No 144, 1983
s 54	ad No 144, 1983
s 54A	ad No 127, 2020
Part IV	
Part IV	ad. No. 144, 1983
s 55	ad No 144, 1983
	am No 127, 2020
s 55A	ad No 24, 1990
	rs No 127, 2020
	am No 16, 2025
s 56	ad No 144, 1983
	am No 127, 2020
s 56AA	ad No 33, 2016
s. 56A	ad. No. 24, 1990
	am No 33, 2016
s 57	ad No 144, 1983
s 58	ad No 144, 1983
	am No 127, 2020
s 59	ad No 144, 1983
	am No 35, 1987; No 167, 1991; No 94, 1998; No 127, 2020
s 60	ad No 144, 1983
	am No 35, 1987; No 21, 1994; No 94, 1998; No 146, 1999; Statutory Rules No 301, 1999 (as am by Statutory Rules No 332, 2000); No 95, 2020; No 127, 2020
s. 61	ad. No. 144, 1983
	rep. No. 94, 1998
s 62	ad No 144, 1983
	am No 24, 1990; No 95, 2020; No 127, 2020
	ed C70
s 63	ad No 144, 1983
	am No 127, 2020

Provision affected	How affected
s. 63A	ad. No. 94, 1998
	am No 127, 2020
s 64	ad No 144, 1983
	rs No 94, 1998
	am No 95, 2020; No 127, 2020; No 16, 2025
s 65	ad No 144, 1983
	am No 24, 1990; No 94, 1998; No 127, 2020
s 66	ad No 144, 1983
	am. No. 35, 1987; No. 94, 1998; No 33, 2016; No 127, 2020
s 67	am No 24, 1990; No 127, 2020
s 67A	ad No 35, 1987
	am No 127, 2020
s 68	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 94, 1998; No 127, 2020; No 16, 2025
s 69	ad No 144, 1983
	am No 35, 1987; No 94, 1998; No 95, 2020; No 127, 2020; No 16, 2025
s 70	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 94, 1998; No 127, 2020
s 71	ad No 144, 1983
	am No 24, 1990; No 127, 2020
s 72	ad No 144, 1983
	am No 35, 1987; No 94, 1998; No 26, 2013
	ed C69
	am No 127, 2020
s 73	ad No 144, 1983
	am No 35, 1987; No 94, 1998; No 33, 2016; No 127, 2020
	ed C70
s 74	ad No 144, 1983
	am No 24, 1990; No 127, 2020
s 75	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 94, 1998; No 127, 2020

Provision affected	How affected
s 76	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 94, 1998; No 95, 2020; No 127, 2020
s 76A	ad No 24, 1990
	rep No 127, 2020
s 77	ad No 144, 1983
	am No 24, 1990; No 127, 2020
s 78	ad No 144, 1983
	am No 24, 1990; No 61, 2016; No 127, 2020
Part V	
s 79	am No 19, 1940
	rs No 144, 1983
	am No 46, 1984; No 120, 1984; No 24, 1990; No 127, 2020
s. 80	am. No. 144, 1983; No. 78, 2004; No. 110, 2010
Part VI	
s. 81	am. No. 9, 1934; No. 144, 1983
s. 82	am. No. 144, 1983
s. 83	rs. No. 144, 1983
s 84	am No 39, 1983; No 45, 1984; No 10, 1992; No 93, 2021
s. 85	am. No. 144, 1983; No. 24, 1990; No. 94, 1998
s. 86	ad. No. 144, 1983
	am. No. 24, 1990; No. 219, 1992; No. 109, 2010
s. 87	am. No. 144, 1983; No. 109, 2010; Nos. 110 and 111, 2012
s. 88	am. No. 144, 1983
s. 89	am. No. 19, 1940; No. 144, 1983; No. 45, 1984; No. 24, 1990
	rep. No. 110, 2010
s. 90	rs. No. 144, 1983
	am. No. 24, 1990
	rs. No. 78, 2004
s. 90A	ad. No. 78, 2004
	am. No. 110, 2010
s 90B	ad No 78, 2004

Provision affected	How affected
	am No 115, 2004; No 65, 2006; No 170, 2006; No 22, 2007; No 52, 2007; No 8, 2021; No 110, 2010; No 93, 2021; No 110, 2024 (Sch 2 items 39–41)
s. 91	ad. No. 144, 1983
	am. No. 45, 1984
	rs. No. 24, 1990
	am. No. 167, 1991; No. 219, 1992; No. 94, 1998; Nos. 134 and 146, 1999; No. 126, 2000
	rep. No. 78, 2004
ss. 91AA, 91AB	ad. No. 126, 2000
	rep. No. 78, 2004
s 91A	ad No 24, 1990
	am No 219, 1992; No 94, 1998; No 134, 1999; No 126, 2000; No 78, 2004; No 65, 2006; No 170, 2006; No 52, 2007; No 110, 2010; No 147, 2018; No 110, 2024 (Sch 2 items 42–44)
s 91B	ad No 24, 1990
	am No 219, 1992; No 94, 1998; No 134, 1999; No 78, 2004; No 65, 2006; No 52, 2007; No 110, 2024
ss. 91C–91E	ad. No. 167, 1991
	rep. No. 78, 2004
s. 92	am. No. 144, 1983 (as am. by No. 45, 1984); No. 166, 1995; No. 78, 2004; No. 65, 2006; No. 5, 2011; No. 110, 2012
Part VII	
s 93	am No 14, 1922; No 20, 1925; No 17, 1928; No 10, 1949; No 26, 1961; No 31, 1962; No 7, 1973; No 176, 1981 (as am by No 26, 1982); No 84, 1983; No 144, 1983; No 45, 1984; No 193, 1985; No 35, 1987; No 159, 1989; No 24, 1990; No 167, 1991; No 166, 1995; No 115, 2004; No 123, 2004; No 65, 2006; No 29, 2011; No 16, 2025
s. 93A	ad. No. 34, 2001
	am. No. 109, 2010
s. 94	ad. No. 79, 1953
	am. No. 26, 1961; No. 32, 1966; No. 7, 1973; No. 176, 1981
	rs. No. 144, 1983

Provision affected	How affected
	am. No. 45, 1984; No. 24, 1990; No. 121, 1992; No. 166, 1995; No. 94, 1998; No. 34, 2001; No. 78, 2004; No. 109, 2010; No 33, 2016
s 94A	ad No 94, 1998
	am No 34, 2001; No 78, 2004; No 115, 2004; No 65, 2006; No 109, 2010; No 110, 2010; No 29, 2011; No 95, 2020
	ed C69
s. 95	ad. No. 26, 1961
	rs. No. 144, 1983
	am. No. 45, 1984; No. 24, 1990; No. 121, 1992; No. 166, 1995; No. 94, 1998; No. 34, 2001; Nos. 78 and 115, 2004; No. 65, 2006; No. 144, 2008; Nos. 109 and 110, 2010; No. 29, 2011; No 33, 2016
s. 95AA	ad. No. 121, 1992
	am. No. 94, 1998; No. 115, 2004
	rep No 33, 2016
ss. 95AB, 95AC	ad. No. 121, 1992
	am. No. 109, 2010
	rep No 33, 2016
s 96	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 167, 1991; No 121, 1992; No 166, 1995; No 34, 2001; No 65, 2006; No 109, 2010; No 110, 2010; No 29, 2011; No 33, 2016; No 95, 2020
s. 96A	ad. No. 24, 1990
	am. No. 167, 1991
s 96B	ad No 95, 2020
s. 97	ad. No. 144, 1983
	am. No. 24, 1990
	rs. No. 109, 2010
Part VIII	
s. 98AA	ad. No. 65, 2006
	am. No. 22, 2007
	rs. No. 110, 2010
	am No 33, 2016

Provision affected	How affected
s. 98	am. No. 144, 1983; No. 45, 1984; No. 24, 1990; No. 65, 2006; No. 110, 2010; No. 111, 2012; No. 19, 2013
s. 98A	ad. No. 34, 2001
	am. No. 109, 2010
s 99	am No 20, 1925; No 17, 1928; No 9, 1934; No 26, 1961; No 144, 1983; No 24, 1990; No 121, 1992; No 94, 1998; No 115, 2004; No 33, 2016; No 95, 2020
s. 99A	ad. No. 219, 1992
	am. No. 115, 2004; No. 65, 2006; No. 21, 2007; Nos. 109 and 110, 2010; No. 5, 2011
s. 99B	ad. No. 65, 2006
	am. No. 65, 2006 (as am. by No. 73, 2008); No. 109, 2010
s. 100	ad. No. 144, 1983
	am. No. 45, 1984; No. 24, 1990; No. 167, 1991; No. 115, 2004; Nos. 109 and 110, 2010; No. 19, 2013
s. 101	am. No. 26, 1961; No. 31, 1962; No. 48, 1965; No. 93, 1966; No. 144, 1983; No. 45, 1984; No. 35, 1987; No. 24, 1990; No. 121, 1992; No. 94, 1998; No. 109, 2001; No. 115, 2004; No. 109, 2010; Nos. 110 and 111, 2012; No 4, 2016; No 33, 2016
s. 102	am. No. 10, 1949
	rs. No. 144, 1983
	am. No. 35, 1987; No. 24, 1990; No. 167, 1991; No. 219, 1992; No. 166, 1995; No. 94, 1998; No. 115, 2004; No. 65, 2006; No. 109, 2010
	rs. No. 29, 2011
s 103	am No 93, 1966; No 144, 1983; No 24, 1990; No 109, 2001; No 4, 2016; No 61, 2016
s. 103A	ad. No. 110, 2012
s. 103B	ad. No. 111, 2012
s 104	ad No 144, 1983
	am No 24, 1990; No 167, 1991; No 219, 1992; No 115, 2004; No 144, 2008; No 109, 2010; No 111, 2012; No 19, 2013; No 39, 2024
s. 105	am. No. 9, 1934; No. 19, 1940; No. 144, 1983; No. 24, 1990; No. 115, 2004; No. 65, 2006; No. 109, 2010; No. 111, 2012

Provision affected	How affected
s. 106	ad. No. 9, 1934
	am. No. 144, 1983; No. 24, 1990; No. 109, 2010
s. 107	am. No. 26, 1961; No. 144, 1983; No. 109, 2010
s. 108	am. No. 7, 1973; No. 144, 1983; No. 24, 1990; Nos. 109 and 110, 2010; No 33, 2016
s. 109	am. No. 144, 1983; No. 166, 1995; Nos. 115 and 123, 2004
	rs. No. 65, 2006
	am. No. 109, 2010
	rs. No. 29, 2011
	am No 33, 2016
s. 110	am. No. 144, 1983 (as am. by No. 45, 1984); No. 109, 2010
s. 111	ad. No. 144, 1983
	am. No. 45, 1984; No. 24, 1990; No. 78, 2004; No. 109, 2010
s. 111A	ad. No. 166, 1995
	rep. No. 109, 2010
s. 112	ad. No. 144, 1983
	am. No. 24, 1990
	rs. No. 109, 2010
	am No 33, 2016
Part IX	
Part IX	rs. No. 24, 1990
s 113	am No 93, 1966; No 144, 1983
	rs No 24, 1990
	am No 94, 1998; No 115, 2004; No 109, 2010; No 95, 2020
s 114	am No 144, 1983
	rs No 24, 1990
	am No 94, 1998; No 115, 2004; No 109, 2010; No 110, 2012; No 95, 2020
s 115	am No 144, 1983
	rs No 24, 1990
	am No 94, 1998; No 115, 2004; No 109, 2010; No 2, 2019
s. 116	am. No. 144, 1983
	rs. No. 24, 1990

Provision affected	How affected
	am. No. 109, 2010; No. 110, 2012
s. 117	rs. No. 24, 1990
	rep. No. 109, 2010
s 118	am No 93, 1966; No 144, 1983
	rs No 24, 1990
	am No 167, 1991; No 94, 1998; No 115, 2004; No 65, 2006; No 109, 2010; No 29, 2011; No 110, 2012; No 95, 2020; No 16, 2025
s. 119	ad. No. 144, 1983
	rep. No. 24, 1990
Part X	
Part X	ad. No. 144, 1983
s 120	rs No 144, 1983
	am No 24, 1990; No 167, 1991; No 219, 1992; No 34, 2001; No 78, 2004; No 109, 2010 (as am by No 5, 2011); No 110, 2010; No 110, 2012; No 111, 2012; No 19, 2013; No 147, 2018; No 6, 2022; No 11, 2023; No 39, 2024; No 16, 2025
s 121	ad No 144, 1983
	am No 94, 1998; No 34, 2001; No 78, 2004; No 109, 2010; No 110, 2010; No 110, 2012; No 111, 2012; No 39, 2024
s. 122	ad. No. 144, 1983
	am. No. 24, 1990
	rs. No. 109, 2010
Part XI	
Part XI	ad. No. 144, 1983
s 123	ad. No. 144, 1983
	am No 109, 1988; No 24, 1990; No 126, 2000; No 110, 2010; No 19, 2013; No 94, 2021
s 123A	ad No 94, 2021
s. 124	ad. No. 144, 1983
s 125	ad No 144, 1983
	am No 110, 2010; No 147, 2018; No 16, 2025
s 126	ad No 144, 1983

Provision affected	How affected
	am No 24, 1990; No 126, 2000; No 110, 2010; No 25, 2016; No 94, 2021; No 16, 2025
s 127	ad No 144, 1983
	am No 110, 2010; No 39, 2024
s. 128	ad. No. 144, 1983
	rep. No. 24, 1990
s 129	ad No 144, 1983
	am No 126, 2000; No 115, 2004; No 110, 2010; No 94, 2021
s 129A	ad No 25, 2016
	am No 94, 2021
s. 130	ad. No. 144, 1983
	am. No. 110, 2010
s. 131	ad. No. 144, 1983
	am. No. 219, 1992; No. 110, 2010; No 25, 2016
s. 132	ad. No. 144, 1983
	am. No. 24, 1990; No. 219, 1992; No. 110, 2010; No. 19, 2013; No 25, 2016
s. 132A	ad. No. 78, 2004
	am. No. 110, 2010; No 25, 2016
s. 133	ad. No. 144, 1983
	am. No. 110, 2010; No. 19, 2013; No 25, 2016
s. 134	ad. No. 144, 1983
	am. No. 24, 1990; No. 126, 2000; No. 78, 2004; No. 110, 2010; No. 19, 2013; No 25, 2016
s 134A	ad No 94, 1998
	am No 78, 2004; No 115, 2004; No 110, 2010; No 25, 2016; No 94, 2021
s. 135	ad. No. 144, 1983
	am. No. 94, 1998; No. 110, 2010
s 136	ad No 144, 1983
	am No 24, 1990; No 219, 1992; No 94, 1998; No 110, 2010; No 19, 2013; No 94, 2021
s 137	ad No 144, 1983

Provision affected	How affected
	am No 94, 1998; No 34, 2001; No 110, 2010; No 19, 2013; No 25, 2016; No 94, 2021
s. 138	ad. No. 144, 1983
	am. No. 94, 1998; No. 110, 2010
s. 138A	ad. No. 34, 2001
s 139	ad No 144, 1983
	am No 110, 2010
	rep No 16, 2025
s. 140	ad. No. 144, 1983
	am. No. 24, 1990; No. 94, 1998; No. 110, 2010
s 141	ad No 144, 1983
	am No 24, 1990; No 94, 1998; No 38, 2005; No 110, 2010; No 60, 2015; No 25, 2016; No 3, 2022; No 39, 2024
Part XII	ad. No. 144, 1983
	rep. No. 35, 1987
s. 142	ad. No. 144, 1983
	am. No. 45, 1984
	rep. No. 35, 1987
s. 143	ad. No. 144, 1983
	rs. No. 45, 1984
	rep. No. 35, 1987
ss. 144, 145	ad. No. 144, 1983
	am. No. 45, 1984
	rep. No. 35, 1987
ss. 146–148	ad. No. 144, 1983
	rep. No. 35, 1987
s. 149	ad. No. 144, 1983
	am. No. 45, 1984
	rep. No. 35, 1987
s. 150	ad. No. 144, 1983
	rep. No. 35, 1987
Part XIII	
s. 151	ad. No. 144, 1983

Provision affected	How affected
s. 152	am. No. 144, 1983; No. 24, 1990
s. 153	rs. No. 144, 1983
	am. No. 24, 1990; No. 94, 1998
s 154	rs No 144, 1983
	am No 24, 1990; No 94, 1998; No 127, 2020
s. 155	ad. No. 144, 1983
	rs. No. 65, 2006; No. 29, 2011
s. 156	am. No. 144, 1983; No. 94, 1998
s. 157	am. No. 144, 1983; No. 94, 1998
s. 159	am. No. 144, 1983; No. 35, 1987
s. 161	rs. No. 144, 1983
Part XIV	
s. 163	rs. No. 20, 1925
	am. No. 10, 1949; No. 7, 1973; No. 176, 1981; No. 144, 1983
	rs. No. 24, 1990
s. 164	rs. No. 14, 1921; No. 144, 1983
	am. No. 109, 1988
s. 165	ad. No. 144, 1983
s 166	am No 144, 1983; No 45, 1984; No 35, 1987; No 24, 1990; No 167, 1991; No 219, 1992; No 94, 1998; No 78, 2004; No 8, 2010; No 109, 2010; No 19, 2013; No 2, 2019
s 167	am No 144, 1983
	rs No 167, 1991
	am No 94, 1998
	rs No 2, 2019
s 168	ad No 14, 1922
	am No 48, 1965; No 144, 1983; No 45, 1984
	rs No 35, 1987
	am No 8, 2010; No 2, 2019
s 169	ad No 19, 1940
	am No 144, 1983
	rs No 35, 1987
	am No 24, 1990; No 8, 2010; No 25, 2016; No 2, 2019

Provision affected	How affected
s 169A	ad No 35, 1987
	am No 8, 2010; No 2, 2019
s 169B	ad No 35, 1987
	am No 219, 1992; No 25, 2016; No 2, 2019
s 169C	ad No 35, 1987
	am No 2, 2019
s 170	am No 20, 1925; No 48, 1965; No 93, 1966; No 144, 1983; No 35, 1987; No 24, 1990
	rs No 167, 1991
	am No 48, 1998; No 94, 1998; No 65, 2006; No 21, 2007; No 19, 2013; No 2, 2019
s 170A	ad No 2, 2019
s 170B	ad No 2, 2019
s 171	am No 144, 1983; No 24, 1990; No 8, 2010
	rs No 2, 2019
s 172	rs No 144, 1983
	am No 35, 1987; No 109, 2010; No 2, 2019
s. 173	rs. No. 31, 1919
	am. No. 14, 1922; No. 144, 1983; No. 45, 1984; No. 24, 1990; No. 166, 1995; No. 34, 2001; No. 115, 2004; No. 8, 2010
s 174	am No 17, 1928; No 144, 1983; No 19, 2013; No 2, 2019
s 175	am No 144, 1983; No 94, 1998; No 2, 2019
s 176	am No 144, 1983; No 24, 1990
	rs No 167, 1991
	am No 94, 1998; No 115, 2004; No 2, 2019
s 177	am No 144, 1983; No 45, 1984; No 24, 1990; No 166, 1995; No 34, 2001
	rs No 78, 2004
	am No 2, 2019
s. 178	am. No. 24, 1990; No. 166, 1995; No. 115, 2004
s 179	am No 48, 1965; No 144, 1983; No 2, 2019
s 180	rs No 17, 1928
	am No 166, 1995; No 34, 2001; No 2, 2019

Provision affected	How affected
s. 181	am. No. 17, 1928
s 181A	ad No 2, 2019
s 181B	ad No 2, 2019
s 181C	ad No 2, 2019
Part XV	
Part XV	rs. No. 24, 1990
s. 182	ad. No. 144, 1983
	rs. No. 24, 1990
	am. No. 65, 2006; No. 19, 2013
s. 183	ad. No. 144, 1983
	rs. No. 24, 1990
	am. No. 65, 2006
	rs. No. 19, 2013
s. 184	am. No. 31, 1919; No. 14, 1922; No. 17, 1928; No. 19, 1940; No. 10, 1949; No. 106, 1952; No. 26, 1961; No. 70, 1965; Nos. 32 and 93, 1966; No. 144, 1983; No. 45, 1984
	rs. No. 24, 1990
	am. No. 167, 1991; No. 137, 2000; No. 34, 2001; No. 22, 2007; No. 110, 2010; No 19 and 26, 2013
s 184A	ad No 24, 1990
	am No 167, 1991; No 166, 1995; No 137, 2000; No 115, 2004; No 123, 2004; No 22, 2007; No 109, 2010; No 110, 2010; No 19, 2013; No 16, 2025
s. 184AA	ad. No. 94, 1998
s. 184B	ad. No. 24, 1990
	rs. No. 109, 2010
s 185	am No 31, 1919; No 14, 1922
	rep No 17, 1928
	ad No 144, 1983
	rs No 24, 1990
	am No 22, 2007; No 109, 2010; No 26, 2013; No 93, 2021; No 16, 2025
s. 185A	ad. No. 24, 1990
	rep. No. 166, 1995

Provision affected	How affected
s. 185B	ad. No. 24, 1990
	am. No. 109, 2010
s. 185C	ad. No. 24, 1990
	rs. No. 109, 2010
s. 186	ad. No. 144, 1983
	am. No. 45, 1984
	rs. No. 24, 1990
	am. No. 166, 1995; No. 94, 1998; No. 134, 1999; No. 78, 2004; No. 8, 2010; No. 19, 2013
s. 187	am. No. 17, 1928; No. 10, 1949; No. 93, 1966; No. 144, 1983
	rs. No. 24, 1990
	rep. No. 110, 2010
s 188	am No 14, 1922; No 19, 1940; No 10, 1949; No 106, 1952; No 26, 1961; No 144, 1983 (as am by No 45, 1984); No 45, 1984
	rs No 24, 1990
	am No 167, 1991; No 94, 1998; No 34, 2001; No 78, 2004; No 22, 2007; No 8, 2010; No 110, 2010; No 19, 2013; No 26, 2013; No 95, 2020
s 188A	ad No 19, 2013
	rep No 92, 2021
s 189	am No 19, 1940; No 10, 1949; No 106, 1952; No 144, 1983; No 45, 1984
	rs No 24, 1990
	am No 167, 1991; No 94, 1998; No 8, 2010
	rs No 19, 2013
	am No 93, 2021
s. 189A	ad. No. 34, 2001
	am. No. 19, 2013
s 189B	ad No 34, 2001
	am No 19, 2013; No 4, 2016; No 61, 2016; No 147, 2018
s. 190	am. No. 19, 1940; No. 10, 1949; No. 106, 1952; No. 144, 1983
	rs. No. 24, 1990
	am. No. 34, 2001; No. 8, 2010

Provision affected	How affected
	rep. No. 19, 2013
s. 191	am. No. 48, 1965; No. 32, 1966; No. 144, 1983; No. 45, 1984
	ad. No. 24, 1990
	rep. No. 167, 1991
s. 192	ad. No. 14, 1922
	am. No. 17, 1928; No. 144, 1983; No. 45, 1984
	rs. No. 24, 1990
s 193	ad No 17, 1928
	am No 19, 1940; No 10, 1949; No 106, 1952; No 48, 1965; No 144, 1983
	rs No 24, 1990
	am No 94, 1998; No 146, 1999; No 78, 2004; No 147, 2018
s 194	am No 17, 1928; No 19, 1940; No 10, 1949; No 48, 1965; No 144, 1983; No 45, 1984; No 35, 1987
	rs No 24, 1990
	am No 34, 2001; No 78, 2004; No 22, 2007; No 8, 2010; No 110, 2010; No 19, 2013; No 92, 2021; No 136, 2021; No 74, 2023; No 16, 2025
s 195	am No. 9, 1934; No 93, 1966; No 144, 1983
	rs No 24, 1990
	am No 8, 2010; No 19, 2013; No 61, 2016
s 195A	ad No 24, 1990
	am No 22, 2007; No 8, 2010; No 110, 2010; No 25, 2016; No 2, 2019
s 196	ad No 14, 1922
	am No 19, 1940; No 10, 1949; No 93, 1966; No 144, 1983
	rs No 24, 1990
	am No 109, 2001; No 8, 2010; No 61, 2016
s 197	am No 17, 1928; No 19, 1940; No 10, 1949; No 93, 1966; No 144, 1983; No 45, 1984
	rs No 24, 1990
	am No 8, 2010; No 19, 2013; No 61, 2016
s 198	ad No 10, 1949
	am No 93, 1966; No 144, 1983

Provision affected	How affected
	rs No 24, 1990
	am No 8, 2010; No 19, 2013; No 61, 2016
s. 199	am. No. 17, 1928; No. 93, 1966; No. 144, 1983
	rs. No. 24, 1990
s 199A	ad No 16, 2025
s 200	am No 17, 1928; No 19, 1940; No 10, 1949; No 48, 1965; No 32, 1966; No 144, 1983; No 45, 1984; No 35, 1987
	rs No 24, 1990
	am No 8, 2010; No 92, 2021
Part XVA	
Part XVA	ad. No. 24, 1990
Division 1	
Division 1	ad. No. 109, 2010
s. 200AA	ad. No. 109, 2010
Division 2	
Division 2 heading	ad. No. 109, 2010
s 200A	ad No 24, 1990
	am No 65, 2006; No 109, 2010; No 93, 2021
s. 200B	ad. No. 24, 1990
s 200BA	ad No 22, 2007
	am No 109, 2010; No 110, 2010; No 95, 2020; No 92, 2021
s 200C	ad No 24, 1990
	am No 109, 2010; No 95, 2020
s 200D	ad No 24, 1990
	am No 166, 1995; No 94, 1998; No 22, 2007; No 109, 2010; No 26, 2013; No 2, 2019; No 95, 2020; No 92, 2021
s. 200DA	ad. No. 78, 2004
s. 200DB	ad. No. 78, 2004
	am. No. 22, 2007; No 4, 2016
Division 3	
Division 3	ad. No. 109, 2010
Subdivision A	
s 200DC	ad No 109, 2010

Provision affected	How affected
	am No 26, 2013; No 95, 2020
s 200DD	ad No 109, 2010
	am No 110, 2010; No 95, 2020
s 200DE	ad No 109, 2010
	am No 95, 2020
s 200DF	ad No 109, 2010
Subdivision B	
s 200DG	ad No 109, 2010
	am No 110, 2010; No 26, 2013; No 95, 2020; No 93, 2021
s. 200DH	ad. No. 109, 2010
	rep. No. 26, 2013
s 200DI	ad No 109, 2010
	am No 110, 2010; No 26, 2013; No 95, 2020
s 200DJ	ad No 109, 2010
	am No 110, 2010; No 26, 2013; No 95, 2020
s 200DK	ad No 109, 2010
	am No 16, 2025
s 200DL	ad No 109, 2010
	am No 26, 2013; No 16, 2025
s. 200DM	ad. No. 109, 2010
	am. No. 26, 2013
Subdivision C	
ss. 200DN–200DR	ad. No. 109, 2010
Division 4	
Division 4 heading	ad. No. 109, 2010
s. 200DS	ad. No. 109, 2010
s 200E	ad No 24, 1990
	am No 34, 2001; No 8, 2010; No 109, 2010; No 16, 2025
s 200F	ad No 24, 1990
	am No 167, 1991; No 109, 2010; No 92, 2021
s 200G	ad No 24, 1990
	am No 8, 2010; No 109, 2010; No 95, 2020

Provision affected	How affected
s. 200H	ad. No. 24, 1990
	rep. No. 167, 1991
s 200J	ad No 24, 1990
	am No 109, 2001; No 8, 2010; No 109, 2010; No 61, 2016
s 200K	ad No 24, 1990
	am No 8, 2010; No 109, 2010; No 61, 2016
s. 201	ad. No. 144, 1983
	rep. No. 24, 1990
	ad. No. 24, 1990
	am. No. 109, 2010
s. 202	rep. No. 24, 1990
	ad. No. 24, 1990
	am. Nos. 8 and 109, 2010
Part XVB	
Part XVB heading	rs No 109, 2010; No 95, 2020
Part XVB	ad. No. 22, 2007
Division 1 heading	rep. No. 109, 2010
s 202AA	ad No 22, 2007
	am No 109, 2010; No 5, 2022
	def ***electronically assisted voting method*** rep end of 31 Dec 2022 (s 202AFA(6)(b))
s 202AB	ad No 22, 2007
	am No 8, 2010; No 109, 2010; No 95, 2020; No 5, 2022
	(1B), (2A), (7), (8) rep end of 31 Dec 2022 (s 202AFA(6)(c))
s. 202AC	ad. No. 22, 2007
s. 202AD	ad. No. 22, 2007
	am. No. 109, 2010
s. 202AE	ad. No. 22, 2007
	am. Nos. 8 and 109, 2010
s 202AF	ad No 22, 2007
	rs No 109, 2010
	am No 95, 2020
s 202AFA	ad No 5, 2022

Provision affected	How affected
	rep end of 31 Dec 2022 (s 202AFA(6)(a))
Division 2	rep. No. 109, 2010
Part XVC	
Part XVC	ad No 93, 2021
s 202AG	ad No 22, 2007
	rep No 109, 2010
	ad No 93, 2021
	am No 11, 2023
s 202AH	ad No. 22, 2007
	am No. 8, 2010
	rep No. 109, 2010
	ad No 93, 2021
	am No 11, 2023
s 202AI	ad No 22, 2007
	rep No 109, 2010
s 202AJ	ad No 22, 2007
	rep No 109, 2010
	ad No 93, 2021
s 202AK	ad No 22, 2007
	rep No 109, 2010
	ad No 93, 2021
	am No 39, 2024
s 202AL	ad No 22, 2007
	am No 8, 2010
	rep No 109, 2010
	ad No 93, 2021
s. 202AM	ad. No. 22, 2007
	rep. No. 109, 2010
Part XVI	
s 202A	ad No 24, 1990
	am No 110, 2010; No 95, 2020
s 202B	ad No 2, 2019

Provision affected	How affected
	rep No 95, 2020
s. 203	am. No. 144, 1983; No. 24, 1990; No. 219, 1992; Nos. 8 and 110, 2010
s. 204	am. No. 24, 1990
s. 205	am. No. 80, 1982; No. 144, 1983; No. 24, 1990
	rs. No. 167, 1991
s 206	am No 8, 2010; No 95, 2020
s. 207	am. No. 144, 1983; No. 24, 1990
s 208	am No 144, 1983; No 24, 1990
	rs No 94, 1998
	am No 115, 2004; No 65, 2006; No 109, 2010; No 29, 2011; No 93, 2021
s. 208A	ad. No. 110, 2010
s 209	rs No 48, 1965; No 144, 1983
	am No 45, 1984; No 24, 1990; No 94, 1998; No 78, 2004; No 8, 2010; No 19, 2013; No 25, 2016; No 136, 2021
s. 209A	ad. No. 24, 1990
	rs. No. 94, 1998
	am. Nos. 8 and 110, 2010
s 209B	ad No 95, 2020
s 210	ad No 14, 1922
	am No 19, 1940; No 48, 1965; No 144, 1983; No 45, 1984; No 35, 1987; No 24, 1990; No 167, 1991; No 8, 2010; No 25, 2016; No 95, 2020
s. 210A	ad. No. 35, 1987
	am. No. 8, 2010; No 25, 2016
s. 211	am. No. 14, 1922
	rs. No. 144, 1983
	am. No. 45, 1984; No. 35, 1987; No. 94, 1998; No. 34, 2001; No. 8, 2010
	rep No 25, 2016
s. 211A	ad. No. 35, 1987
	am. No. 167, 1991; No. 94, 1998; No. 34, 2001; No. 8, 2010
	rep No 25, 2016

Provision affected	How affected
s. 212	ad. No. 144, 1983
	am. No. 8, 2010
s 213	ad No 144, 1983
	am No 24, 1990; No 94, 1998; No 8, 2010; No 2, 2019
s. 214	ad. No. 144, 1983
	am. No. 45, 1984
	rs. No. 35, 1987
	am. No. 8, 2010; No 25, 2016
s 214A	ad No 25, 2016
	am No 2, 2019
s. 215	am. No. 144, 1983
	rs. No. 34, 2001
	am. No. 8, 2010
s. 216	ad. No. 144, 1983
	am. No. 45, 1984
	rs. No. 35, 1987; No. 34, 2001
	am. No. 8, 2010
	rep No 25, 2016
s. 217	am. No. 144, 1983; No. 78, 2004
s 218	am No 93, 1966; No 144, 1983; No 24, 1990; No 61, 2016; No 92, 2021
s. 219	am. No. 144, 1983; No. 45, 1984
	rs. No. 24, 1990
s. 220	am. No. 17, 1928; No. 144, 1983; No. 24, 1990
s 221	am No 144, 1983; No 24, 1990; No 65, 2006; No 109, 2010; No 29, 2011; No 95, 2020
s 222	am No 31, 1919; No 32, 1966; No 144, 1983; No 45, 1984; No 24, 1990; No 65, 2006; No 93, 2021
s. 223	ad. No. 144, 1983
	am. No. 110, 2010
s 224	ad No 144, 1983
	rs No 24, 1990
	am No 8, 2010; No 110, 2010; No 2, 2019

Provision affected	How affected
s. 225	ad. No. 144, 1983
	am. No. 24, 1990; No. 94, 1998; No. 8, 2010
	rep. No. 110, 2010
s 226	ad No 144, 1983
	am No 45, 1984; No 24, 1990; No 94, 1998; No 8, 2010; No 110, 2010; No 25, 2016; No 2, 2019; No 16, 2025
s. 226A	ad. No. 24, 1990
	am. No. 78, 2004; No. 65, 2006; No. 8, 2010
	rep. No. 110, 2010
s 227	rs No 144, 1983
	am No 45, 1984; No 24, 1990 (as am by No 167, 1991); No 167, 1991; No 166, 1995; No 8, 2010; No 110, 2010; No 25, 2016; No 33, 2016; No 2, 2019; No 92, 2021; No 16, 2025
s 228	ad No 45, 1984
	rs No 35, 1987
	am No 24, 1990; No 94, 1998; No 78, 2004; No 22, 2007; No 8, 2010; No 110, 2010; No 25, 2016; No 2, 2019; No 95, 2020
s 229	rs No 14, 1922
	am No 17, 1928; No 10, 1949; No 7, 1973; No 176, 1981
	rs No 144, 1983
	am No 45, 1984; No 35, 1987; No 24, 1990; No 167, 1991; No 94, 1998; No 115, 2004; No 110, 2010; No 95, 2020
s 230	am No 144, 1983; No 115, 2004; No 109, 2010; No 110, 2010; No 26, 2013; No 95, 2020
s 231	am No 144, 1983; No 45, 1984; No 24, 1990; No 8, 2010; No 110, 2010; No 95, 2020
s 232	rs No 45, 1984
	am No 35, 1987; No 24, 1990; No 65, 2006; No 8, 2010; No 110, 2010; No 95, 2020
s 233	am No 144, 1983; No 45, 1984; No 24, 1990; No 65, 2006; No 8, 2010; No 95, 2020; No 16, 2025
s 234	rs No 17, 1928
	am No 144, 1983; No 45, 1984; No 24, 1990; No 166, 1995; No 65, 2006; No 8, 2010; No 110, 2010; No 95, 2020; No 16, 2025

Provision affected	How affected
s 234A	ad No 94, 1998
	am No 65, 2006; No 8, 2010; No 95, 2020; No 16, 2025
s 235	am No 14, 1922; No 17, 1928; No 26, 1961; No 144, 1983; No 45, 1984
	rs No 24, 1990
	am No 167, 1991; No 115, 2004; No 65, 2006; No 8, 2010; No 110, 2010; No 37, 2011; No 19, 2013; No 25, 2016; No 2, 2019; No 95, 2020; No 16, 2025
s. 236	ad. No. 14, 1922
	am. No. 144, 1983; No. 45, 1984
	rep. No. 24, 1990
s. 237	ad. No. 144, 1983
	am. No. 45, 1984
	rep. No. 24, 1990
s 238	am No 144, 1983; No 24, 1990 (as am by No 167, 1991); No 8, 2010; No 109, 2010; No 26, 2013; No 95, 2020; No 92, 2021
s 238A	ad No 19, 2013
	am No 92, 2021
s. 238B	ad. No. 26, 2013
s 239	am No 31, 1919; No 9, 1934; No 144, 1983; No 45, 1984; No 35, 1987; No 24, 1990; No 8, 2010; No 25, 2016; No 95, 2020
s. 240	am. No. 144, 1983; No. 45, 1984
	rs. No. 24, 1990
	am. No. 94, 1998; No. 8, 2010
s 240A	ad No 78, 2004
	am No 136, 2021
s 241	rs No 48, 1965
	am No 78, 2004; No 136, 2021
s 242	am No 144, 1983; No 136, 2021
s 243	rs No 14, 1922
	am No 144, 1983; No 136, 2021
s 245	ad No 10, 1924

Provision affected	How affected
	am No 17, 1928; No 48, 1965; No 32, 1966; No 93, 1966; No 144, 1983; No 24, 1990; No 167, 1991; No 219, 1992; No 94, 1998; No 34, 2001; No 109, 2001; No 78, 2004; No 4, 2016; No 61, 2016
Part XVII	ad No 144, 1983
	rep No 95, 2020
s 246	ad No 144, 1983
	am No 24, 1990
	rep No 95, 2020
s 247	ad No 144, 1983
	am No 24, 1990
	rep No 95, 2020
s 248	ad No 144, 1983
	am No 24, 1990; No 19, 2013; No 26, 2013
	rep No 95, 2020
s 249	ad No 144, 1983
	am No 45, 1984; No 24, 1990; No 167, 1991; No 94, 1998; No 109, 2010
	rep No 95, 2020
s 250	ad No 144, 1983
	am No 8, 2010
	rep No 95, 2020
s 251	ad No 144, 1983
	am No 8, 2010
	rep No 95, 2020
s 252	ad No 144, 1983
	rep No 95, 2020
s 253	ad No 144, 1983
	am No 46, 2011
	rep No 95, 2020
s 254	ad No 144, 1983
	rep No 95, 2020
s 255	rs No 24, 1990
	rep No 95, 2020

Provision affected	How affected
s 256	ad No 144, 1983
	am No 24, 1990; No 8, 2010
	rep No 95, 2020
s 257	ad No 144, 1983
	am No 24, 1990; No 8, 2010
	rep No 95, 2020
s 258	ad No 144, 1983
	rep No 95, 2020
s 259	ad No 144, 1983
	am No 24, 1990; No 8, 2010
	rep No 95, 2020
s 260	ad No 144, 1983
	am No 24, 1990; No 34, 2001; No 8, 2010; No 25, 2016
	rep No 95, 2020
s 261	ad No 144, 1983
	am No 24, 1990; No 34, 2001; No 8, 2010
	rep No 95, 2020
s 262	ad No 144, 1983
	rep No 95, 2020
Part XVIII	
s 264	rs No 26, 1961
	am No 144, 1983; No 24, 1990; No 78, 2004; No 8, 2010; No 92, 2021
s 265	am No 144, 1983; No 219, 1992; No 94, 1998; No 8, 2010; No 92, 2021; No 136, 2021
s 266	ad No 45, 1984
	rs No 24, 1990
	am No 134, 1999; No 8, 2010; No 2, 2019; No 16, 2025
s. 267	am. No. 24, 1990; No. 8, 2010
s 268	am No 31, 1919; No 14, 1922; No 9, 1934; No 19, 1940; No 144, 1983; No 45, 1984; No 24, 1990; No 94, 1998; No 65, 2006; No 8, 2010; No 109, 2010; No 110, 2010; No 26, 2013; No 25, 2016; No 95, 2020

Provision affected	How affected
s 268A	ad No 25, 2016
s. 269	ad. No. 144, 1983
	am. No. 45, 1984; No. 35, 1987; No. 24, 1990; No. 8, 2010; No 25, 2016
	ed C64
s. 270	ad. No. 144, 1983
	am. No. 94, 1998; No. 8, 2010
	rep No 25, 2016
s 271	am No 93, 1966; No 144, 1983; No 8, 2010; No 61, 2016
s. 272	ad. No. 144, 1983
	am. No. 35, 1987; No. 8, 2010
	rs No 25, 2016
s 273	rs No 31, 1919
	am No 14, 1922; No 17, 1928; No 9, 1934; No 17, 1948; No 144, 1983; No 45, 1984; No 133, 1984; No 35, 1987; No 24, 1990; No 167, 1991; No 94, 1998; No 78, 2004; No 8, 2010; No 109, 2010; No 110, 2010; No 25, 2016; No 2, 2019; No 95, 2020; No 135, 2021
s. 273A	ad. No. 94, 1998
	am. Statutory Rules 1999 No. 301 (as am. by Statutory Rules 2000 No. 332); No. 8, 2010; No 25, 2016; No 135, 2021
s 273AA	ad No 135, 2021
s 273AB	ad No 135, 2021
s 273AC	ad No 135, 2021
s. 273B	ad. No. 94, 1998
s 274	rs No 31, 1919
	am No 14, 1922; No 17, 1928; No 144, 1983; No 45, 1984; No 35, 1987; No 24, 1990; No 167, 1991; No 219, 1992; No 94, 1998; No 78, 2004; No 8, 2010; No 109, 2010; No 110, 2010; No 2, 2019; No 92, 2021
s. 275	ad. No. 31, 1919
	am. No. 14, 1922; No. 17, 1928; No. 144, 1983; No. 45, 1984; No. 24, 1990; No. 8, 2010
s. 276	ad. No. 144, 1983

Provision affected	How affected
	am. No. 167, 1991; No. 94, 1998; No. 8, 2010
s. 277	ad. No. 144, 1983
	am. No. 24, 1990
s 278	am No 144, 1983; No 45, 1984; No 24, 1990; No 8, 2010
s 279	am No 144, 1983; No 45, 1984; No 24, 1990; No 8, 2010
s. 279A	ad. No. 24, 1990
	am. No. 8, 2010
s. 279B	ad. No. 24, 1990
	am. No. 146, 1999; No. 8, 2010
s. 280	am. No. 8, 2010
s. 281	am. No. 144, 1983; No. 24, 1990; No. 8, 2010
s. 282	ad. No. 144, 1983
	am. No. 45, 1984; No. 24, 1990; No. 8, 2010; No 25, 2016
Part XIX	
s. 283	am. No. 14, 1922; No. 17, 1928; No. 48, 1965; No. 144, 1983; No. 45, 1984; No. 24, 1990; No. 94, 1998; No. 78, 2004
s 283A	ad No 135, 2021
s. 284	am. No. 14, 1922; No. 17, 1928; No. 10, 1949; No. 144, 1983; No. 45, 1984; No. 24, 1990; No. 167, 1991; No. 34, 2001; No. 78, 2004; No. 8, 2010
s 285	am No 78, 2004; No 8, 2010; No 110, 2010
s 286	am No 144, 1983; No 45, 1984; No 35, 1987
Part XX	
Part XX heading	rs No 102, 1980
Part XX	ad No 144, 1983
Division 1	
s 286A	ad No 147, 2018
	am No 95, 2020; No 134, 2021; No 137, 2021
	rs No 16, 2025
s 287	rs No 42, 1946
	am No 93, 1966
	rep No 102, 1980
	ad No 144, 1983

Provision affected	How affected
	am No 45, 1984; No 67, 1985; No 35, 1987; No 24, 1990; No 180, 1991; No 45, 1992; No 105, 1992; No 42, 1995; No 60, 1996; No 94, 1998; No 134, 1999; No 55, 2001; No 81, 2002; No 105, 2002; No 65, 2006; No 54, 2009; No 8, 2010; No 147, 2018; No 95, 2020; No 134, 2021; No 137, 2021; No 16, 2025
s 287AAA	ad No 16, 2025
s 287AA	ad No 147, 2018
s 287AAB	ad No 16, 2025
s 287AB	ad No 147, 2018
	am No 137, 2021; No 16, 2025
s 287AC	ad No 147, 2018
s 287AD	ad No 16, 2025
s 287A	ad No 24, 1990
	am No 45, 1992; No 16, 2025
s 287B	ad No 81, 2002
	rep No 147, 2018
s 287C	ad No 147, 2018
	am No 137, 2021
Division 1A	
Division 1A heading	am No 137, 2021; No 16, 2025
Division 1A	ad No 147, 2018
Subdivision A	
s 287D	ad No 147, 2018
	am No 137, 2021; No 16, 2025 (Sch 1 item 52)
s 287E	ad No 147, 2018
	am No 16, 2025
Subdivision B	
Subdivision B heading	am No 137, 2021
s 287F	ad No 147, 2018
	am No 137, 2021; No 16, 2025
s 287H	ad No 147, 2018
	am No 137, 2021; No 6, 2022; No 16, 2025
s 287J	ad No 147, 2018

Provision affected	How affected
	am No 137, 2021; No 16, 2025
s 287K	ad No 147, 2018
	am No 137, 2021; No 16, 2025
s 287L	ad No 147, 2018
	am No 137, 2021; No 16, 2025
s 287LA	ad No 16, 2025
s 287M	ad No 147, 2018
	am No 95, 2020
	ed C69
	am No 137, 2021
Subdivision BA	
Subdivision BA	ad No 16, 2025
s 287MA	ad No 16, 2025
s 287MB	ad No 16, 2025
s 287MC	ad No 16, 2025
s 287MD	ad No 16, 2025
s 287ME	ad No 16, 2025
s 287MF	ad No 16, 2025
Subdivision C	
s 287N	ad No 147, 2018
	am No 137, 2021; No 16, 2025 (Sch 1 items 41, 54–56; Sch 5 items 3, 4)
s 287P	ad No 147, 2018
s 287Q	ad No 147, 2018
s 287R	ad No 147, 2018
Subdivision D	
Subdivision D	rep No 16, 2025
s 287S	ad No 147, 2018
	am No 137, 2021
	rep No 16, 2025
Division 2	
Division 2 heading	rs No 147, 2018
Subdivision A	

Provision affected	How affected
Subdivision A	ad No 147, 2018
s 287V	ad No 147, 2018
	am No 137, 2021; No 16, 2025
Subdivision B	
Subdivision B heading	ad No 147, 2018
s 288	rs No 42, 1946
	rep No 102, 1980
	ad No 144, 1983
	rs No 24, 1990
s 288A	ad No 166, 1995
	rep No 147, 2018
s 289	rep No 102, 1980
	ad No 144, 1983
	am No 24, 1990; No 8, 2010
	rs No 147, 2018
s 290	rep No 102, 1980
	ad No 144, 1983
	am No 24, 1990; No 42, 1995
	rep No 147, 2018
s 291	am No 93, 1966
	rep No 102, 1980
	ad No 144, 1983
	rs No 24, 1990
s 292	am No 93, 1966
	rep No 102, 1980
	ad No 144, 1983
	rs No 24, 1990
	am No 147, 2018
s 292A	ad No 24, 1990
s 292B	ad No 24, 1990
	am No 45, 1992; No 147, 2018; No 16, 2025
s 292C	ad No 24, 1990

Provision affected	How affected
s 292D	ad No 24, 1990
	rs No 147, 2018
Subdivision C	
Subdivision C	ad No 147, 2018
s 292E	ad No 147, 2018
	am No 137, 2021; No 16, 2025
Subdivision D	
Subdivision D	ad No 147, 2018
s 292F	ad No 147, 2018
	am No 137, 2021; No 16, 2025
Division 2A	
Division 2A	ad No 16, 2025
s 292FA	ad No 16, 2025
s 292FAA	ad No 16, 2025
s 292FAB	ad No 16, 2025
s 292FAC	ad No 16, 2025
s 292FAD	ad No 16, 2025
s 292FAE	ad No 16, 2025
s 292FB	ad No 16, 2025
s 292FC	ad No 16, 2025
Division 3	
Subdivision A	
Subdivision A	ad No 147, 2018
s 292G	ad No 147, 2018
	am No 95, 2020; No 16, 2025
Subdivision B	
Subdivision B	ad No 147, 2018
s 293	am No 93, 1966
	rep No 102, 1980
	ad No 144, 1983
	rep No 42, 1995
	ad No 147, 2018

Provision affected	How affected
	am No 95, 2020; No 16, 2025
s 294	am No 93, 1966
	rep No 102, 1980
	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 42, 1995
	rs No 147, 2018
	am No 95, 2020; No 16, 2025
s 295	am No 93, 1966
	rs No 144, 1983
	am No 35, 1987; No 24, 1990
	rep No 42, 1995
	ad No 147, 2018
	am No 95, 2020; No 16, 2025
Subdivision BA	
Subdivision BA	ad No 147, 2018
s 296	ad No 144, 1983
	rep No 42, 1995
	ad No 147, 2018
	am No 95, 2020
Subdivision C	
Subdivision C	ad No 147, 2018
s 297	ad No 144, 1983
	am No 24, 1990
	rs No 147, 2018
	am No 95, 2020
s 298	ad No 144, 1983
	rep No 42, 1995
	ad No 147, 2018
	am No 16, 2025
s 298A	ad No 147, 2018
	am No 95, 2020
	ed C69

Provision affected	How affected
	am No 16, 2025
s 298B	ad No 147, 2018
s 298BA	ad No 95, 2020
s 298C	ad No 147, 2018
	am No 95, 2020
s 298D	ad No 147, 2018
	am No 16, 2025
s 298E	ad No 147, 2018
	am No 16, 2025
s 298F	ad No 147, 2018
s 298G	ad No 147, 2018
s 298H	ad No 147, 2018
	am No 3, 2022
Subdivision CA	
Subdivision CA	ad No 16, 2025
s 298J	ad No 16, 2025
Subdivision D	
Subdivision D heading	ad No 147, 2018
s 299	ad No 144, 1983
	am No 35, 1987; No 42, 1995; No 166, 1995; No 81, 2002
	rs No 147, 2018
s 299A	ad No 24, 1990
	rep No 42, 1995
	ad No 81, 2002
	am No 8, 2010; No 147, 2018; No 16, 2025
Subdivision E	
Subdivision E heading	ad No 147, 2018
s 300	ad No 144, 1983
	am No 24, 1990; No 42, 1995
	rs No 147, 2018
s 301	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 42, 1995

Provision affected	How affected
	rs No 147, 2018
s 302	ad No 144, 1983
Division 3AA	
Division 3AA	ad No 16, 2025
Subdivision A	
s 302AA	ad No 16, 2025
Subdivision B	
s 302AB	ad No 16, 2025
s 302AC	ad No 16, 2025
s 302AD	ad No 16, 2025
Subdivision C	
s 302AE	ad No 16, 2025
	am No 16, 2025
s 302AF	ad No 16, 2025
	am No 16, 2025
s 302AG	ad No 16, 2025
Subdivision D	
s 302AH	ad No 16, 2025
s 302AI	ad No 16, 2025
s 302AJ	ad No 16, 2025
Division 3AB	
Division 3AB	ad No 16, 2025
Subdivision A	
s 302AKA	ad No 16, 2025
s 302AKB	ad No 16, 2025
Subdivision B	
s 302ALA	ad No 16, 2025
s 302ALB	ad No 16, 2025
s 302ALC	ad No 16, 2025
s 302ALD	ad No 16, 2025
s 302ALE	ad No 16, 2025
s 302ALF	ad No 16, 2025

Provision affected	How affected
Subdivision C	
s 302AMA	ad No 16, 2025
s 302AMB	ad No 16, 2025
s 302AMC	ad No 16, 2025
s 302AMD	ad No 16, 2025
s 302AME	ad No 16, 2025
Subdivision D	
s 302ANA	ad No 16, 2025
s 302ANB	ad No 16, 2025
s 302ANC	ad No 16, 2025
Subdivision E	
s 302AOA	ad No 16, 2025
s 302AOB	ad No 16, 2025
s 302AOC	ad No 16, 2025
Subdivision F	
s 302APA	ad No 16, 2025
s 302APB	ad No 16, 2025
s 302APC	ad No 16, 2025
s 302APD	ad No 16, 2025
s 302APE	ad No 16, 2025
s 302APF	ad No 16, 2025
Subdivision G	
s 302AQA	ad No 16, 2025
s 302AQB	ad No 16, 2025
s 302AQC	ad No 16, 2025
s 302AQD	ad No 16, 2025
s 302AQE	ad No 16, 2025
s 302AQF	ad No 16, 2025
Subdivision H	
s 302ARA	ad No 16, 2025
s 302ARB	ad No 16, 2025
s 302ARC	ad No 16, 2025

Provision affected	How affected
Division 3A	
Division 3A	ad No 147, 2018
Subdivision A	
s 302A	ad No 147, 2018
	am No 134, 2021; No 137, 2021
	rs No 16, 2025
s 302B	ad No 147, 2018
	am No 134, 2021; No 16, 2025
s 302BA	ad No 16, 2025
s 302C	ad No 147, 2018
	rs No 16, 2025
s 302CA	ad No 147, 2018
	rs No 95, 2020
	am No 16, 2025
s 302CAA	ad No 16, 2025
Subdivision AA	
Subdivision AA	ad No 16, 2025
s 302CB	ad No 16, 2025
s 302CC	ad No 16, 2025
s 302CD	ad No 16, 2025
s 302CE	ad No 16, 2025
s 302CF	ad No 16, 2025
s 302CG	ad No 16, 2025
Subdivision AB	
Subdivision AB	ad No 16, 2025
s 302CH	ad No 16, 2025
Subdivision AC	
Subdivision AC	ad No 16, 2025
s 302CI	ad No 16, 2025
s 302CJ	ad No 16, 2025
s 302CK	ad No 16, 2025
Subdivision B	

Provision affected	How affected
s 302D	ad No 147, 2018
	am No 95, 2020; No 134, 2021; No 137, 2021; No 16, 2025
s 302E	ad No 147, 2018
s 302F	ad No 147, 2018
	am No 134, 2021; No 137, 2021; No 16, 2025
s 302G	ad No 147, 2018
s 302H	ad No 147, 2018
	am No 134, 2021; No 137, 2021
	rep No 16, 2025
Subdivision D	
Subdivision D heading	rep No 16, 2025
s 302P	ad No 147, 2018
s 302Q	ad No 147, 2018
	am No 16, 2025
s 302R	ad No 147, 2018
Division 4	
Subdivision A	
Subdivision A heading	ad No 16, 2025
s 302V	ad No 147, 2018
	am No 134, 2021; No 137, 2021
	rs No 16, 2025
s 303	ad No 144, 1983
	am No 203, 1991; No 147, 2018
	rs No 16, 2025
Subdivision B	
Subdivision B heading	ad No 16, 2025
s 303A	ad No 16, 2025
s 303B	ad No 16, 2025
s 303C	ad No 16, 2025
s 303D	ad No 16, 2025
Subdivision C	
Subdivision C heading	ad No 16, 2025

Provision affected	How affected
s 303E	ad No 16, 2025
s 303F	ad No 16, 2025
s 303G	ad No 16, 2025
s 303H	ad No 16, 2025
Subdivision D	
Subdivision D heading	ad No 16, 2025
s 303J	ad No 16, 2025
s 303K	ad No 16, 2025
Subdivision E	
Subdivision E	ad No 16, 2025
s 303L	ad No 16, 2025
s 303M	ad No 16, 2025
s 303N	ad No 16, 2025
s 303P	ad No 16, 2025
Subdivision F	
Subdivision F heading	ad No 16, 2025
s 303Q	ad No 16, 2025
s 303R	ad No 16, 2025
s 304	ad No 144, 1983
	am No 45, 1984; No 35, 1987; No 24, 1990; No 203, 1991; No 45, 1992; No 65, 2006; No 8, 2010; No 147, 2018; No 134, 2021
	rep No 16, 2025
s 305	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 203, 1991; No 45, 1992; No 42, 1995; No 134, 1999
	rep No 65, 2006
s 305A	ad No 45, 1992
	am No 42, 1995; No 65, 2006; No 147, 2018; No 134, 2021
	rep No 16, 2025
s 305B	ad No 42, 1995
	am No 134, 1999; No 65, 2006; No 147, 2018; No 137, 2021
	rep No 16, 2025
s 306	ad No 144, 1983

Provision affected	How affected
	am No 24, 1990; No 203, 1991; No 45, 1992; No 65, 2006
	rep No 147, 2018
	ad No 134, 2021
	rep No 16, 2025
Subdivision G	
Subdivision G heading	ad No 16, 2025
s 306A	ad No 134, 1999
	am No 55, 2001; No 65, 2006; No 147, 2018; No 134, 2021; No 137, 2021; No 16, 2025
s 306B	ad No 81, 2002
	am No 65, 2006
	rs No 147, 2018
	am No 134, 2021; No 137, 2021; No 16, 2025
s 307	ad No 144, 1983
	am No 45, 1984; No 24, 1990; No 203, 1991; No 134, 2021
	rep No 16, 2025
Division 5	
Division 5 heading	rs No 16, 2025
Subdivision A	
Subdivision A heading	ad No 16, 2025
s 307A	ad No 147, 2018
	ed C67
	rs No 16, 2025
s 308	ad No 144, 1983
	am No 45, 1984; No 203, 1991; No 45, 1992; No 42, 1995; No 65, 2006; No 108, 2010; No 99, 2017
	rep No 147, 2018
	ad No 16, 2025
s 309	ad No 144, 1983
	am No 24, 1990; No 203, 1991; No 45, 1992; No 42, 1995; No 94, 1998; No 65, 2006; No 8, 2010; No 147, 2018; No 134, 2021
	rs No 16, 2025
Subdivision B	

Provision affected	How affected
Subdivision B heading	ad No 16, 2025
s 310.....	ad No 144, 1983
	am No 67, 1985; No 24, 1990; No 105, 1992
	rep No 65, 2006
	ad No 16, 2025
s 310A.....	ad No 16, 2025
s 310B	ad No 16, 2025
s 310C	ad No 16, 2025
s 310D.....	ad No 16, 2025
s 310E	ad No 16, 2025
s 310F.....	ad No 16, 2025
Subdivision C	
Subdivision C heading	ad No 16, 2025
s 310G.....	ad No 16, 2025
s 310H.....	ad No 16, 2025
Subdivision D	
Subdivision D heading	ad No 16, 2025
s 310J	ad No 16, 2025
s 310K.....	ad No 16, 2025
s 310L	ad No 16, 2025
s 310M	ad No 16, 2025
s 310N.....	ad No 16, 2025
s 310P.....	ad No 16, 2025
s 311.....	ad No 144, 1983
	am No 24, 1990
	rep No 65, 2006
	ad No 16, 2025
Subdivision E	
Subdivision E heading.....	ad No 16, 2025
s 311A.....	ad No 203, 1991
	am No 146, 1999; No 65, 2006; No 5, 2011; No 147, 2018; No 16, 2025
Subdivision F	

Provision affected	How affected
Subdivision F heading	ad No 16, 2025
s 312	ad No 144, 1983
	rep No 35, 1987
	ad No 16, 2025
s 313	ad No 144, 1983
	am No 24, 1990; No 203, 1991; No 42, 1995; No 134, 2021
	rs No 16, 2025
s 314	ad No 144, 1983
	am No 24, 1990
	rep No 16, 2025
Division 5A	
Division 5A heading	am No 42, 1995
	rs No 65, 2006
	rep No 16, 2025
Division 5A	ad No 203, 1991
	rs No 45, 1992
	rep No 16, 2025
s 314AAA	ad No 147, 2018
	am No 134, 2021; No 137, 2021
	rep No 16, 2025
s 314AA	ad No 203, 1991
	rs No 45, 1992
	am No 42, 1995; No 134, 1999; No 8, 2010; No 147, 2018; No 134, 2021
	rep No 16, 2025
s 314AB	ad No 45, 1992
	am No 42, 1995; No 94, 1998
	rs No 147, 2018
	am No 137, 2021
	rep No 16, 2025
s 314AC	ad No 45, 1992
	am No 42, 1995; No 134, 1999; No 65, 2006; No 147, 2018; No 137, 2021

Provision affected	How affected
	rep No 16, 2025
s 314AD	ad No 45, 1992
	am No 42, 1995
	rep No 94, 1998
s 314AE	ad No 45, 1992
	am No 65, 2006; No 147, 2018; No 137, 2021
	rep No 16, 2025
s 314AEA	ad No 42, 1995
	am No 134, 1999; No 147, 2018; No 137, 2021
	rep No 16, 2025
s 314AEB	ad No 65, 2006
	am No 108, 2010; No 99, 2017; No 147, 2018
	rep No 16, 2025
s 314AEC	ad No 65, 2006
	rs No 147, 2018
	rep No 16, 2025
s 314AED	ad No 134, 2021
	rep No 16, 2025
s 314AF	ad No 45, 1992
	rep No 16, 2025
s 314AG	ad No 45, 1992
	am No 42, 1995; No 147, 2018
	rep No 16, 2025
Division 5B	
Division 5B	ad No 6, 2022
s 314AH	ad No 6, 2022
s 314AI	ad No 6, 2022
s 314AJ	ad No 6, 2022
s 314AK	ad No 6, 2022
	rep No 16, 2025
Division 5C	
Division 5C	ad No 16, 2025

Provision affected	How affected
Subdivision A	
s 314AKA	ad No 16, 2025
	am No 16, 2025
s 314AL	ad No 16, 2025
Subdivision B	
s 314AM	ad No 16, 2025
s 314AN	ad No 16, 2025
s 314AO	ad No 16, 2025
s 314AP	ad No 16, 2025
s 314AQ	ad No 16, 2025
s 314AR	ad No 16, 2025
Subdivision C	
Subdivision C	ad No 16, 2025
s 314AS	ad No 16, 2025
s 314AT	ad No 16, 2025
s 314AU	ad No 16, 2025
s 314AV	ad No 16, 2025
Division 6	
s 314A	ad No 24, 1990
	am No 45, 1992
	rs No 147, 2018
s 314B	ad No 147, 2018
	rs No 95, 2020
	am No 16, 2025
s 314C	ad No 16, 2025
s 314D	ad No 16, 2025
s 315	ad No 144, 1983
	am No 24, 1990; No 203, 1991; No 109, 2001; No 4, 2016; No 61, 2016
	rs No 147, 2018
s 315A	ad No 24, 1990
	am No 147, 2018
s 316	ad No 144, 1983

Provision affected	How affected
	am No 24, 1990; No 203, 1991; No 42, 1995; No 94, 1998; No 109, 2001; No 81, 2002; No 4, 2016; No 61, 2016; No 147, 2018; No 134, 2021; No 137, 2021
	rep No 16, 2025
s 317	ad No 144, 1983
	am No 24, 1990; No 167, 1991; No 203, 1991
	rs No 147, 2018
	ed C67
	am No 95, 2020; No 16, 2025
s 318	ad No 144, 1983
	am No 45, 1984; No 24, 1990; No 45, 1992; No 8, 2010; No 147, 2018; No 16, 2025
s 318A	ad No 203, 1991
	rep No 65, 2006
s 319	ad No 144, 1983
	am No 35, 1987; No 16, 2025
s 319A	am No 35, 1987; No 42, 1995; No 147, 2018; No 134, 2021; No 137, 2021; No 16, 2025
s 320	ad No 144, 1983
	am No 35, 1987; No 24, 1990; No 203, 1991; No 45, 1992; No 42, 1995
	rs No 147, 2018
	am No 11, 2023; No 16, 2025 (Sch 2 item 32; Sch 5 item 12)
s 321	ad No 144, 1983
	am No 24, 1990; No 42, 1995; No 145, 2015; No 147, 2018; No 95, 2020
s 321A	ad No 65, 2006
	am No 65, 2006; No 145, 2015; No 147, 2018; No 95, 2020
	rs No 16, 2025
s 321AA	ad No 16, 2025
s 321AB	ad No 16, 2025
s 321AC	ad No 16, 2025
Part XXA	
Part XXA	ad No 99, 2017

Provision affected	How affected
Division 1	
s 321B	ad No 99, 2017
	am No 147, 2018; No 134, 2021; No 137, 2021; No 6, 2022; No 16, 2025
s 321C	ad No 99, 2017
	am No 6, 2022
Division 2	
s 321D	ad No 99, 2017
	am No 147, 2018; No 92, 2021; No 4, 2022; No 6, 2022
s 321DA	ad No 6, 2022
s 321E	ad No 99, 2017
	am No 6, 2022
Division 3	
s 321F	ad No 99, 2017
	am No 6, 2022
s 321G	ad No 99, 2017
s 321H	ad No 99, 2017
Part XXI	
s 322	rs No 144, 1983; No 45, 1984
	am No 24, 1990
s 323	am No 93, 1966
	rs No 144, 1983
	am No 24, 1990; No 61, 2016; No 95, 2020
s 323A	ad No 136, 2021
s 324	am No 31, 1962
	rs No 144, 1983
	am No 24, 1990; No 4, 2016; No 61, 2016
s 325	am No 31, 1962
	rs No 144, 1983
	am No 45, 1984; No 109, 2001; No 4, 2016; No 61, 2016; No 95, 2020
s 325A	ad No 24, 1990
	am No 190, 2001; No 61, 2016

Provision affected	How affected
s 326	am No. 31, 1962
	rs No 144, 1983
	am No 24, 1990; No 109, 2001; No 61, 2016
s 327	am No 31, 1962
	rs No 144, 1983
	am No 203, 1991; No 144, 2003; No 61, 2016; No 93, 2021
s 328	rs No 144, 1983
	am No 35, 1987; No 167, 1991; No 94, 1998; No 34, 2001; No 78, 2004; No 8, 2010; No 108, 2010; No 4, 2016; No 61, 2016
	rep No 99, 2017
s. 328A	ad. No. 65, 2006
	am. No. 8, 2010
	rep No 99, 2017
s. 328B	ad. No. 108, 2010
	am. No. 26, 2013
	rep No 99, 2017
s 329	am No 17, 1928; No 102, 1980
	rs No 144, 1983
	am No 133, 1984; No 24, 1990; No 94, 1998; No 109, 2001; No 108, 2010; No 4, 2016; No 61, 2016; No 6, 2022
s. 329A	ad. No. 219, 1992
	rep. No. 94, 1998
s 330	am No 93, 1966
	rs No 144, 1983
	am No 4, 2016; No 61, 2016
s 331	am No 93, 1966; No 144, 1983; No 35, 1987; No 24, 1990
	rs No 167, 1991
	am No 94, 1998; No 115, 2004; No 61, 2016
	rep No 99, 2017
s. 332	am. No. 17, 1928; No. 93, 1966; No. 144, 1983; No. 45, 1984; No. 35, 1987; No. 94, 1998
	rep. No. 134, 1999
s. 333	ad. No. 19, 1940

Provision affected	How affected
	am. No. 93, 1966; No. 144, 1983 (as am. by No. 45, 1984); No. 45, 1984; No. 67, 1985
	rep. No. 184, 1987
s 334	ad No. 43, 1946
	am No 47, 1949; No 26, 1961; No 93, 1966; No 144, 1983; No 45, 1984; No 24, 1990; No 109, 2001; No 61, 2016
	rep No 99, 2017
s 335	am No 93, 1966; No 144, 1983; No 109, 2001; No 61, 2016
s 336	am No 93, 1966; No 144, 1983; No 45, 1984; No 24, 1990; No 167, 1991; No 61, 2016; No 2, 2019
s 337	am No 93, 1966; No 144, 1983; No 24, 1990; No 115, 2004; No 2, 2019
s 338	am No 93, 1966; No 144, 1983; No 24, 1990; No 8, 2010; No 61, 2016
s 339	am No 93, 1966
	rs No 144, 1983
	am No 24, 1990; No 167, 1991; No 94, 1998; No 137, 2000; No 109, 2001; No 115, 2004; No 8, 2010; No 4, 2016; No 61, 2016; No 2, 2019; No 93, 2021
s. 339A	ad. No. 26, 2013
s 340	am No 26, 1961; No 93, 1966; No 144, 1983; No 24, 1990; No 78, 2004; No 61, 2016; No 2, 2019; No 95, 2020
s 341	ad No 19, 1940
	am No 93, 1966; No 144, 1983; No 109, 2001; No 4, 2016; No 61, 2016; No 16, 2025
s 342	am No 93, 1966; No 144, 1983; No 24, 1990; No 110, 2010; No 61, 2016
s 343	am No 93, 1966; No 144, 1983; No 24, 1990; No 109, 2001; No 109, 2010; No 110, 2010; No 61, 2016
s. 344	am. No. 144, 1983; No. 94, 1998
	rep. No. 137, 2000
s 345	am No 93, 1966; No 144, 1983; No 45, 1984; No 24, 1990; No 61, 2016
	ed C64

Provision affected	How affected
s 346	am No 93, 1966; No 144, 1983; No 24, 1990; No 8, 2010; No 61, 2016
s 347	am No 9, 1934; No 93, 1966; No 144, 1983; No 167, 1991; No 109, 2001; No 4, 2016; No 61, 2016
s 348	am No 144, 1983; No 45, 1984
	rs No 24, 1990
	am No 22, 2007; No 8, 2010; No 61, 2016; No 95, 2020; No 16, 2025
s. 349	am. No. 144, 1983
	rep. No. 24, 1990
s. 350	am. No. 93, 1966; No. 144, 1983; No. 24, 1990; No. 109, 2001
	rep. No. 22, 2007
s 351	ad No 19, 1940
	am No 93, 1966; No 144, 1983; No 24, 1990; No 167, 1991; No 109, 2001; No 65, 2006; No 8, 2010; No 108, 2010; No 4, 2016; No 61, 2016; No 99, 2017
	ed C64
	am No 95, 2020
Part XXII	
Division 1	
s 352	rs No 144, 1983
	am No 67, 2018
s. 353	am. No. 19, 1940; No. 144, 1983; No. 109, 1988
s. 354	am. No. 144, 1983; No. 94, 1998; No. 34, 2001
s. 355	am. No. 19, 1940; Nos. 102 and 155, 1980; No. 144, 1983; No. 45, 1984; No. 24, 1990; No. 115, 2004
s. 356	am. No. 93, 1966; No. 155, 1980; No. 144, 1983
	rs. No. 13, 1994
	am. No. 166, 1995
s. 357	ad. No. 144, 1983
	am. No. 24, 1990
s. 358	am. No. 144, 1983; No. 24, 1990
s. 359	am. No. 144, 1983
s. 360	am. No. 14, 1922; No. 144, 1983; No. 8, 2010

Provision affected	How affected
s 361	am No 144, 1983; No 8, 2010; No 95, 2020
s. 362	am. No. 144, 1983; No. 133, 1984; No. 24, 1990; No. 203, 1991; No. 167, 1992; No. 94, 1998
s. 363	am. No. 155, 1980; No. 13, 1994
s. 363A	ad. No. 94, 1998
s. 364A	ad. No. 24, 1990
	am. No. 8, 2010
s. 365	am. No. 14, 1922; No. 167, 1991
s. 365A	ad. No. 134, 1999
	am. No. 8, 2010
s. 366	ad. No. 144, 1983
	am. No. 35, 1987; No. 8, 2010
	rs No 25, 2016
s. 367	ad. No. 14, 1922
	am. No. 24, 1990
s. 367A	ad. No. 24, 1990
s. 369	am. No. 155, 1980
	rs. No. 167, 1991
	am. No. 13, 1994
s. 370	rs. No. 166, 1995
s. 374	am. No. 24, 1990
s. 375	am. No. 19, 1940; No. 80, 1982; No. 99, 1988; No. 140, 2003; No 126, 2015
s. 375A	ad. No. 24, 1990
Division 2	
ss. 377–379	am. No. 144, 1983
s. 380	am. No. 155, 1980; No. 144, 1983; No. 13, 1994
s. 381	am. No. 144, 1983
Part XXIII	
s. 381A	ad. No. 35, 1987
s 382	am No 144, 1983
	rep No 34, 2001
	ad No 109, 2010

Provision affected	How affected
	am No 110, 2010; No 95, 2020
s 383	ad No 144, 1983
	am No 34, 2001; No 78, 2004; No 99, 2017; No 6, 2022
s 384	ad No 144, 1983
	am No 61, 2016; No 147, 2018
s 384A	ad No 99, 2017
	am No 147, 2018
s 385	am No 144, 1983
s 385A	ad No 219, 1992
	am No 65, 2006; No 8, 2010; No 110, 2010
	rs No 99, 2017
	am No 92, 2021
s 386	am No 144, 1983; No 109, 2001; No 67, 2018
s 386A	ad No 203, 1991
	rep No 219, 1992
	ad No 25, 2016
	am No 2, 2019
s 387	am No 56, 1975; No 144, 1983; No 24, 1990; No 147, 2018
s. 387A	ad. No. 219, 1992
	am. No. 78, 2004
s. 388	am. No. 17, 1928
s. 389	am. No. 19, 1940
s. 390	ad. No. 26, 1961
	am. No. 24, 1990; No. 219, 1992; Nos. 110 and 111, 2012
s. 390A	ad. No. 219, 1992
	am. No. 8, 2010; Nos. 110 and 111, 2012
s 391	ad No 45, 1984
	am No 24, 1990; No 219, 1992
	ed C64
	am No 95, 2020
s 392	am No 144, 1983; No 24, 1990; No 2, 2019
s. 393	am. No. 144, 1983

Provision affected	How affected
	rs. No. 24, 1990
	rep. No. 94, 1998
s. 393A	ad. No. 24, 1990
	am. No. 94, 1998; Nos. 8, 109 and 110, 2010; No. 26, 2013; No 25, 2016
s. 394	ad. No. 14, 1922
	am. No. 144, 1983; No. 45, 1984; No. 167, 1991; No. 121, 1992
	rs No 33, 2016
s 395	am No 10, 1924; No 93, 1966; No 144, 1983; No 157, 2007; No 8, 2010; No 61, 2016
s 396	ad No 136, 2021
Schedule 1	
Schedule heading	rep No 24, 1990
Schedule 1 heading	ad No 24, 1990
Schedule	ad No 144, 1983
Form A	rs No 144, 1983
	am No 45, 1984; No 24, 1990; No 78, 2004
Form AA	ad No 144, 1983
	am No 45, 1984; No 24, 1990; No 78, 2004
Form B	rs No 144, 1983
	am No 45, 1984; No 24, 1990; No 78, 2004
Form C	rs No 144, 1983
	am No 45, 1984
	rs No 35, 1987
	am Statutory Rules No 163, 1940 (as am by Statutory Rules No 339, 1988); No 78, 2004; No 8, 2010; No 2, 2019
Form CA	ad No 35, 1987
	am Statutory Rules No 163, 1940 (as am by Statutory Rules No 339, 1988); No 78, 2004; No 8, 2010; No 25, 2016; No 2, 2019
Form CB	ad No 35, 1987
	am Statutory Rules No 163, 1940 (as am by Statutory Rules No 339, 1988); No 78, 2004; No 8, 2010
	rep No 19, 2013

Provision affected	How affected
Form CC	ad No 35, 1987
	am Statutory Rules No 163, 1940 (as am by Statutory Rules No 339, 1988); No 78, 2004; No 8, 2010; No 25, 2016; No 2, 2019
Form D	rs No 144, 1983
	am No 45, 1984
	rs No 35, 1987
	am Statutory Rules No 163, 1940 (as am by Statutory Rules No 339, 1988); No 78, 2004; No 8, 2010; No 2, 2019
Form DA	ad No 35, 1987
	am Statutory Rules No 163, 1940 (as am by Statutory Rules No 339, 1988); No 78, 2004; No 8, 2010; No 25, 2016; No 2, 2019
Form DB	ad No 2, 2019
	am No 74, 2023
Form E	rs No 144, 1983; No 45, 1984
	am Statutory Rules No 163, 1940 (as am by Statutory Rules No 287, 1984; Statutory Rules No 21, 1995)
	rs No 24, 1990; No 34, 2001; No 25, 2016; No 95, 2020
Form F	rs No 144, 1983
	am Statutory Rules No 163, 1940 (as am by Statutory Rules No 32, 1989; Statutory Rules No 422, 1992); No 45, 1984
	rs No 34, 2001; No 25, 2016
Schedule 2	
Schedule 2	ad No 24, 1990
	am No 167, 1991; No 115, 2004; No 123, 2004; No 110, 2010; No 19, 2013; No 16, 2025
Schedule 3	
Schedule 3	ad No 24, 1990
	am No 167, 1991; No 166, 1995; No 94, 1998; No 134, 1999; No 34, 2001; No 115, 2004; No 65, 2006 (as am by No 73, 2008); No 8, 2010; No 110, 2010; No 29, 2011; No 37, 2011; No 111, 2012; No 19, 2013; No 2, 2019; No 95, 2020; No 92, 2021; No 93, 2021
	ed C71

Provision affected	How affected
	am No 16, 2025

Endnote 5—Proclamation details for section 3

For Proclamations fixing the dates of repeal of these Acts: *see Gazettes* 1918, p. 2257; 1919, p. 401 and 1934, p. 1351.

Endnote 6—Repeal table

The amendment history of the repealed provisions of the *Commonwealth Electoral Act 1918* up to and including the *Commonwealth Electoral Legislation Amendment Act 1984* (No. 45, 1984) appears in the table below.

Provision affected	How affected
s. 4	rs. No. 26, 1961
	rep. No. 14, 1977
s. 12	rep. No. 144, 1983
Part III (ss. 14A, 15–18, 18A, 19–23, 23A, 24, 25, 25A)	rep. No. 144, 1983
s. 14A	ad. No. 14, 1977
	rep. No. 144, 1983
s. 15	rep. No. 144, 1983
s. 18A	ad. No. 48, 1965
	am. No. 14, 1977
	rep. No. 144, 1983
s. 23A	ad. No. 48, 1965
	rep. No. 144, 1983
s. 28	rep. No. 144, 1983
ss. 44, 45	rep. No. 144, 1983
Part IX (s. 58)	rep. No. 144, 1983
s. 87A	ad. No. 10, 1949
	am. No. 93, 1966
	rep. No. 144, 1983
s. 93A	ad. No. 14, 1922
	am. No. 17, 1928; No. 93, 1966
	rep. No. 144, 1983
s. 105	rep. No. 144, 1983
s. 105B	ad. No. 48, 1965
	rep. No. 144, 1983
Part XVI (s. 153)	rep. No. 144, 1983
s. 164BA	ad. No. 47, 1949

Provision affected	How affected
	am. No. 93, 1966
	rep. No. 144, 1983
s. 164BB	ad. No. 47, 1949
	am. No. 19, 1979
	rep. No. 144, 1983
s. 166	am. No. 93, 1966
	rep. No. 144, 1983
s. 178	am. No. 93, 1966
	rep. No. 144, 1983
s. 182	rep. No. 144, 1983
s. 189A	ad. No. 14, 1922
	am. No. 17, 1928
	rep. No. 48, 1965
s. 212	rs. No. 9, 1934
	rep. No. 56, 1975
s. 214	am. No. 2, 1929
	rep. No. 144, 1983
The Schedule	am. No. 31, 1919; No. 14, 1921; No. 14, 1922; No. 9, 1934; No. 19, 1940; No. 26, 1961; No. 93, 1966; No. 102, 1980
	rep. No. 144, 1983

Endnote 7—Renumbering table

The renumbering of provisions of the *Commonwealth Electoral Act 1918*, made by the *Commonwealth Electoral Legislation Amendment Act 1984* (No. 45, 1984) appears in the table below.

Old Number	New Number
Section	Section
1	1
2	2
3	3
5	4
6	5
7	6
7A	7
7B	8
7C	9
7D	10
7E	11
7F	12
7G	13
7H	14
7J	15
7K	16
7L	17
7M	18
7N	19
7O	20
7P	21
7Q	22
7R	23
7S	24
7T	25
7U	26

Old Number	New Number
7V	27
7W	28
Section	Section
7X	29
7Y	30
7Z	31
8	32
9	33
10	34
11	35
13	36
14	37
15	38
16	39
17	40
18	41
19	42
20	43
21	44
22	45
23	46
24	47
25	48
25A	49
25B	50
25C	51
25D	52
25E	53
25F	54
Part IIIA	Part IV
Section	Section
25G	55

Old Number	New Number
25H	56
25I	57
25J	58
25K	59
25L	60
25M	61
25N	62
25P	63
25Q	64
25R	65
25S	66
25T	67
25U	68
25V	69
25W	70
25X	71
25Y	72
25Z	73
25ZA	74
25ZB	75
25ZC	76
25ZD	77
25ZE	78
Part IV	Part V
Section	Section
26	79
27	80
Part V	Part VI
Section	Section
29	81
30	82
31	83

Old Number	New Number
32	84
33	85
33A	86
34	87
Section	Section
35	88
36	89
37	90
37A	91
38	92
Part VI	Part VII
Section	Section
39	93
39A	94
39B	95
39C	96
39D	97
Part VII	Part VIII
Section	Section
40	98
41	99
41A	100
42	101
43	102
46	103
46A	104
47	105
47A	106
48	107
49	108
50	109
51	110

Old Number	New Number
51A	111
51B	112
Part VIII	Part IX
Section	Section
52	113
53	114
54	115
55	116
56	117
57	118
57A	119
Part IX	Part X
Section	Section
58	120
58AA	121
58AB	122
Part IXA	Part XI
Section	Section
58A	123
58B	124
58C	125
58D	126
58E	127
58F	128
58G	129
58H	130
58J	131
58K	132
58L	133
58M	134
58N	135
58P	136

Old Number	New Number
58Q	137
58R	138
58S	139
58T	140
58U	141
Part IXB	Part XII
Section	Section
58V	142
58W	143
58X	144
58Y	145
58Z	146
58ZA	147
58ZB	148
58ZC	149
58ZD	150
Part X	Part XIII
Section	Section
59AA	151
59	152
60	153
61	154
61A	155
62	156
63	157
64	158
65	159
66	160
67	161
Part XI	Part XIV
Section	Section
68	162

Old Number	New Number
69	163
70	164
70A	165
71	166
72	167
72A	168
72B	169
73	170
74	171
75	172
76	173
77	174
78	175
79	176
80	177
81	178
82	179
83	180
84	181
Part XII	Part XV
Section	Section
85AA	182
85AB	183
85	184
86	185
86A	186
87	187
88	188
89	189
90	190
91	191
91A	192

Old Number	New Number
91B	193
92	194
93	195
93B	196
94	197
94A	198
95	199
96	200
96A	201
97	202
Part XIII	Part XVI
Section	Section
98	203
99	204
100	205
101	206
102	207
103	208
104	209
105A	210
106	211
106A	212
106B	213
106C	214
107	215
107A	216
Section	Section
108	217
109	218
110	219
111	220
112	221

Old Number	New Number
113	222
113A	223
113B	224
113C	225
113D	226
114	227
114A	228
115	229
116	230
117	231
118	232
119	233
120	234
121	235
121A	236
121B	237
122	238
123	239
124	240
125	241
126	242
127	243
128	244
128A	245
Part XIIIA	Part XVII
Section	Section
128B	246
128C	247
128D	248
128E	249
128F	250
128G	251

Old Number	New Number
128H	252
Section	Section
128J	253
128K	254
128L	255
128M	256
128N	257
128P	258
128Q	259
128R	260
128S	261
128T	262
Part XIV	Part XVIII
Section	Section
129	263
130	264
131	265
131A	266
132	267
133	268
133A	269
133B	270
134	271
134A	272
135	273
136	274
136A	275
136B	276
136C	277
137	278
138	279
139	280

Old Number	New Number
140	281
140A	282
Part XV	Part XIX
Section	Section
141	283
142	284
143	285
144	286
Part XVI	Part XX
Section	Section
145	287
146	288
147	289
148	290
149	291
150	292
151	293
152	294
153	295
153A	296
153B	297
153C	298
153D	299
153E	300
153F	301
153G	302
153H	303
153J	304
153K	305
153L	306
153M	307
153N	308

Old Number	New Number
153P	309
153Q	310
153R	311
153S	312
153T	313
153U	314
153V	315
153W	316
153X	317
153Y	318
153Z	319
153ZA	320
153ZB	321
Part XVII	Part XXI
Section	Section
154	322
155	323
156	324
157	325
158	326
159	327
160	328
161	329
162	330
163	331
164	332
164A	333
164B	334
165	335
167	336
168	337
169	338

Old Number	New Number
170	339
171	340
171A	341
172	342
173	343
174	344
175	345
176	346
177	347
179	348
180	349
181	350
181A	351
Part XVIII	Part XXII
Section	Section
182	352
183	353
184	354
185	355
186	356
Section	Section
186A	357
187	358
188	359
189	360
190	361
191	362
192	363
193	364
194	365
194AA	366
194A	367

Old Number	New Number
195	368
196	369
197	370
198	371
199	372
200	373
201	374
202	375
203	376
204	377
205	378
206	379
207	380
208	381
Part XIX	Part XXIII
Section	Section
209	382
209A	383
209B	384
210	385
211	386
213	387
215	388
216	389
216A	390
216B	391
217	392
Section	Section
218	393
218A	394
Section	Section
219	395

TRANSITIONAL/APPLICATION PROVISIONS

The following provisions are from the amending bill. They are non-operative provisions that do not modify the text of the amended Act, but set out application rules, transitional arrangements, or other supplementary matters.

Schedule 1, Part 1, Division 1

7 Application—applications for registration as significant third party or associated entity

The amendments of section 287L of the *Commonwealth Electoral Act 1918* made by this Division apply in relation to an application for the registration of a person or entity as a significant third party, or as an associated entity, if the application is made after the commencement of this item.

Schedule 1, Part 1, Division 3

47 Application of amendments

(1) To avoid doubt, the repeal of paragraph 287H(1)(g) of the *Commonwealth Electoral Act 1918* made by Division 2 of this Part has effect in relation to an entity on and from the day the repeal commences, regardless of whether the entity was registered as an associated entity before that day.

(2) Subitem (1) is subject to any rules made by the Minister under Schedule 11 to this Act that affect the application of items of this Act.

Schedule 3, Part 1, Division 3

10 Application of amendment—indexation

Section 321A of the *Commonwealth Electoral Act 1918*, as substituted by this Schedule, applies in relation to the indexation year beginning on 1 January 2027 and each subsequent calendar year.

Schedule 3, Part 2, Division 3

11 Relationship of this Schedule with Schedule 4

(1) It is the intention of the Parliament that the amendments made by this Schedule (gift caps) and by Schedule 4 (expenditure caps) are to operate together and not to be severed from each other.

(2) Subitem (1) operates despite section 15A of the *Acts Interpretation Act 1901*.

(3) To avoid doubt, subitem (1) does not apply in relation to any other amendments made by this Act.

Schedule 4, Part 1, Division 3

6 Application of amendment—indexation

Section 321AB of the *Commonwealth Electoral Act 1918*, as inserted by this Schedule, applies in relation to the indexation year beginning on 1 January 2027 and each subsequent calendar year.

Schedule 4, Part 2, Division 3

7 Relationship of this Schedule with Schedule 3

(1) It is the intention of the Parliament that the amendments made by this Schedule (expenditure caps) and by Schedule 3 (gift caps) are to operate together and not to be severed from each other.

(2) Subitem (1) operates despite section 15A of the *Acts Interpretation Act 1901*.

(3) To avoid doubt, subitem (1) does not apply in relation to any other amendments made by this Act.

Schedule 10, Part 2, Division 3

71 Application of amendments relating to offences

(1) Subsection 341(1) of the *Commonwealth Electoral Act 1918*, as substituted by Part 1 of this Schedule, applies in relation to acts or omissions that occur on or after the commencement of this Schedule.

(2) Subsection 348(1A) of the *Commonwealth Electoral Act 1918*, as inserted by Part 1 of this Schedule, applies in relation to acts or omissions that occur on or after the commencement of this Schedule.

(3) Subsection 132(1) of the *Referendum (Machinery Provisions) Act 1984*, as substituted by Part 1 of this Schedule, applies in relation to acts or omissions that occur on or after the commencement of this Schedule.

(4) Subsection 135(1A) of the *Referendum (Machinery Provisions) Act 1984*, as inserted by Part 1 of this Schedule, applies in relation to acts or omissions that occur on or after the commencement of this Schedule.

Schedule 11, Part 2, Division 3

1 Transitional rules

(1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Act.

(2) Without limiting subitem (1), the rules may have the effect that, despite the commencement of an item of this Act that amends, inserts, substitutes or repeals a provision of an Act, the provision:

(a) as amended, inserted or substituted does not apply generally, or in relation to any specified matters or classes of matters, for a specified period after that commencement; or

(b) as repealed continues to apply generally, or in relation to any specified matters or classes of matters, for a specified period after that commencement.

(3) Rules that have the effect mentioned in subitem (2) must not specify a period that ends later than 30 June 2027.

(4) To avoid doubt, the rules may not do the following:

(a) create an offence or civil penalty;

(b) provide powers of:

(i) arrest or detention; or

(ii) entry, search or seizure;

(c) impose a tax;

(d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;

(e) directly amend the text of this Act.

(5) This Act (other than subitems (3) and (4) of this item) does not limit the rules that may be made under this item.

[*Minister's second reading speech made in—*
House of Representatives on 18 November 2024
Senate on 25 November 2024]

AMENDMENT SUMMARY

Summary: 172 successful, 58 pre-completed, 10 warnings, 0 errors, 10 skipped, 64 from other Acts (not applied). Total amendments: 304

Item	Schedule	Target	Type	Result
1	Sch 1	Section 287D	After Insert	✓ Inserted 1 element(s) after 'Associated entities are entiti...'
2	Sch 1	Subsection 287L(1)	Omit Substitute	○ Amendment already applied - substitute text found: 'subsections (2), (3) an...
3	Sch 1	Subsection 287L(2)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
4	Sch 1	Subsection 287L(4) (heading)	Repeal Heading	○ Pre-completed (subsection heading not found — likely already repealed)
5	Sch 1	Before subsection 287L(5)	Before Insert	○ Amendment already applied - insert content already present before subsectio...
6	Sch 1	After section 287L	Insert	○ Amendment already applied - content already present: '287LA Deregistration...
7	Sch 1	Application—applications for registration as signi...	Transitional	⊘ Skipped — non-operative transitional/application provision
8	Sch 1	Section 286A	Repeal Substitute	⚠ Possible leaked content from 1 other item(s) detected in insert content

Item	Schedule	Target	Type	Result
8	Sch 1	Section 286A	Repeal Substitute	✓ Repealed and substituted with 17 paragraph(s)
9	Sch 1	Subsection 287(1)	Insert Definition	✓ Inserted 2 definitions in alphabetical order: 'commercial interest rate, in...
10	Sch 1	Subsection 287(1) (definition of disclosure thresh...	Repeal Substitute	✓ Repealed and substituted with 2 paragraph(s)
11	Sch 1	Subsection 287(1)	Insert Definition	✓ Inserted 2 definitions in alphabetical order: 'expenditure group', 'financi...
12	Sch 1	Subsection 287(1) (definition of gift)	Repeal Substitute	✓ Repealed and substituted with 1 paragraph(s)
13	Sch 1	Subsection 287(1)	Insert Definition	✓ Inserted 2 definitions in alphabetical order: 'peak representative body', '...
14	Sch 1	Subsection 287(1) (definition of third party)	Repeal Substitute	✓ Repealed and substituted with 7 paragraph(s)
15	Sch 1	Subsection 287(1)	Insert Definition	✓ Inserted definition 'third party threshold' in alphabetical order
16	Sch 1	After subsection 287(8)	Insert	✓ Inserted 11 paragraph(s)
17	Sch 1	Subsection 287(9)	Repeal Substitute	✓ Repealed and substituted with 11 paragraph(s)
18	Sch 1	After section 287AA	Insert	✓ Inserted 69 paragraph(s)

Item	Schedule	Target	Type	Result
18	Sch 1	Subsection 287AB(1)	Repeal Substitute	✓ Repealed and substituted with 2 paragraph(s) (preserved 3 note paragraph(s))
18	Sch 1	Subsection 287AB(3)	Omit Substitute	✓ Replaced 'In addition, any expenditure incurred by or with the authority of...
18	Sch 1	Subsection 287AB(3)	Omit Substitute	✓ Replaced 'a member of the House of Representatives or a Senator in relation...
19	Sch 1	At the end of subsection 287AB(3)	At End Add	✓ Added 1 paragraph(s) at end of At the end of subsection 287AB(3)
19	Sch 1	After subsection 287AB(3)	Insert	✓ Inserted 19 paragraph(s)
20	Sch 1	At the end of section 287AB	At End Add	✓ Added 8 paragraph(s) at end of At the end of section 287AB
21	Sch 1	After section 287AC	Insert	✓ Inserted 2 paragraph(s)
22	Sch 1	Subsection 287F(1)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
23	Sch 1	Paragraph 287F(1)(a)	Omit Substitute	✓ Replaced 'financial years' with 'calendar years'
24	Sch 1	Subparagraph 287F(1)(b)(i)	Repeal Substitute	✓ Repealed and substituted with 1 paragraph(s)
25	Sch 1	Subparagraph 287F(1)(b)(ii)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
26	Sch 1	Paragraph 287F(1)(c)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'

Item	Schedule	Target	Type	Result
27	Sch 1	Subparagraph 287F(1)(c)(i)	Omit Substitute	✓ Replaced 'at least equal to the disclosure threshold' with 'more than the t...
28	Sch 1	Subsection 287F(1) (note)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
29	Sch 1	Subsection 287F(3)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
30	Sch 1	Subsection 287H(1)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
31	Sch 1	Paragraph 287H(1)(f)	Omit Substitute	✓ Replaced 'entity;' with 'entity.'
32	Sch 1	Paragraph 287H(1)(g)	Repeal Section	✓ Repealed 2 paragraph(s)
33	Sch 1	Subsection 287H(3)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
34	Sch 1	Subsections 287H(4) and (5)	Repeal Subsections	✓ Repealed 5 paragraph(s)
35	Sch 1	Subsection 287J(1)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
36	Sch 1	Subsection 287J(1)	Omit Substitute	✓ Replaced 'current financial year' with 'current calendar year'
37	Sch 1	Paragraphs 287J(1)(a) and (b)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
38	Sch 1	Subparagraphs 287J(1)(c)(i) and (ii)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
39	Sch 1	Subsection 287J(2)	Omit Substitute	✓ Replaced 'financial year' with 'calendar year'
40	Sch 1	Subparagraph 287K(2)(b)(ii)	Omit Substitute	✓ Replaced ', and any disclosure entity referred to in paragraph 287H(1)(g),'...

Item	Schedule	Target	Type	Result
41	Sch 1	Paragraph 287N(2)(c)	Omit Substitute	✓ Replaced ', and any disclosure entities referred to in paragraph 287H(1)(g)...
42	Sch 1	Section 302A	Repeal Substitute	⚠ Possible leaked content from 1 other item(s) detected in insert content
42	Sch 1	Section 302A	Repeal Substitute	✓ Repealed and substituted with 8 paragraph(s)
42	Sch 1	At the end of section 302CA	At End Add	✓ Added 2 paragraph(s) at end of At the end of section 302CA
43	Sch 1	Subsection 302D(5)	Repeal Subsection	✓ Repealed 7 paragraph(s)
44	Sch 1	Subsection 302F(7)	Repeal Subsection	✓ Repealed 7 paragraph(s)
44	Sch 1	After subsection 314B(9)	Insert	✓ Inserted 1 paragraph(s)
45	Sch 1	Subsection 3(1) (definition of referendum entity)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
46	Sch 1	Subsection 3(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
47	Sch 1	Application of amendments	Transitional	⊘ Skipped — non-operative transitional/application provision
48	Sch 1	Subsection 287(1)	Insert Definition	✓ Inserted definition 'nominated entity' in alphabetical order

Item	Schedule	Target	Type	Result
49	Sch 1	Subsection 287(1) (paragraph (b) of the definition...	Omit Substitute	✓ Replaced 'or an associated entity' with ', an associated entity or a nomina...
50	Sch 1	Subsection 287AB(3)	Omit Substitute	✓ Replaced 'or an associated entity' with ', an associated entity or a nomina...
51	Sch 1	Division 1A of Part XX (heading)	Omit Substitute	✓ Replaced 'and associated entities' with ', associated entities and nominate...
52	Sch 1	Section 287D	After Insert	✓ Inserted 1 element(s) after 'A significant third party or a...'
53	Sch 1	After Subdivision B of Division 1A of Part XX	After Structural Insert	✓ Inserted 74 paragraph(s) after subdivision b of division 1a of part xx
54	Sch 1	After subparagraph 287N(2)(a)(ii)	Insert	✓ Inserted 1 paragraph(s)
55	Sch 1	Paragraph 287N(2)(b)	Omit Substitute	✓ Replaced 'and associated entities' with ', associated entities and nominate...
56	Sch 1	After paragraph 287N(2)(c)	Insert	✓ Inserted 1 paragraph(s)
57	Sch 1	Section 287V	Omit Substitute	✓ Replaced 'Significant third parties and associated entities must nominate' ...
58	Sch 1	Section 287V	Omit Substitute	✓ Replaced 'significant third parties and associated entities is kept' with '...

Item	Schedule	Target	Type	Result
59	Sch 1	Section 292E (heading)	Omit Substitute	✓ Replaced 'and associated entities' with ', associated entities and nominate...
60	Sch 1	Subsection 292E(1)	Omit Substitute	✓ Replaced 'and associated entity' with ', associated entity and nominated en...
61	Sch 1	Subparagraph 292F(1)(b)(iii)	Repeal Substitute	✓ Repealed and substituted with 1 paragraph(s)
62	Sch 1	Paragraph 292F(4)(b)	Omit Substitute	✓ Replaced 'or associated entity' with ', associated entity or nominated entity'
63	Sch 1	Section 302D (heading)	Omit Substitute	✓ Replaced 'and associated entities' with ', associated entities and nominate...
64	Sch 1	Subparagraph 302D(1)(a)(ii)	Omit Substitute	✓ Replaced 'or an associated entity' with ', an associated entity or a nomina...
65	Sch 1	Paragraph 302D(1A)(a)	Omit Substitute	✓ Replaced 'or associated entity' with ', associated entity or nominated entity'
66	Sch 1	Subparagraph 302F(1)(a)(ii)	Omit Substitute	✓ Replaced 'or an associated entity' with ', an associated entity or a nomina...
67	Sch 1	Paragraph 302F(1)(b)	After Insert	✓ Inserted ', nominated entity' after 'associated entity'
68	Sch 1	After subparagraph 302F(2)(c)(iia)	Insert	✓ Inserted 1 paragraph(s)

Item	Schedule	Target	Type	Result
69	Sch 1	Paragraph 319A(2A)(b)	Omit Substitute	✓ Replaced 'or associated entity' with ', associated entity or nominated entity'
70	Sch 1	Section 321B (after paragraph (b) of the definitio...	Insert	✓ Inserted 1 paragraph(s) after paragraph in definition
1	Sch 10	Section 55A (note)	Omit Sentence Substitute	○ Amendment already applied - second sentence already reads: 'Subsection 62(3...
2	Sch 10	Subsection 64(3)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
3	Sch 10	Paragraph 68(1)(a)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
4	Sch 10	Paragraph 68(1)(b)	Omit Substitute	○ Amendment already applied - substitute text found: 'cause to be published o...
5	Sch 10	At the end of subparagraphs 68(1)(b)(i), (ii) and ...	At End Add	✓ Added 0 paragraph(s) at end of At the end of subparagraphs 68(1)(b)(i), (ii...
6	Sch 10	Paragraph 68(1)(b)	Omit Substitute	○ Amendment already applied - text to omit not present: 'to be made available...
7	Sch 10	Paragraph 68(1)(c)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...

Item	Schedule	Target	Type	Result
8	Sch 10	Paragraph 68(1)(d)	Omit Substitute	○ Amendment already applied - substitute text found: 'publication of...'
9	Sch 10	Subsection 69(2)	Omit Substitute	○ Amendment already applied - substitute text found: 'The Electoral Commissio...
10	Sch 10	Subsection 69(4)	Omit Substitute	○ Amendment already applied - substitute text found: 'cause to be published o...
11	Sch 10	Subsection 69(5)	Repeal Subsection	✓ Repealed 5 paragraph(s)
12	Sch 10	Paragraph 93(8)(a)	Omit Substitute	○ Amendment already applied - substitute text found: 'cognitive impairment...'
13	Sch 10	Subsection 118(4)	Omit Substitute	○ Amendment already applied - substitute text found: 'cognitive impairment...'
14	Sch 10	After subsection 125(1)	Insert	○ Amendment already applied - content already present: '(1A)The Register must...
15	Sch 10	Section 139	Repeal Section	○ Pre-completed (target not found — likely already repealed)
16	Sch 10	After paragraph 184A(2)(c)	Insert	○ Amendment already applied - content already present: '(caa)because the appl...

Item	Schedule	Target	Type	Result
17	Sch 10	Subsection 185(1)	Omit Substitute	○ Amendment already applied - substitute text found: 'If...'
18	Sch 10	Subsections 185(1A) and (1B)	Repeal Subsections	○ Pre-completed (target not found — likely already repealed)
19	Sch 10	Paragraph 194(1)(d)	Omit Substitute	○ Amendment already applied - substitute text found: 'place the ballot paper ...
20	Sch 10	After section 199	Insert	⚠ Possible leaked content from 1 other item(s) detected in insert content
20	Sch 10	After section 199	Insert	○ Amendment already applied - content already present: '199A Envelopes that ...
21	Sch 10	Paragraph 200DK(b)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
22	Sch 10	Paragraph 200DL(1)(e)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
23	Sch 10	Subsection 200E(5)	Omit Substitute	○ Amendment already applied - substitute text found: 'paper and return the ba...
24	Sch 10	Paragraph 200E(7)(e)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...

Item	Schedule	Target	Type	Result
25	Sch 10	Subsection 226(5)	Omit Substitute	○ Amendment already applied - substitute text found: 'subsections 340(1) and ...
26	Sch 10	Subsection 226(7)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
27	Sch 10	Paragraph 227(8)(e)	Omit Substitute	○ Amendment already applied - substitute text found: 'sections 340 and 341 ap...
28	Sch 10	Paragraph 233(1)(b)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
29	Sch 10	Subsections 234(1) and (2)	Omit Substitute	○ Amendment already applied - text to omit not present: ', fold,'
30	Sch 10	Paragraph 234A(3)(b)	Omit Substitute	○ Amendment already applied - text to omit not present: 'fold the ballot pape...
31	Sch 10	Subsection 234A(4)	Omit Substitute	○ Amendment already applied - text to omit not present: 'folded'
32	Sch 10	Subsection 234A(5)	Omit Substitute	○ Amendment already applied - substitute text found: 'mark, or allow a pollin...
33	Sch 10	Subsection 235(6)	Omit Substitute	○ Amendment already applied - substitute text found: 'hand the ballot paper...'

Item	Schedule	Target	Type	Result
34	Sch 10	Subsection 266(2)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
35	Sch 10	Subsection 341(1)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
36	Sch 10	After paragraph 348(1)(c) (before the penalty)	Insert	○ Amendment already applied - content already present: 'Note:For the purposes...
37	Sch 10	After subsection 348(1)	Insert	○ Amendment already applied - content already present: '(1A)A person commits ...
38	Sch 10	Subsection 348(5)	After Insert	○ Amendment already applied - found 'subsection (1)or (1A)'
39	Sch 10	Paragraphs 4 and 5 of Schedule 2	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
40	Sch 10	After paragraph 6 of Schedule 3	Insert	○ Amendment already applied - content already present: '6AA.Despite subparagr...
41	Sch 10	After subsubparagraph 10(a)(i) of Schedule 3	Insert	○ Amendment already applied - content already present: '(ia)the envelopes tha...
42	Sch 10	After subsubparagraph 11(a)(i) of Schedule 3	Insert	○ Amendment already applied - content already

Item	Schedule	Target	Type	Result
				present: '(ia)the envelopes tha...
43	Sch 10	Paragraph 21 of Schedule 3	Repeal Section	○ Pre-completed (target not found — likely already repealed)
44	Sch 10	At the end of paragraph 35(a)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
45	Sch 10	Paragraph 35(b)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
46	Sch 10	Subsections 36(1) and (2)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
47	Sch 10	Paragraph 36A(3)(b)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
48	Sch 10	Subsection 36A(4)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
49	Sch 10	Subsection 36A(5)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
50	Sch 10	Subsection 37(6)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...

Item	Schedule	Target	Type	Result
51	Sch 10	Subsection 46(4)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
52	Sch 10	Subsection 50(4)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
53	Sch 10	Subsection 50(6)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
54	Sch 10	Paragraph 51(8)(e)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
55	Sch 10	Paragraph 65(1)(d)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
56	Sch 10	After section 71	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
57	Sch 10	Paragraph 73CK(b)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
58	Sch 10	Paragraph 73CL(1)(e)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
59	Sch 10	Subsection 73D(5)	Other Act	⊛ Not applied — amends a different Act

Item	Schedule	Target	Type	Result
				(Referendum (Machinery Provisions) Act...
60	Sch 10	Paragraph 73D(7)(e)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
61	Sch 10	Subsection 89A(2)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
62	Sch 10	Subsection 132(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
63	Sch 10	After paragraph 135(1)(c) (before the penalty)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
64	Sch 10	After subsection 135(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
65	Sch 10	Subsection 135(5)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
66	Sch 10	Paragraphs 4 and 5 of Schedule 3	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
67	Sch 10	After paragraph 6 of Schedule 4	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...

Item	Schedule	Target	Type	Result
68	Sch 10	After subsubparagraph 10(a)(ii) of Schedule 4	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
69	Sch 10	Paragraph 18 of Schedule 4	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
70	Sch 10	Paragraphs 20 and 21 of Schedule 4	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
71	Sch 10	Application of amendments relating to offences	Transitional	∅ Skipped — non-operative transitional/application provision
1	Sch 11	Transitional rules	Transitional	∅ Skipped — non-operative transitional/application provision
1	Sch 2	Subsection 17(2A)	Omit Substitute	✓ Replaced 'furnish a return under subsection 305A(1) or (1A) in relation to ...
2	Sch 2	Subsection 287(1)	Insert Definition	✓ Inserted definition 'donation disclosure notice' in alphabetical order
3	Sch 2	Subsection 287(1) (at the end of the definition of...	At End Add	✓ Added 1 paragraph(s) at end of Subsection 287(1) (at the end of the definit...
4	Sch 2	Sections 302V to 306	Repeal Substitute	⚠ Possible leaked content from 18 other item(s) detected in insert content

Item	Schedule	Target	Type	Result
4	Sch 2	Sections 302V to 306	Repeal Substitute	✓ Repealed and substituted with 300 paragraph(s)
5	Sch 2	Before section 306A	Before Insert	✓ Inserted 1 paragraph(s) before section 306A
6	Sch 2	Paragraph 306A(3)(a)	After Insert	✓ Inserted '(including, without limitation, the total amount of the loan, the...
7	Sch 2	Subsections 306A(7A) and (7B)	Repeal Subsections	✓ Repealed 8 paragraph(s)
8	Sch 2	Subsections 306B(3) and (4)	Repeal Subsections	✓ Repealed 8 paragraph(s)
9	Sch 2	Section 307	Repeal Section	✓ Repealed 4 paragraph(s)
10	Sch 2	Paragraph 317(1)(a)	Omit Substitute	✓ Replaced 'return or claim' with 'return, claim or donation disclosure notice'
11	Sch 2	After paragraph 317(2)(c)	Insert	✓ Inserted 1 paragraph(s)
12	Sch 2	Section 318 (at the end of the heading)	At End Add	✓ Added 0 paragraph(s) at end of Section 318 (at the end of the heading)
13	Sch 2	Subsection 318(1)	Omit Substitute	✓ Replaced 'furnish a return under Division 4, 5 or 5A' with 'give a donation...
14	Sch 2	Subsection 318(1)	After Insert	✓ Inserted 'or donation disclosure notice' after 'complete the return'
15	Sch 2	Subsection 318(1)	After Insert	✓ Inserted 'or donation disclosure notice' after 'preparation of the return'

Item	Schedule	Target	Type	Result
16	Sch 2	Paragraphs 318(1)(a) to (c)	After Insert All	✓ Inserted 'or donation disclosure notice' after 'return' (5 occurrence(s))
17	Sch 2	Subsection 318(1)	After Insert	✓ Inserted ', or given a donation disclosure notice,' after 'to have furnishe...
18	Sch 2	Subsection 318(2)	After Insert	✓ Inserted 'or donation disclosure notice' after 'return'
19	Sch 2	Subsection 318(2A)	Omit Substitute	✓ Replaced 'a return under Division 4, 5 or 5A' with 'a donation disclosure n...
20	Sch 2	Subsection 318(2A)	After Insert	✓ Inserted 'or donation disclosure notice' after 'taken to be a return'
21	Sch 2	Subsection 318(3A)	After Insert	✓ Inserted ', or given a donation disclosure notice,' after 'to have furnishe...
22	Sch 2	Section 319A (heading)	Omit Substitute	✓ Replaced 'claims and returns' with 'claims, returns and disclosure donation...
23	Sch 2	Subsection 319A(1)	Omit Substitute	✓ Replaced 'claim or return' with 'claim, return or donation disclosure notice'
24	Sch 2	Subsection 319A(2)	After Insert	✓ Inserted 'or given a donation disclosure notice' after 'furnished a return'

Item	Schedule	Target	Type	Result
25	Sch 2	Subsection 319A(2)	After Insert	✓ Inserted 'or donation disclosure notice' after 'the return'
26	Sch 2	Subsection 319A(2A)	After Insert	✓ Inserted ', or the donation disclosure notice was given,' after 'the return...
27	Sch 2	Paragraph 319A(2A)(d)	After Insert	✓ Inserted 'or gave the donation disclosure notice' after 'the return'
28	Sch 2	At the end of paragraph 319A(2A)(f)	At End Add	✓ Added 0 paragraph(s) at end of At the end of paragraph 319A(2A)(f)
29	Sch 2	Subsection 319A(4)	After Insert All	✓ Inserted 'or donation disclosure notice' after 'the return' (2 occurrence(s))
30	Sch 2	Subsection 319A(9)	After Insert	✓ Inserted 'or donation disclosure notice' after 'a return'
31	Sch 2	At the end of subsection 319A(9)	At End Add	✓ Added 0 paragraph(s) at end of At the end of subsection 319A(9)
32	Sch 2	At the end of subsection 320(1)	At End Add	✓ Added 1 paragraph(s) at end of At the end of subsection 320(1)
33	Sch 2	Section 321B (paragraph (g) of the definition of d...	Repeal Substitute	✓ Repealed and substituted with 3 paragraph(s)
34	Sch 2	Section 321B (note to the definition of disclosure...	Repeal Section	○ Pre-completed (target not found — likely already repealed)
35	Sch 2	Subsection 3(1)	Other Act	⊛ Not applied — amends a different Act

Item	Schedule	Target	Type	Result
				(Referendum (Machinery Provisions) Act...
36	Sch 2	Paragraph 109E(4)(b)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
37	Sch 2	Paragraph 109E(4)(c)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
38	Sch 2	Section 109F	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
39	Sch 2	Paragraph 109G(1)(a)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
40	Sch 2	Subsection 109G(2)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
41	Sch 2	Paragraph 109G(3)(a)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
42	Sch 2	After Division 2 of Part VIIIA	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
43	Sch 2	Paragraph 109M(1)(b)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...

Item	Schedule	Target	Type	Result
44	Sch 2	Paragraph 109U(1)(a)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
45	Sch 2	After paragraph 109U(1)(a)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
46	Sch 2	Paragraph 109U(2)(b)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
47	Sch 2	Section 109V (at the end of the heading)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
48	Sch 2	Subsection 109V(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
49	Sch 2	Subsection 109V(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
50	Sch 2	Subsection 109V(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
51	Sch 2	Subsection 109V(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
52	Sch 2	Paragraphs 109V(1)(a) to (c)	Other Act	⊛ Not applied — amends a different Act

Item	Schedule	Target	Type	Result
				(Referendum (Machinery Provisions) Act...
53	Sch 2	Subsections 109V(2) and (3)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
54	Sch 2	Subsection 109V(4)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
55	Sch 2	Subsection 109V(4)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
56	Sch 2	Subsection 109V(4)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
57	Sch 2	Subsection 109V(4)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
58	Sch 2	Subsection 109V(6)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
59	Sch 2	Section 109X (at the end of the heading)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
60	Sch 2	Subsection 109X(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...

Item	Schedule	Target	Type	Result
61	Sch 2	Subsection 109X(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
62	Sch 2	Subsection 109X(1)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
63	Sch 2	Subsections 109X(2), (4) and (9)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
64	Sch 2	Section 110A (paragraph (c) of the definition of d...	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
65	Sch 2	Section 110A (note to the definition of disclosure...	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
1	Sch 3	Section 302B	Insert Definition	✓ Inserted 16 definitions in alphabetical order: 'acceptable donor action', '...
2	Sch 3	After section 302B	Insert	✓ Inserted 62 paragraph(s)
3	Sch 3	Section 302C	Repeal Substitute	⚠ Possible leaked content from 1 other item(s) detected in insert content
3	Sch 3	Section 302C	Repeal Substitute	✓ Repealed and substituted with 8 paragraph(s)
4	Sch 3	At the end of Subdivision A of Division 3A of Part...	At End Add	✓ Added 9 paragraph(s) at end of At the end of

Item	Schedule	Target	Type	Result
				Subdivision A of Division 3A o...
5	Sch 3	After Subdivision A of Division 3A of Part XX	After Structural Insert	✓ Inserted 215 paragraph(s) after subdivision a of division 3a of part xx
6	Sch 3	Subdivision D of Division 3A of Part XX (heading)	Repeal Heading	✓ Repealed heading
7	Sch 3	Paragraph 302Q(1)(b)	Omit Directional Substitute	✓ Directional omit (after 'any other person'): removed 'has contravened any o...
8	Sch 3	Subsection 302Q(2)	Repeal Substitute	✓ Repealed and substituted with 6 paragraph(s)
9	Sch 3	Section 321A	Repeal Substitute	⚠ Possible leaked content from 1 other item(s) detected in insert content
9	Sch 3	Section 321A	Repeal Substitute	✓ Repealed and substituted with 37 paragraph(s)
10	Sch 3	Application of amendment—indexation	Transitional	∅ Skipped — non-operative transitional/application provision
11	Sch 3	Relationship of this Schedule with Schedule 4	Transitional	∅ Skipped — non-operative transitional/application provision
1	Sch 4	Before paragraph 287E(a)	Before Insert	✓ Inserted 1 paragraph(s) before paragraph 287E(a)

Item	Schedule	Target	Type	Result
2	Sch 4	Before Division 3A of Part XX	After Structural Insert	✓ Inserted 520 paragraph(s) before division 3a of part xx
3	Sch 4	Section 319 (heading)	After Insert	✓ Inserted '(other than Division 3AB)' after 'Part'
4	Sch 4	Subsection 319(1)	After Insert	✓ Inserted '(other than Division 3AB)' after 'Part'
5	Sch 4	At the end of Division 6 of Part XX	At End Add	✓ Added 23 paragraph(s) at end of At the end of Division 6 of Part XX
6	Sch 4	Application of amendment—indexation	Transitional	∅ Skipped — non-operative transitional/application provision
7	Sch 4	Relationship of this Schedule with Schedule 3	Transitional	∅ Skipped — non-operative transitional/application provision
1	Sch 5	Subsection 287A(1)	Omit Substitute	○ Amendment already applied - substitute text already present: 'and 5'
2	Sch 5	Paragraph 287E(b)	Omit Substitute	✓ Replaced ', 5 and 5A relating to the disclosure of donations or electoral e...
3	Sch 5	Subparagraph 287N(2)(a)(iii)	Omit Substitute	✓ Replaced 'section 314AEB (annual returns by third parties)' with 'section 3...
4	Sch 5	Subparagraph 287N(2)(a)(iii)	Omit Substitute	✓ Replaced 'financial years' with 'calendar years'
5	Sch 5	Section 287V (simplified outline)	Omit Substitute	✓ Replaced 'to 5A' with 'and 5'

Item	Schedule	Target	Type	Result
6	Sch 5	Paragraph 292B(a)	Omit Substitute	○ Amendment already applied - substitute text already present: 'or 5'
7	Sch 5	Division 5 of Part XX (heading)	Repeal Heading	✓ Repealed heading, substituted with 'Division 5—Annual disclosure of donatio...
8	Sch 5	Sections 307A and 309	Repeal Substitute	⚠ Possible leaked content from 19 other item(s) detected in insert content
8	Sch 5	Sections 307A and 309	Repeal Substitute	✓ Repealed and substituted with 408 paragraph(s)
9	Sch 5	Subsection 311A(2)	Omit Substitute	✓ Replaced 'disclosure threshold' with 'third party threshold'
10	Sch 5	Sections 313 and 314	Repeal Substitute	⚠ Possible leaked content from 2 other item(s) detected in insert content
10	Sch 5	Sections 313 and 314	Repeal Substitute	✓ Repealed and substituted with 8 paragraph(s)
11	Sch 5	Division 5A of Part XX	Repeal Section	✓ Repealed 176 paragraph(s)
12	Sch 5	Subsection 320(1) (table items 4, 5 and 6)	Repeal Substitute	✓ Repealed table items ['4', '5', '6'] and substituted with 4 new row(s)
13	Sch 5	Subsection 109E(1) (note)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
14	Sch 5	Paragraph 109E(4)(a)	Other Act	⊛ Not applied — amends a different Act

Item	Schedule	Target	Type	Result
				(Referendum (Machinery Provisions) Act...
15	Sch 5	Subsection 109G(2)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
16	Sch 5	Subsection 109G(3) (note)	Other Act	⊛ Not applied — amends a different Act (Referendum (Machinery Provisions) Act...
17	Sch 5	Paragraph 287N(2)(d)	After Insert	○ Amendment already applied - found 'returninformation'
18	Sch 5	Section 320 (heading)	Omit Substitute	○ Amendment already applied - substitute text found: 'return information...'
19	Sch 5	Subsection 320(1) (table heading)	Omit Substitute	○ Amendment already applied - substitute text 'return information' found in t...
20	Sch 5	Subsection 320(1) (table items 4, 5 and 6)	Repeal Substitute	✓ Repealed table items ['4', '5', '6'] and substituted with 3 new row(s)
21	Sch 5	After subsection 320(1)	Insert	○ Amendment already applied - content already present: '(1A)Despite subsectio...
22	Sch 5	Subsection 320(2)	After Insert All	○ Amendment already applied - found 'information'
1	Sch 6	After paragraph 126(2)(d)	Insert	✓ Inserted 1 paragraph(s)

Item	Schedule	Target	Type	Result
1	Sch 6	Subsection 287(1)	Insert Definition	✓ Inserted 2 definitions in alphabetical order: 'federal administrative accou...
2	Sch 6	Subsection 287(1) (at the end of the definition of...	At End Add	✓ Added 3 paragraph(s) at end of Subsection 287(1) (at the end of the definit...
2	Sch 6	Subsection 287(1) (at the end of the definition of...	At End Add	✓ Added 1 paragraph(s) at end of Subsection 287(1) (at the end of the definit...
3	Sch 6	After section 314B	Insert	⚠ Possible leaked content from 2 other item(s) detected in insert content
3	Sch 6	At the end of subsection 287K(2)	At End Add	✓ Added 1 paragraph(s) at end of At the end of subsection 287K(2)
3	Sch 6	After section 314B	Insert	✓ Inserted 66 paragraph(s)
4	Sch 6	After Division 2 of Part XX	After Structural Insert	✓ Inserted 156 paragraph(s) after division 2 of part xx
4	Sch 6	After subsection 302AE(3)	Insert	✓ Inserted 1 paragraph(s)
5	Sch 6	After paragraph 298A(c)	Insert	✓ Inserted 1 paragraph(s)
5	Sch 6	After subsection 302AE(8)	Insert	✓ Inserted 1 paragraph(s)
6	Sch 6	At the end of section 298A	At End Add	✓ Added 1 paragraph(s) at end of At the end of section 298A
6	Sch 6	After subsection 302AF(3)	Insert	✓ Inserted 1 paragraph(s)
7	Sch 6	Subsection 298D(2)	Omit Substitute	✓ Replaced 'and (d)' with 'to (d)'
7	Sch 6	Subsection 317(1A)	Omit Substitute	✓ Replaced 'or 314B' with ', 314B, 314C or 314D'

Item	Schedule	Target	Type	Result
8	Sch 6	Subsection 298D(2) (note 1)	Repeal Substitute	✓ Repealed and substituted with 1 paragraph(s)
8	Sch 6	Subsection 317(1A) (example)	After Insert	✓ Inserted 'or federal administrative account' after 'federal account'
9	Sch 6	Subsection 298E(2)	Omit Substitute	✓ Replaced 'and (d)' with 'to (d)'
9	Sch 6	Paragraph 317(2)(e)	Omit Substitute	✓ Replaced 'or 314B' with ', 314B, 314C or 314D'
10	Sch 6	Subsection 298E(2) (note 1)	Repeal Substitute	✓ Repealed and substituted with 1 paragraph(s)
11	Sch 6	Paragraphs 299A(2)(b) and (c)	Repeal Substitute	✓ Repealed and substituted with 1 paragraph(s)
1	Sch 7	Subsection 287(1)	Insert Definition	✓ Inserted 5 definitions in alphabetical order: 'administrative expenditure',...
2	Sch 7	After section 287	Insert	✓ Inserted 21 paragraph(s)
3	Sch 7	After Division 3 of Part XX	After Structural Insert	✓ Inserted 159 paragraph(s) after division 3 of part xx
4	Sch 7	At the end of Division 6 of Part XX	At End Add	✓ Added 24 paragraph(s) at end of At the end of Division 6 of Part XX
5	Sch 7	Subsection 287(1) (definition of group amount)	Omit Substitute	✓ Replaced '$2.801' with '$5'
6	Sch 7	Subparagraph 293(2)(a)(i)	Omit Substitute	✓ Replaced '$2.801' with '$5'

Item	Schedule	Target	Type	Result
7	Sch 7	Paragraph 294(2)(a)	Omit Substitute	✓ Replaced '$2.801' with '$5'
8	Sch 7	Paragraph 295(2)(a)	Omit Substitute	✓ Replaced '$2.801' with '$5'
9	Sch 7	Subsection 287(1)	Insert Definition	✓ Inserted definition 'qualifying election' in alphabetical order
10	Sch 7	At the end of section 292G	At End Add	✓ Added 1 paragraph(s) at end of At the end of section 292G
11	Sch 7	After Subdivision C of Division 3 of Part XX	After Structural Insert	⚠ Possible leaked content from 1 other item(s) detected in insert content
11	Sch 7	After Subdivision C of Division 3 of Part XX	After Structural Insert	✓ Inserted 34 paragraph(s) after subdivision c of division 3 of part xx
1	Sch 8	Subsection 4(1) (definition of political entity)	Repeal Substitute	✓ Repealed and substituted with 5 paragraph(s)
2	Sch 8	Subsection 287(1) (note to the definition of group...	Repeal Subsection	✓ Repealed 1 paragraph(s)
3	Sch 8	At the end of subsection 287AB(1)	At End Add	✓ Added 1 paragraph(s) at end of At the end of subsection 287AB(1)
4	Sch 8	Paragraph 298(3)(a)	Repeal Substitute	✓ Repealed and substituted with 1 paragraph(s)
5	Sch 8	Section 302B (definition of acceptable action peri...	Repeal Substitute	✓ Repealed and substituted with 5 paragraph(s)
6	Sch 8	Section 302D (heading)	Omit Substitute	✓ Replaced 'Senate groups,' with '' in heading

Item	Schedule	Target	Type	Result
7	Sch 8	Subsection 302D(6)	Repeal Subsection	✓ Repealed 4 paragraph(s)
8	Sch 8	Subsection 302F(8)	Repeal Subsection	✓ Repealed 4 paragraph(s)
9	Sch 8	Subsection 302D(5) (heading)	Omit Substitute	∅ Skipped — provision never commenced
10	Sch 8	Subsection 302F(7) (heading)	Omit Substitute	∅ Skipped — provision never commenced
1	Sch 9	Subsection 17(2C)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
2	Sch 9	Subsection 17A(1)	Repeal Substitute	○ Amendment already applied — replacement text content matches existing docum...
3	Sch 9	After Division 5B of Part XX	After Structural Insert	○ Amendment already applied — content at insertion point matches (122 text pa...
4	Sch 9	Section 316	Repeal Section	○ Pre-completed (target not found — likely already repealed)
5	Sch 9	Subsection 120(2) (table item 14)	Omit Substitute	✓ Replaced '287S, 302H or 314AK' with '314AV' in table cell
6	Sch 9	Subdivision D of Division 1A of Part XX	Repeal Section	✓ Repealed 21 paragraph(s)
7	Sch 9	Section 302H	Repeal Section	✓ Repealed 38 paragraph(s)
8	Sch 9	Section 314AK	Repeal Section	✓ Repealed 29 paragraph(s)

Item	Schedule	Target	Type	Result
9	Sch 9	Section 314AKA (after the paragraph beginning “An ...	Insert	✓ Inserted 2 paragraph(s) after paragraph beginning with quoted text
10	Sch 9	At the end of Division 5C of Part XX	At End Add	✓ Added 70 paragraph(s) at end of At the end of Division 5C of Part XX