



# **Electoral Legislation Amendment (Authorisations) Act 2022**

**No. 4, 2022**

**An Act to amend the law relating to elections,  
referendums and broadcasting in respect of  
authorising matter, and for related purposes**

Note: An electronic version of this Act is available on the Federal Register of Legislation  
(<https://www.legislation.gov.au/>)



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**An Act to amend the law relating to elections,  
referendums and broadcasting in respect of  
authorising matter, and for related purposes**

*[Assented to 17 February 2022]*

The Parliament of Australia enacts:

## **1 Short title**

This Act is the *Electoral Legislation Amendment (Authorisations) Act 2022*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provisions</b>	<b>Commencement</b>	<b>Date/Details</b>
1. The whole of this Act	The day after this Act receives the Royal Assent.	18 February 2022

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

## **Schedule 1—Authorisation particulars**

### **Part 1—Electoral and referendum amendments**

#### *Commonwealth Electoral Act 1918*

#### **1 Subsection 321D(5) (table items 1 and 2, column headed “the following particulars are required ...”, paragraph (a))**

Repeal the paragraphs, substitute:

- (a) the particulars of the name of the entity required by subsection (5A);

#### **2 After subsection 321D(5)**

Insert:

- (5A) For the purposes of items 1 and 2 of the table in subsection (5), the required particulars of the name of the entity are:
- (a) if the entity is a registered political party—the name of the party (the **registered name**) that is entered in the Register of Political Parties or that name omitting any of the following:
    - (i) if the registered name includes both a word or phrase and its abbreviation—the abbreviation;
    - (ii) if the registered name includes “Incorporated” or an abbreviation of that word—that word or its abbreviation;
    - (iii) if the registered name includes “of Australia”—those words;
    - (iv) if the registered name ends with “Australia”—that word;
    - (v) if the entity is a registered branch or division of a registered political party—the words indicating the name of the branch or division; or
  - (b) if the entity is a disclosure entity (but not a registered political party)—the name of the entity entered on the Transparency Register; or
  - (c) if the entity is not an entity covered by paragraph (a) or (b) and a return has been given under Part XX in relation to the

entity—the name included in the most recent return given in relation to the entity; or

(d) in any other case—the name of the entity.

Note: For example, under paragraph (a) the registered name “Quokka Party of Australia Inc.—NSW” may be notified as “Quokka Party”.

(5B) If an abbreviation (the *registered abbreviation*) of the name of an entity is entered in the Register of Political Parties and the entity is:

(a) a registered political party that has a registered branch or division; or

(b) a registered branch or division of a registered political party; then, for the purposes of items 1 and 2 of the table in subsection (5), the required particulars of the name of the entity are taken to be either:

(c) the particulars referred to in paragraph (5A)(a); or

(d) the registered abbreviation.

### ***Referendum (Machinery Provisions) Act 1984***

#### **3 Subsection 110C(5) (table items 1 and 2, column headed “the following particulars are required ...”, paragraph (a))**

Repeal the paragraphs, substitute:

(a) the particulars of the name of the entity required by subsection (5A);

#### **4 After subsection 110C(5)**

Insert:

(5A) For the purposes of items 1 and 2 of the table in subsection (5), the required particulars of the name of the entity are:

(a) if the entity is a registered political party (within the meaning of the *Commonwealth Electoral Act 1918*)—the name of the party (the *registered name*) that is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918* or that name omitting any of the following:

(i) if the registered name includes both a word or phrase and its abbreviation—the abbreviation;



- (ii) if the registered name includes “Incorporated” or an abbreviation of that word—that word or its abbreviation;
  - (iii) if the registered name includes “of Australia”—those words;
  - (iv) if the registered name ends with “Australia”—that word;
  - (v) if the entity is a registered branch or division of a registered political party—the words indicating the name of the branch or division; or
- (b) if the entity is a disclosure entity (but not a registered political party within the meaning of the *Commonwealth Electoral Act 1918*)—the name of the entity entered on the Transparency Register under the *Commonwealth Electoral Act 1918*; or
  - (c) if the entity is not an entity covered by paragraph (a) or (b) and a return has been given under Part XX of the *Commonwealth Electoral Act 1918* in relation to the entity—the name included in the most recent return given in relation to the entity; or
  - (d) in any other case—the name of the entity.

Note: For example, under paragraph (a) the registered name “Quokka Party of Australia Inc.—NSW” may be notified as “Quokka Party”.

(5B) If an abbreviation (the **registered abbreviation**) of the name of an entity is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918* and the entity is:

- (a) a registered political party (within the meaning of that Act) that has a registered branch or division; or
- (b) a registered branch or division of a registered political party (within the meaning of that Act);

then, for the purposes of items 1 and 2 of the table in subsection (5), the required particulars of the name of the entity are taken to be either:

- (c) the particulars referred to in paragraph (5A)(a); or
- (d) the registered abbreviation.

## **5 Application of amendments**

- (1) Section 321D of the *Commonwealth Electoral Act 1918*, as amended by this Schedule, applies in relation to electoral matter that is communicated on or after the commencement of this Schedule (regardless of when the content of the matter was approved).
- (2) Section 110C of the *Referendum (Machinery Provisions) Act 1984*, as amended by this Schedule, applies in relation to referendum matter that is communicated on or after the commencement of this Schedule (regardless of when the content of the matter was approved).

## **Part 2—Broadcasting amendments**

### *Australian Broadcasting Corporation Act 1983*

#### **6 Subsection 79A(5)**

Insert:

*registered political party* means a political party that is registered under Part XI of the *Commonwealth Electoral Act 1918*.

#### **7 Subsection 79A(6) (table item 1, column headed “the required particulars are the following ...”, paragraph (a))**

Repeal the paragraph, substitute:

- (a) the particulars of the name of the entity required by subsection (6A);

#### **8 After subsection 79A(6)**

Insert:

- (6A) For the purposes of item 1 of the table in subsection (6), the required particulars of the name of the entity are:
- (a) if the entity is a registered political party—the name of the party (the *registered name*) that is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918* or that name omitting any of the following:
    - (i) if the registered name includes both a word or phrase and its abbreviation—the abbreviation;
    - (ii) if the registered name includes “Incorporated” or an abbreviation of that word—that word or its abbreviation;
    - (iii) if the registered name includes “of Australia”—those words;
    - (iv) if the registered name ends with “Australia”—that word;
    - (v) if the entity is a registered branch or division of a registered political party—the words indicating the name of the branch or division; or

- (b) if the entity is a disclosure entity (but not a registered political party)—the name of the entity entered on the Transparency Register under the *Commonwealth Electoral Act 1918*; or
- (c) if the entity is not an entity covered by paragraph (a) or (b) and a return has been given under Part XX of the *Commonwealth Electoral Act 1918* in relation to the entity—the name included in the most recent return given in relation to the entity; or
- (d) in any other case—the name of the entity.

Note: For example, under paragraph (a) the registered name “Quokka Party of Australia Inc.—NSW” may be notified as “Quokka Party”.

- (6B) If an abbreviation (the **registered abbreviation**) of the name of an entity is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918* and the entity is:
- (a) a registered political party that has a registered branch or division; or
  - (b) a registered branch or division of a registered political party; then, for the purposes of item 1 of the table in subsection (6), the required particulars of the name of the entity are taken to be either:
    - (c) the particulars referred to in paragraph (6A)(a); or
    - (d) the registered abbreviation.

## ***Broadcasting Services Act 1992***

### **9 Subclause 1(1) of Schedule 2**

Insert:

***registered political party*** means a political party that is registered under Part XI of the *Commonwealth Electoral Act 1918*.

### **10 Subclause 1(2) of Schedule 2 (table item 1, column headed “the required particulars are the following ...”, paragraph (a))**

Repeal the paragraph, substitute:

- (a) the particulars of the name of the entity required by subclause (3);

## 11 At the end of clause 1 of Schedule 2

Add:

- (3) For the purposes of item 1 of the table in subclause (2), the required particulars of the name of the entity are:
- (a) if the entity is a registered political party—the name of the party (the **registered name**) that is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918* or that name omitting any of the following:
    - (i) if the registered name includes both a word or phrase and its abbreviation—the abbreviation;
    - (ii) if the registered name includes “Incorporated” or an abbreviation of that word—that word or its abbreviation;
    - (iii) if the registered name includes “of Australia”—those words;
    - (iv) if the registered name ends with “Australia”—that word;
    - (v) if the entity is a registered branch or division of a registered political party—the words indicating the name of the branch or division; or
  - (b) if the entity is a disclosure entity (but not a registered political party)—the name of the entity entered on the Transparency Register under the *Commonwealth Electoral Act 1918*; or
  - (c) if the entity is not an entity covered by paragraph (a) or (b) and a return has been given under Part XX of the *Commonwealth Electoral Act 1918* in relation to the entity—the name included in the most recent return given in relation to the entity; or
  - (d) in any other case—the name of the entity.
- Note: For example, under paragraph (a) the registered name “Quokka Party of Australia Inc.—NSW” may be notified as “Quokka Party”.
- (4) If an abbreviation (the **registered abbreviation**) of the name of an entity is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918* and the entity is:
- (a) a registered political party that has a registered branch or division; or

(b) a registered branch or division of a registered political party; then, for the purposes of item 1 of the table in subclause (2), the required particulars of the name of the entity in paragraph (3)(a) are taken to be either:

- (c) the particulars referred to in paragraph (3)(a); or
- (d) the registered abbreviation.

### ***Special Broadcasting Service Act 1991***

#### **12 Subsection 70A(5)**

Insert:

***registered political party*** means a political party that is registered under Part XI of the *Commonwealth Electoral Act 1918*.

#### **13 Subsection 70A(6) (table item 1, column headed “the required particulars are the following ...”, paragraph (a))**

Repeal the paragraph, substitute:

- (a) the particulars of the name of the entity required by subsection (6A);

#### **14 After subsection 70A(6)**

Insert:

- (6A) For the purposes of item 1 of the table in subsection (6), the required particulars of the name of the entity are:
  - (a) if the entity is a registered political party—the name of the party (the ***registered name***) that is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918* or that name omitting any of the following:
    - (i) if the registered name includes both a word or phrase and its abbreviation—the abbreviation;
    - (ii) if the registered name includes “Incorporated” or an abbreviation of that word—that word or its abbreviation;
    - (iii) if the registered name includes “of Australia”—those words;
    - (iv) if the registered name ends with “Australia”—that word;

- (v) if the entity is a registered branch or division of a registered political party—the words indicating the name of the branch or division; or
- (b) if the entity is a disclosure entity (but not a registered political party)—the name of the entity entered on the Transparency Register under the *Commonwealth Electoral Act 1918*; or
- (c) if the entity is not an entity covered by paragraph (a) or (b) and a return has been given under Part XX of the *Commonwealth Electoral Act 1918* in relation to the entity—the name included in the most recent return given in relation to the entity; or
- (d) in any other case—the name of the entity.

Note: For example, under paragraph (a) the registered name “Quokka Party of Australia Inc.—NSW” may be notified as “Quokka Party”.

- (6B) If an abbreviation (the **registered abbreviation**) of the name of an entity is entered in the Register of Political Parties under the *Commonwealth Electoral Act 1918* and the entity is:
  - (a) a registered political party that has a registered branch or division; or
  - (b) a registered branch or division of a registered political party; then, for the purposes of item 1 of the table in subsection (6), the required particulars of the name of the entity are taken to be either:
    - (c) the particulars referred to in paragraph (6A)(a); or
    - (d) the registered abbreviation.

## 15 Application of amendments

Section 79A of the *Australian Broadcasting Corporation Act 1983*, clause 1 of Schedule 2 to the *Broadcasting Services Act 1992* and section 70A of the *Special Broadcasting Service Act 1991*, as amended by this Schedule, apply in relation to political matter broadcast on or after the commencement of this Schedule (regardless of when the content of the matter was approved).

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*[Minister's second reading speech made in—  
Senate on 9 February 2022  
House of Representatives on 15 February 2022]*

*(18/22)*

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