



*Electoral Act 1992*

# **Electoral Regulation 2013**

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## Queensland

# Electoral Regulation 2013

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# Electoral Regulation 2013

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Electoral Regulation 2013*.

## Part 2 Electoral rolls

### 2 Restricted information—Act, s 2

For section 2 of the Act, definition *publicly available part of an electoral roll*, paragraph (b), the following information about a person whose name is on the electoral roll is declared to be restricted information—

- (a) the person's sex, occupation and date of birth;
- (b) the date the person is enrolled on the electoral roll.

### 3 Electoral rolls—Act, s 58

- (1) For section 58(3)(e) of the Act, the other information prescribed for each person is the date the person is enrolled on the electoral roll.
- (2) For section 58(7) of the Act, the following government entities are prescribed—
  - Brisbane City Council
  - Gold Coast City Council
  - Ipswich City Council
  - Logan City Council
  - Residential Tenancies Authority

[s 3A]

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- the department in which the *Transport Operations (Road Use Management) Act 1995* is administered.

**3A Queensland Health prescribed as organisation for giving electoral roll information for particular purpose—Act, s 61**

- (1) This section applies in relation to the information in the entire electoral roll for each electoral district, other than to the extent the information—
  - (a) relates to a silent elector; or
  - (b) is the date a person was enrolled on the electoral roll.
- (2) For section 61(2) of the Act, item 1—
  - (a) Queensland Health is prescribed as an organisation to whom a copy of the information may be given; and
  - (b) the purpose of contacting persons in Queensland in relation to the Australian COVID-19 vaccination arrangements is prescribed for the circumstances in which the information may be given to Queensland Health.
- (3) In this section—

*Australian COVID-19 vaccination arrangements* see the *Health (Drugs and Poisons) Regulation 1996*, appendix 9.

*Queensland Health* means the department in which the *Public Health Act 2005* is administered.

## **Part 3 Registration of political parties**

### **4 Documents for application for registration—Act, s 71**

- (1) For section 71(4)(g) of the Act, the documents prescribed for an application for registration of a political party that is not a Queensland parliamentary party are—



- (a) for each person who is an elector, and whose name is set out in the application as being a member of the party, each of the following—
    - (i) a copy of the person’s application for party membership;
    - (ii) unless the party’s constitution provides that acceptance of an application for party membership is automatic, a document that is evidence of the party’s acceptance of the person as a member under the constitution;
    - (iii) if the application for registration is made more than 1 year after the person’s application for party membership, a document that is evidence of the person’s current membership; and
  - (b) a list of the party’s associated entities.
- (2) In this section—  
*associated entity* has the same meaning as in section 197 of the Act.

## Part 3A Electronically assisted voting

### 4AA Electors who may make an electronically assisted vote—Act, s 121A

- (1) For section 121A(c) of the Act, each of the following classes of electors are prescribed—
- (a) special postal voters who are not detained in lawful custody;
  - (b) distance voters.
- (2) In this section—  
*by-election* means an election of a member of the Legislative Assembly between general elections.  
*distance voter*—

[s 4A]

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- (a) means an elector, other than a special postal voter, whose address, as shown on an electoral 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 electoral district 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 ordinary vote may be made for the by-election; and
- (b) ending when ordinary voting hours for the by-election end.

#### **4A Approval of procedures for electronically assisted voting—Act, s 121B**

For section 121B(3)(a) of the Act, the procedures set out in the document called ‘Procedure for Electronically Assisted Voting for State Elections, Version 3.0’, made by the commission on 10 September 2020, are approved.

*Note—*

Under section 121B(3)(c) of the Act, the procedures must be published on the commission’s website.

## **Part 4 Preselection ballots**

### **5 Model procedures for preselection ballots—Act, s 166**

The procedures in schedule 1 are prescribed as the model procedures for the conduct of a preselection ballot.

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## Part 5 Election funding and financial disclosure

### 6 Qualifications or experience for auditors—Act, s 197

For section 197 of the Act, definition *auditor*, the following qualifications are prescribed—

- (a) registration as an auditor under the Corporations Act;
- (b) membership of CPA Australia Ltd ACN 008 392 452 and an entitlement to use the letters ‘CPA’ or ‘FCPA’;
- (c) membership of the Institute of Public Accountants Ltd ACN 004 130 643 and an entitlement to use the letters ‘MPA’ or ‘FIPA’;
- (d) membership of Chartered Accountants Australia and New Zealand ARBN 084 642 571 and an entitlement to use the letters ‘CA’ or ‘FCA’.

### 8 Amount of policy development payment to which eligible registered political party is entitled—Act, s 240

For section 240(1) of the Act, the amount prescribed for definition *A* is \$3m.

### 8A Period for candidate to give return about gift or loan received—Act, ss 261 and 262

For sections 261(2)(c) and 262(2)(c) of the Act, the following days and times are prescribed for a return about a gift or loan received by a candidate—

- (a) if the gift or loan is received within 7 days before the polling day for the election—24 hours after the gift or loan is received;
- (b) otherwise—the seventh business day after the day the gift or loan is received.

**8B Period for giving returns for gifts by third parties that incur expenditure for political purposes—Act, s 263**

For section 263(3)(b) of the Act, the day prescribed in relation to a gift received by a third party during the disclosure period for an election is the seventh business day after the day the gift is used as described in section 263(2)(b) of the Act.

**8C Period for giving returns by third parties for gifts made to candidates—Act, s 264**

- (1) For section 264(2) of the Act, the day prescribed in relation to a gift made during the disclosure period for an election is the seventh business day after the day the gift is made.
- (2) For section 264(5) of the Act, the day prescribed is—
  - (a) for the gift (the *threshold gift*) that first causes the gifts made during the disclosure period for an election to total an amount or value that is equal to or more than the gift threshold amount, and for each gift made before the threshold gift is made—the seventh business day after the day the threshold gift is made; and
  - (b) for each subsequent gift—the seventh business day after the day the gift is made.

**8D Period for giving returns by third parties for gifts made to political parties—Act, s 265**

- (1) For section 265(2) of the Act, the day prescribed, in relation to a gift made during a reporting period, is the seventh business day after the day the gift is made.
- (2) For section 265(4) of the Act, the day prescribed is—
  - (a) for the gift (the *threshold gift*) that first causes the gifts made during a reporting period to total an amount or value that is equal to or more than the gift threshold amount, and for each gift made before the threshold gift is made—the seventh business day after the day the threshold gift is made; and

- (b) for each subsequent gift—the seventh business day after the day the gift is made.

**9 Time person taken to remain a candidate—Act, s 271**

For section 271(4) of the Act, the time prescribed is 30 days after the polling day for the election.

**10 Period for registered political party to give return about gift or loan received—Act, s 290**

For section 290(2)(d) of the Act, the following days and times are prescribed for a return about a gift or loan received by a registered political party—

- (a) if the gift or loan is received within 7 days before the polling day for a general election—24 hours after the gift or loan is received;
- (b) if the gift or loan is received within 7 days before the polling day for a by-election in which the registered political party has endorsed a candidate—24 hours after the gift or loan is received;
- (c) otherwise—the seventh business day after the day the gift or loan is received.

**10A Period for financial controller of associated entity to give return about gift or loan received—Act, s 294**

For section 294(2)(d) of the Act, the following day and times are prescribed for a return about a gift or loan received—

- (a) if the gift or loan is received by an associated entity of a registered political party within 7 days before the polling day for a general election or by-election in which the party has endorsed a candidate—24 hours after the gift or loan is received;
- (b) if the gift or loan is received by an associated entity of a candidate in an election within 7 days before the polling

day for the election—24 hours after the gift or loan is received;

- (c) otherwise—the seventh business day after the day the gift or loan is received.

**11 Detail to be provided in returns by political parties and associated entities—Act, s 296**

A return given by a party's agent or associated entity's financial controller under section 290(2) or 294(2) of the Act must state the day the gift or loan the subject of the return was made to the party or associated entity.

**11A Prescribed details for application for registration of third party for an election—Act, s 299**

For section 299(2)(b) of the Act, the following details are prescribed—

- (a) the election to which the application relates;
- (b) in relation to the third party—
  - (i) if the third party is an individual—
    - (A) date of birth; and
    - (B) address as shown on the electoral roll; and
  - (ii) if the third party is not an individual—ABN or ACN; and
  - (iii) business address; and
  - (iv) telephone number and email address.

**11B Particulars to be included in register of non-monetary gifts—Act, s 305F**

For section 305F(2)(a) of the Act, the following particulars about a non-monetary gift are prescribed—

- (a) a description of the gift;

- (b) the day the gift was received;
- (c) the value of the gift;
- (d) the relevant particulars of the person who made the gift;
- (e) for a gift that has been disposed of—
  - (i) the day of the disposal; and
  - (ii) the amount received for the disposal.

**11C Particulars to be included in register of subscribed members and affiliates—Act, s 305G**

For section 305G(2)(a) and (b) of the Act, the name of the subscribed member or current affiliate of the registered political party is prescribed.

**12 Approval of procedures for electronic lodgement of returns—Act, s 315A**

For section 315A(2)(a) of the Act, the procedures set out in the document called ‘Procedure for Electronic Lodgement of Returns, Version 2.0’, made by the commission on 1 November 2019, are approved.

*Note—*

Under section 315A(2)(c) of the Act, the procedures must be published on the commission’s website.

## **Part 5AA**                      **Prescribed information to be included in particular records to be kept**

### **Division 1**                      **Preliminary**

#### **12A**    **Purpose of part**

This part prescribes, for section 305AB(1)(b) of the Act, information to be included in records required to be kept about particular prescribed matters under section 305AB of the Act.

### **Division 2**                      **Records about political donations and other gifts and loans**

#### **12B**    **Political donations made to or for the benefit of particular election participants**

- (1) This section applies for a record about a political donation made to, or for the benefit of, a participant in an election, other than a third party.
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the day the political donation was made;
  - (b) the amount or value of the political donation;
  - (c) for a political donation that is a gift—how the value of the gift is worked out under section 201B of the Act;
  - (d) the relevant particulars of the person who made the political donation;
  - (e) for a political donation that is a gift or loan made by a person who is not the source of the gift or loan—the



- 
- relevant particulars of the entity that is the source of the gift or loan;
- (f) the donor statement, if any, that accompanied the political donation;
  - (g) a copy of the receipt required, under section 258(2) of the Act, to be given to the person who made the political donation;
  - (h) for a political donation that is refunded or returned in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the amount or value refunded or returned; and
    - (iii) for a political donation that is a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 201B of the Act.

*Note—*

For other information to be included in records about political donations of property other than money and loans, see sections 220(3) and 272(3) of the Act.

- (3) If the record is about a political donation that is electoral expenditure gifted to the election participant, the following information is also prescribed to be information to be included in the record—
  - (a) details about how the electoral expenditure benefits the election participant;
  - (b) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the election participant provided for the electoral expenditure;
  - (d) a copy of an invoice, if any, issued to the election participant for the electoral expenditure;

- (e) for electoral expenditure incurred under an arrangement between the election participant and 1 or more other participants in the election—details of the arrangement.

## **12C Other gifts or loans made to or for the benefit of particular election participants**

- (1) This section applies for a record about a gift or loan that is not a political donation made to, or for the benefit of, a participant in an election, other than a third party.
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the day the gift or loan was made;
  - (b) the amount or value of the gift or loan;
  - (c) for a record about a gift—how the value of the gift is worked out under section 201B of the Act;
  - (d) for a record about a gift that is refunded or returned in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the amount or value refunded or returned; and
    - (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 201B of the Act;
  - (e) the relevant particulars of the person who made the gift or loan;
  - (f) if the gift is given or the loan is made by a person who is not the source of the gift or loan—the relevant particulars of the entity that is the source of the gift or loan.

### *Note—*

For other information to be included in records about political donations of property other than money and loans, see sections 220(3) and 272(3) of the Act.

- 
- (3) If the record is about a gift that is electoral expenditure gifted to the election participant, the following information is also prescribed to be information to be included in the record—
- (a) details about how the electoral expenditure benefits the election participant;
  - (b) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the election participant provided for the electoral expenditure;
  - (d) a copy of an invoice, if any, issued to the election participant for the electoral expenditure;
  - (e) for electoral expenditure incurred under an arrangement between the election participant and 1 or more other participants in the election—details of the arrangement.

## **12D Political donations or other gifts or loans made by particular election participants to other election participants**

- (1) This section applies for a record about a political donation, or another gift or loan, made by a participant in an election, other than a third party, (the *first participant*) to another participant in the election (the *second participant*).
- (2) The following information is prescribed to be information to be included in the record—
- (a) the day the political donation, gift or loan was made;
  - (b) the amount or value of the political donation, gift or loan;
  - (c) for a record about a political donation that is a gift, or another gift—how the value of the gift is worked out under section 201B of the Act;
  - (d) for a political donation that is a gift, or another gift, that is returned or refunded in full or in part—
    - (i) the day the refund was given or the return was made; and

- (ii) the amount or value refunded or returned; and
    - (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 201B of the Act;
  - (e) the relevant particulars of the first participant;
  - (f) for a record about a loan—the terms and conditions of the loan.
- (3) If the record is about a gift that is electoral expenditure gifted to the second participant, the following information is also prescribed to be information to be included in the record—
- (a) details about how the electoral expenditure benefits the second participant;
  - (b) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the first participant received from the second participant for incurring the electoral expenditure;
  - (d) a copy of an invoice, if any, the first participant issued to the second participant for the electoral expenditure;
  - (e) details of the arrangement, if any, between the first participant and second participant, and other participants in the election, under which the electoral expenditure was incurred.

## **12E Gifts made to or for the benefit of a third party**

- (1) This section applies for a record about a gift made to, or for the benefit of, a third party for an election about which the third party is required to give the commission a return under section 263 of the Act.
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the day the gift was made;

- 
- (b) the amount or value of the gift;
  - (c) for a gift of property other than money—how the value of the gift is worked out under section 201B of the Act;
  - (d) for a gift that is refunded or returned in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the amount or value refunded or returned; and
    - (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 201B of the Act;
  - (e) the relevant particulars of the person who made the gift;
  - (f) if the person who made the gift is not the source of the gift—the relevant particulars of the entity that is the source of the gift.
- (3) If the record is about a gift that is electoral expenditure gifted to the third party, the following information is also prescribed to be information to be included in the record—
- (a) details about how the electoral expenditure benefits the third party;
  - (b) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the third party provided for the electoral expenditure;
  - (d) a copy of an invoice, if any, issued to the third party for the electoral expenditure;
  - (e) for electoral expenditure incurred under an arrangement between the election participant and 1 or more other participants in the election—details of the arrangement.

## **Division 3                      Records about electoral expenditure**

### **12F      Electoral expenditure incurred**

- (1) This section applies for a record about electoral expenditure incurred—
  - (a) by a participant in an election, other than a third party, or with the participant’s authority, at any time; or
  - (b) by a third party for an election, or with the third party’s authority, during the capped expenditure period for the election.
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the amount of the electoral expenditure;
  - (b) the day the amount was paid;
  - (c) a description of the goods or services to which the electoral expenditure relates;
  - (d) the name and business address of the person who supplied the goods or provided the services;
  - (e) the day the goods or services were supplied or provided;
  - (f) for electoral expenditure to which section 281(4) of the Act applies—the day the goods were first used for a campaign purpose during a capped expenditure period;
  - (g) a copy of an invoice or receipt issued to the election participant for the electoral expenditure;
  - (h) for electoral expenditure that benefits another participant in an election—
    - (i) details about how the electoral expenditure benefits the other election participant; and
    - (ii) details of the circumstances mentioned in section 200B(1)(b)(i) or (ii) of the Act that apply; and

- (iii) a copy of an invoice, if any, issued to the other participant for the electoral expenditure;
- (i) for electoral expenditure that relates to an election for an electoral district under section 281B of the Act—details of how the expenditure relates to the election under that section.

## **Division 4                      Records about State campaign accounts of registered political parties and candidates in an election**

### **12G    Amounts paid into State campaign account**

- (1) This section applies for a record about an amount paid into the State campaign account of a registered political party or candidate in an election.

*Note—*

See section 22 for other information that is required to be included in the record for an amount permitted to be paid into the State campaign account of a registered political party under section 440A of the Act.

- (2) The following information is prescribed to be information to be included in the record—
- (a) the amount;
  - (b) the type of the amount, or each part of the amount, as mentioned in section 216(2) of the Act;
  - (c) for each part of the amount that is of a type of amount mentioned in section 216(2)(b), (c), (e), (f), (i) or (j)—the information necessary to show the part is an amount of that type.

## **12H Amounts paid from State campaign account**

- (1) This section applies for a record about an amount paid from the State campaign account of a registered political party or candidate in an election.
- (2) The following information is prescribed to be information to be included in the record—
  - (a) the amount;
  - (b) for an amount paid for electoral expenditure incurred by the registered political party or candidate—information necessary to show the amount is paid for the electoral expenditure;
  - (c) for an amount paid to reimburse a person for electoral expenditure incurred by the person for the party or candidate—information necessary to show the amount is paid to reimburse the person;
  - (d) for an amount paid as an amount payable under a loan to which section 217 of the Act applies—information necessary to show the amount is paid under the loan.

## **Part 5A Counting of votes**

### **13 Approval of procedures for counting of absentee votes—Act, s 130A**

For section 130A(3)(a) of the Act, the procedures about how absentee votes at an election are to be counted, set out in the document called ‘Procedures for Counting of Absentee Votes for State Elections and Referendums, Version 1.0’, made by the commission on 21 January 2020, are approved.

*Note—*

Under section 130A(3)(c) of the Act, the procedures must be published on the commission’s website.



## **Part 6                      Fees**

### **14        Fees**

The fees in schedule 2 are payable to the commission.

## **Part 6A                      2020 general election**

### **14A        Declaration**

This part is made under part 12B of the Act.

### **14B        Arrangements for postal voting—Act, s 392Y**

- (1) The commission must, as soon as practicable after the issue of the writ for the 2020 general election, post, deliver or otherwise send a ballot paper and a declaration envelope to an elector registered as a general postal voter under the Commonwealth Electoral Act, section 184A(2)(b), (c) or (ca).
- (2) Subsection (1) does not prevent an elector from voting using another procedure under the Act.

## **Part 7                      Repeal**

### **15        Repeal**

The Electoral Regulation 2002 SL No. 125 is repealed.

## **Part 8**                      **Transitional provisions**

### **Division 1**                      **Transitional provisions for Electoral (Reporting Periods) Amendment Regulation 2017**

#### **16**                      **Gifts or loans received by candidates before the commencement**

- (1) This section applies in relation to a gift or loan received by a candidate during the current disclosure period for an election if—
  - (a) the candidate is required to give a return for the gift or loan under section 261 or 262 of the Act; and
  - (b) the gift or loan was received by the candidate before the commencement.
- (2) Despite section 8A, the day prescribed for sections 261(2)(c) and 262(2)(c) 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.

#### **17**                      **Gifts received by third parties that incur expenditure for political purposes that are used before the commencement**

- (1) This section applies in relation to a gift received 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 gift under section 263 of the Act; and
  - (b) before the commencement, the gift was used by the third party as described in section 263(2)(b) of the Act.

- (2) Despite section 8B, the day prescribed for section 263(3)(b) 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.

## **18 Gifts made by third parties to candidates before the commencement**

- (1) This section applies in relation to a gift made by a third party to a candidate during the current disclosure period for an election if—
  - (a) the third party is required to give a return for the gift under section 264 of the Act; and
  - (b) the gift was made by the third party before the commencement.
- (2) Despite section 8C, the day prescribed for section 264(2) and (5) 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.

## **19 Gifts made by entities to political parties before the commencement**

- (1) This section applies in relation to a gift by an entity to a registered political party if—
  - (a) the entity is required to give a return for the gift under section 265(2) or (4) of the Act; and
  - (b) the gift was made during the relevant reporting period.
- (2) Despite section 8D, the day prescribed for section 265(2) or (4) of the Act is the seventh business day after the commencement.

(3) In this section—

*relevant reporting period* means the period starting on 1 January 2017 and ending on the commencement.

## **20 Large gifts made before the commencement**

(1) This section applies in relation to a special reporting event that happened during the relevant special reporting period if, immediately before the commencement, a return has not been given to the commission for the event under section 266B.

(2) Despite section 8E, the day prescribed for section 266B(2)(c) of the Act is the seventh business day after the commencement.

(3) In this section—

*relevant special reporting period* means the period starting on 1 January 2017 and ending on the commencement.

## **21 Gifts or loans received by political parties or associated entities before the commencement**

(1) This section applies in relation to a gift or loan received by a registered political party or associated entity if—

(a) the party or entity is required to give a return for the gift or loan under section 290 or 294 of the Act; and

(b) the gift or loan was received by the political party or associated entity during the relevant reporting period.

(2) Despite section 10, the day prescribed for sections 290(2)(d) and 294(2)(c) of the Act is the seventh business day after the commencement.

(3) In this section—

*relevant reporting period* means the period starting on 1 January 2017 and ending on the commencement.

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## **Division 2                      Transitional provisions for Electoral Amendment Regulation 2020**

### **22            Information to be kept in records about amounts paid into State campaign accounts under s 440A of the Act—Act, s 305AB**

- (1) This section applies for a record about an amount paid into the State campaign account of a registered political party that is, or includes, an amount that is permitted to be paid into the account under section 440A of the Act.
- (2) For section 305AB(1)(b) of the Act, the information necessary to show the amount is permitted to be paid into the State campaign account under section 440A of the Act is prescribed to be information to be included in the record.
- (3) This section does not limit the information that is required to be included in the record under section 12G.

# Schedule 1      Model procedures for preselection ballots—Act, s 166

section 5

## Part 1              Preliminary

### 1              Definitions

In this schedule—

*address for receipt of nominations*, for a preselection ballot, means the address stated in the call for nominations as the address at which nominations must be received.

*address for receipt of postal votes*, for a preselection ballot, means the address stated in the call for nominations as the address at which postal votes must be received.

*call for nominations* means a call for nominations of candidates for a preselection ballot.

*closing time*, for each of the following, means the time, stated in a call for nominations, when—

- (a) for a membership roll—a political party’s membership roll closes for a preselection ballot;
- (b) for a preselection ballot—the preselection ballot closes;
- (c) for nominations—nominations close;
- (d) for postal voting—postal votes must be received at the address for receipt of postal votes.

*eligible postal voter*, for a political party’s preselection ballot, means an eligible preselection voter who, under the party’s constitution, is eligible to vote in the party’s preselection ballot by postal vote.

*eligible preselection voter* means a member of a political party who, under the party’s constitution, is eligible to vote in the party’s preselection ballot.

*give*, for a postal vote, includes send.

*issuing officer* means a person authorised by a returning officer to give preselection ballot papers to eligible preselection voters.

*preselection roll* see section 14(1).

*return envelope* means an envelope given to an eligible postal voter by the returning officer so that the voter may comply with section 22.

*returning officer* means a returning officer appointed for a preselection ballot under section 3.

*sealed ballot box* means a ballot box that complies with section 18(b).

*voting material*, for a postal vote, means—

- (a) a ballot paper; and
- (b) a declaration envelope; and
- (c) a return envelope; and
- (d) notice of—
  - (i) the closing time for postal voting; and
  - (ii) the address for receipt of postal votes.

## **Part 2                      Returning officer**

### **2                      Returning officer for a preselection ballot**

- (1) There must be a returning officer for a preselection ballot.
- (2) The returning officer is responsible for ensuring the appropriate conduct of the preselection ballot.
- (3) The returning officer must not improperly influence the outcome of the preselection ballot.

### **3 Appointment of returning officer**

- (1) A returning officer may be appointed for a particular preselection ballot or for all preselection ballots that close during a particular period.
- (2) If a political party's constitution provides for the way a returning officer is to be appointed, the returning officer must be appointed under the constitution.
- (3) Otherwise—
  - (a) the returning officer must be appointed by resolution of the party, or the section of the party for which the preselection ballot is being held, at a meeting held under the party's constitution; and
  - (b) the appointment must be recorded in the minutes of the meeting.
- (4) For an appointment under subsection (3), the following must be recorded in the minutes—
  - (a) the returning officer's name;
  - (b) the address of the returning officer's place of business;
  - (c) if the appointment is for a particular preselection ballot—the preselection ballot;
  - (d) if the appointment is for all preselection ballots that close during a particular period—the period.

### **4 Eligibility of returning officer to vote in preselection ballot**

- (1) If a person appointed as the returning officer for a political party's preselection ballot is otherwise eligible to vote in the preselection ballot, the person remains eligible to vote despite the appointment.
- (2) Subsection (1) does not apply if, under the party's constitution, a returning officer is ineligible to vote because of the appointment.



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## **Part 3**

# **Nomination of preselection ballot candidate**

### **5 Calling for nominations of candidates**

- (1) A returning officer must call for nominations of candidates for a preselection ballot in writing.
- (2) If a political party's constitution provides for the way nominations of candidates are to be called for, nominations must be called for under the constitution.
- (3) Otherwise, the call for nominations must be—
  - (a) if the party publishes and gives its members a journal or newsletter free of charge—by advertisement in the journal or newsletter; or
  - (b) by advertisement in a daily newspaper circulating in the area for which the preselection ballot is to be held.

### **6 Matters to be stated in call for nominations**

A call for nominations must state the following—

- (a) the number of candidates required to be selected by the preselection ballot;
- (b) any criteria about who may nominate as a candidate;
- (c) when nominations open;
- (d) the closing time for nominations;
- (e) the address for receipt of nominations;
- (f) that a nomination must—
  - (i) be in writing; and
  - (ii) state the nominee's surname and given names as they appear on the electoral roll on which the nominee is enrolled; and
  - (iii) if the nominee would prefer names by which the nominee is commonly known to appear on ballot

- papers instead of the nominee's given names—state the preferred names; and
- (iv) be signed by the nominee; and
  - (v) be received at the address for receipt of nominations by the closing time for nominations;
- (g) that if the preselection ballot is necessary because the number of nominations accepted is greater than the number of candidates required to be selected by the preselection ballot—
- (i) how the preselection ballot will be held; and
  - (ii) the closing time for the party's membership roll; and
  - (iii) any criteria about who is eligible to vote in the preselection ballot; and
  - (iv) the time, and address where, the preselection roll will be available for inspection; and
  - (v) if the preselection ballot includes attendance voting, when and where an eligible preselection voter may vote; and
  - (vi) if the preselection ballot includes postal voting—
    - (A) the address for receipt of postal votes; and
    - (B) the closing time for postal voting; and
  - (vii) the closing time for the preselection ballot;
- (h) any other matter required under the party's constitution to be included in a call for nominations.

## **7 Matters to be stated in nominations**

The nomination of a candidate for a political party's preselection ballot must—

- (a) be in writing; and
- (b) state the nominee's surname and given names as they appear on the electoral roll on which the nominee is enrolled; and

- (c) if the nominee would prefer names by which the nominee is commonly known to appear on ballot papers instead of the nominee's given names—state the preferred names; and
- (d) be signed by the nominee; and
- (e) be received at the address for receipt of nominations by the closing time for nominations; and
- (f) comply with—
  - (i) any criteria stated in the call for nominations under section 6(b); and
  - (ii) any other requirement for a nomination under the party's constitution.

## **8 Withdrawal of nomination**

- (1) A nominee may withdraw their nomination by giving written notice of the withdrawal.
- (2) The withdrawal is effective if received at the address for receipt of nominations by the closing time for nominations.
- (3) A nomination withdrawn under this section is taken never to have been made.

## **9 Acceptance of nominations**

- (1) As soon as practicable after the closing time for nominations, the returning officer must decide whether to accept each nomination.
- (2) The returning officer must and may only accept a nomination if the nomination complies with section 7.
- (3) If a nomination is not accepted, the nomination is taken never to have been made.

**10 Closing time for membership roll**

The membership roll for a section of a political party for which a preselection ballot is being held must close at least 7 days before the closing time for nominations.

**Part 4 Preparation for preselection ballot**

**11 Application of pt 4**

This part applies if the number of nominations of candidates for a political party's preselection ballot accepted under section 9 is greater than the number of candidates required to be selected in the preselection ballot.

**12 Notice to candidates**

As soon as practicable after the closing time for nominations, the returning officer must give written notice to each candidate for the preselection ballot whose nomination is accepted.

**13 Matters to be stated in notice to candidates**

- (1) A notice given under section 12 must state the following—
  - (a) how the preselection ballot will be held;
  - (b) if voting is to be entirely by attendance voting, when and where an eligible preselection voter may vote;
  - (c) if voting is to be entirely by postal voting—
    - (i) the closing time for postal voting; and
    - (ii) the address at which postal votes must be received;
  - (d) if voting is to be conducted by both attendance voting and postal voting—the information mentioned in paragraphs (b) and (c);

- 
- (e) that a candidate for the preselection ballot or a party member may inspect the preselection roll—
    - (i) free of charge; and
    - (ii) at the address stated; and
    - (iii) at the times stated and during the period that starts on the day after the closing time for nominations and ends 30 days after the closing time for the preselection ballot;
  - (f) that a candidate may appoint a scrutineer to act for the candidate;
  - (g) any other matter required under the party's constitution to be included in a notice to candidates about a preselection ballot.
- (2) The information in the notice, including, for example, when and where a person may vote, must be consistent with the information in the call for nominations.

## 14 Preselection roll

- (1) The returning officer must, for the section of the party for which the preselection ballot is being held, prepare a roll in compliance with this section (the *preselection roll*) of members as at the closing time for the membership roll.
- (2) The returning officer must—
  - (a) cross off the preselection roll the name of a party member who is on the membership roll at the closing time for the membership roll but is ineligible to vote in the preselection ballot; and
  - (b) note against the name of the party member the reason for the member's ineligibility.
- (3) The preselection roll must contain the name and address of each eligible preselection voter as shown in the party's records.

- (4) A person who is not on the membership roll at the closing time for the membership roll is ineligible to vote in the preselection ballot.
- (5) The party's registered officer must certify that the members on the preselection roll—
  - (a) were on the membership roll at the closing time for the membership roll; and
  - (b) are eligible to vote in the preselection ballot under the party's constitution.

## **15 Inspection of preselection roll**

- (1) The returning officer must make the preselection roll available for inspection by a candidate for the preselection ballot or a party member—
  - (a) free of charge; and
  - (b) at the address stated in the call for nominations; and
  - (c) at the times stated in the call for nominations and during the period that starts on the day after the closing time for nominations and ends 30 days after the closing time for the preselection ballot.
- (2) If a candidate for the preselection ballot or a party member asks for a copy of the roll, or part of the roll, the returning officer must give the candidate or party member the copy free of charge.

## **16 Preselection ballot papers**

- (1) The returning officer must, as soon as practicable after the closing time for nominations, prepare the ballot papers for the preselection ballot.
- (2) The ballot papers must—
  - (a) either—
    - (i) state the nominee's surname and given names as they appear on the electoral roll; or

- 
- (ii) if a nomination states the nominee's preferred names—state the nominee's surname and preferred names; and
  - (b) describe how a voter must mark the ballot paper so that the voter's intention is clear.
- (3) The returning officer must decide by lot the order of names of candidates on the ballot papers.

## **Part 5                      Preselection ballot**

### **17            Voting**

- (1) Voting in a preselection ballot must be by secret ballot.
- (2) An eligible preselection voter has only 1 vote in a preselection ballot.
- (3) A vote in a preselection ballot is informal only if—
  - (a) the ballot paper is marked in a way that allows the voter to be identified; or
  - (b) the voter's intention is not clear from the ballot paper.

### **18            Preselection ballot box**

The returning officer must—

- (a) use 1 or more ballot boxes for a preselection ballot; and
- (b) seal the ballot box in a way that—
  - (i) allows ballot papers and any other voting material to be inserted into the ballot box; and
  - (ii) prevents ballot papers and any other voting material from being—
    - (A) inserted into the ballot box after the closing time for the preselection ballot; or
    - (B) removed from the ballot box until the votes are to be counted; and

- (c) keep the ballot box in a secure location.

## **19 Issuing ballot papers**

The returning officer or an issuing officer must initial a ballot paper for a preselection ballot before it is given to an eligible preselection voter.

## **20 Issuing a postal vote**

- (1) The returning officer must give voting material to each eligible postal voter in time for the voter to receive the voting material and return the ballot paper to the address for receipt of postal votes by the closing time for postal voting.
- (2) If, at an eligible postal voter's request, the returning officer gives the voter duplicate voting material, the returning officer must note on the preselection roll beside the voter's name that the voter has been given the material.
- (3) The returning officer must give voting material in a sealed envelope—
  - (a) if an eligible postal voter attends the returning officer's place of business and asks to receive the voting material personally—to the voter personally; or
  - (b) if an eligible postal voter gives the returning officer written notice of another address for the voter that is different from the address for the voter shown on the preselection roll—to the voter at the other address; or
  - (c) otherwise—to an eligible postal voter at the voter's address shown on the preselection roll.

## **21 Declaration envelope for postal vote**

The declaration envelope for a postal vote must include—

- (a) the voter's name; and
- (b) the following statement—



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‘I certify that I am the person whose name appears on this envelope and I have voted on the enclosed ballot paper.’; and

- (c) a space for the voter’s signature below the statement mentioned in paragraph (b).

## **22 Postal voting**

- (1) To make a postal vote in a preselection ballot, an eligible postal voter must—
  - (a) complete the ballot paper for the preselection ballot; and
  - (b) put the completed ballot paper inside the declaration envelope; and
  - (c) complete the declaration envelope; and
  - (d) put the declaration envelope inside the return envelope; and
  - (e) return the return envelope to the address for receipt of postal votes so that it is received by the closing time for postal voting.
- (2) The returning officer must ensure any return envelope received at the address for receipt of postal votes by the closing time for postal voting is deposited, without being opened, in a sealed ballot box for the preselection ballot.

## **23 Attendance voting**

- (1) The returning officer or an issuing officer must—
  - (a) before giving a person a ballot paper for attendance voting for a preselection ballot, be satisfied about the person’s identity and that the person is on the preselection roll; and
  - (b) note beside the person’s name on the preselection roll that the person has been issued with a ballot paper for an attendance vote.
- (2) The returning officer or an issuing officer must ensure that—

- (a) upon completion of the ballot paper, the person places the ballot paper in a sealed ballot box for the preselection ballot; and
- (b) any spoiled ballot paper for which a replacement ballot paper is given is kept by the returning officer or issuing officer for sections 28 and 29.

## **24 Voting assistance**

- (1) This section applies if an eligible preselection voter can not vote without the help of another person.
- (2) A person may help the voter to vote but must not attempt to improperly influence the voter in voting.

## **25 Counting votes for a preselection ballot**

- (1) Before counting the votes, if a preselection ballot includes postal voting, the returning officers must—
  - (a) open the ballot box containing the return envelopes; and
  - (b) for each return envelope—
    - (i) open the return envelope; and
    - (ii) take out the declaration envelope; and
    - (iii) ensure the declaration on the declaration envelope is signed; and
    - (iv) be satisfied about the identity of the person who signed the declaration; and
    - (v) ensure the preselection roll does not show that the voter mentioned on the declaration envelope has previously voted; and
    - (vi) put aside the declaration envelope if it is rejected because—
      - (A) it has not been signed; or
      - (B) the voter has previously voted; and

- 
- (vii) note on the preselection roll, beside the voter's name, that a declaration envelope has been received from the voter; and
  - (viii) place the declaration envelope in a sealed ballot box unless it is put aside under subparagraph (vi); and
  - (c) ensure a declaration envelope put aside under paragraph (b)(vi) is kept for sections 28 and 29.
- (2) After the closing time for the preselection ballot, if the preselection ballot includes postal voting, the returning officer must—
- (a) open the ballot box containing the declaration envelopes; and
  - (b) take the ballot papers out of the declaration envelopes in a way that ensures the secrecy of the ballot; and
  - (c) place the ballot papers in another sealed ballot box.
- (3) Subsection (4) applies—
- (a) if the preselection ballot includes postal voting—after the returning officer has complied with subsection (2); and
  - (b) after the closing time for the preselection ballot.
- (4) The returning officer must—
- (a) open the ballot box or boxes containing the ballot papers; and
  - (b) admit the formal ballot papers and reject the informal ballot papers; and
  - (c) count the votes for each candidate for the preselection ballot on all formal ballot papers and record the number for each candidate; and
  - (d) count the number of informal ballot papers.
- (5) In this section, a voter is taken to have *previously voted* if a note beside the voter's name on the preselection roll shows that—

- (a) a declaration envelope has already been received from the voter; or
- (b) the voter has been issued with a ballot paper for an attendance vote.

## **26 Scrutineers for a preselection ballot**

- (1) A scrutineer for a preselection ballot may be present at any of the following times—
  - (a) for an attendance vote—when a ballot paper is given to an eligible preselection voter;
  - (b) for a postal vote—when a return envelope is opened and a declaration envelope is scrutinised;
  - (c) when a ballot box is opened;
  - (d) when votes are scrutinised and counted.
- (2) At each time mentioned in subsection (1), there may be only 1 scrutineer present for each candidate.
- (3) A scrutineer for a preselection ballot may be—
  - (a) a candidate; or
  - (b) a person appointed by a candidate to act as a scrutineer for the candidate.
- (4) A person's appointment as a scrutineer must be—
  - (a) in writing; and
  - (b) signed by the candidate; and
  - (c) given to the returning officer before the person acts as scrutineer.

## **27 How preselection ballot result is decided**

- (1) The result of a political party's preselection ballot is decided in the way provided for under the party's constitution.
- (2) If the party's constitution does not provide a way for deciding the result, the result is decided on a first-past-the-post basis,

having regard to the number of formal ballot papers recorded for each candidate.

- (3) If the party's constitution does not provide a way for deciding a tied result, the returning officer must decide by lot which of the tied candidates is the successful candidate.

## **28 Certification of result and preselection ballot report**

- (1) The returning officer for a political party's preselection ballot must—
  - (a) certify the result of the preselection ballot; and
  - (b) prepare a report for the party on the conduct of the preselection ballot.
- (2) The report on the conduct of the preselection ballot must—
  - (a) include a reconciliation of the ballot papers at the closing time for the preselection ballot; and
  - (b) be included in the minutes of the next meeting of the party, or the section of the party for which the preselection ballot was held, after the report is prepared.

- (3) In this section—

*issued* means given to a voter under section 20 or 23.

*reconciliation*, of the ballot papers, means a document showing the total of the following is equal to the number of ballot papers printed—

- (a) the number of ballot papers issued (including duplicate and replacement ballot papers);
- (b) the number of ballot papers unused.

## **29 Documents to be kept**

- (1) The returning officer must give the following documents to the party's registered officer—
  - (a) if section 3(2) applies, a copy of a document that is evidence of the appointment of the returning officer;

- (b) if section 3(3) applies, a copy of the minutes;
  - (c) a copy of the call for nominations;
  - (d) a written statement about the way nominations were called for under section 5;
  - (e) all nominations of candidates including nominations that were withdrawn or not accepted;
  - (f) any withdrawal of a nomination;
  - (g) if a preselection ballot is held—
    - (i) a copy of the membership roll, for the section of the party for which the preselection ballot is held, at the closing time for the membership roll; and
    - (ii) a copy of the notice to candidates given under section 12; and
    - (iii) the preselection roll; and
    - (iv) all ballot papers; and
    - (v) if the preselection ballot included postal voting, any declaration envelopes received at the address for receipt of postal votes; and
    - (vi) for each scrutineer for the preselection ballot appointed to act for a candidate, a copy of the appointment given to the returning officer; and
    - (vii) a document showing the total number of formal votes, the number recorded for each candidate and the total number of informal votes; and
    - (viii) the certification and report mentioned in section 28(1); and
    - (ix) a copy of the minutes mentioned in section 28(2)(b).
- (2) The registered officer must keep the documents—
- (a) for a preselection ballot for an election for a local government—until the cut off day for the voter’s roll for the next quadrennial election of the local government after that election; or

- (b) for a preselection ballot for another election—until the day the writ is issued for the next general election after that election.
- (3) In this section—  
*cut off day for the voter's roll*, for a quadrennial election of a local government, means 31 January in the year of the quadrennial election.

## Schedule 2 Fees

section 14

- |                                                                                                                                                                                                                                                                    | \$                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 1 Supply under section 61(1), table, item 7 of the Act to a local government of a copy of the most recent version of the entire electoral roll for an electoral district wholly or partly within the local government's area                                       | 498.80<br>plus the<br>additional<br>applicable<br>amount |
| 2 Supply under section 61(1), table, item 8 of the Act to a local government of a copy of changes to the most recent version of the entire electoral roll for an electoral district wholly or partly within the local government's area—<br>for each calendar year | 498.80<br>plus the<br>additional<br>applicable<br>amount |
| 3 In this schedule—<br><br><i>additional applicable amount</i> means \$37.10 for each 1,000 (or part of 1,000) electors enrolled for the local government area on 31 August immediately before the request for supply.                                             |                                                          |