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No. 27, 1918

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This compilation is in 2 volumes

Volume 1: sections 1–286
Volume 2: sections 286A–396
Schedules
Endnotes

Each volume has its own contents

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About this compilation

This compilation

This is a compilation of the *Commonwealth Electoral Act 1918* that shows the text of the law as amended and in force on 14 December 2021 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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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, candidates and groups. It also deals with gifts and other financial matters relating to parties, candidates, groups, political campaigners, significant third parties, third parties and associated entities.

Registered political parties, candidates and groups must have agents. Significant third parties and associated entities must nominate financial controllers. Many of the obligations in this Part are imposed on those agents and financial controllers.

Registered political parties, candidates and groups 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.

Generally, gifts of at least $1,000 to members of the House of Representatives, Senators, political entities (who are registered political parties, candidates and Senate groups) 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 to members of the House of Representatives, Senators, political entities, significant third parties, associated entities or third parties must not be made by foreign donors for the purpose of incurring electoral expenditure or creating or communicating electoral matter.

There are obligations to disclose certain gifts made to:

(a) candidates and members of groups; and

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(b) members of the House of Representatives, Senators, registered political parties, State branches and significant third parties.

Certain expenditure incurred by or with the authority of candidates and groups during an election period must also be disclosed.

Each financial year, members of the House of Representatives, Senators, registered political parties, significant third parties, third parties and associated entities are required to disclose details relating to amounts received or paid or incurred by the members, Senators, parties, campaigners or entities during the year.

287 Interpretation

(1) In this Part, unless the contrary intention appears:

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).

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 $13,800.

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Note: This amount is indexed under section 321A.

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.

election means an election of a member of the House of Representatives or an election of senators for a State or Territory.

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.

federal account means an account where:

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(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.

Example: A federal account of a federal party may be established by the federal party or a State branch of the federal party.

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 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 means any disposition of property made by a person to another person, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration, but does not include:
(a) a payment under Division 3; or

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(b) an annual 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 in respect of the person's membership of the party, branch or division; or

(c) any visit, experience or activity provided for the purposes of a political exchange program.

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.

Note: The meaning of ***group*** is affected by subsection (9).

group amount for a group means the total amount worked out by multiplying $2.801 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.

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.

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Note: For loans on credit cards, see subsection (10).

political campaigner: see subsection (11).

polling day, in relation to an election, means the day fixed for polling in the election.

property includes money.

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 or an associated 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.

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.

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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 or a member of the House of Representatives or the Senate) is a ***third party*** during a financial year if:

(a) the amount of electoral expenditure incurred by or with the authority of the person or entity during the financial year is more than the disclosure threshold; and

(b) the person or entity is not required to be, and is not, registered as a significant third party under section 287F for the year.

Note: See also subsection (8) and section 287C (entities that have branches or are not incorporated).

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

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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.

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Note: See also section 287C (entities that are not incorporated).

When a person is a candidate or part of a group

(9) For the purposes of this Part:

(a) a person who is a candidate in an election is taken to begin to be a candidate on the earlier 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; and

(b) a group is taken to begin to be a group in an election on the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election;

and the candidate or group ceases to be a candidate or group at the end of 30 days after the polling day in the election.

Note: This subsection is subject to subsections 302D(5) and (6), 302F(7) and (8), 304(10) and (11), 305A(6) and (7), 306A(7A) and (7B), 306B(3) and (4), 307(3), 309(6) and (7) and 313(3).

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

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be a reference to a person or entity registered under this Act as a significant third party.

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).

287AB Meaning of *electoral expenditure*

Dominant purpose of creating or communicating electoral matter

(1) ***Electoral expenditure*** means expenditure incurred for the dominant purpose of creating or communicating electoral matter, except to the extent that:

(a) the expenditure 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

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House of Representatives, a Senator or a Minister, because that person is or was such a member, Senator or Minister; or

(b) the expenditure is incurred by a person or entity (the ***service provider***):

(i) in providing a communication service or communication platform that is used to create or communicate electoral matter; or

(ii) in providing a service for another person or entity that engaged the service provider, on a commercial basis, to create or communicate 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.

(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) In addition, any expenditure incurred by or with the authority of a political entity, a person or entity that is (or is required to be registered as) a significant third party or an associated entity, a member of the House of Representatives or a Senator in relation to an election is ***electoral expenditure***, except to the extent that the expenditure 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.

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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.

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

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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).

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Division 1A—Registration of significant third parties and associated 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.

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 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:

(a) the scheme established by Division 3A relating to donations; and

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(b) the schemes established by Divisions 4, 5 and 5A relating to the disclosure of donations or electoral expenditure, 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 financial 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 financial 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 financial year is at least equal to the disclosure threshold; and

(ii) during the previous financial year was at least one-third of the revenue of the person or entity for that year; or

(c) during that financial year the person or entity operates for the dominant purpose of fundraising amounts:

(i) the aggregate of which is at least equal to the disclosure 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 financial 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).

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(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 financial 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 financial 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;

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(f) another person has voting rights in a registered political party on behalf of the entity;

(g) the entity operates wholly, or to a significant extent, for the benefit of one or more disclosure entities and the benefit relates to one or more electoral activities (whether or not the electoral activities are undertaken during an election period).

Note: For the meaning of ***disclosure entity***, see subsection (4).

(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 financial year must not incur any 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 in contravention of this subsection—3 times that amount.

(4) The reference in paragraph (1)(g) to a disclosure entity is a reference to a person or entity that is covered by paragraph (aa) or any of paragraphs (c) to (f) of the definition of ***disclosure entity*** in section 321B.

(5) To avoid doubt, the reference in paragraph (1)(g) to a benefit that relates to an electoral activity includes:

(a) fundraising amounts, of at least equal to the disclosure threshold, for the purpose of incurring electoral expenditure; and

(b) assisting in the creation or communication of electoral matter; and

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(c) otherwise facilitating the interests of a disclosure entity with respect to preparing for, or participating in, an election.

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 financial year (the ***current financial year***) if:

(a) the person or entity incurred that amount of electoral expenditure in a previous financial 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 financial 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 financial 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):

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(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, and any disclosure entity referred to in paragraph 287H(1)(g), with which the entity is associated.

287L Determining an application for registration

(1) The Electoral Commissioner must, subject to subsection (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.

(2) To avoid doubt, the Electoral Commissioner may register a person or entity in accordance with the person or entity's application whether or not the person or entity is required to be registered under section 287F or 287H.

Refusing registration

(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".

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(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.

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.

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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

(iii) each person or entity that has provided a return under section 314AEB (annual returns by third parties) for that or any of the previous 3 financial years; and

(iv) each political entity;

(b) for significant third parties and associated entities—the name of the financial controller of the person or entity;

(c) for associated entities—the name of any registered political parties, and any disclosure entities referred to in paragraph 287H(1)(g), with which the person or entity is associated;

(d) any determination, notice or return 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.

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(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.

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Subdivision D—Anti-avoidance

287S Anti-avoidance

(1) The Electoral Commissioner may give a person or entity (the ***relevant person***) a written notice if:

(a) one or more persons or entities (whether or not including the relevant person) enter into, begin to carry out or carry out a scheme; and

(b) there are reasonable grounds to conclude that the person or entity, or any of the persons or entities, who entered into, began to carry out or carried out the scheme or any part of the scheme did so for the sole or dominant purpose of avoiding the requirement to register the relevant person under section 287F or 287H (requirement to register as a significant third party or associated entity) for a financial year; and

(c) as a result of the scheme or part of the scheme:

(i) the amount of electoral expenditure incurred by or with the authority of the relevant person during the financial year is reduced below the amount specified in paragraph 287F(1)(a) or subparagraph 287F(1)(b)(i); or

(ii) the amount of revenue of the relevant person during the previous financial year is increased; or

(iii) the amount of electoral expenditure incurred by or with the authority of the relevant person during the previous financial year is reduced; or

(iv) the relevant person is controlled by another person or entity that is not a registered political party but the other person or entity is controlled by, or controls, a registered political party; or

(v) the relevant person operates wholly, or to a significant extent, for the benefit of another person or entity that is not a registered political party or a disclosure entity referred to in paragraph 287H(1)(g) but the other person or entity is controlled by, or controls, a registered

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political party or a disclosure entity referred to in paragraph 287H(1)(g); or

(vi) the relevant person does not operate wholly, or to a significant extent, for the dominant purpose of fundraising amounts 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; and

(d) as a result of the scheme or part, the relevant person is not required to be registered under section 287F or 287H for the financial year.

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 specify that, for the purposes of this Act, the relevant person is taken, from the day specified in the notice, to be required to be registered for the financial year as a significant third party or associated entity (as the case requires), and the notice has effect accordingly.

(3) The day specified in the notice must not be earlier than the day the notice is given to the relevant person.

(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.

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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 and associated entities must nominate a financial controller.

The Electoral Commissioner keeps a Register of Party Agents. Information about financial controllers for significant third parties and associated 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 to 5A.

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.

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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.

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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

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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.

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Subdivision C—Nomination of financial controllers

292E Financial controllers of significant third parties and associated entities

(1) Each significant third party and associated 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 or associated entity—by the significant third party or associated 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;

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(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 or associated entity;
if the person is convicted of an offence against this Part.

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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.

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;

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(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 $2.801 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:

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(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 $2.801 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

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(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 $2.801 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

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(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:

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(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;

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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.

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(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 group, or by 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

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(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.

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

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(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

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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) and (d).

Note 1: Under paragraphs 298A(c) and (d), a claim may specify the person or persons to whom, and percentages in which, election funding is payable.

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) and (d).

Note 1: Under paragraphs 298A(c) and (d), a claim may specify the person or persons to whom, and percentages in which, election funding is payable.

Note 2: See also section 299A if the amount is payable to the agent of a registered political party.

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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

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(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) to (6A) 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 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:

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(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 with a bank;

(c) the account must be kept in Australia;

(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:

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(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.

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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.

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(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.

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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, groups, significant third parties, associated entities and third parties.

Gifts of at least $1,000 to members of the House of Representatives, Senators, political entities (broadly, registered political parties, candidates and Senate groups), significant third parties or associated 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 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.

A person or entity may commit an offence or be liable for a civil penalty if the person or entity contravenes the requirements. There are some exceptions, such as when a gift is made in a personal capacity.

302B Definitions

In this Division:

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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) the period of 6 weeks beginning on the day the gift is made, unless paragraph (b) or (c) applies; or

(b) if the gift is made to, or for the benefit of, a political entity, being a person who is a candidate in an election or by-election, except where the person is a member of a group for a Senate 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

(c) if the gift is made to, or for the benefit of, a political entity, being a member of a group for a Senate election—the period of 6 weeks beginning on the later of the following days:

(i) the day the gift is made;

(ii) the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election.

appropriate donor information has the meaning given by section 302P.

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302C Object of this Division

(1) The object of the Division is to secure and promote the actual and perceived integrity of the Australian electoral process by reducing the risk of 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 this object by restricting the receipt and use of political donations 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

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(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

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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.

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Subdivision B—Offences and civil penalty provisions relating to donations

302D Donations to members of the House of Representatives, Senators, registered political parties, candidates, Senate groups, significant third parties and associated 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 or an associated 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

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controller, or to the political entity, significant third party or associated 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.

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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).

Candidates and groups

(5) Despite subsection 287(9), for the purposes of this section, a person who is a candidate in an election or by-election:

(a) is taken to begin to be a candidate in the election or by-election on the earlier of the following days:

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(i) the day that is 6 months before the day the person announced that the person would be a candidate in the election or by-election;

(ii) the day that is 6 months before the day the person nominated as a candidate in the election or by-election; and

(b) is taken to cease to be a candidate in the election or by-election at the end of 30 days after the polling day in the election or by-election.

Note: Under subsection 4(1), a candidate in an election or by-election is a ***political entity***.

(6) Despite subsection 287(9), for the purposes of this section, a group:

(a) is taken to begin to be a group in an election on the day that is 6 months before the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election; and

(b) is taken to cease to be a group in the election at the end of 30 days after the polling day in the election.

Note: Under subsection 4(1), a member of a group is a ***political entity***.

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

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(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.

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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 or an associated 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,

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significant third party, associated 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

(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

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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;

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(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.

Candidates and groups

(7) Despite subsection 287(9), for the purposes of this section, a person who is a candidate in an election or by-election:

(a) is taken to begin to be a candidate in the election or by-election on the earlier of the following days:

(i) the day that is 6 months before the day the person announced that the person would be a candidate in the election or by-election;

(ii) the day that is 6 months before the day the person nominated as a candidate in the election or by-election; and

(b) is taken to cease to be a candidate in the election or by-election at the end of 30 days after the polling day in the election or by-election.

Note: Under subsection 4(1), a candidate in an election or by-election is a ***political entity***.

(8) Despite subsection 287(9), for the purposes of this section, a group:

(a) is taken to begin to be a group in an election on the day that is 6 months before the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election; and

(b) is taken to cease to be a group in the election at the end of 30 days after the polling day in the election.

Note: Under subsection 4(1), a member of a group is a ***political entity***.

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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:

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(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.

302H Anti-avoidance

(1) The Electoral Commissioner may give a person or entity (the ***relevant person***) a written notice if:

(a) the relevant person, whether alone or together with one or more other persons or entities, enters into, begins to carry out or carries out a scheme; and

(b) there are reasonable grounds to conclude that the relevant person did so for the sole or dominant purpose of avoiding section 302D, 302E or 302F prohibiting, in particular circumstances:

(i) a gift being made to or for the benefit of a member of the House of Representatives, Senator, political entity, significant third party, associated entity or third party (whether or not the relevant person) by or on behalf of a foreign donor; or

(ii) a gift made by or on behalf of a foreign donor being received, retained or used by or on behalf of a member of the House of Representatives, Senator, political entity, significant third party, associated entity or third party (whether or not the relevant person); and

(c) as a result of the scheme or part of the scheme:

(i) the foreign donor engages in a course of conduct of giving the gift, and one or more other gifts, to or for the benefit of the member of the House of Representatives, Senator, political entity, significant third party, associated entity or third party in those circumstances, where the amount or value of each of those gifts is below the amount specified in the provision but the total amount or value of the gifts is more than that amount; or

(ii) the foreign donor forms, or participates in the formation of, a body corporate in Australia; or

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(iii) the making of the gift to or for the benefit of the member of the House of Representatives, Senator, political entity, significant third party, associated entity or third party by or on behalf of the foreign donor in those circumstances is otherwise facilitated; and

(d) as a result of the scheme or part, the provision does not prohibit the making, receipt, retention or use of the gift in those circumstances.

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 relevant 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.

Offence

(3) A person or entity commits an offence if:

(a) the person or entity is given a notice under subsection (1); and

(b) the person or entity engages in conduct; and

(c) the conduct contravenes the notice.

Penalty: 200 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:

(a) the person or entity is given a notice under subsection (1); and

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(b) the person or entity engages in conduct; and
(c) the conduct contravenes the notice.

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.

(6) Subsection (5) 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.

Subdivision D—Other provisions relating to offences and civil penalty provisions

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:

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Appropriate donor information		
Item	**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:

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Appropriate donor information		
Item	**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:

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(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 has contravened any of sections 302D to 302F in relation to the gift.

(2) The amount or value of the gift (determined at the time the gift is made) is payable by the gift recipient 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.

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.

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Division 4—Disclosure of donations

302V Simplified outline of this Division

Candidates and members of groups in an election who receive gifts must disclose the gifts by providing a return to the Electoral Commission. In addition, persons who make such gifts, where the value or amount of the gifts is more than the disclosure threshold, must also disclose the gifts.

Gifts totalling more than the disclosure threshold that are made by a single person to the same registered political party, State branch or significant third party during a financial year must also be disclosed in a return provided to the Electoral Commission. Gifts totalling more than the disclosure threshold that are made by a single person to the same member of the House of Representatives or the same Senator during a financial year for federal purposes must also be disclosed in a return provided to the Electoral Commission.

Returns provided under this Division are published by the Electoral Commissioner, on the Transparency Register, under section 320.

There are limitations on loans made to political parties, State branches, significant third parties, candidates or groups that are more than the disclosure threshold.

Gifts of more than the disclosure threshold to a political party, State branch, significant third party, candidate or group by a corporation that is wound up within a year of making the gift may be recovered from the recipient of the gift.

303 Interpretation

(1) In this Division, unless the contrary intention appears:

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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.

(2) A reference in this Division to a gift made to or received by a group shall be read as a reference to a gift made to or received by a member of the group for the benefit of all of the members of the group.

(3) A reference in this Division to a gift made to or received by a candidate shall be read as not including a reference to a gift made to or received by the candidate for the benefit of a group of which the candidate is a member.

Note: Particulars provided under subsection 318(2) may be taken to be a return provided under this Division (see subsection 318(2A)).

304 Disclosure of gifts

(2) The agent of each person (including a member of a group) who was a candidate in an election or by-election shall, within 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form and in accordance with this section, setting out the total amount or value of all gifts, the number of persons who made gifts, and the relevant details of each gift, received by the person while the person was a candidate in the election or by-election.

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 gifts not disclosed—3 times that amount or value.

(3) Subject to subsection (3A), the agent of each group shall, within 15 weeks after the polling day in the election in relation to which the

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members of the group had their names grouped in the ballot papers, furnish to the Electoral Commission a return, in an approved form and in accordance with this section, setting out the total amount or value of all gifts, the number of persons who made gifts, and the relevant details of each gift, received by the group while the group was a group in the election.

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 gifts not disclosed—3 times that amount or value.

(3A) In the case of a group all of whose members were endorsed by the same registered political party, a gift received by the group shall be taken to have been received:

(a) if the party has 2 or more State branches—by the relevant State branch of the party; and

(b) in any other case—by the party.

(4) For the purposes of this section, a reference to the relevant details, in relation to a gift, shall be read as a reference to the amount or value of the gift, the date on which the gift was made and:

(a) in the case of a 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;

(b) in the case of a 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 funds 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

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(c) in any other case—the name and address of the person who made the gift.

(5) Notwithstanding subsections (2) and (3), the agent of a candidate or group is not required, in a return under subsection (2) or (3), as the case may be, to set out the relevant details of a gift if:

(b) in the case of a gift made to a candidate (including a member of a group):

(i) the gift was made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election or a by-election; or

(ii) the amount or value of the gift is less than or equal to the disclosure threshold; or

(c) in the case of a gift made to a group—the amount or value of the gift is less than or equal to the disclosure threshold.

(6) Subparagraph (5)(b)(ii) or paragraph (5)(c) does not apply in relation to a return under subsection (2) or (3), as the case may be, in relation to a gift made by a person if:

(b) in the case of a gift made to a candidate (including a member of a group)—the sum of the amount or value of that gift and of all other gifts (not being gifts of the kind referred to in subparagraph (5)(b)(i)) made by that person to that candidate during the period to which the return relates is more than the disclosure threshold; or

(c) in the case of a gift made to a group—the sum of the amount or value of that gift and of all other gifts made by that person to that group during the period to which the return relates is more than the disclosure threshold.

(8) Notwithstanding subsection (2), the agent of a person is not required, in a return under subsection (2), to set out the total amount or value of, or the number of persons who made, gifts of the kind referred to in subparagraph (5)(b)(i).

(9) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (2) or (3) of this section.

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(10) Despite subsection 287(9), for the purposes of this section, a person who is a candidate in an election or by-election:
  (a) is taken to begin to be a candidate in the election or by-election on the earlier of the following days:
    (i) the day that is 6 months before the day the person announced that the person would be a candidate in the election or by-election;
    (ii) the day that is 6 months before the day the person nominated as a candidate in the election or by-election; and
  (b) is taken to cease to be a candidate in the election or by-election at the end of 30 days after the polling day in the election or by-election.

(11) Despite subsection 287(9), for the purposes of this section, a group:
  (a) is taken to begin to be a group in an election on the day that is 6 months before the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election; and
  (b) is taken to cease to be a group in the election at the end of 30 days after the polling day in the election.

305A Gifts to candidates etc.

(1) A person or entity must provide a return in accordance with this section if:
  (a) the person or entity makes a gift or gifts to any candidate or member of a group in an election or by-election; and
  (b) the total amount or value of the gift or gifts was:
    (i) equal to or more than the amount prescribed for the purposes of this paragraph; or
    (ii) if no amount is prescribed—more than the disclosure threshold; and
  (c) at the time the person or entity makes the gift or gifts, the person or entity is not a political entity or an associated entity.

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(1A) A person or entity must provide a return in accordance with this section if:

(a) the person or entity makes a gift or gifts:

(i) during the period, relating to an election or by-election, specified by legislative instrument by the Electoral Commissioner; and

(ii) to any person or entity (whether incorporated or not) specified by the instrument; and

(b) the total amount or value of the gift or gifts was:

(i) equal to or more than the amount prescribed for the purposes of this paragraph; or

(ii) if no amount is prescribed—more than the disclosure threshold; and

(c) at the time the person or entity makes the gift or gifts, the person or entity is not a political entity or associated entity.

(2) The person or entity must, in accordance with this section, provide to the Electoral Commission a return setting out the required details of:

(a) all gifts covered by subsections (1) and (1A); and

(b) all gifts of more than the disclosure threshold, received by the person or entity at any time, that the person or entity used (either wholly or partly):

(i) to enable the person or entity to make the gifts mentioned in paragraph (a) of this subsection; or

(ii) to reimburse the person or entity for making such gifts.

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 gifts not disclosed—3 times that amount or value.

(2A) For the purposes of subsection (2), 2 or more gifts made by a person or entity are taken to be one gift if:

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(a) the gifts are made to the same candidate or group in an election or by-election; or

(b) the gifts are made to the same person or entity during the period specified by legislative instrument under paragraph (1A)(a).

(3) The return must:

(a) be provided to the Electoral Commission before the end of 15 weeks after the polling day for the election or by-election; and

(b) be in the approved form.

(4) For the purposes of this section, the required details of a gift are its amount or value, the date on which it was made and:

(a) if the gift was made 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; or

(b) if the gift was purportedly made to a trust fund or paid into 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; or

(c) in any other case—the name and address of the person or entity.

(5) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (2) of this section.

(6) Despite subsection 287(9), for the purposes of this section, a person who is a candidate in an election or by-election:

(a) is taken to begin to be a candidate in the election or by-election on the earlier of the following days:

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(i) the day that is 6 months before the day the person announced that the person would be a candidate in the election or by-election;

(ii) the day that is 6 months before the day the person nominated as a candidate in the election or by-election; and

(b) is taken to cease to be a candidate in the election or by-election at the end of 30 days after the polling day in the election or by-election.

(7) Despite subsection 287(9), for the purposes of this section, a group:

(a) is taken to begin to be a group in an election on the day that is 6 months before the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election; and

(b) is taken to cease to be a group in the election at the end of 30 days after the polling day in the election.

305B Gifts to political parties and significant third parties

(1) If, in a financial year, a person or entity makes gifts totalling more than the disclosure threshold to:

(a) the same registered political party; or

(b) the same State branch of a registered political party; or

(c) the same significant third party;

the person or entity must, in accordance with this section, provide a return to the Electoral Commission within 20 weeks after the end of the financial year, covering all the gifts that the person or entity made to that political party, branch or significant third party during the financial year.

Civil penalty:

The higher of the following:

(a) 60 penalty units;

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(b) if there is sufficient evidence for the court to determine the amount or value, or an estimate of the amount or value, of gifts not disclosed—3 times that amount or value.

(2) For the purposes of subsection (1), a person or entity who makes a gift to any other person or entity with the intention of benefiting a particular registered political party, State branch of a registered political party, or significant third party, is taken to have made that gift directly to that party, branch or significant third party.

(3) For each gift, the return must set out the following:

(a) the amount of the gift;

(b) the date on which it was made;

(c) the name and address of the registered political party, branch or significant third party.

(3A) The return must also set out the relevant details of any gift received by the person or entity at any time if:

(a) the gift was used wholly or partly to make another gift (the ***later gift***) in a financial year to:

(i) the same registered political party; or

(ii) the same State branch of a registered political party; or

(iii) the same significant third party; and

(b) the amount or value of the later gift is more than the disclosure threshold.

(3B) Relevant details for the purpose of subsection (3A), in relation to a gift, are:

(a) the amount or value of the gift; and

(b) the date on which the gift was made; and

(c) in the case of a 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

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(d) in the case of a 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 funds 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) in any other case—the name and address of the person or entity who made the gift.

(4) The return must be in the approved form.

(5) This section does not apply to gifts made by a political entity or associated entity.

(6) In addition, this section does not apply in relation to a gift if:
(a) the gift was received by, or on behalf of, a person or organisation that was registered under the *Australian Charities and Not-for-profits Commission Act 2012*; and
(b) no part of the gift was used during the financial year by the person or organisation:
(i) to enable the person or organisation to incur electoral expenditure, or create or communicate electoral matter; or
(ii) to reimburse the person or organisation for incurring electoral expenditure, or creating or communicating electoral matter.

(7) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

306 Gifts to members of the House of Representatives and Senators

(1) A person or entity must provide to the Electoral Commission a return for a financial year in accordance with this section if:
(a) during the year the person or entity makes a gift or gifts to the same member of the House of Representatives or the same Senator and the total amount or value of the gift or gifts is more than the disclosure threshold; and

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(b) the gift or gifts were made for federal purposes.

Note: For ***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 gifts not disclosed—3 times that amount or value.

Content of return

(2) The return must set out the following details for each gift made to the member or Senator during the financial year for a federal purpose:
(a) the amount or value of the gift;
(b) the date on which the gift was made;
(c) the name and address of the member or Senator.

(3) The return must also set out the relevant details of any gift (an ***earlier gift***) received by the person or entity at any time if:
(a) the earlier gift was used wholly or partly to make another gift to the member or Senator during the financial year for a federal purpose; and
(b) the amount or value of the other gift is more than the disclosure threshold.

(4) Relevant details for the purpose of subsection (3), in relation to an earlier gift, are:
(a) the amount or value of the gift; and
(b) the date on which the gift was made; and
(c) for a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—the name of the association and the names and addresses of the members of the executive committee (however described) of the association; and

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(d) for a gift purportedly made 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 fund or foundation; and

(e) for any other gift—the name and address of the person or entity who made the gift.

Timing of return etc.

(5) A return under this section must:

(a) be provided before the end of 20 weeks after the end of the financial year; and

(b) be in the approved form.

Limitation

(6) This section does not apply to gifts made by a political entity or associated entity.

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.

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

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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

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(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.

(7A) Despite subsection 287(9), for the purposes of this section, a person who is a candidate in an election or by-election:

(a) is taken to begin to be a candidate in the election or by-election on the earlier of the following days:

(i) the day that is 6 months before the day the person announced that the person would be a candidate in the election or by-election;

(ii) the day that is 6 months before the day the person nominated as a candidate in the election or by-election; and

(b) is taken to cease to be a candidate in the election or by-election at the end of 30 days after the polling day in the election or by-election.

(7B) Despite subsection 287(9), for the purposes of this section, a group:

(a) is taken to begin to be a group in an election on the day that is 6 months before the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election; and

(b) is taken to cease to be a group in the election at the end of 30 days after the polling day in the election.

(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

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(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*.

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(3) Despite subsection 287(9), for the purposes of this section, a person who is a candidate in an election or by-election:

(a) is taken to begin to be a candidate in the election or by-election on the earlier of the following days:

(i) the day that is 6 months before the day the person announced that the person would be a candidate in the election or by-election;

(ii) the day that is 6 months before the day the person nominated as a candidate in the election or by-election; and

(b) is taken to cease to be a candidate in the election or by-election at the end of 30 days after the polling day in the election or by-election.

(4) Despite subsection 287(9), for the purposes of this section, a group:

(a) is taken to begin to be a group in an election on the day that is 6 months before the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election; and

(b) is taken to cease to be a group in the election at the end of 30 days after the polling day in the election.

307 Nil returns

(1) Where no details are required to be included in a return under this Division in respect of a candidate, the return shall nevertheless be lodged and shall include a statement to the effect that no gifts of a kind required to be disclosed were received.

(2) Where no details are required to be included in a return under this Division in respect of a group, the return shall nevertheless be lodged and shall include a statement to the effect that no gifts were received.

(3) Subsections 304(10) and (11) and 305A(6) and (7) apply in relation to this section in a corresponding way to the way in which they apply in relation to section 304 or 305A.

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Division 5—Disclosure of electoral expenditure

307A Simplified outline of this Division

Expenditure incurred by or with the authority of a candidate or group in an election during the election period must be disclosed by providing a return to the Electoral Commission. The agent for the candidate or group is responsible for providing the return. (Expenditure incurred by registered political parties is provided each financial year under Division 5A.)

Secretaries of Commonwealth Departments and Agency Heads of Commonwealth Agencies must attach statements to annual reports setting out amounts of more than the disclosure threshold paid to advertising agencies, and market research, polling or other organisations.

Returns provided under this Division are published by the Electoral Commissioner, on the Transparency Register, under section 320.

309 Returns of electoral expenditure

(1) This section does not apply to electoral expenditure incurred by or with the authority of a registered political party or a State branch of a registered political party.

(1A) Where electoral expenditure in relation to an election is incurred by or with the authority of members of a group all the members of which are endorsed by the same registered political party, this section applies as if the expenditure had been incurred by or with the authority of:

(a) if the party has 2 or more State branches—the relevant State branch of the party; and

(b) in any other case—the party.

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(2) The agent of each person who was a candidate in an election (not being a member of a group) shall, before the expiration of 15 weeks after the polling day in the election, furnish to the Electoral Commission a return, in an approved form and in accordance with this section, setting out details of all electoral expenditure in relation to the election incurred by or with the authority of the candidate.

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 an estimate of the amount, of electoral expenditure not disclosed—3 times that amount.

(3) The agent of each group shall, before the expiration of 15 weeks after the polling day in an election in relation to which the members of the group have their names grouped in the ballot papers, furnish to the Electoral Commission a return, in an approved form and in accordance with this section, setting out details of all electoral expenditure in relation to the election incurred by or with the authority of members of the group.

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 an estimate of the amount, of electoral expenditure not disclosed—3 times that amount.

(4) A return provided under subsection (2) or (3) must also include details of any discretionary benefits (however described) received by, or on behalf of, the person or any of the members of the group from the Commonwealth, a State or a Territory during the period of 12 months before polling day in the election.

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(5) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (2) or (3) of this section.

(6) Despite subsection 287(9), for the purposes of this section, a person who is a candidate in an election:

(a) is taken to begin to be a candidate in the election on the earlier of the following days:

(i) the day that is 6 months before the day the person announced that the person would be a candidate in the election;

(ii) the day that is 6 months before the day the person nominated as a candidate in the election; and

(b) is taken to cease to be a candidate in the election at the end of 30 days after the polling day in the election.

(7) Despite subsection 287(9), for the purposes of this section, a group:

(a) is taken to begin to be a group in an election on the day that is 6 months before the day the members of the group make a request under section 168 for their names to be grouped in the ballot papers for the election; and

(b) is taken to cease to be a group in the election at the end of 30 days after the polling day in the election.

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.

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(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 disclosure 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.

313 Nil returns

(1) Where no electoral expenditure in relation to an election was incurred by or with the authority of a particular candidate or the members of a particular group, a return under this Division in respect of the candidate or group shall nevertheless be lodged and shall include a statement to the effect that no expenditure of that kind was incurred by or with the authority of the candidate or the members of the group.

(2) If no electoral expenditure in relation to an election was incurred by or with the authority of a particular registered political party or State branch of a registered political party that endorsed a candidate in the election, a return under this Division in respect of

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the party or branch must nevertheless be lodged and must include a statement to the effect that no electoral expenditure was incurred in relation to the election by or with the authority of the party or branch.

(3) Subsections 309(6) and (7) apply in relation to this section in a corresponding way to the way in which they apply in relation to section 309.

314 Two or more elections on the same day

(1) Where:

(a) the polling at 2 or more elections took place on the same day; and

(b) a person would, but for this subsection, be required to furnish 2 or more returns under this Division relating to those elections;

the person may, in lieu of furnishing those returns, furnish one return, in an approved form, setting out the particulars that the person would have been required to set out in those returns.

(2) Where:

(a) a return is furnished by a person pursuant to subsection (1); and

(b) particular electoral expenditure details of which are required to be set out in the return relates to more than one election;

it is sufficient compliance with this Division if the return sets out details of the expenditure without showing the extent to which it relates to any particular election.

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Division 5A—Annual returns by registered political parties and other persons

314AAA Simplified outline of this Division

Registered political parties, significant third parties and associated entities provide returns each financial year to the Electoral Commission setting out details relating to amounts received or paid or incurred by the parties, significant third parties or entities during the year. Third parties also provide annual returns setting out details relating to electoral expenditure incurred by the third parties during the year. Members of the House of Representatives and Senators also provide annual returns setting out details relating to gifts made for federal purposes that were received by them during the year.

Returns provided under this Division are published by the Electoral Commissioner, on the Transparency Register, under section 320.

314AA Interpretation

(1) In this Division:

amount includes the value of a gift or loan.

(2) To avoid doubt, a person that becomes, or ceases to be, a member of the House of Representatives, Senator, registered political party, significant third party or third party during a financial year is required to provide a return under this Division in relation to the whole financial year.

Note: Particulars provided under subsection 318(2) may be taken to be a return provided under this Division (see subsection 318(2A)).

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314AB Annual returns by registered political parties and significant third parties

(1) The agent or financial controller of each registered political party, each State branch of each registered political party and each significant third party must, subject to this Division, provide the Electoral Commission a return within 16 weeks after the end of a financial year that:

(a) complies with subsection (2); and

(b) is in an approved form.

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed under paragraph (2)(a) or (b) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

(2) The return must:

(a) set out the following:

(i) the total amount received by, or on behalf of, the registered political party or significant third party during the financial year, together with the details required by section 314AC;

(ii) the total amount paid by, or on behalf of, the registered political party or significant third party during the financial year;

(iii) the total outstanding amount, as at the end of the financial year, of all debts incurred by, or on behalf of, the registered political party or significant third party, together with the details required by section 314AE;

(iv) for significant third parties—the total amount of electoral expenditure incurred by or with the authority of the significant third party; and

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(b) include details of any discretionary benefits (however described) received by, or on behalf of, the registered political party, branch or significant third party from the Commonwealth, a State or a Territory during the financial year; and

(e) be complete.

(3) The financial controller of a significant third party that is taken to have incurred an amount of electoral expenditure in a financial year (the ***later financial year***) under section 287J must provide:

(a) a return for the financial year in which the expenditure was actually incurred that includes that expenditure; and

(b) a separate return for the later financial year that does not include the expenditure that was taken under section 287J to have been incurred in that later financial year.

(3A) If:

(a) a person or entity is registered as a significant third party for a financial year (the ***current financial year***); and

(b) the person or entity was not required to be registered as a significant third party for the previous financial year;

the financial controller of the significant third party must provide a return, that complies with subsection (2) and is in an approved form, for the previous financial year by the end of the period of 30 days after the person or entity is registered as a significant third party for the current financial year.

Civil penalty:

The higher of the following:

(a) 120 penalty units;

(b) if an amount is not disclosed under paragraph (2)(a) or (b) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed—3 times that amount.

(3B) If, in complying with subsection (2), a return that is required to be provided under subsection (3A) would include no amounts or

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details, the return provided must include a statement to the effect that there are no amounts or details to be included.

(3C) Despite anything in this section, a return provided under this section in respect of a significant third party 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 significant third party in a purely personal capacity;

(b) any amounts paid by, or on behalf of, the significant third party 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 significant third party in a purely personal capacity.

(4) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) or (3A) of this section.

314AC Amounts received

(1) If the sum of all amounts received by, or on behalf of, a registered political party or a significant third party from a person or organisation during a financial year is more than the disclosure threshold, the return must (subject to subsection (4)) include the particulars of that sum.

(2) In calculating the sum, an amount that is less than or equal to the disclosure threshold need not be counted.

(3) The particulars of the sum required to be furnished under subsection (1) are the amount of the sum and:

(a) if the sum 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; or

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(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; or

(ba) 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; or

(c) in any other case—the name and address of the person or organisation.

(4) This section does not apply in relation to an amount if:
(a) the amount was received by, or on behalf of, a person or organisation 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 financial year by the person or organisation:
(i) to enable the person or organisation to incur electoral expenditure, or create or communicate electoral matter; or
(ii) to reimburse the person or organisation for incurring electoral expenditure, or creating or communicating electoral matter.

314AE Outstanding amounts

(1) If the sum of all outstanding debts incurred by, or on behalf of, a registered political party or a significant third party to a person or an organisation during a financial year is more than the disclosure threshold, the return must include the particulars of that sum.

(2) The particulars of a sum required to be furnished under subsection (1) are the amount of the sum and:
(a) if the sum was owed to an unincorporated association, other than a registered industrial organisation:
(i) the name of the association; and

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(ii) the names and addresses of the members of the executive committee (however described) of the association; or

(b) if the sum 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; or

(c) in any other case—the name and address of the person or organisation.

314AEA Annual returns by associated entities

(1) If an entity is an associated entity at any time during a financial year, the entity's financial controller must, subject to subsection (6), provide a return to the Electoral Commission, in the approved form, within 16 weeks after the end of the financial year, setting out:

(a) the total amount received by, or on behalf of, the entity during the financial year, together with the details required by section 314AC; and

(b) the total amount paid by, or on behalf of, the entity during the financial year; and

(c) if the entity is an associated entity at the end of the financial year—the total outstanding amount, as at the end of the financial year, of all debts incurred by or on behalf of the entity, together with the details required by section 314AE; and

(d) in any case—details of any discretionary benefits (however described) received by, or on behalf of, the entity from the Commonwealth, a State or a Territory during the financial year.

Civil penalty:

The higher of the following:

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(a) 60 penalty units;
(b) if there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed in accordance with subsection (1)—3 times that amount.

(2) Subject to subsection (6), if:
(a) an entity is registered as an associated entity for a financial year (the ***current financial year***); and
(b) the entity was not required to be registered as an associated entity for the previous financial year;

the financial controller of the associated entity must provide a return to the Electoral Commission, in the approved form, by the end of the period of 30 days after the entity is registered as an associated entity for the current financial year, setting out:
(c) the total amount received by, or on behalf of, the entity during the previous financial year, together with the details required by section 314AC; and
(d) the total amount paid by, or on behalf of, the entity during the previous financial year; and
(e) the total outstanding amount, as at the end of the previous financial year, of all debts incurred by or on behalf of the entity, together with the details required by section 314AE; and
(f) details of any discretionary benefits (however described) received by, or on behalf of, the entity from the Commonwealth, a State or a Territory during the previous financial year.

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 an estimate of the amount, not disclosed in accordance with subsection (2)—3 times that amount.

(3) For a return under subsection (1) or (2), if any amount required to be set out under paragraph (1)(b) or (2)(d) (as the case may be):

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(a) was paid to or for the benefit of one or more registered political parties; and

(b) was paid out of funds generated from capital of the associated entity;

the return must also set out the following details about each person who contributed to that capital after the commencement of this section:

(c) the name and address of the person;

(d) the total amount of the person's contributions to that capital, up to the end of the financial year.

(4) Subsection (3) does not apply to contributions that have been set out in a previous return under subsection (1) or (2).

(5) Sections 314AC and 314AE apply for the purposes of paragraphs (1)(a), (b) and (c) and (2)(c), (d) and (e) of this section to a return for an associated entity in the same way as they apply for the purposes of subparagraphs 314AB(2)(a)(i), (ii) and (iii) to a return for a registered political party or a significant third party.

(6) A return is not required to be provided under subsection (1) or (2) for an associated entity for a financial year if:

(a) the entity was also a significant third party during that year; and

(b) a return was provided for the entity under section 314AB for that year.

(6A) If a return that is required to be provided under subsection (2) would include no amounts or details, the return provided must include a statement to the effect that there are no amounts or details to be included.

(7) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) or (2) of this section.

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314AEB Annual returns by third parties

(1) A person or entity must provide a return for a financial year in accordance with this section if the person or entity is a third party during the year.

Civil penalty:

The higher of the following:

(a) 60 penalty units;

(b) if an amount is not disclosed under paragraph (2)(a) and there is sufficient evidence for the court to determine the amount, or an estimate of the amount, not disclosed under that paragraph—3 times that amount.

(2) The third party must provide to the Electoral Commission a return for the financial year:

(a) setting out details of the electoral expenditure incurred by or with the authority of the third party during the financial year; and

(b) including a statement that the third party complied with section 302E (donations to third parties by foreign donors) during the financial year, signed by the members, agents or officers (however described) of the third party who have responsibility for ensuring that the third party complies with this Division.

(3) The return must:

(a) be provided before the end of 20 weeks after the end of the financial year; and

(b) be in the approved form; and

(c) if the third party is also required to provide a return under section 314AEC—include that return.

(4) Subsection 93(2) of the Regulatory Powers Act does not apply in relation to a contravention of subsection (1) of this section.

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314AEC Annual returns relating to gifts received by third parties for electoral expenditure

(1) A person or entity must provide a return for a financial year in accordance with this section if:

(a) the person or entity is required to provide a return for the year under section 314AEB (annual returns by third parties); and

(b) the person or entity received a gift or gifts, at any time, that the person or entity used during the year (either wholly or partly):

(i) to enable the person or entity to incur electoral expenditure; or

(ii) to reimburse the person or entity for incurring electoral expenditure; and

(c) either:

(i) the amount of at least one such gift was more than the disclosure threshold; or

(ii) the total amount of all gifts received by the person from at least one single person during the financial year was more than the disclosure threshold.

Note: The return required under this section must be included in the return provided under section 314AEB (see paragraph 314AEB(3)(c)).

(2) The person must provide to the Electoral Commission a return for the financial year setting out the following details:

(a) for subparagraph (1)(c)(i):

(i) the amount of each gift covered by that subparagraph; and

(ii) the date on which the gift was made;

(b) for subparagraph (1)(c)(ii):

(i) the total amount of gifts made by each single person who is covered by that subparagraph; and

(ii) the date on which each of those gifts were made; and

(c) in any case:

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(i) for a gift or gifts on behalf of the members of an unincorporated association (other than a registered industrial organisation)—the name of the association, and the names and addresses of the members of the executive committee (however described) of the association; or

(ii) for a gift or gifts purportedly made 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; or

(iii) for any other gift or gifts—the name and address of the person who made the gift or gifts.

314AED Annual returns relating to gifts received by members of the House of Representatives or Senators

(1) A person must provide to the Electoral Commission a return for a financial year in accordance with this section if:

(a) the person is a member of the House of Representatives or is a Senator during the year; and

(b) the person received one or more gifts during the year that were made for federal purposes.

Note 1: For ***federal purpose***, see subsection 287(1).

Note 2: If the person did not receive any gifts during the year that were made for federal purposes, the person does not need to provide a return.

Note 3: Returns provided under this section are published on the Transparency Register: see section 320.

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 gifts not disclosed under subsection (2)—3 times that amount.

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Content of return

(2) The return must set out the following details:

(a) the total amount or value of all gifts received by the person during the year that are covered by paragraph (1)(b);

(b) the total number of persons who made those gifts;

(c) in relation to each gift made to the person during the year that is covered by paragraph (1)(b) and where the amount or value of the gift is more than the disclosure threshold:

(i) the amount or value of the gift; and

(ii) the date on which the gift was made; and

(iii) for a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—the name of the association and the names and addresses of the members of the executive committee (however described) of the association; and

(iv) for a gift purportedly made 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 fund or foundation; and

(v) for any other gift—the name and address of the person who made the gift.

Timing of return etc.

(3) A return under this section must:

(a) be provided before the end of 20 weeks after the end of the financial year; and

(b) be in the approved form.

Limitation

(4) This section does not apply in relation to a gift if the gift is covered by a return provided under section 304 or 314AB.

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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.

Return provided on behalf of member or Senator

(6) A member of the House of Representatives or a Senator is taken to have provided a return under this section if the member or Senator causes another person to provide the return on behalf of the member or Senator.

314AF Returns not to include lists of party membership

Returns provided in accordance with this Division are not to include lists of party membership.

314AG Regulations

(1) The regulations may require greater detail to be provided in returns than is required by this Division.

(2) Without limiting subsection (1), the regulations may require that the total amounts referred to in paragraph 314AB(2)(a) be broken down in the way specified in the regulations.

(3) The regulations may reduce the amount of information to be provided in returns under section 314AEA.

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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:

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(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

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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.

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.

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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*.

316 Investigation etc.

(1) In this section:

authorised officer means a person authorised by the Electoral Commission under subsection (2).

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

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(2) The Electoral Commission may, by instrument in writing signed by the Electoral Commissioner on behalf of the Electoral Commission, authorize a person or a person included in a class of persons to perform duties under this section.

(2A) An authorised officer may, for the purpose of:

(aaa) finding out whether:

(i) a person to whom section 305B (gifts to political parties and significant third parties) or 306 (gifts to members of the House of Representatives or Senators) applies or may apply; or

(ia) a member of the House of Representatives or a Senator; or

(ii) a prescribed person; or

(iii) the agent of a registered political party, candidate or group; or

(iv) the financial controller of a significant third party or associated entity; or

(v) a third party;

has complied with this Part, or the *Criminal Code* to the extent that it relates to this Part; or

(aab) determining whether to give a notice under section 287S or 302H (anti-avoidance);

by notice served personally or by post on:

(aac) the member of the House of Representatives or Senator; or

(a) the agent or any officer of the political party, or the agent of the candidate or group; or

(aa) the financial controller of the significant third party, third party or associated entity or any officer of the significant third party, third party or associated entity; or

(b) the prescribed person or, if the prescribed person is a body corporate, any of its officers;

as the case may be, require the member of the House of Representatives, Senator, agent, financial controller, person or officer:

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(c) to produce, within the period and in the manner specified in the notice, the documents or other things referred to in the notice; or

(d) to appear, at a time and place specified in the notice, before the authorised officer to give evidence, either orally or in writing, and to produce the documents or other things referred to in the notice.

(2AB) The period specified in a notice for the purposes of paragraph (2A)(c) must be no longer than 30 days after the date of the notice.

(2B) If a notice under paragraph (2A)(a) or (aa) requires an officer of a political party, significant third party, third party or associated entity (other than the agent of the party, or the financial controller of the significant third party, third party or associated entity, as the case requires) to appear before an authorised officer under paragraph (2A)(d), then the agent of the party, or the financial controller of the significant third party, third party or associated entity, is entitled:

(a) to attend at the proceeding under paragraph (2A)(d); or

(b) to nominate another person in writing to attend on behalf of the agent or financial controller.

(2C) Failure of the agent or nominee to attend under subsection (2B) does not affect the powers of the authorised officer to conduct the proceeding under paragraph (2A)(d).

(2D) Where a body corporate, unincorporated body or individual has made a gift or disposition of property of $25,000 or more to a registered political party or candidate, an authorised officer must conduct an investigation of that gift or disposition of property in accordance with this section.

(3) Where an authorized officer has reasonable grounds to believe that a person is capable of producing documents or other things or giving evidence relating to a contravention, or possible contravention, of a civil penalty provision in this Part, or relating to matters that are set out in, or are required to be set out in, a claim

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or return under this Part, the authorized officer may, by notice served personally or by post on that person, require that person:

(a) to produce, within the period and in the manner specified in the notice, such documents or other things as are referred to in the notice; or

(b) to appear, at a time and place specified in the notice, before the authorized officer to give evidence, either orally or in writing, and to produce such documents or other things as are referred to in the notice.

(3A) If:

(a) an authorised officer has reasonable grounds to believe that a person is capable of producing documents or other things, or giving evidence, relating to whether another person or an entity is, or was at a particular time, a significant third party, third party or associated entity; and

(b) the person is, or has at any time been, the financial controller or an officer of the significant third party, third party or associated entity;

the authorised officer may, by notice served personally or by post on the person, require the person:

(c) to produce, within the period and in the manner specified in the notice, such documents or other things as are specified in the notice; or

(d) to appear, at a time and place specified in the notice, before the authorised officer to give evidence, whether orally or in writing, and to produce the documents or other things specified in the notice.

The notice must not require the person to produce documents, or to appear, until after the end of the period of 14 days beginning on the day on which the notice was received, and must set out the person's right to request a review under subsection (3B).

(3B) A person who is given a notice under subsection (3A) may request that the Electoral Commission review the decision to issue the notice. The request must be:

(a) in writing; and

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(b) given to the Electoral Commission during the period of 14 days beginning on the day on which the notice was received.

(3C) The Electoral Commission must:

(a) review the decision as soon as practicable after receiving a request under subsection (3B); and

(b) affirm, vary or set aside the decision; and

(c) notify the person in writing of its decision on the review.

(3D) If a person requests a review of a decision, the person is not taken to have refused or failed to comply with the notice to which the review relates at any time before the Electoral Commission has notified the person of its decision on the review.

(4) An authorized officer may require any evidence that is to be given to him or her in compliance with a notice under subsection (2A), (3) or (3A) to be given on oath or affirmation and for that purpose the authorized officer may administer an oath or affirmation.

(5) A person commits an offence if the person refuses to comply with a notice under subsection (2A), (3) or (3A) to the extent that the person is capable of complying with the notice.

Penalty: 10 penalty units.

(5A) A person commits an offence if the person fails to comply with a notice under subsection (2A), (3) or (3A) to the extent that the person is capable of complying with the notice.

Penalty: 10 penalty units.

(5B) Strict liability applies to an offence against subsection (5A).

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(5C) Subsection (5) or (5A) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter in subsection (5C) (see subsection 13.3(3) of the *Criminal Code*).

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(6) A person shall not, in purported compliance with a notice under subsection (2A), (3) or (3A), give evidence that is, to the knowledge of the person, false or misleading in a material particular.

Penalty: Imprisonment for 6 months or 10 penalty units, or both.

(7) Where:

(a) an authorized officer has reasonable grounds for suspecting that there may be, at any time within the next following 24 hours, upon any land or upon 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 authorized officer has reasonable grounds to believe that, if a notice under this section were issued for the production of the document or other thing, the document or other thing might be concealed, lost, mutilated or destroyed;

the authorized officer may make an application to a magistrate for the issue of a warrant under subsection (8).

(8) Subject to subsection (9), where an application under subsection (7) is made by an authorized officer to a magistrate, the magistrate may issue a warrant authorizing the authorized officer or any other person named in the warrant, with such assistance as the officer or person thinks necessary and if necessary by force:

(a) to enter upon the land or upon or into the premises, vessel, aircraft or vehicle;

(b) 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

(c) to seize any documents or other things of the kind referred to in paragraph (b).

(9) A magistrate shall not issue a warrant under subsection (8) unless:

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(a) an affidavit has been furnished to the magistrate setting out the grounds on which the issue of the warrant is being sought;

(b) the authorized officer applying for the warrant 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 warrant is being sought; and

(c) the magistrate is satisfied that there are reasonable grounds for issuing the warrant.

(10) Where a magistrate issues a warrant under subsection (8), the magistrate shall state on the affidavit furnished in accordance with subsection (9) which of the grounds specified in that affidavit he or she has relied on to justify the issue of the warrant and particulars of any other grounds so relied on.

(11) A warrant issued under subsection (8) shall:

(a) include a statement of the purpose for which the warrant is issued, which shall include a reference to the contravention of the civil penalty provision or offence in relation to which the warrant is issued;

(b) state whether entry is authorized to be made at any time of the day or night or during specified hours of the day or night;

(c) include a description of the kind of documents or other things authorized to be seized; and

(d) specify a date, not being later than one month after the date of issue of the warrant, upon which the warrant ceases to have effect.

(12) Where a document or other thing is seized by a person pursuant to a warrant issued under subsection (8):

(a) the person may retain the document or other thing so long as is reasonably necessary for the purposes of the investigation to which the document or other thing is relevant; and

(b) when the retention of the document or other thing by the person ceases to be reasonably necessary for those purposes, the person shall cause the document or other thing to be

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delivered to the person who appears to the first-mentioned person to be entitled to possession of the document or other thing.

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 or claim 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 or 314B applies in relation to the record keeper.

Example: A statement of all transactions into and out of a federal 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

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(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 or 314B—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 furnish a return under Division 4, 5 or 5A considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may:

(a) prepare the return to the extent that it is possible to do so without those particulars;

(b) furnish the return so prepared; and

(c) give to the Electoral Commission notice in writing:

(i) identifying the return;

(ii) stating that the return 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

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(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 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, 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 return under Division 4, 5 or 5A that are provided under subsection (2) are, for the purposes of this Part, taken to be a return 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.

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(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 that is incomplete.

319 Non-compliance with Part does not affect election

(1) A failure of a person to comply with a provision of this Part 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 and returns

(1) Where the Electoral Commissioner is satisfied that a claim or return 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 under this Part may request the permission of the Electoral Commission to make a specified

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amendment of the return for the purpose of correcting an error or omission.

(2A) If the return was furnished 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 or associated entity; or

(c) a third party;

the request under subsection (2) may be made by:

(d) the person who furnished the return; 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 to which the request relates;

the Commission shall permit the person making the request to amend the return 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).

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(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 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 returns

(1) The Electoral Commissioner must publish the following on the Transparency Register in accordance with the following table.

Requirement to publish determinations, notices and returns

Item	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.
3	each notice given under section 298H reconsidering the refusal of a final claim	as soon as reasonably practicable after giving the notice.
4	each election return provided under	before the end of 24 weeks after the

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Requirement to publish determinations, notices and returns		
Item	**The Electoral Commissioner must publish …**	**at this time …**
	Division 4 or 5	polling day in the election to which the return relates.
5	each annual return provided under Division 5A	before the end of the first business day in February in the calendar year after the return is provided.

(2) A person is not entitled to inspect a determination, notice or return referred to in subsection (1) before the determination, notice or return 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

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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

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(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 disclosure threshold

(1) This section applies to the dollar amount mentioned in the definition of ***disclosure threshold*** in subsection 287(1).

(2) The dollar amount mentioned in the definition, for an indexation year whose indexation factor is greater than 1, is replaced by the amount worked out using the following formula:

$$\text{Dollar amount for the provision for the previous financial year} \times \text{Indexation factor for the indexation year}$$

(3) For the purposes of sections 304 and 305A, the dollar amount mentioned in the definition for an indexation year is not replaced if the indexation period begins:

(a) while a person is a candidate or member of a group in an election or by-election; or

(b) during the period specified by legislative instrument under paragraph 305A(1A)(a).

(3A) The dollar amount worked out for the purposes of subsection (2) is to be rounded to the nearest $100, rounding up in the case of $50 or more.

(4) The ***indexation factor*** for an indexation year is the number worked out using the following formula:

$$\frac{\text{March index number for the previous financial year}}{\text{March index number for the year before the previous financial year}}$$

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(5) The indexation factor is to be calculated to 3 decimal places, but increased by .001 if the fourth decimal place is more than 4.

(6) Calculations under subsection (4):

(a) are to be made using only the March 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 March index numbers that are published in substitution for previously published March 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 financial year beginning on 1 July.

March 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 31 March.

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Part XXA—Authorisation of electoral matter

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 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

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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);
(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) a person or entity who:
  (i) is or will be required to provide a return under section 305A, 305B or 306 for the financial year in which the time occurs; or
  (ii) based on conduct in previous financial years, may be required to provide a return under section 305A, 305B or 306 for the financial year in which the time occurs;

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except if the return is provided because of electoral expenditure incurred solely for the purposes of carrying out an opinion poll, or other research, relating to an election or the voting intentions of electors.

Note: Sections 305A, 305B and 306 require returns relating to gifts to candidates, political parties, significant third parties, members of the House of Representatives and Senators.

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

primary contravention of section 321D 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;

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(c) the traceability of communications of electoral matter, by ensuring that obligations imposed by this Part in relation to those communications can be enforced.

(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.

(3) This Part is not intended to detract from:

(a) the ability of electoral matters to be communicated to voters; and

(b) voters' ability to communicate with each other on electoral matters.

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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:

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(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.

(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

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(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

Item	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 name of the entity (as included in the most recent return given in relation to the entity under Part XX, if a return has been given in relation to the entity under that Part); (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 name of the entity (as included in the most recent return given in relation to the entity under Part XX, if a return has been given in relation to the entity under that Part); (b) the relevant town or city of the entity; (c) the name of the natural person responsible for giving effect to

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Required particulars		
Item	**If …**	**the following particulars are required …**
		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 disclosure entity who is a natural person	(a) the name of the 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).

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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.

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*.

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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*).

321E Extended geographical application of section 321D

(1) A person does not contravene section 321D 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 section 321D;

(ii) the conduct constituting the alleged contravention occurs wholly outside Australia;

(iii) the conduct constituting the primary contravention of section 321D, 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.

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Exception—foreign entities engaging in legal conduct wholly in foreign countries

(2) A person does not contravene section 321D 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 section 321D—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 section 321D 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 section 321D—a result of the conduct constituting the primary contravention occurs.

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Division 3—Information-gathering powers

321F Electoral Commissioner may obtain information and documents from persons

(1) This section applies to a person if the Electoral Commissioner has reason to believe that the person has information or a document that is relevant to assessing compliance with section 321D.

(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).

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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.

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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.

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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;

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(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.

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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.

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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 punishable on conviction:

(a) if the offender is a natural person—by imprisonment for a period not exceeding 6 months or a fine not exceeding 10 penalty units, or both; or

(b) if the offender is a body corporate—by a fine not exceeding 50 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.

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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.

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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.

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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.

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(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;

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(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

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(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).

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341 Badges or emblems in polling booths

(1) Any officer or scrutineer who wears or displays in a polling booth on polling day any badge or emblem of a candidate or political party commits an offence.

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

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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,

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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

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(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.

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:

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(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) 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

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(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

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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*).

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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

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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

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(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

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(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).

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(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;

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(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:

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(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.

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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.

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(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.

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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.

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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.

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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.

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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:

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(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.

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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.

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(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);

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(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

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(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.

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Interim injunctions

(3) Where an application is made to the Federal Court for an injunction under subsection (1), (2A) or (2B), 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) or (2B), 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:

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(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.

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.

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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

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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.

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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.

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(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.

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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

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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:

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(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*.

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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.

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(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

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(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

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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

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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.

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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.

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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

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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

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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

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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

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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*]

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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.

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I wish my Christian or given names to appear on the ballot paper in the form shown above.

[*Signature of candidate*]

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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.

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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				

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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 [ ]

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- 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*]

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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*]

<table>
<tr><td colspan="2">Name of candidate as enrolled</td><td rowspan="2">Form in which 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 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.

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I wish my Christian or given names to appear on the ballot paper in the form shown above.

[*Signature of candidate*]

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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

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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:

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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

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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:

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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

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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

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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

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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

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[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 ☐

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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

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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

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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*]

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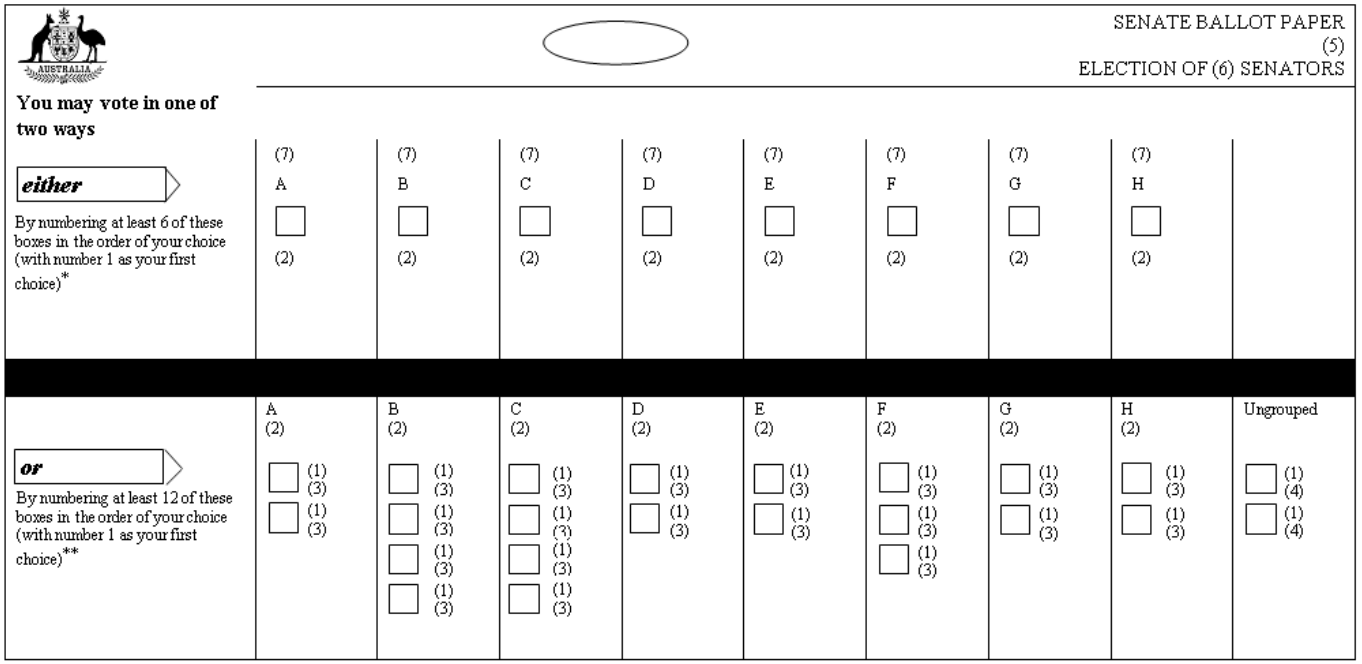
Note: See section 209.

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.

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(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)".

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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

[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.*]

Remember. . . . number *every* box to make your vote count.

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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 of:
   (a) serious illness;
   (b) infirmity; or
   (c) approaching childbirth.

   (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.)

5. On polling day, the person will be unable to attend a polling booth because the person will be at a place (other than a hospital) caring for a person who is seriously ill or infirm or who is expected shortly to give birth.

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.

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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.

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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.

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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

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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.

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.

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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
      (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

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(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

(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

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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

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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.

21. Where a ballot paper has been finally excluded from further scrutiny, other than because of subparagraph 6A(b), the DRO shall send to the voter a written statement of the reason for the rejection.

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

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relation to those votes as if the words "subject to the operation of paragraphs 23 and 25," were omitted from paragraph 15.

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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 the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled

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law and the abbreviation "(md)" added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation "(md not incorp)" is added to the details of the amendment included in the amendment history.

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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)

underlining = whole or part not commenced or to be commenced

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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	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Commonwealth Electoral Act 1940	19, 1940	29 May 1940	16 Aug 1940 (s 2 and gaz 1940, No 155, p 1727)	—
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))	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)
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)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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))	—
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))	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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
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)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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))	—

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Endnote 3—Legislation history

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))	—

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Endnote 3—Legislation history

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)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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))	—
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))	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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))	—
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)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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
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)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)	—
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)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)	—
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)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)
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)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)	—
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)	—

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)
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)

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)
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

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Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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
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)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)	—
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)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)	—
Electoral Legislation Amendment (Electoral Offences and Preventing Multiple Voting) Act 2021	93, 2021	2 Sept 2021	Sch 1, 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)

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Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
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)

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	—
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))	—

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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
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

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Endnote 4—Amendment history

Provision affected	How affected
s. 7A	ad. No. 219, 1992
	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
s 17A	ad No 203, 1991
	am No 62, 2014; No 147, 2018

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Provision affected	How affected
Division 3	
Division 3	ad No 144, 1983
s 18	ad No 144, 1983
	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 (Sch 2 item 2); No 136, 2021
Division 4	
Division 4	ad. No. 144, 1983
s. 29	ad. No. 144, 1983

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Endnote 4—Amendment history

Provision affected	How affected
	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
	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

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Provision affected	How affected
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
	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

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Endnote 4—Amendment history

Provision affected	How affected
	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
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
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

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Provision affected	How affected
	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
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
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
s 69	ad No 144, 1983
	am No 35, 1987; No 94, 1998; No 95, 2020; No 127, 2020
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

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Endnote 4—Amendment history

Provision affected	How affected
	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
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

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Endnote 4—Amendment history

Provision affected	How affected
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
	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
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
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
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

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Endnote 4—Amendment history

Provision affected	How affected
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); Nos. 84 and 144, 1983; No. 45, 1984; No. 193, 1985; No. 35, 1987; No. 159, 1989; No. 24, 1990; No. 167, 1991; No. 166, 1995; Nos. 115 and 123, 2004; No. 65, 2006; No. 29, 2011
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
	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

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Provision affected	How affected
	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
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

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Endnote 4—Amendment history

Provision affected	How affected
	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
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
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

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Provision affected	How affected
	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
	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
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
s. 121	ad. No. 144, 1983
	am. No. 94, 1998; No. 34, 2001; No. 78, 2004; Nos. 109 and 110, 2010; Nos. 110 and 111, 2012
s. 122	ad. No. 144, 1983
	am. No. 24, 1990
	rs. No. 109, 2010

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Endnote 4—Amendment history

Provision affected	How affected
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
s 126	ad No 144, 1983
	am No 24, 1990; No 126, 2000; No 110, 2010; No 25, 2016; No 94, 2021
s. 127	ad. No. 144, 1983
	am. No. 110, 2010
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

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Endnote 4—Amendment history

Provision affected	How affected
	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
	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
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
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

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Endnote 4—Amendment history

Provision affected	How affected
	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
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

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Provision affected	How affected
	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
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

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Endnote 4—Amendment history

Provision affected	How affected
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
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

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Endnote 4—Amendment history

Provision affected	How affected
	am. No. 167, 1991; No. 166, 1995; No. 137, 2000; Nos. 115 and 123, 2004; No. 22, 2007; Nos. 109 and 110, 2010; No. 19, 2013
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
s. 185A	ad. No. 24, 1990
	rep. No. 166, 1995
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

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Endnote 4—Amendment history

Provision affected	How affected
	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
	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
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

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Provision affected	How affected
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
	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 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

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Endnote 4—Amendment history

Provision affected	How affected
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
	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
s. 200DL	ad. No. 109, 2010
	am. No. 26, 2013
s. 200DM	ad. No. 109, 2010
	am. No. 26, 2013

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Provision affected	How affected
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; Nos. 8 and 109, 2010
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
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
s 202AB	ad No 22, 2007

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Endnote 4—Amendment history

Provision affected	How affected
	am No 8, 2010; No 109, 2010; No 95, 2020
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
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
s 202AH	ad No. 22, 2007
	am No. 8, 2010
	rep No. 109, 2010
	ad No 93, 2021
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
s 202AL	ad No 22, 2007
	am No 8, 2010
	rep No 109, 2010
	ad No 93, 2021

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Provision affected	How affected
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
	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

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Endnote 4—Amendment history

Provision affected	How affected
	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
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

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Provision affected	How affected
	am. No. 110, 2010
s 224	ad No 144, 1983
	rs No 24, 1990
	am No 8, 2010; No 110, 2010; No 2, 2019
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
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
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

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Endnote 4—Amendment history

Provision affected	How affected
s 233	am No 144, 1983; No 45, 1984; No 24, 1990; No 65, 2006; No 8, 2010; No 95, 2020
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
s 234A	ad No 94, 1998
	am No 65, 2006; No 8, 2010; No 95, 2020
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
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

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Endnote 4—Amendment history

Provision affected	How affected
s 243	rs No 14, 1922
	am No 144, 1983; No 136, 2021
s 245	ad No 10, 1924
	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

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Provision affected	How affected
	rep No 95, 2020
s 255	rs No 24, 1990
	rep No 95, 2020
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
s. 267	am. No. 24, 1990; No. 8, 2010

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Endnote 4—Amendment history

Provision affected	How affected
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
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

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Endnote 4—Amendment history

Provision affected	How affected
s. 276	ad. No. 144, 1983
	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
s 287	rs No 42, 1946
	am No 93, 1966
	rep No 102, 1980

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Provision affected	How affected
	ad No 144, 1983
	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
s 287AA	ad No 147, 2018
s 287AB	ad No 147, 2018
	am No 137, 2021
s 287AC	ad No 147, 2018
s. 287A	ad. No. 24, 1990
	am. No. 45, 1992
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
Division 1A	ad No 147, 2018
Subdivision A	
s 287D	ad No 147, 2018
	am No 137, 2021
s 287E	ad No 147, 2018
Subdivision B	
Subdivision B heading	am No 137, 2021
s 287F	ad No 147, 2018
	am No 137, 2021
s 287H	ad No 147, 2018
	am No 137, 2021
s 287J	ad No 147, 2018
	am No 137, 2021
s 287K	ad No 147, 2018

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Endnote 4—Amendment history

Provision affected	How affected
	am No 137, 2021
s 287L	ad No 147, 2018
	am No 137, 2021
s 287M	ad No 147, 2018
	am No 95, 2020
	ed C69
	am No 137, 2021
Subdivision C	
s 287N	ad No 147, 2018
	am No 137, 2021
s 287P	ad No 147, 2018
s 287Q	ad No 147, 2018
s 287R	ad No 147, 2018
Subdivision D	
s 287S	ad No 147, 2018
	am No 137, 2021
Division 2	
Division 2 heading	rs No 147, 2018
Subdivision A	
Subdivision A	ad No 147, 2018
s 287V	ad No 147, 2018
	am No 137, 2021
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

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Provision affected	How affected
	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
s 292C	ad No 24, 1990
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
Subdivision D	
Subdivision D	ad No 147, 2018
s 292F	ad No 147, 2018
	am No 137, 2021

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Endnote 4—Amendment history

Provision affected	How affected
Division 3	
Subdivision A	
Subdivision A	ad No 147, 2018
s 292G	ad No 147, 2018
	am No 95, 2020
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
	am No 95, 2020
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
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
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

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Provision affected	How affected
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
s 298A	ad No 147, 2018
	am No 95, 2020
	ed C69
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
s 298E	ad No 147, 2018
s 298F	ad No 147, 2018
s 298G	ad No 147, 2018
s 298H	ad No 147, 2018
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

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Endnote 4—Amendment history

Provision affected	How affected
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
	rs No 147, 2018
s 302	ad No 144, 1983
Division 3A	
Division 3A	ad No 147, 2018
Subdivision A	
s 302A	ad No 147, 2018
	am No 134, 2021; No 137, 2021
s 302B	ad No 147, 2018
	am No 134, 2021
s 302C	ad No 147, 2018
s 302CA	ad No 147, 2018
	rs No 95, 2020
Subdivision B	
s 302D	ad No 147, 2018
	am No 95, 2020; No 134, 2021; No 137, 2021
s 302E	ad No 147, 2018
s 302F	ad No 147, 2018
	am No 134, 2021; No 137, 2021
s 302G	ad No 147, 2018
s 302H	ad No 147, 2018
	am No 134, 2021; No 137, 2021
Subdivision D	
s 302P	ad No 147, 2018
s 302Q	ad No 147, 2018

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Provision affected	How affected
s 302R	ad No 147, 2018
Division 4	
s 302V	ad No 147, 2018
	am No 134, 2021; No 137, 2021
s 303	ad No 144, 1983
	am No 203, 1991; No 147, 2018
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
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
s 305B	ad No 42, 1995
	am No 134, 1999; No 65, 2006; No 147, 2018; No 137, 2021
s 306	ad No 144, 1983
	am No 24, 1990; No 203, 1991; No 45, 1992; No 65, 2006
	rep No 147, 2018
	ad No 134, 2021
s 306A	ad No 134, 1999
	am No 55, 2001; No 65, 2006; No 147, 2018; No 134, 2021; No 137, 2021
s 306B	ad No 81, 2002
	am No 65, 2006
	rs No 147, 2018
	am No 134, 2021; No 137, 2021
s 307	ad No 144, 1983
	am No 45, 1984; No 24, 1990; No 203, 1991; No 134, 2021
Division 5	
s 307A	ad No 147, 2018
	ed C67

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Endnote 4—Amendment history

Provision affected	How affected
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
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
s 310	ad No 144, 1983
	am No 67, 1985; No 24, 1990; No 105, 1992
	rep No 65, 2006
s 311	ad No 144, 1983
	am No 24, 1990
	rep No 65, 2006
s 311A	ad No 203, 1991
	am No 146, 1999; No 65, 2006; No 5, 2011; No 147, 2018
s. 312	ad. No. 144, 1983
	rep. No. 35, 1987
s 313	ad No 144, 1983
	am No 24, 1990; No 203, 1991; No 42, 1995; No 134, 2021
s. 314	ad. No. 144, 1983
	am. No. 24, 1990
Division 5A	
Division 5A heading	am. No. 42, 1995
	rs. No. 65, 2006
Division 5A	ad. No. 203, 1991
	rs. No. 45, 1992
s 314AAA	ad No 147, 2018
	am No 134, 2021; No 137, 2021
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
s 314AB	ad No 45, 1992

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Provision affected	How affected
	am No 42, 1995; No 94, 1998
	rs No 147, 2018
	am No 137, 2021
s 314AC	ad No 45, 1992
	am No 42, 1995; No 134, 1999; No 65, 2006; No 147, 2018; No 137, 2021
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
s 314AEA	ad No 42, 1995
	am No 134, 1999; No 147, 2018; No 137, 2021
s 314AEB	ad No 65, 2006
	am No 108, 2010; No 99, 2017; No 147, 2018
s 314AEC	ad No 65, 2006
	rs No 147, 2018
s 314AED	ad No 134, 2021
s 314AF	ad No 45, 1992
s 314AG	ad No 45, 1992
	am No 42, 1995; No 147, 2018
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
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

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Endnote 4—Amendment history

Provision affected	How affected
s 316	ad No 144, 1983
	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
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
s 318	ad No 144, 1983
	am No 45, 1984; No 24, 1990; No 45, 1992; No 8, 2010; No 147, 2018
s 318A	ad No 203, 1991
	rep No 65, 2006
s 319	ad No 144, 1983
	am No 35, 1987
s 319A	am No 35, 1987; No 42, 1995; No 147, 2018; No 134, 2021; No 137, 2021
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
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
Part XXA	
Part XXA	ad No 99, 2017
Division 1	
s 321B	ad No 99, 2017
	am No 147, 2018; No 134, 2021; No 137, 2021
s 321C	ad No 99, 2017
Division 2	
s 321D	ad No 99, 2017
	am No 147, 2018; No 92, 2021

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Provision affected	How affected
s 321E	ad No 99, 2017
Division 3	
s 321F	ad No 99, 2017
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
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

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Endnote 4—Amendment history

Provision affected	How affected
	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
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
	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

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Endnote 4—Amendment history

Provision affected	How affected
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
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
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
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

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Endnote 4—Amendment history

Provision affected	How affected
	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
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

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Provision affected	How affected
	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
	am No 110, 2010; No 95, 2020
s. 383	ad. No. 144, 1983
	am. No. 34, 2001; No. 78, 2004; No 99, 2017
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

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Endnote 4—Amendment history

Provision affected	How affected
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
	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

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Provision affected	How affected
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
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

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Endnote 4—Amendment history

Provision affected	How affected
	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
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
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

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Endnote 5—Miscellaneous

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

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Endnote 5—Miscellaneous

Provision affected	How affected
	rep. No. 144, 1983
Part XVI (s. 153)	rep. No. 144, 1983
s. 164BA	ad. No. 47, 1949
	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

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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
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

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Endnote 5—Miscellaneous

Old Number	New Number
25C	51
25D	52
25E	53
25F	54
Part IIIA	Part IV
Section	Section
25G	55
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
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

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Old Number	New Number
43	102
46	103
46A	104
47	105
47A	106
48	107
49	108
50	109
51	110
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
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

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Endnote 5—Miscellaneous

Old Number	New Number
61	154
61A	155
62	156
63	157
64	158
65	159
66	160
67	161
Part XI	Part XIV
Section	Section
68	162
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

Old Number	New Number
Section	Section
85AA	182
85AB	183
85	184
86	185
86A	186
87	187
88	188
89	189
90	190
91	191
91A	192
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

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Old Number	New Number
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
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

Old Number	New Number
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
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

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Endnote 5—Miscellaneous

Old Number	New Number
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
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
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

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Old Number	New Number
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
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

Old Number	New Number
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
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

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Old Number	New Number
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

Other information relating to the *Commonwealth Electoral Act 1918* is set out below.

Section 3—For Proclamations fixing the dates of repeal of these Acts: *see Gazettes* 1918, p. 2257; 1919, p. 401 and 1934, p. 1351.

Section 95—Section 41 of the Constitution provides as follows:

41 Right of electors of States

> No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

Section 152—Sections 12, 32 and 33 of the Constitution provide as follows:

12 Issue of writs

> The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

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32 Writs for general election

The Governor-General in Council may cause writs to be issued for general elections of members of the House of Representatives.

After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

33 Writs for vacancies

Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the election of a new member, or if there is no Speaker or if he is absent from the Commonwealth the Governor-General in Council may issue the writ.

Section 163—*Note also* sections 43 and 44 of the Constitution, which provide as follows:

43 Member of one House ineligible for other

A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.

44 Disqualification

Any person who:

(i) Is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; or

(ii) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or

(iii) Is an undischarged bankrupt or insolvent; or

(iv) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth; or

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(v) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But subsection (iv) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half-pay, or a pension by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

Sections 93 and 208:

(1) Some provisions relating to voting by prisoners have been found to be invalid by the High Court of Australia, namely subsection 93(8AA) and paragraph 208(2)(c). For more information, see the High Court press release of 30 August 2007 or the full judgment Roach v Electoral Commissioner [2007] HCA 43 as available at:

http://www.austlii.edu.au/au/cases/cth/high_ct/2007/43.html

(2) Sections 93 and 208 of the *Commonwealth Electoral Act 1918* were subsequently amended by the *Electoral and Referendum Amendment (Enrolment and Prisoner Voting) Act 2011*, which commenced on 25 May 2011.

Sections 94A, 95, 96, 102 and 155:

(1) The High Court of Australia has declared some provisions relating to electoral rolls and voting to be invalid, namely items 20, 24, 28, 41, 42, 43, 44, 45 and 52 of Schedule 1 to the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006*. Those provisions affected paragraph 94A(4)(a), subsections 95(4), 96(4) and 102(4), paragraph 102(4A)(a), subparagraph 102(4A)(b)(ii), subsection 102(4B), paragraphs

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102(4B)(a) and (b) and section 155 of the *Commonwealth Electoral Act 1918*. For more information, see the High Court press release of 6 August 2010 as available online at:

http://www.hcourt.gov.au/assets/publications/judgment-summaries/2010/rowe-2010-08-06.pdf

(2) Sections 94A, 95, 96, 102 and 155 of the *Commonwealth Electoral Act 1918* were subsequently amended by the *Electoral and Referendum Amendment (Enrolment and Prisoner Voting) Act 2011*, which commenced on 25 May 2011.

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