

South Australia

Electoral (Disclosure of Donations) Variation Regulations 2017

under the *Electoral Act 1985*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electoral (Disclosure of Donations) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which section 20 of the *Electoral (Legislative Council Voting and Other Measures) Amendment Act 2017* comes into operation.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Electoral Regulations 2009*

4—Insertion of regulation 22A

After regulation 22 insert:

22A—Returns—additional information (sections 130ZG and 130ZH)

- (1) In accordance with section 130ZZH(2)(a) of the Act, a return required to be furnished to the Electoral Commissioner under section 130ZG or 130ZH of the Act must indicate whether or not—
 - (a) the person by whom or on whose behalf the return is furnished; and
 - (b) each person who made a gift or loan (other than a loan made by an ADI) required to be disclosed by the person referred to in paragraph (a) in the return—
 - (i) that enabled that person to make a gift or loan set out in the return; or
 - (ii) that reimbursed that person for making such a gift or loan,

is a foreign person, and, if they are, the foreign country or countries in respect of which the person is a foreign person.

- (2) In addition, the return must, in respect of—
 - (a) the person by whom or on whose behalf the return is furnished, if that person is a natural person; and
 - (b) each natural person within the ambit of subregulation (1)(b),include the following information:
 - (c) whether or not the person is an elector;
 - (d) if the person is not an elector—whether or not the person is an Australian citizen;
 - (e) if the person is not an Australian citizen—the name of the foreign country or countries of which the person is a citizen;
 - (f) if the person is an Australian citizen and also a citizen of a foreign country—the foreign country or countries of which the person is also a citizen.

- (3) In this regulation—

foreign country has the same meaning as in the *Acts Interpretation Act 1901* of the Commonwealth;

foreign person has the same meaning as in the *Foreign Acquisitions and Takeovers Act 1975* of the Commonwealth.

5—Variation of regulation 23A—Returns by associated entities (section 130ZO and 130ZZH)

Regulation 23A(1)—delete "130ZU(3)" and substitute:

130ZZH(3)

Schedule 1—Transitional provision

1—Transitional provision

Regulation 22A of the *Electoral Regulations 2009* (as inserted by regulation 4 of these regulations) does not apply to a gift or loan made before the commencement of these regulations.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 17 October 2017

No 294 of 2017

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