



Queensland

# Local Government Electoral (2020 Quadrennial Election) Regulation 2020

## Subordinate Legislation 2020 No. 42

made under the

*City of Brisbane Act 2010*

*Local Government Act 2009*

*Local Government Electoral Act 2011*

*State Penalties Enforcement Act 1999*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Local Government Electoral (2020 Quadrennial Election) Regulation 2020*.

### **2 Commencement**

Section 17 commences on 19 March 2021.

## **Part 2 Matters relating to quadrennial election for 2020**

### **Division 1 Preliminary**

#### **3 Application and purpose of part**

This part—

- (a) applies to the quadrennial election for 2020; and
- (b) makes provision for matters about the election under section 200L of the Act.

*Note—*

Under section 200L(3) of the Act, this regulation expires on 19 March 2021.

### **Division 2 Offences relating to signage at polling booths**

#### **4 Definitions for division**

In this division—

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***continuous sign*** means a sign comprised of a length of flexible material, including, for example—

- (a) a continuous piece of flexible material; or
- (b) 1 or more pieces of flexible material joined into a continuous piece; or
- (c) bunting; or
- (d) streamers.

***election sign*** see section 5.

***grounds*** means land that has a boundary fence or another structure or feature to mark the boundary of the land.

***official sign*** means a sign for an election prepared by, or with the authority of, the electoral commission

## 5 Meaning of ***election sign***

- (1) An ***election sign*** is a sign, including a continuous sign, that—
  - (a) contains anything that could—
    - (i) influence an elector in relation to voting at the election; or
    - (ii) otherwise affect the result of the election; or
  - (b) is the colour or colours that are ordinarily associated with a registered political party.

*Example—*

streamers in the colours that are ordinarily associated with a registered political party

- (2) However, none of the following things that contain something, or are of a colour, mentioned in subsection (1)(a) or (b) is an ***election sign***—
  - (a) an official sign;
  - (b) an item of clothing being worn by a person;
  - (c) an umbrella or portable shade structure;

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- (d) a small thing, including, for example, a lapel pin, a badge, a hat, a pen or pencil, or a sticker.

## 6 **Setting up to display election signs at ordinary polling booths**

- (1) This section applies during the period that—
  - (a) starts on the commencement; and
  - (b) ends at 5a.m. on the polling day for the election.
- (2) A person must not do any of the following in the area around an ordinary polling booth—
  - (a) display an election sign;
  - (b) set up a table, chair, umbrella, portable shade structure or other thing to be used for a purpose related to the election.

Maximum penalty—10 penalty units.

- (3) The *area around an ordinary polling booth* is the area—
  - (a) within 100m of the building in which the voting compartments for an ordinary polling booth are to be located; and
  - (b) if the building is located in grounds—
    - (i) in the grounds; and
    - (ii) on a boundary fence or another structure or feature that marks the boundary of the grounds; and
    - (iii) within 100m of any entrance to the grounds.
- (4) However, the *area around an ordinary polling booth* does not include—
  - (a) a residence; or
  - (b) premises that—
    - (i) are lawfully occupied by a person, other than the electoral commission, for a purpose that is not

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- related to a voting office or polling booth being used for the election; and
- (ii) are not premises in which the voting compartments for an ordinary polling booth are to be located; or
  - (c) premises used by a candidate in the election or a registered political party as an office.
- (5) If a member of the electoral commission's staff considers a sign is displayed, or another thing is situated, in contravention of subsection (2), the staff member may remove the sign or other thing.

## **Division 3                    Other matters**

### **7                    Directions about candidates or scrutineers at particular places**

- (1) For the purpose of part 9A of the Act, the electoral commission may give a direction—
- (a) regulating the number of scrutineers each candidate may have at a polling booth or other place where a scrutineer is entitled to be present under the Act; or
  - (b) prohibiting a candidate or scrutineer from being present at a polling booth or other place where the candidate or scrutineer would otherwise be entitled to be present under the Act.

*Example—*

A direction may prohibit a scrutineer from accompanying an issuing officer under section 76 of the Act.

- (2) The direction must be published on the electoral commission's website.
- (3) A person must not contravene the direction unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

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- (4) The direction applies despite section 59 of the Act or another provision of the Act that allows a candidate or scrutineer to be present at a polling booth or other place.
  - (5) Section 174(b) of the Act does not apply to the extent a scrutineer is prevented from entering a polling booth under the direction.

## **8 Directions about movement of candidates or scrutineers**

- (1) For the purpose of part 9A of the Act, any of the following persons may give a direction under this section—
  - (a) the returning officer;
  - (b) a presiding officer for a polling booth;
  - (c) a member of the electoral commission’s staff who has been given a direction under section 96A of the Act.
- (2) The direction may be given to a candidate or scrutineer at a place (a *relevant place*) that is a polling booth or other place at which the candidate or scrutineer is entitled to be present under the Act.
- (3) The direction may be about—
  - (a) the movement of a candidate or scrutineer at a relevant place; or
  - (b) an area, within a relevant place, in which the candidate or scrutineer may or may not be; or
  - (c) the maximum number of scrutineers who may be in a particular area of a relevant place.
- (4) A candidate or scrutineer must comply with the direction unless the candidate or scrutineer has a reasonable excuse.  
Maximum penalty—20 penalty units.
- (5) A candidate or scrutineer does not commit an offence against subsection (4) unless the person giving the direction has warned the candidate or scrutineer that it is an offence not to comply with the direction unless the candidate or scrutineer has a reasonable excuse.

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## **9 Procedures for electronically assisted voting**

- (1) The electoral commission may make procedures under section 75A of the Act about how an elector may cast an electronically assisted vote for the election.
- (2) The procedures must state that they are made under this section.
- (3) Section 75A(3)(a) and (b) of the Act do not apply in relation to the procedures.
- (4) The procedures take effect when they are published on the electoral commission's website.
- (5) A reference in the Act or another document to a procedure approved under section 75A(3) of the Act is taken to include a procedure made under this section.

## **10 Counting of votes may be filmed**

The returning officer may arrange for the counting of votes to be filmed by a member of the electoral commission's staff.

# **Part 3 Amendment of City of Brisbane Regulation 2012**

## **11 Regulation amended**

This part amends the *City of Brisbane Regulation 2012*.

## **12 Insertion of new ch 8, pt 2A**

Chapter 8—

*insert—*

## **Part 2A Additional provisions for council meetings**



### **255A What this part is about**

This part provides additional provisions for meetings of the council to minimise serious risks to health and safety of persons caused by the public health emergency involving COVID-19.

### **255B Definition for part**

In this part—

*teleconferencing* means the use of a telephone, video conferencing equipment or other means of instant communication that allows a person to take part in discussions as they happen.

### **255C Meetings held by teleconferencing**

- (1) The council may hold a meeting of the council by teleconferencing.
- (2) A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.
- (3) This section applies despite section 245(4).

### **255D Participating in meeting by teleconferencing**

- (1) This section applies to a meeting of the council held at a place mentioned in section 245(4).
- (2) The chairperson of the council may allow a person to take part in the meeting by teleconferencing.
- (3) A councillor taking part in a meeting under subsection (2) is taken to be present at the meeting.

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### **255E Public availability of meetings held or participated in by teleconferencing**

- (1) This section applies if—
  - (a) a meeting of the council is held by teleconferencing; or
  - (b) a person takes part in a meeting of the council by teleconferencing.
- (2) The council must ensure the meeting is available for real-time viewing or listening by the public at 1 of the council's public offices or on the council's website.
- (3) This section does not apply if the meeting is to be closed under section 255 or 255F.

### **255F Public access to particular meetings**

- (1) This section applies if the chairperson of the council is satisfied it is not practicable for the public to attend a meeting of the council because of health and safety reasons associated with the public health emergency involving COVID-19.
- (2) The chairperson of the council may decide, by notice published on the council's website, that the meeting be closed to the public.
- (3) This section applies despite sections 249 and 255.

### **255G Expiry**

This part expires on 30 June 2021.



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### **277C Participating in meeting by teleconferencing**

- (1) The chairperson of a meeting of a local government or committee of a local government may allow a person to take part in the meeting by teleconferencing.
- (2) A councillor taking part in a meeting under subsection (1) is taken to be present at the meeting.
- (3) This section is not affected by the operation of section 276.

### **277D Public availability of meetings held or participated in by teleconferencing**

- (1) This section applies if—
  - (a) a meeting of a local government or committee of a local government is held by teleconferencing; or
  - (b) a person takes part in a meeting of a local government or committee of a local government by teleconferencing.
- (2) The local government must ensure the meeting is available for real-time viewing or listening by the public at 1 of the local government's public offices or on the local government's website.
- (3) This section does not apply if the meeting is to be closed under section 275 or 277E.

### **277E Public access to particular meetings**

- (1) This section applies if the chairperson of a meeting of a local government or committee of a local government is satisfied it is not practicable for the public to attend the meeting because of health and safety reasons associated with the public health emergency involving COVID-19.



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**Administering authority for an infringement notice offence that is an offence against a provision of the *Local Government Electoral (2020 Quadrennial Election) Regulation 2020*, or an infringement notice about the offence**—the Electoral Commission of Queensland

**Authorised person for service of infringement notices**—the electoral commissioner under the *Electoral Act 1992*

**17 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

Schedule 1, entry for the *Local Government Electoral (2020 Quadrennial Election) Regulation 2020*—

*omit.*

ENDNOTES

- 1 Made by the Governor in Council on 26 March 2020.
- 2 Notified on the Queensland legislation website on 27 March 2020.
- 3 The administering agency is the Department of Local Government, Racing and Multicultural Affairs.

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