

South Australia

Statutes Amendment (Local Government Elections Review) Act 2025

An Act to amend the *Local Government (Elections) Act 1999*, the *Local Government Act 1999* and the *City of Adelaide Act 1998*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment (Local Government Elections Review) Act 2025*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Local Government (Elections) Act 1999*

3—Amendment of section 4—Preliminary

(1) Section 4(1), definition of *designated person*—after "majority, who is" insert:

a State elector and

(2) Section 4(1)—after the definition of *returning officer* insert:

State elector means a person who is enrolled as an elector for the House of Assembly on a roll for a subdivision under the *Electoral Act 1985*;

4—Amendment of section 5—Periodic elections

Section 5—delete "5 pm on the second to last business day before the second Saturday of November in 2022, at 5 pm on the second to last business day before the second Saturday of November in 2026, and so on" and substitute:

5 pm on the third to last business day before the second Saturday of November in 2026, at 5 pm on the third to last business day before the second Saturday of November in 2030, and so on

5—Amendment of section 6—Supplementary elections

(1) Section 6(2)(b)—before subparagraph (i) insert:

(ai) paragraph (c) does not apply; and

(2) Section 6(2)(c)(ii)(A) and (B)—delete "the conclusion of" wherever occurring and substitute in each case:

polling day for

6—Amendment of section 7—Failure of election in certain cases

Section 7—before subsection (3) insert:

(1) If, after nominations have closed for an election, it appears that the number of candidates nominated to contest the election is less than the number of persons required to be elected, the election will be taken to have partially failed (in respect of the office or offices not filled under section 25).

7—Amendment of section 8—Failure or avoidance of supplementary election

Section 8(1a)—delete "section 25" and substitute:

section 25(1a)

8—Amendment of section 10—The returning officer and deputy returning officer

(1) Section 10, heading—delete "The returning" and substitute:

Returning

(2) Section 10(3) and (9)—delete subsections (3) and (9)

9—Amendment of section 14—Qualifications for enrolment

(1) Section 14(1)(ab)—after "majority" insert:

and is a State elector

(2) Section 14(1)(ab)(i)—delete subparagraph (i)

(3) Section 14(1)(c)(iii)—delete "or (ab)(i)"

(4) Section 14(3)—delete subsection (3)

(5) Section 14(3c)(b)(ii)—delete subparagraph (ii) and substitute:

(ii) in the case of an application made in respect of an entitlement under subsection (1)(b) or (c)—

- (A) the designated person of the body corporate or group is already on the voters roll for the area or ward (whether as a designated person or by virtue of another entitlement to vote); or
 - (B) the chief executive officer believes the designated person of the body corporate or group is not entitled to be the designated person.
- (6) Section 14—after subsection (3c) insert:
- (4) For the purposes of subsection (3c)(a) and (b)(ii)(B), the Electoral Commissioner must provide the chief executive officer with any information in the Electoral Commissioner's possession about whether a person is a State elector.

10—Amendment of section 15—Voters roll

- (1) Section 15(6)—delete "three" and substitute:
- 2
- (2) Section 15(13)—delete "four" and substitute:
- 3
- (3) Section 15(15)—delete subsection (15) and substitute:
- (15) At any time between the close of nominations and polling day for an election, a nominated candidate for the election (other than a candidate declared elected under section 25(1) or (1a)) is entitled to obtain from the returning officer a copy of the voters roll for the area (and the nominated candidate may, during that period, obtain further copies of the voters roll from the returning officer on payment of the fees fixed by the returning officer).

11—Amendment of section 17—Entitlement to stand for election

Section 17(3)—after paragraph (e) insert:

- or
- (f) is suspended from office under section 55B of the *Local Government Act 1999*.

12—Amendment of section 21—Publication etc of valid nominations

Section 21—before its present contents (now to be designated as subsection (2)) insert:

- (1) The returning officer must, from the day on which the notice inviting nominations for an election is published until 24 hours after the close of nominations, keep an up to date record (as far as is reasonably practicable) of the number of valid nominations received, and the name of each nominated candidate, accessible to the public on the Internet.

13—Amendment of section 25—Uncontested elections

Section 25—after subsection (1) insert:

- (1aa) A declaration under subsection (1) relating to a periodic election must be made at the same time as the drawing of lots under section 29(3) for the purposes of the periodic election is conducted.

14—Amendment of section 29—Ballot papers

Section 29(3)—delete subsection (3) and substitute:

- (3) The drawing of lots for the purposes of subsection (2) must be conducted by the returning officer in the presence of 2 persons who are of or above the age of majority and other persons who wish to be present—
 - (a) in the case of a periodic election—at the time determined by the returning officer on the day after the day of the close of nominations, which must be as soon as is reasonably practicable after 9 am on that day; or
 - (b) in any other case—at 12 noon, or as soon as is reasonably practicable after 12 noon, on the day of the close of nominations.

15—Amendment of section 39—Issue of postal voting papers

Section 39(1)(b)—after subparagraph (ii) insert:

- (iia) if the voting papers are issued to a natural person—that the person is a State elector; and

16—Insertion of section 41B

After section 41A insert:

41B—Trial of in person voting before polling day for supplementary elections

- (1) The regulations may make provision in relation to voting in a supplementary election held during the trial period for the purposes of electors exercising their vote in the supplementary election by attending at a place established by the returning officer for the taking of votes before polling day for the supplementary election (a *pre-polling centre*).
- (2) Without limiting the generality of subsection (1), regulations made for the purposes of this section may—
 - (a) provide for, or provide for the determination of—
 - (i) requirements relating to pre-polling centres; and
 - (ii) the days and times at which voting is to be available at pre-polling centres; and

- (b) modify or disapply a provision of this Act or the *City of Adelaide Act 1998* for the purposes of electors exercising their vote at pre-polling centres; and
 - (c) make provision for any other matters related to electors exercising their vote at pre-polling centres.
- (3) Nothing in this section (or regulations made under this section) affects other methods of voting at a supplementary election held during the trial period.
- (4) In this section—
- trial period* means the period commencing 30 days after polling day for the periodic election to be held in 2026 and ending on the closing date for the periodic election to be held in 2030.

17—Amendment of section 47—Arranging postal papers

- (1) Section 47(1)(b)—delete "second" and substitute:
- third
- (2) Section 47(2)(a)—after subparagraph (iii) insert:
- (iv) any envelope where the voter does not appear to be a State elector; and

18—Insertion of section 62A

After section 62 insert:

62A—Maintenance of order at and near certain places

- (1) A person must not—
- (a) obstruct the access or approaches to a designated place; or
 - (b) obstruct or unnecessarily delay the proceedings at a designated place; or
 - (c) behave in a disorderly manner at or in the immediate vicinity of a designated place.
- Maximum penalty: \$5 000.
- (2) An authorised officer may give such directions as are necessary to maintain order for the purposes of an election or at or in the immediate vicinity of a designated place.
- (3) A person who contravenes a direction given under subsection (2) is guilty of an offence.
- Maximum penalty: \$5 000.
- (4) A person who contravenes subsection (1) or a direction given under subsection (2) (including a candidate or scrutineer) may be removed from a designated place and the immediate vicinity of the designated place by an authorised officer.

- (5) A person who has been removed from a designated place and the immediate vicinity of the designated place by an authorised officer and who re-enters the designated place or its immediate vicinity without the permission of an authorised officer is guilty of a further offence.

Maximum penalty: \$10 000 or imprisonment for 1 year.

- (6) In this section—

authorised officer means—

- (a) a police officer; or
- (b) the Electoral Commissioner; or
- (c) a person authorised by the Electoral Commissioner;

designated place means—

- (a) a place at which the scrutiny of ballot papers is being, or is to be, conducted; or
- (b) any other place designated by the Electoral Commissioner on a website maintained by the Electoral Commissioner.

19—Insertion of section 66A

After section 66 insert:

66A—Prohibition of advocacy of forms of voting inconsistent with Act

- (1) A person must not publicly advocate that an elector should mark a ballot paper otherwise than in the manner set out in section 45(1) or 46(1).

Maximum penalty: \$2 500.

- (2) A person must not publicly advocate that an elector may exercise their vote in a manner inconsistent with the provisions of this Act relating to the manner in which an elector may exercise a vote.

Maximum penalty: \$2 500.

20—Amendment of section 69A—Electoral Commissioner may lodge petition

Section 69A(2)—after "Section 70(1)(c)" insert:

and (d)

21—Substitution of sections 80 to 81B

Sections 80 to 81B—delete sections 80 to 81B (inclusive) and substitute:

80—Preliminary

- (1) For the purposes of this Part—
 - (a) 2 or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period (within the meaning of section 81A) or special disclosure period (within the meaning of section 81) are to be treated as 1 gift; and
 - (b) a gift made to a candidate is a *private gift* if it is made in a private capacity to the candidate for their personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.
- (2) A return under this Division must be in the form determined by the returning officer and completed and furnished in the manner determined by the returning officer.

81—Special returns for gifts during certain period

- (1) If a candidate for election to an office of a council receives a gift from a person during the special disclosure period, the candidate must furnish a return to the returning officer in accordance with the requirements of this Part.
- (2) A return under subsection (1) must be furnished by a candidate—
 - (a) in the case of a gift received during the special disclosure period before the candidate announced that they would be a candidate in the election or nominated as a candidate (as the case may be)—within 5 days after the announcement or nomination (as the case requires); or
 - (b) in any other case—within 5 days of receipt of the gift.
- (3) A return under subsection (1) must set out—
 - (a) the amount or value of the gift; and
 - (b) the date on which the gift was made; and
 - (c) —
 - (i) if the gift was made on behalf of the members of an unincorporated association—
 - (A) the name of the association; and
 - (B) the names and addresses of the members of the executive committee (however described) of the association; or
 - (ii) if the gift was purportedly made out of a trust fund or out of the funds of a foundation—

- (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (B) the title or other description of the trust fund or the name of the foundation, as the case requires; or
 - (iii) in any other case—the name and address of the person who made the gift.
- (4) A return under subsection (1) is not required in respect of—
- (a) a private gift made to the candidate; or
 - (b) a gift if the amount or value of the gift is less than \$500.
- (5) In this section—
- special disclosure period***, in relation to a candidate in an election, means the period—
- (a) commencing on the earlier of the following:
 - (i) the day that is 4 months before the day on which the person announced that they would be a candidate in the election;
 - (ii) the day that is 4 months before the day on which the person's nomination as a candidate was lodged with the returning officer; and
 - (b) ending on polling day for the election.

81A—Return for all gifts received during disclosure period

- (1) A candidate for election to an office of a council must furnish a return to the returning officer in accordance with the requirements of this Part setting out—
- (a) the total amount or value of all gifts received by the candidate during the disclosure period; and
 - (b) the number of persons who made those gifts; and
 - (c) the amount or value of each gift; and
 - (d) the date on which each gift was made; and
 - (e) in the case of each gift made on behalf of the members of an unincorporated association—
 - (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
 - (f) in the case of each 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
 - (g) in the case of each other gift—the name and address of the person who made the gift.
- (2) A return under subsection (1) must be furnished by a candidate within 7 days after the end of the disclosure period to which the return relates.
- (3) A return under subsection (1) need not set out any details required by that subsection in respect of—
- (a) a private gift made to the candidate; or
 - (b) a gift if the amount or value of the gift is less than \$500.
- (4) If no details are required to be included in a return under this section for a candidate, the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.
- (5) In this section—
- disclosure period***, in relation to a candidate in an election, means the period—
- (a) commencing on the earlier of the following:
 - (i) the day that is 4 months before the day on which the person announced that they would be a candidate in the election;
 - (ii) the day that is 4 months before the day on which the person's nomination as a candidate was lodged with the returning officer; and
 - (b) ending 21 days after polling day for the election.

81B—Certain campaign arrangements or understandings to be disclosed

- (1) If 2 or more candidates in an election or elections in the area of a council enter into an arrangement or understanding to do either or both of the following:
- (a) to incur expenditure jointly on electoral material relating to the election or elections;
 - (b) to keep gifts of money received in relation to the election or elections in the same account,

each candidate must, within 1 business day of entering into the arrangement or understanding, give notice of it to the returning officer.

- (2) A notice under subsection (1) must state the names of the candidates who have entered into the arrangement or understanding and comply with any requirements of the returning officer.
- (3) The returning officer must, as soon as is reasonably practicable after receiving a notice under subsection (1), ensure that the notice is published in a prominent location on a website determined by the returning officer until 30 days after polling day for the relevant election or elections.

22—Amendment of section 86—Failure to comply with Division

- (1) Section 86(1)—delete "this Division" first occurring and substitute:
section 81A
- (2) Section 86(1)—delete "this Division" second occurring and substitute:
that section
- (3) Section 86—after subsection (2) insert:
 - (2a) If a notification under subsection (1) is sent to a member of a council and the return to which the notification relates has not been furnished to the returning officer within 1 month after the time within which it was required to be furnished under this Division, the returning officer must send a copy of the notification to the chief executive officer of the council (in such manner as the returning officer thinks fit).
- (4) Section 86(3), note—delete the note

23—Amendment of section 87—Public inspection of returns

Section 87(2)—delete subsection (2) and substitute:

- (2) The returning officer must—
 - (a) in the case of a return under section 81—within 5 days after the return is received by the returning officer; and
 - (b) in the case of return under section 81A—within 8 weeks after the return is received by the returning officer,make a copy of each return available on a website maintained by the returning officer.

24—Amendment of section 91A—Conduct of council during election period

Section 91A(7)—delete subsection (7)

25—Insertion of section 91B

After section 91A insert:

91B—Council to hold public meeting for general election except in certain circumstances

- (1) A council must, during the period commencing after the close of nominations and before polling day for a general election, hold at least 1 meeting involving any candidates who wish to participate and members of the public relating to—
 - (a) issues in the community relevant to the election; and
 - (b) informing members of the public of the policies and views of candidates.
- (2) A meeting held by a council under this section may be held remotely using audio visual technology or any other means of communication determined appropriate by the council (and nothing in this section is to be taken to require candidates and members of the public to be physically present at the meeting).
- (3) A meeting held by a council under this section must be presided over by the chief executive officer of the council, or a person appointed by the chief executive officer (who must not be a candidate in the general election).
- (4) This section does not apply in relation to a council if the council's caretaker policy—
 - (a) provides that a public meeting of a kind referred to in this section will not be held in respect of general elections; and
 - (b) includes a statement, certified by the principal member, setting out the council's reasons for not holding a public meeting.

26—Amendment of section 93—Regulations

Section 93—after subsection (2) insert:

- (2a) The regulations may prescribe provisions of a savings or transitional nature consequent on the amendment of this Act by another Act.

Part 3—Amendment of *Local Government Act 1999*

27—Amendment of section 54—Casual vacancies

- (1) Section 54(1)(h)—delete paragraph (h)
- (2) Section 54(1a) to (1f)—delete subsections (1a) to (1f) (inclusive)
- (3) Section 54(4)—delete subsection (4)
- (4) Section 54(6)—delete "or (1b)"
- (5) Section 54(11)—delete subsection (11)

28—Insertion of section 55B

After section 55A insert:

55B—Suspension of member for failure to submit certain returns

- (1) If—
- (a) a member of the Adelaide City Council fails to furnish a return under Schedule 1 clause 24A of the *City of Adelaide Act 1998* within the time required under that clause; or
 - (b) a member of any other council fails to furnish a return under section 81A of the *Local Government (Elections) Act 1999* within the time required under that section,

the member is suspended from the office of member of the council on the first business day after the day on which notification of the member's failure to furnish the relevant return is sent to the chief executive officer under of Schedule 1 clause 30(2a) of the *City of Adelaide Act 1998* or section 86(2a) of the *Local Government (Elections) Act 1999* (as the case requires).

- (2) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (1) is not entitled to an allowance or reimbursement of expenses, or any other facility, service or form of support, that the member would otherwise be entitled to under this Act or the *City of Adelaide Act 1998*, during the period of suspension.
- (3) If a member of a council is suspended under subsection (1), the chief executive officer of the council must, as soon as practicable, notify the member of the suspension under subsection (1).
- (4) If a member of a council suspended under subsection (1) for a failure to furnish a return subsequently submits the completed return to the Electoral Commissioner and the Electoral Commissioner is satisfied that the return complies with Part 14 of the *Local Government (Elections) Act 1999* or Schedule 1 Part 8 of the *City of Adelaide Act 1998* (as the case requires)—
- (a) the Electoral Commissioner must, as soon as is reasonably practicable after receiving the return, notify the chief executive officer of the relevant council of the receipt of the return; and
 - (b) the suspension is taken to be revoked on the date on which the chief executive officer is notified under paragraph (a).
- (5) If a member of a council is suspended under subsection (1) for a continuous period of more than the prescribed period, the council must apply to SACAT for an order disqualifying the member of the council from the office of member under this Act.

- (6) If a member is disqualified under subsection (5), the disqualification extends to all other offices held in the member's capacity as a member of the council or by virtue of being a member of the council.

29—Amendment of section 68—Register of Interests

Section 68(1b)—delete subsection (1b) and substitute:

- (1b) Despite any other Act or law, or any determination of the Remuneration Tribunal, a member of a council suspended under subsection (1a) is not entitled to an allowance or reimbursement of expenses, or any other facility, service or form of support, that the member would otherwise be entitled to under this Act or the *City of Adelaide Act 1998*, during the period of suspension.

30—Amendment of section 75—Material conflicts of interest

Section 75(2), definition of *designated gift*—delete the definition and substitute:

designated gift means a gift of \$500 or more received by the member after the last election at which the member was elected required to be disclosed in a return under section 81A of the *Local Government (Elections) Act 1999* or Schedule 1 clause 24A of the *City of Adelaide Act 1998*.

31—Amendment of section 76—Allowances

Section 76—after subsection (12) insert:

- (12a) Amounts must be withheld from the payment of allowances to a member of a council, and paid to the Commissioner of Taxation in accordance with the Pay as you go system under the *Taxation Administration Act 1953* of the Commonwealth, if—
- (a) that system contemplates amounts to be withheld from such payments; and
 - (b) the member requests, in accordance with any requirements of the council, that such withholding occur.

32—Amendment of section 77—Reimbursement of expenses

- (1) Section 77(1)—after paragraph (b) insert:

and

- (c) reimbursement of expenses (not exceeding the prescribed amount) incurred by the member in producing printed material in prescribed circumstances or of a prescribed kind (other than excluded material) necessary for engaging with the community in relation to local government matters.

- (2) Section 77—after subsection (2) insert:

- (3) In this section—

excluded material means—

- (a) electoral material within the meaning of the *Local Government (Elections) Act 1999*; or

- (b) material produced or distributed between the close of nominations and the close of voting for a general election of a council or a periodic election.

33—Amendment of section 79—Register of allowances and benefits

Section 79(1)(b)—after "section 77(1)(b)" insert:

or (c)

34—Amendment of section 125A—Internal audit functions

Section 125A(2)(a) and (b)—before "audit and risk committee" wherever occurring insert:

relevant

35—Amendment of section 226—Moveable signs

- (1) Section 226(2a)—delete subsection (2a) and substitute:

- (2a) A person must not exhibit a poster, notice or sign displaying electoral material relating to an election held under this Act or the *Local Government (Elections) Act 1999* (a **local electoral poster**) on a public road or road-related area (both within the meaning of the *Road Traffic Act 1961*), including any structure, fixture or vegetation on a public road or road-related area.

Maximum penalty: \$5 000.

- (2b) Subsection (2a) does not apply to the exhibition of—

- (a) a local electoral poster by a person holding the local electoral poster (either directly in their hands or by holding an implement or device to which the poster is attached); or
- (b) a local electoral poster that—
 - (i) is not attached to a building, hoarding or other structure or fixture on a public road or road-related area; and
 - (ii) is exhibited at, or in the vicinity of, a place at which a designated event or activity is being held; and
 - (iii) is exhibited immediately before, during or immediately after the designated event or activity, provided that the local electoral poster is not exhibited at, or in the vicinity of, the place for more than 6 hours; or
- (c) a local electoral poster—
 - (i) of a kind prescribed by regulation; or
 - (ii) in circumstances prescribed by regulation.

(2) Section 226(5)—delete subsection (5) and substitute:

(5) In this section—

designated event or activity means—

- (a) an assembly within the meaning of the *Public Assemblies Act 1972*; or
- (b) an organised gathering, meeting, function or event relating to an election held under this Act or the *Local Government (Elections) Act 1999*; or
- (c) a person canvassing for votes relating to such an election; or
- (d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by the regulations.

36—Amendment of section 227—Removal of moveable sign

Section 227—after subsection (2) insert:

(3) If—

- (a) a local electoral poster to which section 226(2a) applies is exhibited in contravention of that subsection; or
- (b) an electoral advertising poster relating to a State election is exhibited otherwise than in accordance with section 226(3)(caa); or
- (c) a designated electoral advertising poster to which section 226A(1) applies is exhibited in contravention of that subsection,

an authorised person may order the person who authorises exhibition of the poster to remove it from the road or road-related area.

- (4) If the authorised person cannot find the person who authorises exhibition of the poster, or that person fails to comply immediately with the order, the authorised person may remove and dispose of the poster.

37—Amendment of section 302B—Public health emergency

(1) Section 302B, heading—delete "Public health emergency" and substitute:

Declared emergencies

(2) Section 302B(1)(a)—after "emergency" insert:

under the *South Australian Public Health Act 2011* or an emergency under the *Emergency Management Act 2004* (a ***declared emergency***)

(3) Section 302B(1)(b), (2)(d)(ii), (3) and (4)—before "emergency" wherever occurring insert:

declared

- (4) Section 302B(7), definition of *relevant declaration*, (b)—delete "that has previously been declared as a public health emergency under section 87 of the *South Australian Public Health Act 2011* (whether that previous declaration remains in force or has ceased)"
- (5) Section 302B(8)—delete subsection (8)

38—Amendment of Schedule 4—Material to be included in annual report of council

Schedule 4, clause 1(c)—delete "conduct or

39—Amendment of Schedule 9—Suspension of members

Schedule 9, clause 1(1)(c)—after "section" insert:

55B,

Part 4—Amendment of *City of Adelaide Act 1998*

40—Amendment of section 4—Interpretation

- (1) Section 4, definition of *default person*—delete the definition and substitute:

default person, in respect of a body corporate or group, means a natural person, of or above the age of majority, who is a State elector and—

- (a) in the case of a body corporate—an officer of the body corporate; or
- (b) in the case of a group—a member of the group or an officer of a body corporate that is a member of the group,

and who has been nominated by the chief executive officer under Schedule 1 clause 3B(1) to vote on behalf of the body corporate or group in an election or poll and is not already on the voters roll or otherwise entitled to be enrolled on the voters roll;

- (2) Section 4, definition of *eligible person*—after "majority, who is" insert:
a State elector and

41—Amendment of section 24—Allowances

Section 24—after subsection (12) insert:

(12a) Amounts must be withheld from the payment of allowances to a member of the Council, and paid to the Commissioner of Taxation in accordance with the Pay as you go system under the *Taxation Administration Act 1953* of the Commonwealth, if—

- (a) that system contemplates amounts to be withheld from such payments; and
- (b) the member requests, in accordance with any requirements of the Council, that such withholding occur.

42—Amendment of section 25—Reimbursement of expenses

- (1) Section 25(1)—after paragraph (b) insert:
 - and
 - (c) reimbursement of expenses (not exceeding the prescribed amount) incurred by the member in producing printed material in prescribed circumstances or of a prescribed kind (other than excluded material) necessary for engaging with the community in relation to local government matters.
- (2) Section 25—after subsection (2) insert:
 - (3) In this section—

excluded material means—

 - (a) electoral material within the meaning of the *Local Government (Elections) Act 1999*; or
 - (b) material produced or distributed between the close of nominations and the close of voting for a general election of the Council or a periodic election.

43—Amendment of section 38—Regulations

Section 38—after subsection (2) insert:

- (3) The regulations may prescribe provisions of a savings or transitional nature consequent on the amendment of this Act by another Act.

44—Amendment of Schedule 1—Special provisions for elections and polls

- (1) Schedule 1, clause 2(1)(a)(ii)—delete subparagraph (ii)
- (2) Schedule 1, clause 2(1)(a)(iii)—before "is a ratepayer" insert:

is a State elector,
- (3) Schedule 1, clause 2(1)(a)(iv)—before "is a ratepayer" insert:

is a State elector,
- (4) Schedule 1, clause 2(1)(c)(iii)—delete "or (ii)"
- (5) Schedule 1, clause 2(4)—delete subclause (4)
- (6) Schedule 1, clause 3(15)—delete subclause (15) and substitute:
 - (15) At any time between the close of nominations and polling day for an election, a nominated candidate for the election (other than a candidate declared elected under section 25(1) or (1a) of the *Local Government (Elections) Act 1999*) is entitled to obtain from the returning officer a copy of the voters roll for the area (and the nominated candidate may, during that period, obtain further copies of the voters roll from the returning officer on payment of the fees fixed by the returning officer).
- (7) Schedule 1, clause 3B(1)(a)—after "alphabetically" insert:

who is a State elector

- (8) Schedule 1, clause 3B(1)(b)—after "fit" insert:
 - who is a State elector
- (9) Schedule 1, clause 3B(1)—delete "(a *default person*)"
- (10) Schedule 1, clause 3B(3)(a)—after "Commission" insert:
 - or another appropriate public body
- (11) Schedule 1—after clause 3C insert:

3D—Provision of information

The Electoral Commissioner must provide the chief executive officer with any information in the Electoral Commissioner's possession about whether a person is a State elector so that the chief executive officer may be satisfied that—

- (a) in connection with clause 2(1)(a)(iii) and (iv)—a natural person is entitled to be on the voters roll; and
 - (b) in the case of a body corporate or group—a nominated person or default person is a State elector.
- (12) Schedule 1, clause 4(8)—delete "subclause (4)" and substitute:
 - subclause (3)
- (13) Schedule 1, clause 5(3)—after paragraph (e) insert:
 - or
 - (f) is suspended from office under section 55B of the *Local Government Act 1999*.
- (14) Schedule 1, clause 18(1)(b)—after subparagraph (ii) insert:
 - (iia) if the voting papers are issued to a natural person—that the person is a State elector; and
- (15) Schedule 1, clause 19(2)(a)—after subparagraph (iii) insert:
 - (iv) any envelope where the voter does not appear to be a State elector;
- (16) Schedule 1, clause 22—after its present contents (now to be designated as subclause (1)) insert:
 - (2) For the purposes of this Part—
 - (a) 2 or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period (within the meaning of clause 24A) or special disclosure period (within the meaning of clause 24) are to be treated as 1 gift; and
 - (b) a gift made to a candidate is a *private gift* if it is made in a private capacity to the candidate for their personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(17) Schedule 1, clauses 23 to 24B—delete clauses 23 to 24B (inclusive) and substitute:

23—Preliminary

A return under this Division must be in the form determined by the returning officer and completed and furnished in the manner determined by the returning officer.

24—Special returns for gifts during certain period

- (1) If a candidate for election to an office of the Adelaide City Council receives a gift from a person during the special disclosure period, the candidate must furnish a return to the returning officer in accordance with the requirements of this Part.
- (2) A return under subsection (1) must be furnished by a candidate—
 - (a) in the case of a gift received during the special disclosure period before the candidate announced that they would be a candidate in the election or nominated as a candidate (as the case may be)—within 5 days after the announcement or nomination (as the case requires); or
 - (b) in any other case—within 5 days of receipt of the gift.
- (3) A return under subsection (1) must set out—
 - (a) the amount or value of the gift; and
 - (b) the date on which the gift was made; and
 - (c) —
 - (i) if the gift was made on behalf of the members of an unincorporated association—
 - (A) the name of the association; and
 - (B) the names and addresses of the members of the executive committee (however described) of the association; or
 - (ii) if the gift was purportedly made out of a trust fund or out of the funds of a foundation—
 - (A) the names and addresses of the trustees of the fund or of the funds of the foundation; and
 - (B) the title or other description of the trust fund or the name of the foundation, as the case requires; or
 - (iii) in any other case—the name and address of the person who made the gift.
- (4) A return under subsection (1) is not required in respect of—
 - (a) a private gift made to the candidate; or
 - (b) a gift if the amount or value of the gift is less than \$500.

(5) In this section—

special disclosure period, in relation to a candidate in an election, means the period—

- (a) commencing on the earlier of the following:
 - (i) the day that is 4 months before the day on which the person announced that they would be a candidate in the election;
 - (ii) the day that is 4 months before the day on which the person's nomination as a candidate was lodged with the returning officer; and
- (b) ending on polling day for the election.

24A—Return for all gifts received during disclosure period

- (1) A candidate for election to an office of the Adelaide City Council must furnish a return to the returning officer in accordance with the requirements of this Part setting out—
 - (a) the total amount or value of all gifts received by the candidate during the disclosure period; and
 - (b) the number of persons who made those gifts; and
 - (c) the amount or value of each gift; and
 - (d) the date on which each gift was made; and
 - (e) in the case of each gift made on behalf of the members of an unincorporated association—
 - (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
 - (f) in the case of each 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
 - (g) in the case of each other gift—the name and address of the person who made the gift.
- (2) A return under subsection (1) must be furnished by a candidate within 7 days after the end of the disclosure period to which the return relates.
- (3) A return under subsection (1) need not set out any details required by that subsection in respect of—
 - (a) a private gift made to the candidate; or

- (b) a gift if the amount or value of the gift is less than \$500.
- (4) If no details are required to be included in a return under this section for a candidate, the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.
- (5) In this section—

disclosure period, in relation to a candidate in an election, means the period—

 - (a) commencing on the earlier of the following:
 - (i) the day that is 4 months before the day on which the person announced that they would be a candidate in the election;
 - (ii) the day that is 4 months before the day on which the person's nomination as a candidate was lodged with the returning officer; and
 - (b) ending 21 days after polling day for the election.

24B—Certain campaign arrangements or understandings to be disclosed

- (1) If 2 or more candidates in an election or elections in the area of the Council enter into an arrangement or understanding to do either or both of the following:
 - (a) to incur expenditure jointly on electoral material relating to the election or elections;
 - (b) to keep gifts of money received in relation to the election or elections in the same account,each candidate must, within 1 business day of entering into the arrangement or understanding, give notice of it to the returning officer.
 - (2) A notice under subclause (1) must state the names of the candidates who have entered into the arrangement or understanding and comply with any requirements of the returning officer.
 - (3) The returning officer must, as soon as is reasonably practicable after receiving a notice under subclause (1), ensure that the notice is published in a prominent location on a website determined by the returning officer until 30 days after polling day for the relevant election or elections.
- (18) Schedule 1, clause 30(1)—delete "this Division" first occurring and substitute:
clause 24A
- (19) Schedule 1, clause 30(1)—delete "this Division" second occurring and substitute:
that clause

- (20) Schedule 1, clause 30—after subsection (2) insert:
- (2a) If a notification under subclause (1) is sent to a member of the Council and the return to which the notification relates has not been furnished to the returning officer within 1 month after the time within which it was required to be furnished under this Division, the returning officer must send a copy of the notification to the chief executive officer of the Council (in such manner as the returning officer thinks fit).
- (21) Schedule 1, clause 30(3), note—delete the note
- (22) Schedule 1, clause 31(2)—delete subclause (2) and substitute:
- (2) The returning officer must—
 - (a) in the case of a return under clause 24—within 5 days after the return is received by the returning officer; and
 - (b) in any other case—within 8 weeks after the return is received by the returning officer,make a copy of each return available on a website maintained by the returning officer.