

Queensland



ELECTORAL AMENDMENT ACT 1997

Act No. 10 of 1997

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Electoral Amendment Act 1997

Act No. 10 of 1997

An Act to amend the *Electoral Act 1992*

[Assented to 15 May 1997]

The Parliament of Queensland enacts—**Short title**

1. This Act may be cited as the *Electoral Amendment Act 1997*.

Commencement

2. This Act commences on a day to be fixed by proclamation.

Act amended

3. This Act amends the *Electoral Act 1992*.

Amendment of s 3 (Definitions)

4. Section 3, definition “**registered officer**”, after ‘party’s registered officer’—

insert—

‘, and includes a person nominated under section 72A as deputy of a party’s registered officer’.

Insertion of new s 72A

5. After section 72—

insert—

‘Registered officer’s deputy

‘**72A.(1)** A registered officer may nominate a person as a deputy of the registered officer for the purposes of this Act.

‘**(2)** The nomination—

- (a) must be in writing, signed by the registered officer and lodged with the commission; and
- (b) must be signed by, and state the name and address of, the person

nominated; and

- (c) may be revoked by the registered officer by written notice given to the commission.’.

Amendment of s 99 (Scrutineers)

6. Section 99(3)(a), from ‘for the purpose of’—

omit, insert—

‘for the purpose of—

- (i) inspecting ballot boxes; and
- (ii) the examination of declaration envelopes received before 6 p.m. the day before polling day; and’.

Amendment of s 102 (Procedure for voting)

7. Section 102(2), ‘in’—

omit, insert—

‘for’.

Amendment of s 106 (Who must make a declaration vote)

8.(1) Section 106(1)(b), (c), (d) and (e)—

renumber as section 106(1)(c), (d), (e) and (f).

(2) Section 106(1)(a), ‘to a polling booth on polling day outside’—

omit, insert—

‘on a polling day to a polling booth that has not been established for’.

(3) After section 106(1)(a)—

insert—

- ‘(b) an elector who wishes to vote by going to a polling booth described in section 94(4) or (6) that is outside the electoral district for which the elector is enrolled;’.

(4) Section 106(2) and (3)—

omit.

Amendment of s 110 (Making a declaration vote using posted voting papers)

9.(1) Section 110(1), ‘posted or sent by facsimile’—

omit, insert—

‘posted, faxed or delivered (by the elector or someone else)’.

(2) Section 110—

insert—

‘(1A) The request must state the address to which the ballot paper and declaration envelope is to be posted, delivered or sent.’.

(3) Section 110(2), after ‘post’—

insert—

‘, deliver or send’.

(4) Section 110(4), after ‘posted’—

insert—

‘, delivered or sent’.

(5) Section 110(5)(d)(ii), after ‘post’—

insert—

‘or send’.

Amendment of s 111 (Electoral visitor voting)

10.(1) Section 111(1), ‘posted or sent by facsimile’—

omit, insert—

‘posted, faxed or delivered (by the elector or someone else)’.

(2) Section 111—

insert—

‘(1A) The request must state the address the electoral visitor is to visit.’.

Amendment of s 114 (Formal and informal ballot papers)

11. Section 114(1)(c), after ‘ballot box’—

insert—

‘by the elector’.

Amendment of s 116 (Preliminary processing of declaration envelopes and ballot papers)

12. Section 116(2)(d), ‘within 10 days after’—

omit, insert—

‘before 6 p.m. on the 10th day after’.

Amendment of s 125 (Notice of failure to vote etc.)

13. Section 125(4), ‘106(b)’—

omit, insert—

‘106(1)(c)’.

Amendment of s 136 (Powers of the court)

14. Section 136—

insert—

‘(3) To remove doubt, it is declared that the court may order the opening of a sealed declaration vote envelope.

‘(4) However, the court must ensure, as far as is reasonably practicable, the secrecy of the ballot is maintained.’.

Amendment of s 137 (Restrictions on certain orders)

15.(1) Section 137(1), from ‘because of’—

omit, insert—

‘because of a delay in—

- (a) the announcement of nominations under section 88; or
- (b) complying with the requirements of part 6, division 5, 6 or 7.

‘**(1A)** Also, the court must not make an order under section 136(2) (other than an order to dismiss the petition)—

- (a) because of an absence or error of, or omission by, any member of the commission’s staff that appears unlikely to have had the effect that the person elected would not have been elected; or
- (b) because incorrect information an elector gives to an issuing officer is written on a declaration envelope the elector signed.’.

(2) Section 137(2), ‘subsection (1)(b)’—

omit, insert—

‘subsection (1A)’.

Amendment of s 161 (Author of election matter must be named)

16. Section 161(2)—

omit, insert—

‘**(2)** The particulars are the name and address (other than a post office box) of the person who authorised the advertisement, handbill, pamphlet or notice.’.

Amendment of s 172 (Failure to post or send documents for someone else)

17.(1) Section 172, heading, ‘**or send**’—

omit, insert—

‘**, fax or deliver**’.

(2) Section 172(1)(a), ‘or send by facsimile’—

omit, insert—

‘, fax or deliver’.

(3) Section 172(1)(b), ‘send it by facsimile’—

omit, insert—

‘fax or deliver it’.

(4) Section 172(2)(a), after ‘post’—

insert—

‘or send’.

(5) Section 172(2)(b), after ‘post’—

insert—

‘or send’.

Amendment of schedule (Election funding and financial disclosure based on part XX of the Commonwealth Electoral Act)

18. Schedule, section 294B—

omit.