



Queensland

# **Electoral Laws (Restoring Electoral Fairness) Amendment Act 2026**

**Act No. 1 of 2026**

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**An Act to amend the Electoral Act 1992, the Local Government Electoral Act 2011, the Referendums Act 1997 and the legislation mentioned in schedule 1 for particular purposes**

**[Assented to 19 February 2026]**





Queensland

# Electoral Laws (Restoring Electoral Fairness) Amendment Act 2026

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Electoral Laws (Restoring Electoral Fairness) Amendment Act 2026*.

### **2 Commencement**

- (1) The following provisions of this Act commence on a day to be fixed by proclamation—
  - (a) sections 4 to 7;
  - (b) section 23 to the extent it inserts new section 452;
  - (c) sections 26 to 31;
  - (d) section 42;
  - (e) section 43 to the extent it inserts new section 239;
  - (f) part 4.
- (2) The remaining provisions of this Act commence on the day that is 28 days after the date of assent.

## **Part 2 Amendment of Electoral Act 1992**

### **3 Act amended**

This part amends the *Electoral Act 1992*.

[s 4]

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#### **4 Amendment of s 58 (Commission to keep electoral rolls)**

(1) Section 58(8)—

*omit, insert—*

(8) To enable the commission to decide the persons who are not entitled to vote because of section 106(2), the commission may ask—

(a) the chief executive (corrective services) to give the commission information about persons who are serving sentences or terms of imprisonment for offences against the law of the Commonwealth or of a State or Territory; or

(b) the chief executive (youth justice) to give the commission information about persons aged at least 18 years who—

(i) are serving a sentence of detention; or

(ii) were serving a sentence of detention of 1 year or longer and have been transferred to serve the sentence as a term of imprisonment.

(2) Section 58(9), ‘(corrective services)’—

*omit.*

#### **5 Amendment of s 64 (Entitlement to enrolment)**

Section 64, after ‘imprisonment’—

*insert—*

or detention

#### **6 Amendment of s 106 (Who may vote)**

(1) Section 106(2), ‘A person’

*omit, insert—*

---

Also, a person

- (2) Section 106(3), ‘Also,’—

*omit, insert—*

However,

- (3) Section 106(3) and (4), after ‘imprisonment’—

*insert—*

or detention

- (4) Section 106(3), ‘3 years’—

*omit, insert—*

1 year

- (5) Section 106(3)—

*relocate and renumber* as section 106(1A).

- (6) Section 106(1A) and (2)—

*renumber* as section 106(2) and (3).

- (7) Section 106(4), ‘subsection (3)’—

*omit, insert—*

subsection (2)

- (8) Section 106—

*insert—*

- (5) Also, for subsection (2), any part of a sentence of detention that a person is serving as a term of imprisonment is taken to be attributable to the sentence of detention.

## **7 Amendment of s 115 (Who must make a declaration vote)**

Section 115(f), after ‘imprisonment’—

*insert—*

or detention

[s 8]

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**8 Omission of pt 9 (Commission oversight of preselection ballots)**

Part 9—  
*omit.*

**9 Insertion of new s 180A**

Before section 181—  
*insert—*

**180A Definitions for division**

In this division—

***address*** includes—

- (a) a post office box; and
- (b) a form of address prescribed by regulation.

***authorisation period*** means—

- (a) for an ordinary general election, the period—
  - (i) beginning on the day that is 1 year before the polling day for the election; and
  - (ii) ending at 6p.m. on the polling day for the election; or
- (b) for any other election, the period—
  - (i) beginning on the day after the writ for the election is issued; and
  - (ii) ending at 6p.m. on the polling day for the election.

**10 Amendment of s 181 (Author of election matter must be named)**

- (1) Section 181(1), ‘election period’—

---

*omit, insert—*

authorisation period

- (2) Section 181(2), ‘(other than a post office box)’—

*omit.*

## **11 Amendment of s 182 (Distribution of how-to-vote cards)**

- (1) Section 182(1), ‘election period’—

*omit, insert—*

authorisation period

- (2) Section 182(3)—

*omit.*

- (3) Section 182(5), ‘election period’—

*omit, insert—*

authorisation period

- (4) Section 182(4) to (6)—

*renumber* as section 182(3) to (5).

## **12 Amendment of s 197 (Definitions)**

- (1) Section 197, definitions *political donation* and *prohibited donor*—

*omit.*

- (2) Section 197—

*insert—*

***political donation*** see section 250.

- (3) Section 197, definition *loan*, ‘a financial institution or’—

*omit.*

[s 13]

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**13 Amendment of s 216 (Payments into State campaign account)**

- (1) Section 216(2)(d), ‘(other than an amount given to the spouse by a prohibited donor)’—

*omit.*

- (2) Section 216(4), definition *prohibited donor*—

*omit.*

**14 Replacement of s 247 (Meaning of *donation cap period*)**

Section 247—

*omit, insert—*

**247 Meaning of *donation cap period***

The *donation cap period*, for a registered political party or candidate in an election, is each financial year.

**15 Amendment of s 253 (Adjustment of donation cap)**

- (1) Section 253(1), ‘30 days after the polling day for each general election (the *recent general election*)’—

*omit, insert—*

on 1 July each year

- (2) Section 253(1)(a), after ‘subsection (2)’—

*insert—*

rounded up to the nearest dollar

- (3) Section 253(2), definition *B*, ‘that ended before the polling day for the recent general election’—

*omit, insert—*

for which such a number was published before the end of the previous financial year

- (4) Section 253(2), definition *C*, ‘that ended before the polling day for the previous general election’—

*omit, insert—*

for which such a number was published before the end of the financial year immediately before the previous financial year

- (5) Section 253(3), ‘as soon as practicable after the amount is adjusted under this section’—

*omit, insert—*

before the start of each financial year

- (6) Section 253(4), definition *previous general election*—

*omit.*

**16 Amendment of s 255 (Caps on political donations made to candidates)**

Section 255, after ‘during a donation cap period for’—

*insert—*

a candidate in

**17 Omission of pt 11, div 8, sdiv 4 (Political donations from property developers)**

Part 11, division 8, subdivision 4—

*omit.*

**18 Omission of s 307A (Offence about prohibited donations)**

Section 307A—

*omit.*

[s 19]

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**19 Amendment of s 307B (Schemes to circumvent prohibition on particular political donations or electoral expenditure)**

(1) Section 307B, heading, ‘particular’—

*omit.*

(2) Section 307B(1), from ‘to circumvent’ to ‘expenditure’—

*omit, insert—*

to circumvent an offence against this part related to making or accepting political donations or incurring electoral expenditure

**20 Omission of s 307C (False or misleading information relating to determinations)**

Section 307C—

*omit.*

**21 Amendment of s 374 (Right of appeal)**

Section 374, note—

*omit, insert—*

*Note—*

Information notices are given under sections 351 and 355. See also the *Local Government Electoral Act 2011*, sections 113D(4) and 113E(2).

**22 Amendment of s 385 (Particular offences under this part are summary)**

Section 385(1), ‘sections 307A to 307C’—

*omit, insert—*

section 307B

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**23 Insertion of new pt 13, div 13**

Part 13—

*insert—*

**Division 13 Transitional provisions for  
Electoral Laws (Restoring  
Electoral Fairness)  
Amendment Act 2026**

**451 Definitions for division**

In this division—

*amending Act* means the *Electoral Laws (Restoring Electoral Fairness) Amendment Act 2026*.

*former*, for a provision of this Act, means the provision as in force from time to time before the commencement.

*new*, for a provision of this Act, means the provision as in force from the commencement.

**452 Prisoner voting in particular elections**

Despite the amending Act, former sections 64, 106 and 115 continue to apply to a person in relation to an election for which the writ was issued before the commencement.

**453 Election matter etc. for particular elections**

Despite the amending Act, former sections 181 and 182 continue to apply in relation to election matter and how-to-vote cards for an election for which the election period started before the commencement.

[s 23]

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#### **454 Existing inquiry into preselection ballot**

- (1) This section applies to an inquiry into a preselection ballot started under former section 168, but not completed, before the commencement.
- (2) Despite the repeal of former part 9—
  - (a) for an inquiry initiated by the commission under former section 168(1)(a), the commission may complete and report on the inquiry as if former part 9 were still in force; and
  - (b) for an inquiry initiated by a complaint under former section 168(1)(b) from a candidate or a party member who was eligible to vote in the preselection ballot, the commission must complete and report on the inquiry as if former part 9 were still in force.
- (3) Despite its repeal, former section 168 applies in relation to an inquiry conducted under this section.

#### **455 Current audit of preselection ballot**

- (1) This section applies if—
  - (a) before the commencement, the commission gave a notice under former section 172(1) to the registered officer of a political party that a preselection ballot was to be audited; and
  - (b) immediately before the commencement, the commission had not given a report to the Minister under former section 172(5) identifying the preselection ballot as having been examined under former section 172.
- (2) Despite their repeal—
  - (a) former section 172 continues to apply in relation to the audit; and

- (b) former section 173 applies in relation to a report given to the Minister identifying the preselection ballot.

#### **456 Transitional provision for donation cap periods**

- (1) For a candidate in a by-election held fewer than 30 days before the commencement—
  - (a) former section 247 applies to the candidate in relation to the candidate’s donation cap period for that election; and
  - (b) former part 11, division 6 continues to apply in relation to the candidate until the end of that donation cap period.
- (2) For any other candidate in an election and for a registered political party—
  - (a) a donation cap period under former section 247 that had started but not ended before 1 July 2025 is taken for all purposes, including the application of offence provisions, to have ended on 30 June 2025 at the end of the day; and
  - (b) the candidate’s or party’s first donation cap period under new section 247 is taken to have started on 1 July 2025; and
  - (c) new part 11, division 6 applies in relation to the candidate or party as if it had commenced on 1 July 2025.

#### **457 Proceedings for particular offences**

- (1) This section applies in relation to an offence against former section 307A, 307B or 307C(1) committed by a person before the commencement.

[s 24]

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- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amending Act had not commenced.
- (3) Subsection (2) applies despite the Criminal Code, section 11.

#### **458 Recovery of particular donations**

- (1) This section applies in relation to a political donation that was unlawfully accepted under former section 275 before the commencement.
- (2) Former section 276 continues to apply in relation to the person who accepted the donation, as if section 17 of the amending Act had not commenced.
- (3) For the purpose of this section, former part 11, division 8, subdivision 4 continues to apply as if section 17 of the amending Act had not commenced.

#### **459 Register of determinations**

- (1) Former section 279 continues to apply in relation to determinations made under former section 277 before the commencement and in relation to revocations made under former section 278 before the commencement.
- (2) This section expires on 1 July 2029.

### **24 Amendment of sch 1 (Dictionary)**

- (1) Schedule 1, definitions *political donation* and *prohibited donor*—  
*omit.*

(2) Schedule 1—

*insert—*

*address*, for part 10, division 2, see section 180A.

*authorisation period*, for part 10, division 2, see section 180A.

*political donation* see section 250.

## Part 3 **Amendment of Local Government Electoral Act 2011**

### 25 **Act amended**

This part amends the *Local Government Electoral Act 2011*.

### 26 **Insertion of new s 16A**

Before section 17—

*insert—*

#### **16A Definition for division**

In this division—

*enrolled to vote*, at an election, means enrolled on an electoral roll for an electoral district, or part of an electoral district, included—

- (a) for an election for all of a local government's area—in the area; or
- (b) for an election for a division of a local government's area—in the division.

### 27 **Amendment of s 17 (Returning officer must compile voters roll)**

(1) Section 17(1), 'entitled'—

*omit, insert—*

[s 28]

---

enrolled

(2) Section 17(2)—

*omit.*

(3) Section 17(3), after ‘returning officer the’—

*insert—*

information and

(4) Section 17(3)—

*renumber* as section 17(2).

## **28 Insertion of new s 17A**

After section 17—

*insert—*

### **17A Information about persons serving sentences of imprisonment or detention**

- (1) To enable a returning officer to decide the persons who are not entitled to vote because of section 64(2), the returning officer may ask—
  - (a) the chief executive (corrective services) to give the returning officer information about persons who are serving sentences or terms of imprisonment for offences against the law of the Commonwealth or of a State or Territory; or
  - (b) the chief executive (youth justice) to give the returning officer information about persons aged at least 18 years who—
    - (i) are serving a sentence of detention; or
    - (ii) were serving a sentence of detention of 1 year or longer and have been transferred to serve the sentence as a term of imprisonment.
- (2) The chief executive must give the returning

officer the information as soon as practicable after receiving the request.

- (3) Also, if an electoral registrar has received information under the *Electoral Act 1992*, section 58(8), it may be provided to the returning officer.

## **29 Amendment of s 19 (Requirements of voters roll)**

Section 19(1)(a), ‘entitled’—

*omit, insert—*

enrolled

## **30 Replacement of s 64 (Who may vote)**

Section 64—

*omit, insert—*

### **64 Who may vote**

- (1) The following persons are the only persons entitled to vote at an election—
- (a) persons on the voters roll;
  - (b) persons who are not on the voters roll but are entitled under the *Electoral Act 1992*, section 64(1)(a)(ii) to be enrolled to vote at the election;
  - (c) persons who are not on the voters roll because of an official error;
  - (d) persons who—
    - (i) are not on the voters roll but are entitled, under the *Electoral Act 1992*, to be enrolled on the electoral roll for the electoral district in which the area or division is situated; and
    - (ii) after the cut-off day for the voters roll and no later than 6p.m. on the day

[s 31]

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before the polling day, give the electoral commission a notice under the *Electoral Act 1992*, section 65.

- (2) However, a person who is serving a sentence of imprisonment or detention of 1 year or longer is not entitled to vote at an election.
- (3) Also, a person is not entitled to vote—
  - (a) more than once at the same election; or
  - (b) at 2 or more divisions of the same local government area.

**31 Amendment of s 69 (Who must complete a declaration envelope)**

- (1) Section 69, after ‘imprisonment’—

*insert—*

or detention

- (2) Section 69(1)—

*insert—*

- (h) section 64(1)(b) or (d) applies to the elector.

**32 Amendment of s 106 (Definitions for part)**

Section 106—

*insert—*

***restricted donation*** means a gift or loan that—

- (a) is made by a prohibited donor to a political party; and
- (b) is accompanied by a restricted donation statement.

**33 Amendment of s 113A (Meaning of *political donation*)**

Section 113A(1)(a)(i), after ‘party’—

*insert—*

, other than a restricted donation

**34 Insertion of new s 113AB**

After section 113A—

*insert—*

**113AB Meaning of *restricted donation statement***

- (1) A restricted donation statement about a gift or loan is a statement about the gift or loan that complies with this section.
- (2) A restricted donation statement about a gift or loan must—
  - (a) be in writing; and
  - (b) be made by the donor of the gift or loan; and
  - (c) state the relevant particulars of the entity that is the donor of the gift or loan; and
  - (d) state that the gift or loan is made with the intention that it is not used for an electoral purpose; and
  - (e) be given to the recipient when the gift or loan is made.
- (3) In this section—

*relevant particulars*, of an entity, see the *Electoral Act 1992*, section 197.

**35 Insertion of new s 113BA**

After section 113B—

*insert—*

[s 36]

---

### **113BA Use of restricted donations**

It is unlawful for a person to use a restricted donation made by a prohibited donor for an electoral purpose.

### **36 Amendment of s 113C (Recovery of prohibited donations)**

(1) Section 113C, heading, after ‘prohibited donations’—

*insert—*

**and amounts used unlawfully**

(2) Section 113C—

*insert—*

(1A) If a person uses a restricted donation for an electoral purpose, an amount equal to twice the amount or value of the restricted donation is payable by the person to the State.

### **37 Amendment of s 113D (Making of determination that entity is not a prohibited donor)**

Section 113D(4)—

*insert—*

*Note—*

For the right to appeal against the decision, see section 113G.

### **38 Amendment of s 113E (Revocation of determination)**

Section 113E(2)—

*insert—*

*Note—*

For the right to appeal against the decision, see section 113G.

**39 Amendment of s 113G (Review of decisions)**

Section 113G, ‘section 277(4)(b) or 278(2)’—

*omit, insert—*

section 374

**40 Amendment of s 127AA (Requirement for registered political party to operate dedicated account)**

(1) Section 127AA—

*insert—*

(4A) A restricted donation received by the political party must not be paid into the account.

(2) Section 127AA(6), ‘subsection (5)’—

*omit, insert—*

subsection (6)

(3) Section 127AA(7), ‘subsections (2) to (6)’—

*omit, insert—*

subsections (2) to (7)

(4) Section 127AA(7), penalty, ‘subsection (7)’—

*omit, insert—*

subsection (8)

(5) Section 127AA(4A) to (7)—

*renumber* as section 127AA(5) to (8).

**41 Amendment of s 194A (Offence about prohibited donations)**

Section 194A(1), from ‘section 113B’ to ‘unlawful under that section’—

*omit, insert—*

section 113B or 113BA if the person knows or

[s 42]

---

ought reasonably to know of the facts that result in the act or omission being unlawful under either of those sections.

**42 Amendment of s 205 (Persons serving a sentence of imprisonment)**

- (1) Section 205, heading, after ‘imprisonment’—

*insert—*

**or detention**

- (2) Section 205, after ‘imprisonment’—

*insert—*

or detention

- (3) Section 205—

*insert—*

- (2) Also, for this Act, any part of a sentence of detention that a person is serving as a term of imprisonment is taken to be attributable to the sentence of detention.

**43 Insertion of new pt 11, div 7**

Part 11—

*insert—*

**Division 7**

**Transitional provisions for  
Electoral Laws (Restoring  
Electoral Fairness)  
Amendment Act 2026**

**238 Definitions for division**

In this division—

*amending Act* means the *Electoral Laws*

*(Restoring Electoral Fairness) Amendment Act 2026.*

**former**, for a provision of this Act, means the provision as in force from time to time before the commencement.

### **239 Prisoner voting in particular elections**

Despite the amending Act, former sections 17, 19, 64 and 69 continue to apply to a person in relation to an election for which public notice was given under section 25(1) before the commencement.

### **240 Recovery of particular donations**

- (1) This section applies in relation to a political donation that was unlawfully accepted under former section 113B before the commencement.
- (2) Former section 113C continues to apply in relation to the person who accepted the donation, as if section 41 of the amending Act had not commenced.
- (3) For the purpose of this section, former part 6, division 1A continues to apply as if the amendments of that division made by the amending Act had not commenced.

### **241 Proceedings for particular offences**

- (1) This section applies in relation to an offence against former section 194A or 194B committed by a person before the commencement.
- (2) Without limiting the *Acts Interpretation Act 1954*, section 20, a proceeding for the offence may be continued or started, and the person may be convicted of and punished for the offence, as if the amending Act had not commenced.

[s 44]

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- (3) Subsection (2) applies despite the Criminal Code, section 11.

#### **44 Amendment of sch 2 (Dictionary)**

Schedule 2—

*insert*—

*restricted donation*, for part 6, see section 106.

*restricted donation statement* see section 113AB.

## **Part 4 Amendment of Referendums Act 1997**

#### **45 Act amended**

This part amends the *Referendums Act 1997*.

#### **46 Amendment of s 21 (Who may vote)**

- (1) Section 21(2), ‘A person’—

*omit, insert*—

Also, a person

- (2) Section 21(3), ‘Also,’—

*omit, insert*—

However,

- (3) Section 21(3) and (4), after ‘imprisonment’—

*insert*—

or detention

- (4) Section 21(3), ‘3 years’—

*omit, insert*—

1 year

- 
- (5) Section 21(3)—  
*relocate* and *renumber* as section 21(1A).
- (6) Section 21(1A) and (2)—  
*renumber* as section 21(2) and (3).
- (7) Section 21(4), ‘subsection (3)’—  
*omit, insert*—  
subsection (2)
- (8) Section 21—  
*insert*—  
(4A) Also, for subsection (2), any part of a sentence of detention that a person is serving as a term of imprisonment is taken to be attributable to the sentence of detention.
- (9) Section 21(5)—  
*omit, insert*—  
(5) To enable the commission to decide the persons who are not entitled to vote because of subsection (2), the commission may ask—  
(a) the chief executive (corrective services) to give the commission information about persons who are serving sentences or terms of imprisonment for offences against a law of the Commonwealth or of a State or Territory; or  
(b) the chief executive (youth justice) to give the commission information about persons aged at least 18 years who—  
(i) are serving a sentence of detention; or  
(ii) were serving a sentence of detention of 1 year or longer and have been transferred to serve the sentence as a term of imprisonment.

[s 47]

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(10) Section 21(6) and (7), ‘(corrective services)’—  
*omit.*

(11) Section 21(7), ‘Subsection (6)’—  
*omit, insert—*

Subsection (7)

(12) Section 21(4A) to (7)—  
*renumber* as section 21(5) to (8).

**47 Amendment of s 26 (Who must make a declaration vote)**

Section 26(f), after ‘imprisonment’—

*insert—*

or detention

**48 Insertion of new pt 9, div 3**

Part 9—

*insert—*

**Division 3 Transitional provision for  
Electoral Laws (Restoring  
Electoral Fairness)  
Amendment Act 2026**

**103 Voting in particular referendums**

(1) Despite the amending Act, former sections 21 and 26 continue to apply to a person in relation to a referendum for which the writ was issued before the commencement.

(2) In this section—

*amending Act* means the *Electoral Laws (Restoring Electoral Fairness) Amendment Act*

2026.

*former*, for a provision of this Act, means the provision as in force from time to time before the commencement.

## **Part 5                      Other amendments**

### **49      Legislation amended**

Schedule 1 amends the legislation it mentions.

## **Schedule 1      Other amendments**

section 49

### **City of Brisbane Act 2010**

- 1      Schedule 1, part 1, under heading ‘Electoral Act’, entry for 307B(1), column 2, ‘particular’—**

*omit.*

- 2      Schedule 1, part 2, under heading ‘Electoral Act’, entries for 307A(1) and 307C(1)—**

*omit.*

### **Electoral Regulation 2024**

- 1      Section 32—**

*omit.*

- 2      Schedule 1—**

*omit.*

## Local Government Act 2009

- 1** Schedule 1, part 1, under heading ‘Electoral Act’, entry for 307B(1), column 2, ‘particular’—

*omit.*

- 2** Schedule 1, part 2, under heading ‘Electoral Act’, entries for 307A(1) and 307C(1)—

*omit.*

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