

175. Definitions

In this Part, unless the contrary intention appears —

“**agent**” means agent for the purposes of this Part;

“**approved**” means approved by the Electoral Commissioner;

“**associated entity**” means an entity that —

- (a) is controlled by one or more political parties; or
- (b) operates for the benefit of one or more political parties;

“**broadcast**” means broadcast by radio or televisé;

“**campaign committee**”, in relation to a political party, means a body of persons appointed or engaged to form a committee to assist the campaign in an election of —

- (a) the candidates in a general election who are endorsed by the party;
- (b) a candidate in the election who is endorsed by the party; or
- (c) a group in the election all the persons included in which are endorsed by the party;

“**disposition of property**” means any conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes —

- (a) the allotment of shares in a company;
- (b) the creation of a trust in respect of property;
- (c) the grant or creation of any lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property;
- (d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of any debt, contract or chose in action, or of any interest in respect of property;
- (e) the exercise by a person of a general power of appointment over property in favour of any other person; and
- (f) any transaction entered into by any person with intent thereby to diminish, directly or indirectly, the value of the person’s own property and to increase the value of the property of any other person;

“**division**”, in relation to a political party, includes a branch or campaign committee of the party;

“**election period**”, in relation to an election, means the period commencing on the day of issue of the writ for the election and ending at the latest time on polling day at which an elector in the State could enter a polling booth for the purpose of casting a vote in the election;

“**electoral expenditure**”, in relation to an election, means expenditure incurred (whether or not incurred during the election period) on —

- (a) the broadcasting, during the election period, of an advertisement relating to the election;
- (b) the publishing in a journal, during the election period, of an advertisement relating to the election;
- (c) the display, during the election period, at a theatre or other place of entertainment, of an advertisement relating to the election;

- (d) the production of an advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph (a), (b) or (c);
- (e) the production of any material (not being material referred to in paragraph (a), (b) or (c)) that is required under section 187 to include the name and address of the person authorising the material and that is used during the election period;
- (ea) the production and distribution of electoral matter that is addressed to particular persons or organisations and is distributed during the election period;
- (f) consultant's or advertising agent's fees in respect of —
 - (i) services provided during the election period, being services relating to the election; or
 - (ii) material relating to the election that is used during the election period;

or

- (g) the carrying out, during the election period, of an opinion poll, or other research, relating to the election;

“electoral matter” means matter that is intended, calculated or likely to affect voting in an election;

“entity” means —

- (a) an incorporated or unincorporated body;
- (b) the trustee of a trust;

“financial controller”, in relation to an associated entity, means —

- (a) if the entity is a company, the secretary of the company;
- (b) if the entity is the trustee of a trust, the trustee;
- (c) in other cases, the person responsible for maintaining the financial records of the entity;

“general election” means a general election for the Assembly or the Council;

“gift” means any disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration, but does not include an annual subscription of not more than \$200 paid by a person to a political party or to a division of a political party in respect of the person's membership of the party or division;

“journal” means a newspaper, magazine or other periodical, whether published for sale or for distribution without charge;

“principal officer” of a public agency means —

- (a) in relation to a department of the Public Service or an organisation specified in column 2 of the Schedule to the *Public Service Act 1978*³ — the chief executive officer of that department or organisation;
- (b) in relation to the Police Force of Western Australia — the Commissioner of Police;

- (c) in relation to a public agency that consists of one person (not being an incorporated body) — that person;
- (d) in relation to a public agency for which the regulations declare an officer to be the principal officer of the agency — that officer;
- (e) in relation to any other public agency —
 - (i) if it is an incorporated body that has no members — the person who manages the affairs of the body; or
 - (ii) if it is a body (whether incorporated or not) that is constituted by 2 or more persons — the person who is entitled to preside at any meeting of the body at which he or she is present;

“property” includes money;

“public agency” means —

- (a) a department of the Public Service or an organisation specified in column 2 of Schedule 2 to the *Public Sector Management Act 1994*;
- (b) the Police Force of Western Australia;
- (c) a body or office that is established for a public purpose under a written law;
- (d) a body or office that is established by the Governor or a Minister; or
- (e) any other body or office that is declared by the regulations to be a public agency being —
 - (i) a body or office established under a written law; or
 - (ii) a corporation or association over which control can be exercised by the State, a Minister, a body referred to in paragraph (a), (c), (d) or (e)(i), or the holder of an office referred to in paragraph (d) or (e)(i);

“specified amount” means \$1 500 or such greater amount as is determined and published by the Electoral Commissioner —

- (a) under the regulations; and
- (b) within the period of 30 days after the polling day in a general election.

[Section 175 inserted by No. 75 of 1992 s. 4 (as amended by No. 43 of 1996 s. 26); amended by No. 36 of 2000 s. 59 and 66.]