



Queensland

Local Government Electoral Act 2011

Local Government Electoral Regulation 2012

Current as at 14 July 2017



Queensland

Local Government Electoral Regulation 2012

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Local Government Electoral Regulation 2012

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Local Government Electoral Regulation 2012*.

Part 2 Local government elections

2 Date of quadrennial election for 2016

For section 23(3) of the Act, the day fixed for the quadrennial election for 2016 is 19 March 2016.

3 Electors who may cast an electronically assisted vote—Act, s 68(5B)(c)

- (1) For section 68(5B)(c) of the Act, the following classes of electors are prescribed—
 - (a) special postal voters;
 - (b) distance voters.
- (2) In this section—

distance voter—

 - (a) means an elector, other than a special postal voter, whose address, as shown on the voters roll, is more than 20km by the nearest practicable route from a polling booth; and
 - (b) if the election is a by-election—also means an elector who can not, for another reason, vote at a polling booth during the voting period for the by-election.

Examples of an elector for paragraph (b)—

- an elector who will be absent from the elector's local government area or division of the local government area for the whole of the voting period for the by-election
- an elector who, during the voting period for the by-election, has not yet voted and will be outside Queensland for the remainder of the voting period

voting period, for a by-election, means the period—

- (a) starting on the first day that a pre-poll vote may be made for the by-election; and
- (b) ending on the close of the poll for the by-election.

4 Approval of procedure for electronically assisted voting—Act, s 75A(3)(a)

For section 75A(3)(a) of the Act, the procedures set out in the document called “Electronically assisted voting procedures’ for local government elections’ made by the electoral commission on 15 June 2016 are approved.

Part 3 Electoral funding and financial disclosure

5 Disclosure date for returns by candidates for gifts or loans received—Act, ss 117 and 120

- (1) For sections 117(2) and 120(2) of the Act, the disclosure date for a return for a gift or loan received by a candidate is—
 - (a) if the gift or loan is received during the relevant period for the candidate—the seventh business day after the relevant period ends; and
 - (b) otherwise—the seventh business day after the gift or loan is received.

(2) In this section—

relevant period, for a candidate for an election, means the period—

- (a) starting on the day the candidate's disclosure period for the election starts; and
- (b) ending on the day before the candidate becomes a candidate in the election.

6 Disclosure date for returns by agent for groups of candidates for gifts received—Act, s 118

(1) For section 118(2) of the Act, the disclosure date for a return for a gift received by a member of a group of candidates, or a person acting on behalf of the group, is—

- (a) if the gift is received during the relevant period for the group—the seventh business day after the relevant period ends; and
- (b) otherwise—the seventh business day after the gift is received.

(2) In this section—

relevant period, for a group of candidates for an election, means the period—

- (a) starting on the day the group's disclosure period for the election starts; and
- (b) ending on the day before the group gives a record of the membership of the group to the returning officer under section 41(2) of the Act.

7 Disclosure date for returns by agent for groups of candidates for loans received—Act, s 120

(1) For section 120(4) of the Act, the disclosure date for a return for a loan received by a group of candidates is—

[s 8]

- (a) if the loan is received during the relevant period for the group—the seventh business day after the relevant period ends; and
 - (b) otherwise—the seventh business day after the loan is received.
- (2) In this section—
- relevant period*, for a group of candidates for an election, means the period—
- (a) starting on the day the group’s disclosure period for the election starts; and
 - (b) ending on the day before the group gives a record of the membership of the group to the returning officer under section 41(2) of the Act.

8 Disclosure date for returns by third parties for expenditure incurred for political activity—Act, s 124

For section 124(2) of the Act, the disclosure date for a return for an amount of expenditure incurred by a third party is the seventh business day after the day the amount of expenditure is incurred.

9 Disclosure date for returns by third parties for gifts received to enable expenditure for political activity—Act, s 125

For section 125(2) of the Act, the disclosure date for a return for a gift received by a third party is the seventh business day after the day the gift is applied as described in section 125(1)(b)(ii) of the Act.

10 Approval of procedures for electronic lodgement of returns—Act, s 132A

For section 132A(2)(a) of the Act, the procedures set out in the document called ‘Procedure for electronic disclosure’

made by the electoral commission on 25 January 2017 are approved.

Part 4

Transitional provisions for Local Government Electoral (Transparency and Accountability in Local Government) Amendment Regulation 2017

11 Gifts or loans received by candidates before commencement

- (1) This section applies in relation to a gift or loan received by a candidate during the current disclosure period for the candidate for an election if—
 - (a) the candidate is required to give a return for the gift or loan under section 117(2) or 120(2) of the Act; and
 - (b) the gift or loan was received by the candidate before the commencement.
- (2) Despite section 5, the disclosure date for sections 117(2) and 120(2) of the Act is the seventh business day after the commencement.
- (3) In this section—

current disclosure period means the disclosure period during which this section commences.

12 Gifts received by a group of candidates before commencement

- (1) This section applies in relation to a gift received by a member of a group of candidates, or a person acting on behalf of the

group, during the group's current disclosure period for an election if—

- (a) the group's agent is required to give a return for the gift under section 118(2) of the Act; and
 - (b) the gift was received by the member of the group, or the person acting on behalf of the group, before the commencement.
- (2) Despite section 6, the disclosure date for section 118(2) of the Act is the seventh business day after the commencement.
 - (3) In this section—

current disclosure period means the disclosure period during which this section commences.

13 Loans received by a group of candidates before commencement

- (1) This section applies in relation to a loan received by a group of candidates during the group's current disclosure period for an election if—
 - (a) the agent for the group is required to give a return for the loan under section 120(4) of the Act; and
 - (b) the loan was received by the group before the commencement.
- (2) Despite section 7, the disclosure date for section 120(4) of the Act is the seventh business day after the commencement.
- (3) In this section—

current disclosure period means the disclosure period during which this section commences.

14 Expenditure incurred by third parties for political activity before commencement

- (1) This section applies in relation to each amount of expenditure incurred by a third party during the current disclosure period for an election if—

- (a) the third party is required to give a return for the amount of the expenditure under section 124(2) of the Act; and
 - (b) the expenditure was incurred before the commencement.
- (2) Despite section 8, the disclosure date for section 124(2) of the Act is the seventh business day after the commencement.
- (3) In this section—
- current disclosure period* means the disclosure period during which this section commences.

15 Gifts received by third parties to enable expenditure for political activity before commencement

- (1) This section applies in relation to a gift received by a third party to enable the third party to incur expenditure for a political activity during the current disclosure period for an election if—
- (a) the third party is required to give a return for the gift under section 125(2) of the Act; and
 - (b) the gift was applied by the third party as described in section 125(1)(b)(ii) of the Act before the commencement.
- (2) Despite section 9, the disclosure date for section 125(2) of the Act is the seventh business day after the commencement.
- (3) In this section—
- current disclosure period* means the disclosure period during which this section commences.

1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amd	= amendment	prov	= provision
t			
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	10 February 2012	

Current as at	Amendments included	Notes
1 January 2015	2014 SL No. 290	
14 May 2015	2015 Act No. 2	
23 October 2015	2015 SL No. 143	
1 July 2016	2016 SL No. 101	
14 July 2017	2017 SL No. 127	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Local Government Electoral Regulation 2012 SL No. 17

made by the Governor in Council on 9 February 2012

notfd gaz 10 February 2012 pp 280–1

commenced on date of notification

exp 1 September 2022 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.
amending legislation—

Local Government Legislation Amendment Regulation (No. 1) 2014 SL No. 290 pts 1, 4

notfd <www.legislation.qld.gov.au> 5 December 2014

ss 1–2 commenced on date of notification

remaining provisions commenced 1 January 2015 (see s 2)

Electoral and Other Legislation Amendment Act 2015 No. 2 chs 1, 2 pt 4

date of assent 14 May 2015

commenced on date of assent

Local Government Electoral Amendment Regulation (No. 1) 2015 SL No. 143

notfd <www.legislation.qld.gov.au> 23 October 2015

commenced on date of notification

Local Government Electoral Amendment Regulation (No. 1) 2016 SL No. 101

notfd <www.legislation.qld.gov.au> 1 July 2016
 commenced on date of notification

Local Government Electoral (Transparency and Accountability in Local Government) Amendment Regulation 2017 SL No. 127

notfd <www.legislation.qld.gov.au> 14 July 2017
 ss 1–2 commenced on date of notification
 ss 3–6 commenced 14 July 2017 (see s 2)

5 List of annotations**PART 1—PRELIMINARY**

pt hdg ins 2017 SL No. 127 s 4

PART 2—LOCAL GOVERNMENT ELECTIONS

pt hdg ins 2017 SL No. 127 s 5

Date of quadrennial election for 2016

s 2 sub 2014 SL No. 290 s 16

Electors who may cast an electronically assisted vote—Act, s 68(5B)(c)

s 3 prev s 3 sub 2014 SL No. 290 s 16
 om 2015 Act No. 2 s 44
 pres s 3 ins 2015 SL No. 143 s 3
 amd 2016 SL No. 101 s 3

Approval of procedure for electronically assisted voting—Act, s 75A(3)(a)

s 4 ins 2015 SL No. 143 s 3
 amd 2016 SL No. 101 s 4

PART 3—ELECTORAL FUNDING AND FINANCIAL DISCLOSURE

pt hdg ins 2017 SL No. 127 s 6

Disclosure date for returns by candidates for gifts or loans received—Act, ss 117 and 120

s 5 ins 2017 SL No. 127 s 6

Disclosure date for returns by agent for groups of candidates for gifts received—Act, s 118

s 6 ins 2017 SL No. 127 s 6

Disclosure date for returns by agent for groups of candidates for loans received—Act, s 120

s 7 ins 2017 SL No. 127 s 6

Disclosure date for returns by third parties for expenditure incurred for political activity—Act, s 124

s 8 ins 2017 SL No. 127 s 6

Disclosure date for returns by third parties for gifts received to enable expenditure for political activity—Act, s 125

s 9 ins 2017 SL No. 127 s 6

Approval of procedures for electronic lodgement of returns—Act, s 132A

s 10 ins 2017 SL No. 127 s 6

**PART 4—TRANSITIONAL PROVISIONS FOR LOCAL GOVERNMENT
ELECTORAL (TRANSPARENCY AND ACCOUNTABILITY IN LOCAL
GOVERNMENT) AMENDMENT REGULATION 2017**

pt hdg ins 2017 SL No. 127 s 6

Gifts or loans received by candidates before commencement

s 11 ins 2017 SL No. 127 s 6

Gifts received by a group of candidates before commencement

s 12 ins 2017 SL No. 127 s 6

Loans received by a group of candidates before commencement

s 13 ins 2017 SL No. 127 s 6

Expenditure incurred by third parties for political activity before commencement

s 14 ins 2017 SL No. 127 s 6

**Gifts received by third parties to enable expenditure for political activity before
commencement**

s 15 ins 2017 SL No. 127 s 6