



## LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

2004–2005–2006–2007–2008

# MINUTES OF PROCEEDINGS

No. 141

**THURSDAY, 8 MAY 2008**

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1 The Assembly met at 10.30 a.m., pursuant to adjournment. A quorum of Members not being present, the Speaker (Mr Berry) ordered the bells to be rung. A quorum having been formed, the Speaker took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

## 2 PETITIONS

The Clerk announced that the following Members had lodged petitions for presentation:

Mrs Burke, from 555 residents, requesting that the Assembly immediately implement a preservation plan for the Caretakers Cottage at 540 Cotter Road, Weston Creek that is inclusive of the current caretakers, and certain other action be taken in relation to the Cottage.

Mr Pratt, from 830 residents, requesting that the Assembly immediately rescind any approvals or licences granted to ActewAGL to construct a gas fired power station in Macarthur, District of Tuggeranong or close to urban areas, and to undertake to find alternative locations within the ACT that would be suitable for such a large facility.

Mr Pratt, from 695 residents, in similar terms.

## 3 DUTIES (LANDHOLDERS) AMENDMENT BILL 2008

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act to amend the *Duties Act 1999*.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 May 2008.

Title read by Clerk.

Mr Stanhope moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Smyth) and the resumption of the debate made an order of the day for the next sitting.

#### **4 LAND RENT BILL 2008**

Mr Stanhope (Treasurer), pursuant to notice, presented a Bill for an Act about the rental of certain residential leases, and for other purposes.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 May 2008.

Title read by Clerk.

Mr Stanhope moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Smyth) and the resumption of the debate made an order of the day for the next sitting.

#### **5 NATIONAL GAS (ACT) BILL 2008**

Mr Stanhope (Minister for the Environment, Water and Climate Change), pursuant to notice, presented a Bill for an Act to establish a framework to enable third parties to gain access to certain natural gas pipeline services, and for other purposes.

*Papers:* Mr Stanhope presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 May 2008.

Title read by Clerk.

Mr Stanhope moved—That this Bill be agreed to in principle.

Debate adjourned (Mrs Dunne) and the resumption of the debate made an order of the day for the next sitting.

#### **6 CHILDREN AND YOUNG PEOPLE (CONSEQUENTIAL AMENDMENTS) BILL 2008**

Ms Gallagher (Minister for Children and Young People), pursuant to notice, presented a Bill for an Act to amend legislation because of the enactment of the *Children and Young People Act 2008*, and for other purposes.

*Papers:* Ms Gallagher presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 May 2008.

Title read by Clerk.

Ms Gallagher moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Smyth) and the resumption of the debate made an order of the day for the next sitting.

**7 ACT CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2008**

Mr Corbell (Attorney-General), pursuant to notice, presented a Bill for an Act to establish the ACT Civil and Administrative Tribunal to resolve issues arising under certain legislation, and for other purposes.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 May 2008.

Title read by Clerk.

Mr Corbell moved—That this Bill be agreed to in principle.

Debate adjourned (Mr Stefaniak) and the resumption of the debate made an order of the day for the next sitting.

**8 HOUSING ASSISTANCE AMENDMENT BILL 2008**

Mr Corbell (Manager of Government Business), on behalf of Mr Hargreaves (Minister for Housing), pursuant to notice, presented a Bill for an Act to amend the *Housing Assistance Act 2007*.

*Papers:* Mr Corbell presented the following papers:

Explanatory statement to the Bill.

Human Rights Act, pursuant to section 37—Compatibility statement, dated 7 May 2008.

Title read by Clerk.

Mr Corbell moved—That this Bill be agreed to in principle.

Debate adjourned (Dr Foskey) and the resumption of the debate made an order of the day for the next sitting.

**9 NAMADGI NATIONAL PARK—PLAN OF MANAGEMENT—REVISED DRAFT—PAPER—PUBLICATION OF PAPER**

Mrs Dunne, pursuant to notice, moved—That this Assembly authorises for publication the Namadgi National Park Revised Draft Plan of Management, dated October 2007, that was referred to the Standing Committee on Planning and Environment pursuant to section 203 of the *Land (Planning and Environment) Act 1991*.

Debate ensued.

*Paper:* Mr Gentleman, by leave, presented the following paper:

Namadgi National Park—Plan of Management—Revised draft, dated 2007.

Debate continued.

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It being 45 minutes after the commencement of Assembly business—

Ordered—That the time allotted to Assembly business be extended by 30 minutes.

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Debate continued.

Question—put and passed.

**10 EDUCATION, TRAINING AND YOUNG PEOPLE—STANDING COMMITTEE—PROPOSED REFERENCE—CHILDREN AND YOUNG PEOPLE BILL 2008**

Mrs Dunne, by leave, having amended her notice, pursuant to notice, moved—That the Children and Young People Bill 2008 be referred to the Standing Committee on Education, Training and Young People for investigation and report to the Assembly by 19 August 2008.

Debate ensued.

Mr Mulcahy moved the following amendment: Omit “19 August 2008”, substitute “4 August 2008”.

Mr Mulcahy addressing the Assembly—

The extended time allotted to Assembly business having expired—Debate interrupted in accordance with standing order 77 and the resumption of the debate made an order of the day for the next sitting.

**11 QUESTIONS**

Questions without notice being asked—

At 3 p.m. questions were interrupted pursuant to the resolution of the Assembly of 6 May 2008.

**12 APPROPRIATION BILL 2008-2009**

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

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*Adjournment negatived:* It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Corbell (Manager of Government Business) requiring the question to be forthwith without debate—

Question—put and negatived.

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Debate continued.

Question—That this Bill be agreed to in principle—put and passed.

*Estimates 2008-2009—Select Committee—Reference—Appropriation Bill 2008-2009:* Mr Stanhope (Treasurer), pursuant to standing order 174, moved—That the Appropriation Bill 2008-2009 be referred to the Select Committee on Estimates 2008-2009.

Question—put and passed.

**13 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 3—APPLICATION FOR CITIZEN’S RIGHT OF REPLY: PRESIDENT, CURFEW 4 CANBERRA INC—REPORT ADOPTED**

Mr Berry (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 3—*Application for Citizen’s Right of Reply: President, Curfew 4 Canberra Inc*, dated 7 May 2008, together with a copy of the extracts of the relevant minutes of proceedings.

Mrs Burke moved—That the report be adopted.

Debate ensued.

Question—put.

The Assembly voted—

AYES, 14		NOES, 1
Mr Barr	Mr Hargreaves	Dr Foskey
Mr Berry	Ms MacDonald	
Mrs Burke	Mr Mulcahy	
Mr Corbell	Ms Porter	
Mrs Dunne	Mr Pratt	
Ms Gallagher	Mr Smyth	
Mr Gentleman	Mr Stanhope	

And so it was resolved in the affirmative.

**14 HEALTH AND DISABILITY—STANDING COMMITTEE—REPORT 6—THE USE OF CRYSTAL METHAMPHETAMINE ‘ICE’ IN THE A.C.T.—MOTION THAT REPORT BE NOTED**

Ms MacDonald (Chair) presented the following report:

Health and Disability—Standing Committee—Report 6—*The use of crystal methamphetamine ‘ice’ in the ACT*, dated 23 April 2008, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Debate adjourned (Dr Foskey) and the resumption of the debate made an order of the day for the next sitting.

**15 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—INQUIRY—CODE OF CONDUCT FOR MEMBERS—REVIEW—STATEMENT BY CHAIR**

Mr Berry (Chair), pursuant to standing order 246A, informed the Assembly that the Standing Committee on Administration and Procedure had resolved to conduct a review of the Code of Conduct for Members.

**16 PAPERS—PETITIONS OUT-OF-ORDER**

Mr Corbell (Manager of Government Business) presented the following papers:

Petitions which do not conform with the standing orders—

Old Caretaker’s Cottage—Weston Creek—Preservation—Mrs Burke (20 signatures).

Civil Partnerships Bill 2006—Support for inclusion of the ceremonial component—Dr Foskey (711 signatures).

Gas fired power station—Proposed development in Tuggeranong—Mr Pratt (267 signatures).

## 17 ELECTORAL LEGISLATION AMENDMENT BILL 2007

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

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### *Detail Stage*

Clauses 1 to 6, by leave, taken together and agreed to.

*New clause—*

On the motion of Mr Corbell (Attorney-General), new clause 6A (his amendment No. 1—*see* [Schedule 1](#)) was inserted in the Bill, after debate.

*Paper:* Mr Corbell presented a supplementary explanatory statement to the Government amendments.

Clauses 7 to 13, by leave, taken together and agreed to.

Clause 14 debated.

Question—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Gentleman	Mrs Burke	Mr Pratt
Mr Berry	Mr Hargreaves	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Ms Gallagher	Mr Stanhope	Mr Mulcahy	

And so it was resolved in the affirmative—Clause 14 agreed to.

Clauses 15 and 16, by leave, taken together and agreed to.

Clause 17—

Dr Foskey moved her amendment No. 2 (*see* [Schedule 2](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 7		NOES, 8	
Mrs Burke	Mr Pratt	Mr Barr	Mr Hargreaves
Mrs Dunne	Mr Smyth	Mr Berry	Ms MacDonald
Dr Foskey	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Mulcahy		Mr Gentleman	Mr Stanhope

And so it was negatived.

Clause 17 agreed to.

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*Suspension of standing order 76:* Mr Corbell (Manager of Government Business) moved—That standing order 76 be suspended for the remainder of this sitting.

Question—put and passed, with the concurrence of an absolute majority.

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Clauses 18 to 33, by leave, taken together and agreed to.

Clause 34 debated and negatived.

Clause 35—

On the motion of Mr Corbell, his amendment No. 3 (*see* [Schedule 1](#)) was made.

Clause 35, as amended, agreed to.

Clause 36 debated and agreed to.

Clause 37 debated and negatived.

Clause 38 debated and agreed to.

Clauses 39 to 48, by leave, taken together and agreed to.

Clause 49 debated and negatived.

Clause 50—

On the motion of Mr Corbell, his amendment No. 6 (*see* [Schedule 1](#)) was made.

Clause 50, as amended, agreed to.

Clause 51 agreed to.

Clause 52 agreed to.

*New clause—*

On the motion of Mr Corbell, new clause 52A (his amendment No. 7—*see* [Schedule 1](#)) was inserted in the Bill, after debate.

Clause 53 agreed to.

Clause 54 agreed to.

Clause 55 agreed to.

Clause 56—

On the motion of Mr Corbell, his amendment No. 8 (*see* [Schedule 1](#)) was made.

Clause 56, as amended, agreed to.

Clause 57—

On the motion of Mr Corbell, his amendment No. 9 (*see* [Schedule 1](#)) was made.

Clause 57, as amended, agreed to.

*New clauses—*

On the motion of Mr Corbell, new clauses 57A and 57B (his amendment No. 10—*see* [Schedule 1](#)) were inserted in the Bill.

Clause 58 debated and negatived.

Clause 59—

On the motion of Mr Corbell, his amendment No. 12 (*see* [Schedule 1](#)) was made.

Clause 59, as amended, agreed to.

Clause 60 debated and negatived.

Clause 61—

On the motion of Mr Corbell, his amendment No. 14 (*see* [Schedule 1](#)) was made, after debate.

Clause 61, as amended, agreed to.

Clause 62—

On the motion of Mr Corbell, his amendment No. 15 (*see* [Schedule 1](#)) was made.

Clause 62, as amended, agreed to.

Clause 63 agreed to.

Clause 64—

On the motion of Mr Corbell, his amendment No. 16 (*see* [Schedule 1](#)) was made.

Clause 64, as amended, agreed to.

*Proposed new clause—*

Dr Foskey moved her amendment No. 25 (*see* [Schedule 2](#)), which inserts a new clause 64A in the Bill.

Debate continued.

Question—put.

The Assembly voted—

AYES, 1

Dr Foskey

NOES, 14

Mr Barr	Ms MacDonald
Mr Berry	Mr Mulcahy
Mrs Burke	Ms Porter
Mr Corbell	Mr Pratt
Mrs Dunne	Mr Smyth
Mr Gentleman	Mr Stanhope
Mr Hargreaves	Mr Stefaniak

And so it was negatived.

Clause 65—

On the motion of Mr Corbell, his amendment No. 17 (*see* [Schedule 1](#)) was made.

Clause 65, as amended, agreed to.

Clause 66 agreed to.

Clause 67 agreed to.

Clause 68 agreed to.

Clause 69 debated and negatived.

Clause 70 debated and negatived.



Clause 71—

On the motion of Mr Corbell, his amendment No. 20 (*see* [Schedule 1](#)) was made.

Clause 71, as amended, agreed to.

*New clause—*

On the motion of Mr Corbell, new clause 71A (his amendment No. 21—*see* [Schedule 1](#)) was inserted in the Bill.

Clause 72 agreed to.

*Proposed new clause—*

Dr Foskey moved her amendment No. 31 (*see* [Schedule 2](#)), which inserts a new clause 72A in the Bill.

Debate continued.

Amendment negatived.

Clauses 73 and 74, by leave, taken together and agreed to.

Clause 75 debated and agreed to.

Clause 76 debated and negatived.

Clause 77 agreed to.

Clause 78 debated and negatived.

Clause 79 agreed to.

Clause 80 debated and negatived.

*New clause—*

On the motion of Mr Corbell, new clause 80A (his amendment No. 25—*see* [Schedule 1](#)) was inserted in the Bill.

Clause 81 agreed to.

Clause 82 agreed to.

Clause 83 debated and negatived.

Clause 84—

On the motion of Mr Corbell, his amendment No. 27 (*see* [Schedule 1](#)) was made.

Clause 84, as amended, agreed to.

Clauses 85 and 86, by leave, taken together and agreed to.

Clause 87—

On the motion of Mr Corbell, his amendment No. 28 (*see* [Schedule 1](#)) was made, after debate.

Clause 87, as amended, agreed to.

Clause 88—

On the motion of Mr Corbell, his amendment No. 29 (*see* [Schedule 1](#)) was made.

Clause 88, as amended, agreed to.

*New clause—*

On the motion of Mr Corbell, new clause 88A (his amendment No. 30—*see* [Schedule 1](#)) was inserted in the Bill.

Clause 89—

On the motion of Mr Corbell, his amendment No. 31 (*see* [Schedule 1](#)) was made.

Clause 89, as amended, agreed to.

Clause 90—

Mr Corbell moved his amendment No. 32 (*see* [Schedule 1](#)).

Mr Stefaniak moved his amendment No. 1 (*see* [Schedule 5](#)) to Mr Corbell's proposed amendment.

Debate continued.

Amendment to amendment negatived.

Amendment agreed to.

Clause 90, as amended, agreed to.

*New clause—*

On the motion of Mr Corbell, new clause 90A (his amendment No. 33—*see* [Schedule 1](#)) was inserted in the Bill.

Clause 91 agreed to.

Clause 92 agreed to.

Clause 93 debated and negatived.

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The Assembly continuing to sit until after midnight—  
Friday, 9 May 2008

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Clause 94 debated and negatived.

Clause 95 debated and negatived.

Clause 96 debated and negatived.

Clause 97 debated and negatived.

Clauses 98 and 99, by leave, taken together and agreed to.

Clause 100—

Mr Mulcahy moved his amendment No. 1 (*see* [Schedule 4](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 2

Dr Foskey  
Mr Mulcahy

NOES, 13

Mr Barr	Ms MacDonald
Mr Berry	Ms Porter
Mrs Burke	Mr Pratt
Mr Corbell	Mr Smyth
Mrs Dunne	Mr Stanhope
Mr Gentleman	Mr Stefaniak
Mr Hargreaves	

And so it was negatived.

Dr Foskey moved her amendment No. 42 (*see* [Schedule 2](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 2

Dr Foskey  
Mr Mulcahy

NOES, 13

Mr Barr	Ms MacDonald
Mr Berry	Ms Porter
Mrs Burke	Mr Pratt
Mr Corbell	Mr Smyth
Mrs Dunne	Mr Stanhope
Mr Gentleman	Mr Stefaniak
Mr Hargreaves	

And so it was negatived.

On the motion of Mr Corbell, his amendment No. 39 (*see* [Schedule 1](#)) was made, after debate.

On the motion of Mr Corbell, his amendment No. 40 (*see* [Schedule 1](#)) was made.

Clause 100, as amended, agreed to.

Clause 101 debated and negatived.

*Proposed new clause—*

Dr Foskey moved her amendment No. 46 (*see* [Schedule 2](#)), which inserts a new clause 101A in the Bill.

Debate continued.

Amendment negatived.

Clauses 102 and 103, by leave, taken together and agreed to.

*Proposed new clause—*

Dr Foskey moved her amendment No. 48 (*see* [Schedule 2](#)), which inserts a new clause 103A in the Bill.

Debate continued.

Amendment negatived.

Clause 104—

On the motion of Mr Corbell, his amendment No. 42 (*see* [Schedule 1](#)) was made.

Clause 104, as amended, agreed to.

Clauses 105 to 107, by leave, taken together and agreed to.

Clause 108 debated and negatived.

Clause 109 agreed to.

Clause 110 debated and negatived.

Clause 111 agreed to.

Clause 112 agreed to.

Clause 113 agreed to.

Clause 114 agreed to

Schedules 1 and 2, by leave, taken together and agreed to.

Schedule 3—

On the motion of Mr Corbell, by leave, his amendments Nos. 45 to 48 were made together (*see* [Schedule 1](#)).

Schedule 3, as amended, agreed to.

Title debated and agreed to.

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Question—That this Bill, as amended, be agreed to—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Hargreaves	Mrs Burke	Mr Pratt
Mr Berry	Ms MacDonald	Mrs Dunne	Mr Smyth
Mr Corbell	Ms Porter	Dr Foskey	Mr Stefaniak
Mr Gentleman	Mr Stanhope	Mr Mulcahy	

And so it was resolved in the affirmative—Bill, as amended, agreed to.

## 18 CIVIL PARTNERSHIPS BILL 2006

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

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### *Detail Stage*

Bill, by leave, taken as a whole—

On the motion of Mr Corbell (Attorney-General), by leave, his amendments Nos. 1 to 15 (*see* [Schedule 6](#)) were made together.

*Paper:* Mr Corbell presented a supplementary explanatory statement to the Government amendments.

Bill, as a whole, as amended, agreed to.

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Question—That this Bill, as amended, be agreed to—put and passed.

**19 ADJOURNMENT**

Mr Corbell (Manager of Government Business) moved—That the Assembly do now adjourn.

Question—put and passed.

And then the Assembly, at 2.49 a.m., adjourned until Tuesday, 17 June 2008 at 10.30 a.m.

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**MEMBERS' ATTENDANCE:** All Members were present at some time during the sitting.

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**Tom Duncan**  
Clerk of the Legislative Assembly

## SCHEDULES OF AMENDMENTS

### Schedule 1

#### ELECTORAL LEGISLATION AMENDMENT BILL 2007

Amendments circulated by the Attorney-General

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1

**Proposed new clause 6A**

**Page 3, line 6—**

*insert*

**6A Entitlement  
New section 72 (1A)**

*insert*

- (1A) A person is also entitled to be enrolled for an electorate if—
- (a) the person is not entitled to be enrolled on the Commonwealth roll only because the person is serving a sentence of imprisonment; and
  - (b) the person's address is in the electorate.

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2

**Clause 34**

**Page 13, line 10—**

*[oppose the clause]*

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3

**Clause 35**

**Page 14, line 7—**

*omit clause 35, substitute*

**35 Section 198, definition of *gift*, paragraph (d)**

*omit*

or non-party group

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4

**Clause 37**

**Page 15, line 3—**

*[oppose the clause]*

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**5**  
**Clause 49**  
**Page 17, line 10—**

*[oppose the clause]*

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**6**  
**Clause 50**  
**Page 17, line 13—**

*omit clause 50, substitute*

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**50**      **Disclosure of gifts**  
              **Section 217 (3)**

*omit*

\$1 500

*substitute*

\$1 000

---

**7**  
**Proposed new clause 52A**  
**Page 18, line 21—**

*insert*

---

**52A**      **Section 218A (1)**

*omit*

\$1 500

*substitute*

\$1 000

---

**8**  
**Clause 56**  
**Page 19, line 10—**

*omit clause 56, substitute*

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**56**      **Nil returns**  
              **Section 219**

*omit*

or 218

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9

Clause 57

Page 19, line 13—

*omit clause 57, substitute*

**57 Section 221 heading**

*substitute*

**221 Disclosure of gifts made to candidates**

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10

Proposed new clauses 57A and 57B

Page 22, line 9—

*insert*

**57A Section 221 (1)**

*omit*

\$1 500

*substitute*

\$1 000

**57B Section 221 (1)**

*omit*

non-party group or

---

11

Clause 58

Page 22, line 10—

*[oppose the clause]*

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12

Clause 59

Page 22, line 13—

*omit clause 59, substitute*

**59 Section 221A (1)**

*omit*

\$1 500

*substitute*

\$1 000

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**13**  
**Clause 60**  
**Page 22, line 18—**

*[oppose the clause]*

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**14**  
**Clause 61**  
**Page 23, line 1—**

*omit clause 61, substitute*

---

**61 Section 221A (2) (b)**

*omit*

\$1 500

*substitute*

\$1 000

---

**15**  
**Clause 62**  
**Page 23, line 6—**

*omit clause 62, substitute*

---

**62 Section 221A (6), definition of *gift*, paragraph (b)**

*omit*

member of a non-party group,

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**16**  
**Clause 64**  
**Page 24, line 1—**

*omit clause 64, substitute*

---

**64 Section 221B (1)**

*omit*

\$1 500

*substitute*

\$1 000

---

**17**  
**Clause 65**  
**Page 24, line 6—**

*omit clause 65, substitute*

---

**65 Anonymous gifts**  
**Section 222 (1)**

*omit*

non-party group,

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**18****Clause 69****Page 25, line 1—***[oppose the clause]*

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**19****Clause 70****Page 25, line 11—***[oppose the clause]*

---

**20****Clause 71****Page 25, line 18—***omit clause 71, substitute*

---

**71 Section 222 (7), definition of *prescribed amount****omit**, candidate or non-party group**substitute**or candidate*

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**21****Proposed new clause 71A****Page 25, line 19—***insert*

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**71A Section 222 (7), definition of *prescribed amount****omit**\$1 500**substitute**\$1 000*

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**22****Clause 76****Page 26, line 15—***[oppose the clause]*

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**23****Clause 78****Page 27, line 1—***[oppose the clause]*

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**24**  
**Clause 80**  
**Page 27, line 9—**

*[oppose the clause]*

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**25**  
**Proposed new clause 80A**  
**Page 27, line 13—**

*insert*

---

**80A Section 224 (5)**

*omit*

\$1 500

*substitute*

\$1 000

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**26**  
**Clause 83**  
**Page 28, line 1—**

*[oppose the clause]*

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**27**  
**Clause 84**  
**Page 28, line 6—**

*omit clause 84, substitute*

---

**84 Meaning of *defined particulars* for div 14.6**  
**Section 228, definition of *defined particulars***

*after*

sum

*insert*

or amount

---

**28**  
**Clause 87**  
**Page 29, line 1—**

*omit clause 87, substitute*

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**87 New section 230 (6A)**

*insert*

- (6A) However, subsection (4) (b) or (c) does not require disclosure of any amount paid, or to be paid, by or on behalf of an MLA using funds provided by the Legislative Assembly to assist the MLA in exercising his or her functions as an MLA.
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**29****Clause 88****Page 29, line 6—***omit clause 88, substitute***88****Returns by parties under Commonwealth Electoral Act  
Section 231A***omit*

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**30****Proposed new clause 88A****Page 29, line 16—***insert***88A****Annual returns by associated entities  
Section 231B (2) (a)***omit*

section 232 (1)

*substitute*

section 232 (3)

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**31****Clause 89****Page 29, line 17—***omit clause 89, substitute***89****Returns by associated entities under Commonwealth Electoral Act  
Section 231C***omit*

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**32****Clause 90****Page 30, line 3—***omit clause 90, substitute***90****Section 232***substitute***232****Amounts received**

- (1) If the sum of all amounts received by, or on behalf of, a party or MLA from a particular person or organisation during a financial year is \$1 000 or more, the return by the party or MLA under section 230 (Annual returns by parties and MLAs) must state—

- (a) the amount of the sum; and
  - (b) the defined particulars.
- (2) In working out the sum for subsection (1), an amount received of less than \$1 000 need not be counted.
- (3) If an associated entity receives 1 or more amounts from a particular person or organisation during a financial year, the return by the entity under section 231B (Annual returns by associated entities) must state—
- (a) the sum of the amounts; and
  - (b) the defined particulars.
- (4) Subsection (3) does not apply to any of the following amounts:
- (a) for an associated entity licensed under the *Liquor Act 1975*—an amount received that—
    - (i) is for the supply of liquor or food in accordance with the licence; and
    - (ii) is not more than reasonable consideration for the supply;
  - (b) for an associated entity licensed under the *Gaming Machine Act 2004*—an amount received for the playing of gaming machines in accordance with the licence;
  - (c) an amount prescribed by regulation.
- (5) For subsections (1) and (3), if the sum or amount was received as a loan, the return must state the information required by section 218A (2) (Certain loans not to be received).

33

**Proposed new clause 90A**  
**Page 30, line 23—**

*insert*

**90A Outstanding amounts**  
**Section 234**

*omit*

\$1 500

*substitute*

\$1 000

34

**Clause 93**  
**Page 31, line 4—**

*[oppose the clause]*

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**35****Clause 94****Page 31, line 10—***[oppose the clause]*

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**36****Clause 95****Page 32, line 6—***[oppose the clause]*

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**37****Clause 96****Page 32, line 9—***[oppose the clause]*

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**38****Clause 97****Page 32, line 14—***[oppose the clause]*

---

**39****Clause 100****Proposed new section 294 (1) (g)****Page 35, line 24—***omit*

---

**40****Clause 100****Proposed new section 294 (1) (l)****Page 36, line 2—***omit*

---

**41****Clause 101****Page 37, line 5—***[oppose the clause]*

---

**42****Clause 104****Proposed new section 500****Page 38, line 14—***omit proposed new section 500, substitute***500 Transitional—disclosure by candidates**

- (1) This section applies to a return under section 217 (Disclosure of gifts) if the *Electoral Legislation Amendment Act 2007* commences in the disclosure period to which the return relates.

- (2) The candidate's reporting agent is required to state the matters mentioned in section 217 (2) (c) to (e) for a gift by a person received in the disclosure period if—
  - (a) the total of all gifts made to the candidate by the person before 1 July 2008 is \$1 500 or more; or
  - (b) the person made a gift to the candidate on or after 1 July 2008 and the total of all gifts made to the candidate by the person in the disclosure period is \$1 000 or more.

#### **500A Transitional—disclosure by donors**

- (1) This section applies to a return under section 221 (Disclosure of gifts made to candidates) if the *Electoral Legislation Amendment Act 2007* commences in the disclosure period to which the return relates.
- (2) A person is required to give a return under that section in relation to gifts to a candidate or body in the disclosure period if—
  - (a) the total of all gifts made to the candidate or body by the person before 1 July 2008 is \$1 500 or more; or
  - (b) the person made a gift to the candidate or body on or after 1 July 2008 and the total of all gifts made to the candidate or body by the person in the disclosure period is \$1 000 or more.

#### **500B Transitional—certain other disclosure thresholds**

- (1) This section applies to amendments of provisions mentioned in subsections (2) to (5) made by the *Electoral Legislation Amendment Act 2007*, that change the amount of \$1 500 to the amount of \$1 000.
- (2) The amendment of section 218A (Certain loans not to be received) applies in relation to loans received on or after 1 July 2008.
- (3) The amendments of section 221A (1) and (2) (Annual returns of donations) applies in relation to gifts made on or after 1 July 2008.
- (4) The amendment of section 221B (1) (Advice about obligations to make returns) applies in relation to gifts received on or after 1 July 2008.
- (5) The amendment of section 222 (7) (Anonymous gifts) applies in relation to gifts accepted on or after 1 July 2008.

#### **500C Transitional—annual returns by parties, MLAs and associated entities**

- (1) This section applies to a return under—
  - (a) section 230 (Annual returns by parties and MLAs); or

- (b) section 231B (Annual returns by associated entities).
- (2) The amendments made by the *Electoral Legislation Amendment Act 2007* in relation to the returns apply to a return for—
- (a) the 2008-09 financial year; and
  - (b) later financial years.

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43

**Clause 108**

**Page 40, line 11—**

*[oppose the clause]*

---

44

**Clause 110**

**Page 40, line 18—**

*[oppose the clause]*

---

45

**Schedule 3**

**Amendment 3.2**

**Page 50, line 7—**

*omit*

---

46

**Schedule 3**

**Amendment 3.3**

**Page 50, line 12—**

*omit*

---

47

**Schedule 3**

**Amendment 3.4**

**Page 50, line 20—**

*omit*

---

48

**Schedule 3**

**Amendment 3.5**

**Page 51, line 7—**

*omit*

---



## **Schedule 2**

### **ELECTORAL LEGISLATION AMENDMENT BILL 2007**

Amendments circulated by Dr Foskey

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**1**  
**Clause 14**  
**Page 6, line 1—**

*[oppose the clause]*

---

**2**  
**Clause 17**  
**Proposed new section 136A (1), definition of *eligible elector*,**  
**paragraph (a) (ii)**  
**Page 7, line 20—**

*omit*

---

**3**  
**Clause 35**  
**Proposed new section 198, definition of *gift*, paragraph (c) (iv)**  
**Page 14, line 24—**

*omit proposed new paragraph (c) (iv), substitute*

- (iv) for division 14.4 (Disclosure of gifts) and in relation to a candidate—a gift made to or received by the candidate for the benefit of a party or non-party group of which the candidate is a member.
- 

**4**  
**Clause 36**  
**Page 15, line 1—**

*[oppose the clause]*

---

**5**  
**Clause 38**  
**Page 15, line 9—**

*[oppose the clause]*

---

**6**  
**Clause 39**  
**Page 15, line 13—**

*[oppose the clause]*

---

**7**  
**Clause 40**  
**Page 15, line 17—**

*[oppose the clause]*

---

**8**  
**Clause 41**  
**Page 15, line 19—**

*[oppose the clause]*

---

9

**Clause 43****Page 16, line 7—***[oppose the clause]*

10

**Clause 44****Page 16, line 10—***[oppose the clause]*

11

**Clause 45****Page 16, line 15—***[oppose the clause]*

12

**Clause 46****Page 16, line 19—***[oppose the clause]*

13

**Clause 47****Page 17, line 1—***[oppose the clause]*

14

**Clause 48****Page 17, line 4—***[oppose the clause]*

15

**Clause 51****Page 18, line 15—***omit clause 51, substitute***51****Section 218***substitute***218****Disclosure of gifts received in disclosure period—  
non-party groups**

- (1) A reporting agent for a non-party group must give the commissioner a return within 8 weeks after polling day for the election.

*Note 1* If a form is approved under s 340A for a return, the form must be used.

*Note 2* For how a return may be given, see the Legislation Act, pt 19.5.

- (2) The return must state the following matters in relation to the disclosure period for the election:
- (a) the total amount of all gifts received by the group;
  - (b) if the sum of all gifts received by the group from a particular person or organisation is \$1 500 or more—
    - (i) the amount of the sum; and

(ii) the defined details.

- (3) In working out the sum for subsection (2) (b), an amount of \$100 or less received at or for a fundraising event need not be counted.
- (4) If no gifts of a kind required to be disclosed were received by the group, the return must include a statement to that effect.

---

16

**Clause 52**

**Page 18, line 18—**

*[oppose the clause]*

---

17

**Clause 53**

**Page 18, line 22—**

*[oppose the clause]*

---

18

**Clause 54**

**Page 19, line 1—**

*[oppose the clause]*

---

19

**Clause 56**

**Page 19, line 10—**

*[oppose the clause]*

---

20

**Clause 57**

**Proposed new section 221, heading**

**Page 21, line 4—**

*omit proposed new section 221 heading, substitute*

---

**221 Disclosure of gifts made to non-party groups and candidates in disclosure period**

---

21

**Clause 57**

**Proposed new section 221 (1)**

**Page 21, line 6—**

*omit proposed new section 221 (1), substitute*

- (1) This section applies if, during the disclosure period for an election, a person (other than a party, candidate or associated entity) makes 1 or more gifts totalling \$1 500 or more to the same non-party group or candidate in the election or the same declared body.

---

22

**Clause 57**

**Proposed new section 221 (3)**

**Page 21, line 14—**

*omit proposed new section 221 (3), substitute*

- (3) The return must state the following matters for each non-party group, candidate or declared body to which the person made gifts mentioned in subsection (1):
- (a) the total amount of the gifts;
  - (b) the defined details.

**23****Clause 61****Page 23, line 5—***omit*

16 weeks

*substitute*

8 weeks

**24****Clause 62****Proposed new section 221A (6) (c)****Page 23, line 17—***omit proposed new section 221A (6) (c), substitute*

- (c) a gift made by a party, member of a non-party group, MLA, candidate or associated entity.

**25****Proposed new clause 64A****Page 24, line 5—***insert***64A New sections 221C and 221D***insert***221C Public disclosure of gifts—weekly reports**

- (1) A reporting agent for a candidate, party, or non-party group must publish at least once each week, or part of a week, during a weekly reporting period a report about gifts received by the candidate, party, or non-party group during the previous 7 days.
- (2) A weekly report must state the following:
  - (a) the amount of each gift of \$1 500 or more;
  - (b) if a gift, and any other gift or gifts received from the same person during the 12 months before the publication of the report, total \$1 500 or more—the total amount;
  - (c) for gifts mentioned in paragraph (a) or (b) received during the previous 7 days—
    - (i) the number of gifts received; and
    - (ii) the date of each gift; and
    - (iii) the defined details for each gift.

(3) In this section:

***weekly reporting period*** means—

- (a) for an ordinary election—the period starting on 30 June in the year the election is to be held and ending at the end of the 30th day after polling day; and
- (b) for an extraordinary election—the period starting on the notification day of the determination under section 101 and ending at the end of the 30th day after polling day.

***publish***, for a weekly report, means make available—

- (a) on a website that is open for public viewing during the weekly reporting period; or
- (b) in a newspaper.

## **221D Public disclosure of gifts—additional report for extraordinary election**

- (1) For an extraordinary election a reporting agent for a candidate, party, or non-party group must publish an additional report within 21 days after the notification day of the determination under section 101 for the election.
- (2) An additional report must state the following:
  - (a) the amount of each gift of \$1 500 or more received in the additional reporting period;
  - (b) if a gift, and any other gift or gifts received from the same person during the additional reporting period, total \$1 500 or more—the total amount;
  - (c) for gifts mentioned in paragraph (a) or (b)—
    - (i) the number of gifts received; and
    - (ii) the date of each gift; and
    - (iii) the defined details for each gift.
- (3) However, an additional report need not include information about a gift to which a report under section 221C applies.
- (4) In this section:

***additional reporting period***—means the period starting on 30 June immediately before the notification day of the determination under section 101 and ending on that notification day.

***publish***, for an additional report, means make available—

- (a) on a website that is open for public viewing during the weekly reporting period; or
  - (b) in a newspaper.
-

---

**26**
**Clause 65****Proposed new section 222 (1)****Page 24, line 9—***omit proposed new section 222 (1), substitute*

- (1) A party, non-party group, MLA, candidate or associated entity (the *receiver*) must not accept an anonymous gift made by someone else (the *giver*) to or for the benefit of the receiver if the gift—
- (a) is \$1 500 or more; or
  - (b) would result in the receiver accepting \$1 500 or more in anonymous gifts to or for the benefit of the receiver in the financial year in which the gift is given.
- 

**27****Clause 66****Page 24, line 16—***[oppose the clause]***28****Clause 67****Page 24, line 19—***[oppose the clause]***29****Clause 68****Page 24, line 22—***[oppose the clause]***30****Clause 72****Page 25, line 20—***[oppose the clause]***31****Proposed new clause 72A****Page 25, line 22—***insert*


---

**72A New section 222A**
*in division 14.4, insert*
**222A Disclosure of gifts made by person making development application**

- (1) A person who makes a development application must give the commissioner a return if, in the 12 months before making the development application, the person gave a gift of \$1 500 or more, or gifts totalling \$1 500 or more, to—
- (a) the Minister responsible for planning; or
  - (b) if the Minister responsible for planning is a member of a political party—the party.

*Note 1* If a form is approved under s 340A (Approved forms) for a return, the form must be used.

*Note 2* For how a return may be given, see the Legislation Act, pt 19.5.

- (2) The return must state, for each gift—
- (a) the amount of the gift; and
  - (b) the date when it was made; and
  - (c) to whom the gift was made; and
  - (d) the defined details.
- (3) If a person makes a gift to any person or body with the intention of benefiting the Minister responsible for planning, or the party (if any) of which the Minister is a member, the person is taken, for this section, to have made the gift to the Minister or party.
- (4) The return must be given to the commissioner within 2 weeks after the day the development application is made.
- (5) In this section:

***development application*** means—

- (a) an application under the *Land (Planning and Environment) Act 1991*, part 6; or
- (b) a development application under the *Planning and Development Act 2007*.

***Minister responsible for planning*** means the Minister responsible for the *Land (Planning and Environment) Act 1991* or the *Planning and Development Act 2007*.

32

**Clause 75**

**Page 26, line 12—**

*[oppose the clause]*

33

**Clause 77**

**Page 26, line 21—**

*[oppose the clause]*

34

**Clause 79**

**Page 27, line 6—**

*[oppose the clause]*

35

**Clause 81**

**Page 27, line 14—**

*[oppose the clause]*

---

**36****Clause 91****Page 30, line 24—***[oppose the clause]*

---

**37****Proposed new clause 91A****Page 30, line 26—***insert*

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**91A** **New section 239A***in division 14.7, insert***239A** **Offence—failure to publicly disclose gifts in weekly reporting period**

- (1) A person commits an offence if—
- (a) the person is required to publish a weekly report under section 221C; and
  - (b) the person—
    - (i) does not publish the report; or
    - (ii) publishes a report that does not include all the matters required for the weekly report.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) Subsection (1) does not apply to a reporting agent of a non-party group if another reporting agent of the group has published the report.
- 

**38****Clause 92****Page 31, line 1—***[oppose the clause]*

---

**39****Clause 94****Proposed new section 243 (3)****Page 31, line 23—***substitute*

- (3) A copy of a return under any of the following provisions must be made available for public inspection from the end of September in the year in which the return was due:
- (a) section 221A;
  - (b) division 14.6 (other than section 231A and section 231C).
-



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40

**Clause 94****Proposed new section 243 (3A)****Page 32, line 2—***after*

a return

*insert*

mentioned in subsection (2) or (3)

---

41

**Clause 94****Proposed new section 243 (3B)****Page 32, line 5—***insert*

- (3B) A copy of a return under section 222A (Disclosure of gifts by person making development application) must be made available for inspection as soon as practicable after the commissioner receives it.

---

42

**Clause 100****Proposed new section 292 (2)****Page 34, line 1***omit proposed new section 292 (2), substitute*

- (2) In this section:

*statement* means a statement that is—

- (a) in a form in which the matter is disseminated; and
- (b) for matter disseminated in written form—easily legible; and
- (c) for matter disseminated in spoken form—clear and distinct.

**Example—par (a)**

Electoral matter disseminated in sound and video form could state the authoriser's name in sound or on-screen printed form.

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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43

**Clause 100****Proposed new section 294 (1) (g)****Page 35, line 24—***omit*


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 44

**Clause 100**
**Proposed new section 294 (1) (l)**
**Page 36, line 2—**
*omit*


---

45

**Clause 101**
**Page 37, line 5—**
*[oppose the clause]*


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46

**Proposed new clause 101A**
**Page 37, line 7—**
*insert*
**101A Section 303, heading**
*substitute*
**303 Canvassing within 6m of polling place**


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47

**Proposed new clause 101B**
**Page 37, line 7—**
*insert*
**101B Section 303 (7), definition of *defined polling area***
*substitute*

*defined polling area*, in relation to a polling place, means the area—

- (a) within the building where the polling place is located, and within 6m of the building; or
  - (b) if the commissioner issues a notice under subsection (2) in relation to the polling place—within the boundary of the enclosure stated in the notice, and within 6m outside that boundary.
- 

48

**Proposed new clause 103A**
**Page 38, line 9—**
*insert*
**103A New section 325A**
*in division 18.2, insert*
**325A Report on investigation of complaints**

- (1) Within 6 weeks after the end of a calendar year the commissioner must give the Minister a report on—
  - (a) investigations and referrals under section 325 in the calendar year; and

(b) decisions not to pursue complaints received under section 325 in the calendar year, and the reasons for the decisions.

(2) The Minister must present the report to the Legislative Assembly within 6 sitting days of receiving the report, or by 31 March, whichever is earlier.

---

**49**

**Clause 104**

**Proposed new section 500 (1) (c)**

**Page 38, line 20—**

*omit proposed new section 500 (1) (c), substitute*

(c) section 221 (Disclosure of gifts made to non-party groups and candidates in disclosure period);

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**50**

**Clause 111**

**Page 41, line 1—**

*[oppose the clause]*

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**51**

**Clause 113**

**Page 41, line 10—**

*[oppose the clause]*

---

**Schedule 3****ELECTORAL LEGISLATION AMENDMENT BILL 2007**

Amendments circulated by Mr Stefaniak

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**1****Clause 14****Page 6, line 1—***[oppose the clause]*

---

**2****Clause 34****Page 13, line 10—***[oppose the clause]*

---

**3****Clause 35****Proposed new section 198, definition of *gift*, paragraph (b) (ii) and (iii)****Page 14, line 16—***omit*

---

**4****Clause 35****Proposed new section 198, definition of *gift*, paragraph (c) (iv)****Page 14, line 24—***omit paragraph (c) (iv), substitute*

- (iv) for division 14.4 (Disclosure of gifts) and in relation to a candidate—a gift made to or received by the candidate for the benefit of a party or non-party group of which the candidate is a member.
- 

**5****Clause 36****Page 15, line 1—***[oppose the clause]*

---

**6****Clause 38****Page 15, line 9—***[oppose the clause]*

---

**7****Clause 39****Page 15, line 13—***[oppose the clause]*

---

**8****Clause 40****Page 15, line 17—***[oppose the clause]*

---

9

**Clause 41****Page 15, line 19—***[oppose the clause]*

10

**Clause 43****Page 16, line 7—***[oppose the clause]*

11

**Clause 44****Page 16, line 10—***[oppose the clause]*

12

**Clause 45****Page 16, line 15—***[oppose the clause]*

13

**Clause 46****Page 16, line 19—***[oppose the clause]*

14

**Clause 47****Page 17, line 1—***[oppose the clause]*

15

**Clause 48****Page 17, line 4—***[oppose the clause]*

16

**Clause 50****Proposed new section 217 (4)****Page 18, line 5—***omit*

17

**Clause 51****Page 18, line 15—***omit clause 51, substitute***51****Section 218***substitute***218****Disclosure of gifts received in disclosure period—non-party groups**

- (1) The reporting agent for a non-party group must give the commissioner a return within 8 weeks after polling day for the election.

*Note 1* If a form is approved under s 340A for a return, the form must be used.

*Note 2* For how a return may be given, see the Legislation Act, pt 19.5.

- (2) The return must state the following matters in relation to the disclosure period for the election:
- (a) the total amount of all gifts received by the group;
  - (b) if the sum of all gifts received by the group from a particular person or organisation is \$1 500 or more—
    - (i) the amount of the sum; and
    - (ii) the defined details.
- (3) If no gifts of a kind required to be disclosed were received by the group, the return must include a statement to that effect.

**18**

**Clause 52**

**Page 18, line 18—**

*[oppose the clause]*

**19**

**Clause 53**

**Page 18, line 22—**

*[oppose the clause]*

**20**

**Clause 54**

**Page 19, line 1—**

*[oppose the clause]*

**21**

**Clause 57**

**Proposed new section 220 (3)**

**Page 20, line 7**

*omit proposed new section 220 (3), substitute*

- (3) The return must state the following matters for each non-party group, candidate or declared body to which the person made gifts mentioned in subsection (1):
- (a) the total amount of the gifts;
  - (b) the defined details.

**22**

**Clause 57**

**Proposed new section 220 (7)**

**Page 21, line 1—**

*omit*

---

23

Clause 57

Proposed new section 221, heading

Page 21, line 4—

*omit proposed new section 221 heading, substitute*

221

**Disclosure of gifts made to non-party groups and candidates in disclosure period**

---

24

Clause 57

Proposed new section 221 (1)

Page 21, line 6—

*omit proposed new section 221 (1), substitute*

- (1) This section applies if, during the disclosure period for an election, a person (other than a party, candidate or associated entity) makes 1 or more gifts totalling \$1 500 or more to the same non-party group or candidate in the election or the same declared body.
- 

25

Clause 57

Proposed new section 221 (3)

Page 21, line 14—

*omit proposed new section 221 (3), substitute*

- (3) The return must state the following matters for each non-party group, candidate or declared body to which the person made gifts mentioned in subsection (1):
- (a) the total amount of the gifts;
  - (b) the defined details.
- 

26

Clause 57

Proposed new section 221 (6), definition of *gift*, paragraph (b)

Page 22, line 9—

*omit*

---

27

Clause 62

Proposed new section 221A (6), definition of *gift*, paragraph (b)

Page 23, line 15—

*omit*

---

28

Clause 62

Proposed new section 221A (6) (c)

Page 23, line 17—

*omit proposed new section 221A (6) (c), substitute*

- (c) a gift made by a party, member of a non-party group, MLA, candidate or associated entity.
-

---

**29****Clause 65****Proposed new section 222 (1)****Page 24, line 9—**

*omit proposed new section 222 (1), substitute*

- (1) A party, non-party group, MLA, candidate or associated entity (the *receiver*) must not accept an anonymous gift made by someone else (the *giver*) to or for the benefit of the receiver if the gift—
- (a) is \$1 500 or more; or
  - (b) would result in the receiver accepting \$1 500 or more in anonymous gifts to or for the benefit of the receiver in the financial year in which the gift is given.
- 

**30****Clause 66****Page 24, line 16—**

*[oppose the clause]*

---

**31****Clause 67****Page 24, line 19—**

*[oppose the clause]*

---

**32****Clause 68****Page 24, line 22—**

*[oppose the clause]*

---

**33****Clause 70****Proposed new section 222 (7), definition of *gift*, paragraph (b)****Page 25, line 16—**

*omit*

---

**34****Clause 72****Page 25, line 20—**

*[oppose the clause]*

---

**35****Clause 75****Page 26, line 12—**

*[oppose the clause]*

---

**36****Clause 77****Page 26, line 21—**

*[oppose the clause]*

---

**37****Clause 79****Page 27, line 6—**

*[oppose the clause]*

---



---

**38****Clause 81****Page 27, line 14—***[oppose the clause]*

---

**39****Clause 90****Page 30, line 3—***[oppose the clause]*

---

**40****Clause 91****Page 30, line 24—***[oppose the clause]*

---

**41****Clause 92****Page 31, line 1—***[oppose the clause]*

---

**42****Clause 101****Page 37, line 5—***[oppose the clause]*

---

**43****Clause 104****Proposed new section 500 (1) (c)****Page 38, line 20—***omit proposed new section 500 (1) (c), substitute*

(c) section 221 (Disclosure of gifts made to non-party groups and candidates in disclosure period);

---

**44****Clause 110****Page 40, line 18—***[oppose the clause]*

---

**45****Clause 111****Page 41, line 1—***[oppose the clause]*

---

**46****Clause 113****Page 41, line 10—***[oppose the clause]*

---

**Schedule 4****ELECTORAL LEGISLATION AMENDMENT BILL 2007**

Amendments circulated by Mr Mulcahy

---

**1**

**Clause 100****Proposed new section 292 (1) (b) (iv)****Page 33, line 20—**

*insert*

- (iv) if the matter is printed or photocopied—the name of the person who printed or photocopied the matter and the address where it was printed or photocopied.
- 

**2**

**Clause 104****Proposed new section 500A****Page 39, line 7—**

*insert*

**500A Transitional—dissemination of printed electoral matter**

Section 292 (1) (b) (iv) does not apply to electoral matter disseminated before 1 July 2008.

---

**Schedule 5**

**ELECTORAL LEGISLATION AMENDMENT BILL 2007**

Amendment to Mr Corbell's amendment No. 32 circulated by Mr Stefaniak

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**1**

**Clause 90**

**Page 11—**

*omit* section 232 (4)

---

**Schedule 6****CIVIL PARTNERSHIPS BILL 2006**

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Amendments circulated by the Attorney-General

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**1****Clause 5****Page 3, line 5—***[oppose the clause]*

---

**2****Clause 6 (1)****Page 4, line 4—***omit clause 6 (1), substitute*

- (1) This Act provides a way for 2 adults who are in a relationship as a couple, regardless of their sex, to have their relationship legally recognised by registration as a civil partnership.
- 

**3****Division 2.2****Page 4, line 12—***omit division 2.2, substitute***Division 2.2            Eligibility****7            Eligibility criteria**

A person may enter into a civil partnership only if—

- (c) the person is not married or in a civil partnership; and
  - (d) the person does not have any of the following relationships (a *prohibited relationship*) with the person's proposed civil partner:
    - (i) lineal ancestor;
    - (ii) lineal descendent;
    - (iii) sister;
    - (iv) half-sister;
    - (v) brother;
    - (vi) half-brother; and
  - (e) the person or the person's proposed civil partner, or both of them, live in the ACT.
-

---

4

**Division 2.3**  
**Page 6, line 9—**

*omit division 2.3, substitute*

## **Division 2.3            Registration**

### **11            Application for registration**

- (1) Two adults who are in a relationship as a couple, regardless of their sex, and who meet the eligibility criteria in section 7, may apply to the registrar-general for registration of their relationship as a civil partnership.

*Note*     If a form is approved under s 28 for an application, the form must be used.

- (2) The application must be accompanied by—
- (a) a statutory declaration made by each person stating—
    - (i) that the person wishes to enter into a civil partnership with the other person; and
    - (ii) that the person is not married or in a civil partnership; and
    - (iii) that the person believes the person and the other person do not have a prohibited relationship; and
    - (iv) where the person lives; and
  - (b) the evidence required by section 23 of each person's identity and age; and
  - (c) anything else prescribed by regulation.
- (3) The registrar-general may require the applicants to give the registrar-general additional information or documents the registrar-general reasonably needs to decide the application.
- (4) If a requirement under subsection (3) is not complied with, the registrar-general may refuse to consider the application further.

### **12            Decision on application**

- (1) On application in accordance with section 11, the registrar-general must—
- (a) register the relationship as a civil partnership by making an endorsement to that effect on the application; or
  - (b) refuse to register the relationship as a civil partnership.
- (2) The registrar-general must register the relationship as a civil partnership unless satisfied that 1 or both of the parties do not meet the eligibility criteria in section 7.

*Note*     The registrar-general must enter particulars of a civil partnership in the register under the *Births, Deaths and Marriages Act 1997*, pt 5A.

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**5****Division 2.4 heading****Page 8, line 1—**

*omit division 2.4 heading, substitute*

---

**Division 2.4                      Termination**

---

**6****Clause 14 (1)****Page 8, line 10—**

*omit*

If a party (or both parties) to a civil partnership wish

*substitute*

If a party to a civil partnership wishes, or both parties to a civil partnership wish,

---

**7****Proposed new clause 14 (5) (ba)****Page 9, line 29—**

*insert*

(ba) the operation of the termination notice is stayed under subsection (6A); or

---

**8****Proposed new clause 14 (6A)****Page 10, line 7—**

*insert*

(6A) If an application mentioned in subsection (6) has been made but not decided before the end of 12 months after the day the termination notice is given, the application stays the operation of the termination notice until the application is decided.

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**9****Part 3****Page 11, line 1—**

*omit*

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**10****Clause 21 (a)****Page 14, line 4—**

*omit clause 21 (a), substitute*

(a) either party did not meet the eligibility criteria in section 7 when the relationship was registered as a civil partnership;  
or

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---

**11**  
**Clause 22**  
**Page 14, line 14—**

*[oppose the clause]*

---

**12**  
**Clause 25 (2)**  
**Page 16, line 26—**

*omit*  
 , another Territory or a foreign country  
*substitute*  
 or another Territory

---

**13**  
**Clause 26**  
**Page 17, line 1—**

*omit clause 26, substitute*

**26      Review of decision**

Application may be made to the administrative appeals tribunal for review of a decision of the registrar-general under section 12 (1) (b) to refuse to register a relationship as a civil partnership.

**26A      Notice of reviewable decision**

- (1) If the registrar-general makes a decision mentioned in section 26, the registrar-general must give written notice of the decision to each person affected by the decision.
- (2) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

---

**14**  
**Schedule 1**  
**Page 20—**

*omit schedule 1, substitute*

**Schedule 1      Consequential amendments**

(see s 25)

**Part 1.1      Administration and Probate  
 Act 1929**

**[1.1] Section 49BA (4) (c) (i)**

*after*

spouse

*insert*

or civil partner

**[1.2] Dictionary, note 2, new dot point**

*insert*

- civil partner

**Part 1.2 Adoption Regulation 1993****[1.3] Section 11 (b) (ix)**

*substitute*

- (ix) if not married—whether in another domestic partnership or single;

**Part 1.3 Births, Deaths and Marriages Registration Act 1997****[1.4] Title**

*after*

marriages

*insert*

, civil partnerships

**[1.5] Section 16 (3) (b)**

*after*

marriage

*insert*

or civil partnership

**[1.6] Section 24 (1) (d)**

*omit*

**[1.7] New part 5A**

*insert*



## Part 5A Civil partnerships

### 32A Civil partnership—particulars of relationship

If the registrar-general registers a relationship as a civil partnership under the *Civil Partnerships Act 2006*, the registrar-general must include in the register the particulars of the civil partnership prescribed by regulation.

### 32B Civil partnership—particulars of termination

- (1) This section applies if a civil partnership is terminated—
  - (a) under the *Civil Partnerships Act 2006*, section 14 (Termination by parties); or
  - (b) under that Act, section 15 (Termination by court order).
- (2) The registrar-general must include in the register the particulars of the termination prescribed by regulation.
- (3) Also, for a civil partnership terminated as mentioned in subsection (1) (a), the registrar-general must give each party to the civil partnership written notice that the civil partnership terminated on the date stated in the notice.

*Note* If a form is approved under s 69 for this provision, the form must be used.

- (4) For subsection (3), it is sufficient if the registrar-general sends the notice to the address for each party that is last known to the registrar.

#### [1.8] Dictionary, note 2, new dot point

*insert*

- civil partnership

#### [1.9] Dictionary, definition of *registrable event*

*after*

marriage,

*insert*

civil partnership,

## Part 1.4 Births, Deaths and Marriages Registration Regulation 1998

### [1.10] Section 5 (k)

*substitute*

- (k) if the parents of the child are married or in a civil partnership—the date and place of the marriage or civil partnership;

**[1.11] Section 6 (1) (e)***omit***[1.12] Section 7 (b)***substitute*

- (b) a spouse or civil partner, or former spouse or civil partner, of the transsexual person;

**[1.13] New sections 8A and 8B***insert***8A Civil partnership—prescribed particulars**

- (1) For the Act, section 32A, the following particulars are prescribed:
- (a) the date the relationship was registered as a civil partnership under the *Civil Partnerships Act 2006*;
  - (b) the following particulars for each person who is a party to the civil partnership:
    - (i) the person's full name;
    - (ii) the person's home address;
    - (iii) the person's date and place of birth;
    - (iv) the person's relationship status before entering into the civil partnership;
    - (v) the person's occupation;
    - (vi) the full name of each of the person's parents.

- (2) In this section:

***relationship status*** means the status or condition of being—

- (a) single; or
- (b) divorced; or
- (c) widowed; or
- (d) the domestic partner (other than the spouse or civil partner) of someone else.

*Note* For the meaning of ***domestic partner***, see the Legislation Act, s 169.

**8B Termination of civil partnership—prescribed particulars**

For the Act, section 32B (2), the following particulars are prescribed:

- (a) for a civil partnership terminated under the *Civil Partnerships Act 2006*, section 14 (Termination by parties)—

- (i) the date the termination notice was given to the registrar-general under that Act, section 14 (1); and
- (ii) the date of effect of the termination;
- (b) for a civil partnership terminated under the *Civil Partnerships Act 2006*, section 15 (Termination by court order)—
  - (i) the date the order was made; and
  - (ii) the date of effect of the termination.

**[1.14] Section 9 (h) (i)**

*substitute*

- (i) if the deceased had been married or in a civil partnership—the date and place of each marriage and civil partnership; and

## Part 1.5 Civil Law (Wrongs) Act 2002

**[1.15] Section 23, definition of *member*, paragraph (g)**

*after*

spouse

*insert*

or civil partner

**[1.16] Dictionary, note 2, new dot point**

*insert*

- civil partner

## Part 1.6 Corrections Management Act 2007

**[1.17] Section 87 (2) (b)**

*after*

marriage

*insert*

or civil partnership

**[1.18] Dictionary, note 2, new dot point**

*insert*

- civil partnership

## Part 1.7 Crimes Act 1900

### [1.19] Section 395 (2) (a)

*after*

marriage

*insert*

, civil partnership

### [1.20] Dictionary, note 2, new dot point

*insert*

- civil partnership

### [1.21] Dictionary, definition of *relative*

*omit*

## Part 1.8 Discrimination Act 1991

### [1.22] Dictionary, note 2, new dot points

*insert*

- civil partner
- civil partnership

### [1.23] Dictionary, definition of *relationship status*, new paragraphs (ca) and (cb)

*insert*

(ca) in a civil partnership; or

(cb) in a civil partnership but living separately and apart from one's civil partner; or

### [1.24] Dictionary, definition of *relationship status*, paragraph (f)

*after*

spouse

*insert*

or civil partner

## Part 1.9 Domestic Relationships Act 1994

### [1.25] Section 3 (1), definition of *domestic relationship*, note

*substitute*

*Note* For the meaning of *domestic partnership*, see the Legislation Act, s 169. It includes a civil partnership.

**[1.26] Section 12 (1)***substitute*

- (1) A court must not make an order under this part in relation to a domestic relationship (other than a civil partnership) unless satisfied that the domestic relationship has existed between the applicant and respondent for not less than 2 years.

**[1.27] Section 12 (2)***omit*

If

*substitute*

However, if

**[1.28] Dictionary, note 2, new dot point***insert*

- civil partnership

**Part 1.10 Duties Act 1999****[1.29] Section 74B (5)***substitute*

- (5) For subsection (3) (c), in deciding whether a transfer under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—
- (a) the relationship has ended; or
  - (b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2006*.

**[1.30] Section 115H (5)***substitute*

- (5) For subsection (3) (c), in deciding whether a transaction under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—
- (a) the relationship has ended; or
  - (b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2006*.

**[1.31] Section 213 (5)***substitute*

- (5) For subsection (3) (c), in deciding whether a transfer under a domestic relationship agreement is consequent on the end of a relationship, the commissioner must have regard to any statutory declaration made by a party to the relationship to the effect that—
- (a) the relationship has ended; or
  - (b) if the relationship is a civil partnership—the party has given, or intends to give, a termination notice to the registrar-general under the *Civil Partnerships Act 2006*.

**[1.32] Dictionary, note 2, new dot point***insert*

- civil partnership

**[1.33] Dictionary, note 2***omit*

- domestic relationship (see s 169 (2))

**Part 1.11 Evidence Act 1971****[1.34] Section 13***omit***Part 1.12 Family Provision Act 1969****[1.35] Section 7 (9), definition of *partner*, paragraph (b) (i)***after*

spouse

*insert*

or civil partner

**Part 1.13 First Home Owner Grant Act 2000****[1.36] Section 6 (2)***omit*

the person to whom an applicant is legally married

*substitute*

if the applicant is married or in a civil partnership, the applicant's spouse or civil partner

**[1.37] Dictionary, note 2, new dot points**

*insert*

- civil partner
- civil partnership

**Part 1.14 Instruments Act 1933****[1.38] Section 8, definition of *bill of sale***

*after*

marriage

*insert*

or civil partnership

**Part 1.15 Land Titles Act 1925****[1.39] Dictionary, definition of *transmission***

*omit*

or marriage

*substitute*

, marriage or civil partnership

**[1.40] Dictionary, note 2, new dot point**

*insert*

- civil partnership

**Part 1.16 Legal Aid Act 1977****[1.41] Section 10 (1) (i)**

*omit*

marriage counsellors

*substitute*

relationship counsellors

**Part 1.17 Legislation Act 2001****[1.42] Section 169 (1)**

*after*

spouse

*insert*

or civil partner

**[1.43] New section 169 (3)**

*after the example, insert*

- (3) In an Act or statutory instrument, a reference to a ***domestic partnership*** includes a reference to a marriage and a civil partnership.

**[1.44] Dictionary, part 1, new definitions**

*insert*

***civil partner***—a person who is in a civil partnership with someone else is the ***civil partner*** of the other person.

***civil partnership*** means a civil partnership under the *Civil Partnerships Act 2006*.

## Part 1.18 Married Persons Property Act 1986

**[1.45] Title**

*omit*

married persons

*substitute*

people who are married or in a civil partnership

**[1.46] Section 9 heading**

*substitute*

### 9 Transfer of property to spouse, civil partner or child

**[1.47] Section 9 (2)**

*substitute*

- (2) If—
- (a) a person and the person's spouse or civil partner both contribute to the purchase of property or an interest in property; and
  - (b) the property or interest is vested in or transferred to 1 spouse or civil partner (the ***transferee***);

the transferee is taken (unless the contrary intention appears) to hold the property or interest in trust for the transferee and the transferee's spouse or civil partner as joint tenants.



**[1.48] Section 10 heading**

*substitute*

**10 Purchase or transfer of property before marriage or civil partnership****[1.49] Section 10 (1)**

*after*

marriage to

*insert*

, or civil partnership with,

**[1.50] Section 10 (1) (a)**

*after*

marriage

*insert*

or civil partnership

**[1.51] Section 10 (1) (b)**

*omit*

marriage of the transferor to the transferee

*substitute*

marriage or civil partnership

**[1.52] Section 10 (2)**

*after*

marriage to

*insert*

, or civil partnership with,

**[1.53] Section 10 (2) (a)**

*after*

marriage

*insert*

or civil partnership

**[1.54] Section 10 (2) (b)**

*omit*

marriage of the transferor to the transferee

*insert*

marriage or civil partnership

**[1.55] Section 10 (3) (a)**

*after*

marriage to

*insert*

, or civil partnership with,

**[1.56] Section 10 (3) (c)**

*after*

marriage

*insert*

or civil partnership

**[1.57] Section 10 (3) (d)**

*omit*

marriage of those persons

*insert*

marriage or civil partnership

**[1.58] Section 11**

*omit*

married person

*substitute*

person who is married or in a civil partnership

**[1.59] Section 11**

*after*

spouse

*insert*

or civil partner

**[1.60] Section 12 heading**

*substitute*

**12 Beneficiaries who are married or in civil partnership****[1.61] Section 12**

*omit*

husband and his wife

*substitute*

person and his or her spouse or civil partner

**[1.62] Section 13***substitute***13 Applications to decide property disputes**

- (1) This section applies if any question arises between a person and his or her spouse or civil partner in relation to the title to, or possession or disposition of, any property (including any question in relation to the investment by one of them of money of the other without the consent of the other).
- (2) The person, or a third party on whom conflicting claims are being or are expected to be made by the person and his or her spouse or civil partner in relation to any property, may apply to the court to hear and decide the question.

**[1.63] Section 15 (5)***substitute*

- (5) If an application under section 13 relates to money of the spouse or civil partner of a person that was invested by the person without the consent of the spouse or civil partner, the court may order that the amount of the money and any interest, dividend or other profit derived from the money be paid to the spouse or civil partner.

**[1.64] Dictionary, note 2, new dot points***insert*

- civil partner
- civil partnership

**Part 1.19 Parentage Act 2004****[1.65] Section 7 heading***substitute***7 Presumptions arising from marriage or civil partnership****[1.66] Section 7 (1)***substitute*

- (1) A child born to a woman while she is married or in a civil partnership is presumed to be a child of the woman and her spouse or civil partner.

**[1.67] Section 7 (2)***omit*

husband

*substitute*

spouse or civil partner

**[1.68] Section 7 (3)***omit*

husband

*substitute*

spouse

**[1.69] Section 7 (4)***substitute*

- (4) A child born to a woman after the end of her marriage or civil partnership, but within 44 weeks after she last separated from her spouse or partner in that marriage or civil partnership, is presumed to be the child of the woman and her spouse or partner in that marriage or civil partnership.

**[1.70] Section 38 (2)***after*

married to

*insert*

, or in a civil partnership with,

**[1.71] Dictionary, note 2, new dot points***insert*

- civil partner
- civil partnership

## Part 1.20 Perpetuities and Accumulations Act 1985

**[1.72] Section 14 (1) (c)***omit*

spouses, de facto spouses,

## Part 1.21 Powers of Attorney Act 2006

**[1.73] Section 58 heading***substitute*

### 58 Enduring power of attorney sometimes revoked by marriage or civil partnership

**[1.74] Section 58 (1) (b) and (c)***substitute*

- (b) after the appointment, the principal marries or enters into a civil partnership with a person other than the attorney.

**[1.75] Section 59 heading***substitute***59 Enduring power of attorney sometimes revoked by end of marriage or civil partnership****[1.76] Section 59 (1) (b) and (c)***substitute*

- (b) at that time or later, the person is married to, or in a civil partnership with, the attorney; and
- (c) the marriage or civil partnership ends.

**[1.77] Dictionary, note 2, new dot point***insert*

- civil partnership

**Part 1.22 Rates Act 2004****[1.78] Section 45, definition of *partner*, paragraph (a)***substitute*

- (a) the person's spouse or civil partner;

**[1.79] Section 45, definition of *pensioner*, note for par (d), (e) and (f)***after*

spouses

*insert*

and civil partners

**[1.80] Dictionary, note 2, new dot point***insert*

- civil partner

**Part 1.23 Sale of Motor Vehicles Act 1977****[1.81] Section 11A (2) (e)***omit*

or marriage

*substitute*

, marriage or civil partnership

**[1.82] Dictionary, note 2, new dot point***insert*

- civil partnership

## **Part 1.24 Testamentary Guardianship Act 1984**

**[1.83] Section 4, definition of *parent*, paragraph (a)***omit***[1.84] Dictionary, definition of *exnuptial child****omit*

## **Part 1.25 Wills Act 1968**

**[1.85] Section 15 heading***substitute*

### **15 Will attested by beneficiary or domestic partner of beneficiary**

**[1.86] Section 15***after*

spouse

*insert*

or domestic partner

**[1.87] Section 18***omit*

spouse

*substitute*

domestic partner

**[1.88] Section 20 heading***substitute*

### **20 Revocation of will by testator's marriage or civil partnership**

**[1.89] Section 20 (1) and (2)***substitute*

- (1) Subject to subsections (2) and (3), if a person marries or enters into a civil partnership after having made a will, the will is revoked by the marriage or civil partnership unless the will was expressed to have been made in contemplation of that marriage or civil partnership.
- (2) If a testator marries or enters into a civil partnership after having made a will by which he or she has exercised a power of appointing real property or personal property by will, the marriage or civil partnership does not revoke the will so far as it constitutes an exercise of that power if the property so appointed would not, in default of the testator exercising that power, pass to an executor under any other will of the testator or to an administrator of any estate of the testator.

**[1.90] Section 20 (3)***omit*

the marriage of the testator to

*substitute*

the testator marrying, or entering into a civil partnership with,

**[1.91] Section 20 (3) (a) and (b)***after*

marriage

*insert*

or civil partnership

**[1.92] Section 20A heading***substitute***20A Effect of termination of marriage or civil partnership****[1.93] Section 20A (1)***after*

marriage

*insert*

or civil partnership

**[1.94] Section 20A (1)***after*

former spouse

*insert*

or civil partner

**[1.95] Section 20A (2)***after*

marriage

*insert*

or civil partnership

**[1.96] Section 20A (3)***after*

former spouse

*insert*

or civil partner

**[1.97] New section 20A (4A)***insert*

- (4A) For this section, a civil partnership is taken to be **terminated** if the civil partnership is terminated under the *Civil Partnerships Act 2006*, division 2.4 (otherwise than on the death of a party to the civil partnership).

**[1.98] Section 20A (5), definition of *former spouse****substitute*

***former spouse or civil partner***, in relation to a testator, means the person who, immediately before the termination of the testator's marriage or civil partnership, was the testator's spouse or civil partner, or, for a purported marriage or civil partnership of the testator that is void, was the other party to the purported marriage or civil partnership.

**[1.99] Dictionary, note 2, new dot points***insert*

- civil partner
- civil partnership
- domestic partner (see s 169 (1))

**Part 1.26 Witness Protection Act 1996****[1.100] Section 10 (c)***after*

marriage

*insert*

or civil partnership



**[1.101] Dictionary, note 2, new dot point**

*insert*

- civil partnership

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**15**

**Dictionary**

**Definition of *civil partnership notary***

**Page 22, line 11—**

*omit*

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