



*Electoral Act 1992*

# **Electoral Regulation 2024**

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## Queensland

# Electoral Regulation 2024

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# Electoral Regulation 2024

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Electoral Regulation 2024*.

### 2 Commencement

This regulation commences on 1 September 2024.

## Part 2 Electoral rolls

### 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—
  - (a) Brisbane City Council;
  - (b) Gold Coast City Council;
  - (c) Ipswich City Council;
  - (d) Logan City Council;
  - (e) Residential Tenancies Authority;
  - (f) the department in which the *Transport Operations (Road Use Management) Act 1995* is administered.

#### **4 Price for giving information about electoral rolls to local government—Act, s 61**

- (1) For section 61(1) of the Act, table, item 7, column 4, paragraph (b) and item 8, column 4, paragraph (b), the price for a copy of the most recent version of the entire electoral roll and changes to the most recent version of the entire electoral roll for a calendar year is the sum of—
  - (a) 507.30 fee units; and
  - (b) 37.75 fee units for each 1,000 (or part of 1,000) electors enrolled for the local government area on 31 August immediately before the local government requests the information.
- (2) Subsection (3) applies for working out the amount of a price for supplying information about the electoral rolls under this section.
- (3) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—
  - (a) if the result is not more than \$100—to the nearest multiple of 5 cents (rounding one-half upwards); or
  - (b) if the result is more than \$100 but not more than \$1,000—to the nearest multiple of 10 cents (rounding one-half upwards); or
  - (c) if the result is more than \$1,000 but not more than \$5,000—to the nearest dollar (rounding one-half upwards).

*Example for paragraph (a)—*

Subsection (1)(b) prescribes an amount of 37.75 fee units. If the value of a fee unit for this regulation were \$1.50, the number of dollars obtained by multiplying \$1.50 by 37.75 would be \$56.625. Because \$56.625 is halfway between \$56.60 and \$56.65, it is rounded upwards, so the amount would be \$56.65.

## 5 Restricted information—Act, sch 1

For schedule 1 of the Act, definition *publicly available part*, paragraph (b), the following information about a person whose name is on the electoral roll is prescribed 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.

## Part 3 Electronically assisted voting

### 6 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;
- (c) out-of-State voters.

(2) In this section—

***distance voter***—

- (a) means an elector, other than a special postal voter or out-of-State 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, other than a special postal voter or out-of-State voter, who can not, for another reason, vote at a polling booth during the voting period for the by-election.

*Example 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

*out-of-State voter*, for an election, means an elector who is not in Queensland at any time during the voting period.

*voting period*, for an election, means the period—

- (a) starting on the first day that a pre-poll ordinary vote may be made for an election; and
- (b) ending when ordinary voting hours for the election ends.

## **7 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 4.0’, made by the commission on 14 December 2023, are approved.

*Note—*

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

# **Part 4 Election funding and financial disclosure**

## **8 Qualifications or experience for auditors—Act, s 197**

For section 197 of the Act, definition *auditor*, paragraph (a), the qualifications prescribed are any of the following—

- (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 ‘MIPA’ 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'.

**9 Amount of policy development payment for eligible registered political party or independent member—Act, s 241**

For section 241(1) of the Act, the amount prescribed for definition A is \$3m.

**10 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 day or time prescribed for a return about a gift or loan received by a candidate is—

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

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

For section 263(3)(c) of the Act, the day prescribed for a return about a gift received by a third party is the seventh business day after the day the gift is used as mentioned in section 263(2)(b) of the Act.

**12 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 for a return about a gift made by a third party 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 by the third party during the disclosure period for the 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.

### **13 Period for giving returns by entities for gifts made to political parties—Act, s 265**

- (1) For section 265(2) of the Act, the day prescribed for a return about a gift made by an entity to a registered political party 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 by the entity 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.

### **14 Time person taken to remain as candidate—Act, s 271**

For section 271(3) of the Act, the time prescribed is 30 days after the polling day for the election.

**15 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 day or time prescribed for a return about a gift or loan received by a registered political party is—

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

**16 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 day or time prescribed for a return about a gift or loan received by an entity is—

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

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

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

**18 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) the following details in relation to the third party—
  - (i) if the third party is an individual—date of birth;
  - (ii) if the third party is not an individual—
    - (A) ABN or ACN; and
    - (B) business address;
  - (iv) telephone number;
  - (v) email address.

**19 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.

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

For section 305G(2) of the Act, the name of the person is the particular prescribed.

## **21 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 3.0’, made by the commission on 22 May 2023, are approved.

*Note—*

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

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

## **Division 1 Preliminary**

### **22 Purpose of part**

This part prescribes, for section 305AB(1)(b) of the Act, information that is required to be included in a record for a prescribed matter.

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

### **23            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 must 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

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part of the gift, returned is worked out under section 201B of the Act.

*Note—*

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

- (3) If the record is about a political donation that is electoral expenditure gifted to the election participant, the following information must also 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.

## **24 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 must 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) the relevant particulars of the person who made the gift or loan;
- (e) 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;
- (f) 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.

*Note—*

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

- (3) If the record is about a gift that is electoral expenditure gifted to the election participant, the following information must also 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.

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**25 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 must 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 gift—how the value of the gift is worked out under section 201B of the Act;
  - (d) the relevant particulars of the first participant;
  - (e) for a record about a loan—the terms and conditions of the loan;
  - (f) for a 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.
- (3) If the record is about a gift that is electoral expenditure gifted to the second participant, the following information must also 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) for electoral expenditure incurred under an arrangement between the first participant and second participant, and other participants in the election—the details of the arrangement.

## **26 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 about which the third party is required to give the commission a return under section 263 of the Act.
- (2) The following information must 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) the relevant particulars of the person who made the gift;
  - (e) 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;
  - (f) 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.

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- (3) If the record is about a gift that is electoral expenditure gifted to the third party, the following information must also 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 third party and 1 or more participants in an election—details of the arrangement.

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

### **27            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 election 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 must 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 for which the electoral expenditure was incurred;
- (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 the 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 election 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.

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

### **28            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.
- (2) The following information must 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 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.

### **29            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 must 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 registered political party or candidate—information necessary to show the amount is paid to reimburse the person;



## Part 7 Transitional provision

### 33 Calls for nominations given before commencement

- (1) This section applies if—
  - (a) before the commencement, a call for nominations of candidates for a preselection ballot was given under schedule 1, section 5 of the expired regulation; and
  - (b) immediately before the commencement, the preselection ballot had not been held.
- (2) Schedule 1 of the expired regulation continues to apply in relation to the call for nominations and preselection ballot as if the expired regulation had not expired.
- (3) In this section—

*expired regulation* means the expired *Electoral Regulation 2013*.