

Queensland



*Referendums Act 1989*

# REFERENDUMS REGULATION 1991

**Reprinted as in force on 27 February 1996  
(SL not amended up to this date)**

**Reprint No. 1**

**This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
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# Information about this reprint

This regulation is reprinted as at 27 February 1996.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have been made to—

- use conjunctives and disjunctives consistent with current drafting practice (s 28)
- use expressions consistent with current drafting practice (s 29)
- use appropriate names for instruments and provision units (s 32)
- insert references to the empowering Act (s 33)
- relocate marginal or cite notes (s 34)
- use aspects of format and printing style consistent with current drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit the words of notification (s 42A)
- number and renumber certain provisions and references (s 43).

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in the reprint, including—**
  - **table of obsolete and redundant provisions**
  - **table of renumbered provisions.**

# Queensland



## REFERENDUMS REGULATION 1991

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## **REFERENDUMS REGULATION 1991**

[reprinted as in force on 27 February 1996]

### **Short title**

1. This regulation may be cited as the *Referendums Regulation 1991*.

### **Supply and distribution of ballot papers**

**3.(1)** For the purposes of section 4.10(4)(g) of the Act, a returning officer, presiding officer, overseas officer, interstate officer or prescribed electoral registrar must deal with a delivery note by retaining the original and attaching it to his or her prescribed form of account for ballot papers.

**(2)** Every delivery note and receipt for ballot papers supplied by a returning officer must be prepared by way of the original and 2 copies marked 'original', 'second copy' and 'third copy' respectively.

**(2A)** The copies marked 'original' and 'second copy' must be included in the parcel of ballot papers supplied by the returning officer and the copy marked 'third copy' must be retained by the returning officer.

**(3)** For the purposes of section 4.10(6)(h) of the Act, the electoral visitor or presiding officer must deal with a delivery note by returning to the returning officer the copy marked 'second copy' and retaining the copy marked 'original' to be attached to his or her prescribed form of account for ballot papers.

**(4)** A ballot paper that is mutilated, defaced or otherwise unusable must not be destroyed, but must be returned to the returning officer who must set it aside and deal with it as if it were a spoiled ballot paper.

### **Prescribed manner of dealing with postal voter's envelope delivered on polling day**

**4.(1)** Every returning officer, assistant returning officer or presiding officer to whom a postal voter's envelope is delivered on polling day must make a record, so far as the particulars supplied will permit, of the name

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and address of the elector on whose behalf the envelope has been delivered and must separately initial each entry in the record of postal votes.

(2) A returning officer to whom a postal voter's envelope is delivered must endorse on the back of the envelope a receipt in the following form 'Received by me this                      day of                      19                      , at                      a.m./p.m.', and must sign the endorsement and add after the signature the words 'returning officer'.

(3) An assistant returning officer or presiding officer to whom a postal voter's envelope is delivered must—

- (a) endorse on the back of the envelope a receipt in the following form 'Received by me this                      day of                      19                      , at                      a.m./p.m.', and must sign the endorsement and add after the signature the words 'assistant returning officer' or 'presiding officer', as the case may be; and
- (b) immediately place the envelope in an outer envelope marked 'postal votes delivered' and properly addressed to the returning officer of the district; and
- (c) at the close of the poll enclose the prescribed form of record of postal votes in the marked and addressed outer envelope and post or deliver it to the returning officer.

(4) The returning officer, on receiving an outer envelope marked 'postal votes delivered', must open the outer envelope and compare the number of endorsed postal voter's envelopes enclosed with the record of postal votes.

**Returning officers' account of ballot papers**

**5.(1)** For the purposes of section 4.10(8)(a)(iii) of the Act, a returning officer must, in the following time and manner, account to the chief returning officer for all ballot papers supplied to the returning officer for the purposes of the poll—

- (a) the prescribed form of account of the ballot papers must be sent by the returning officer to the chief returning officer no later than 30 days after the day specified in the writ for the referendum for the return of the writ;
- (b) the returning officer must enclose in separate parcels—

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- (i) all completely printed ballot papers which are supplied to the returning officer and which have not been used at the referendum, arranged in the sequence in which they appear in the form of account; and
- (ii) all incompletely printed ballot papers supplied which have not been used by the returning officer at the referendum, arranged in the sequence in which they appear in the form of account; and
- (iii) all ballot papers of any description which have been spoilt;
- (c) the parcels referred to in paragraphs (b)(i) and (b)(ii) are to be endorsed on the outside with the description and number of unused ballot papers enclosed;
- (d) the parcel referred to in paragraph (b)(iii) is to be endorsed on the outside with the words 'spoilt ballot papers';
- (e) the endorsed separate parcels referred to in paragraph (b) are to be enclosed in a sealed packet fixed with an official electoral label endorsed with a description of the packet, signed by the returning officer and then transmitted to the chief returning officer with the form of account referred to in paragraph (a).

(2) The form of account referred to in subsection (1)(a) must be in a form approved by the chief returning officer and contain such of the following particulars as are relevant—

- (a) number of ballot papers received;
- (b) number of ballot papers used by electors;
- (c) number of ballot papers spoilt;
- (d) number of ballot papers not used;
- (e) the use to which ballot papers were put and details of polling booths;
- (f) number of ballot papers issued to unexpectedly incapacitated absent voters;
- (g) number of ballot papers issued for electoral visitor absent votes;
- (h) number of ballot papers issued to electors on polling day as absent voters;

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- (i) number of ballot papers issued to electoral visitors;
- (j) number of postal votes returned;
- (k) an account of ballot papers used in respect of other electoral districts;
- (l) a statement of votes permitted under section 4.32 of the Act;
- (m) an account of declaration and certificate envelopes.

**Electoral visitors' and presiding officers' account of ballot papers**

**6.(1)** For the purposes of section 4.10(8)(a)(ii) of the Act, an electoral visitor and a presiding officer must, in the following time and manner, account to the returning officer or chief returning officer, as the case may be, for all ballot papers supplied to the person for the purposes of the poll—

- (a) the prescribed form of account for the ballot papers must be sent to the returning officer or chief returning officer, as the case may be, within 7 days after the poll is taken;
- (b) the electoral visitor or presiding officer must enclose in separate parcels—
  - (i) all ballot papers supplied to him or her which have not been used at the referendum; and
  - (ii) all ballot papers which have been spoilt;
- (c) the parcel referred to in paragraph (b)(i) must be endorsed on the outside with the description and number of unused ballot papers enclosed;
- (d) the parcel referred to in paragraph (b)(ii) must be endorsed on the outside with the words 'spoilt ballot papers';
- (e) the endorsed separate parcels referred to in paragraph (b) must be enclosed in a sealed packet, fixed with an official electoral label endorsed with a description of the packet, signed by the electoral visitor or presiding officer and then transmitted to the returning officer or chief returning officer with the form of account referred to in paragraph (a).

**(2)** The form of account referred to in subsection (1)(a) must be in a

form approved by the chief returning officer and is to contain such of the particulars set out in section 5(2) as are applicable.

### **Overseas officers', interstate officers' and prescribed electoral registrars' account of ballot papers**

**7.(1)** For the purposes of section 4.10(8)(a)(iii) of the Act, an overseas officer, an interstate officer and a prescribed electoral registrar must, in the following time and manner, account to the chief returning officer for all ballot papers supplied to him or her for the purposes of the poll—

- (a) the prescribed form of account for the ballot papers must be sent to the chief returning officer within 7 days after the poll is taken;
- (b) the overseas officer, interstate officer or prescribed electoral registrar must enclose in separate parcels—
  - (i) all ballot papers supplied to him or her which have not been used at the referendum; and
  - (ii) all ballot papers which have been spoiled;
- (c) the parcel referred to in paragraph (b)(i) must be endorsed on the outside with the description and number of unused ballot papers enclosed;
- (d) the parcel referred to in paragraph (b)(ii) must be endorsed on the outside with the words 'spoilt ballot papers';
- (e) the endorsed separate parcels referred to in paragraph (b) must be enclosed in a sealed packet, fixed with an official electoral label endorsed with a description of the packet, signed by the overseas officer, interstate officer or prescribed electoral registrar and then transmitted to the chief returning officer with the form of account referred to in paragraph (a).

**(2)** The form of account referred to in subsection (1)(a) must be in a form approved by the chief returning officer and contain such of the particulars set out in section 5(2) as are applicable.

### **Transmission to clerk of the Parliament**

**8.(1)** For the purposes of section 5.9 of the Act, the prescribed label must

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be affixed by the returning officer to the top outside of the packet, in a position that shows clearly the particulars endorsed on the label.

(2) Transmission by air is a prescribed means of transmission for the purposes of section 5.9(2) of the Act.

**Offences**

**9.(1)** A person who contravenes or fails to comply with a provision of this regulation commits an offence.

(2) A person who, under or in relation to this regulation—

- (a) makes a record, endorsement, form of account or other statement that the person knows is false or misleading in a material particular; or
- (b) omits from a record, endorsement, form of account or other statement any matter or thing without which the statement is, to the person's knowledge, misleading in a material particular;

commits an offence against this regulation.

(3) A person who commits an offence against this regulation is liable to a penalty of 2 penalty units.

## ENDNOTES

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Referendums Regulation 1991 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

|        |   |                              |        |   |                                |
|--------|---|------------------------------|--------|---|--------------------------------|
| AIA    | = | Acts Interpretation Act 1954 | (prev) | = | previously                     |
| amd    | = | amended                      | proc   | = | proclamation                   |
| ch     | = | chapter                      | prov   | = | provision                      |
| def    | = | definition                   | pt     | = | part                           |
| div    | = | division                     | pubd   | = | published                      |
| exp    | = | expires/expired              | R[X]   | = | Reprint No.[X]                 |
| gaz    | = | gazette                      | RA     | = | Reprints Act 1992              |
| hdg    | = | heading                      | reloc  | = | relocated                      |
| ins    | = | inserted                     | renum  | = | renumbered                     |
| lap    | = | lapsed                       | rep    | = | repealed                       |
| notfd  | = | notified                     | s      | = | section                        |
| om     | = | omitted                      | sch    | = | schedule                       |
| o in c | = | order in council             | sdiv   | = | subdivision                    |
| p      | = | page                         | SIA    | = | Statutory Instruments Act 1992 |
| para   | = | paragraph                    | SL     | = | subordinate legislation        |
| prec   | = | preceding                    | sub    | = | substituted                    |
| pres   | = | present                      | unnum  | = | unnumbered                     |
| prev   | = | previous                     |        |   |                                |

## 4 List of legislation

### **Referendums Regulation 1991**

pubd gaz 16 March 1991 pp 1474–8  
commenced on date of publication

## 5 List of annotations

### **Interpretation**

s 2 om R1 (see RA s 39)  
def “Act” om R1 (see RA s 39)

## 6 Table of obsolete and redundant provisions

### TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

|                   |  |
|-------------------|--|
| Omitted provision | Provision making omitted<br>provision obsolete/redundant |
| def “the Act”     | Statutory Instruments Act<br>1992 s 38                   |

## 7 Table of renumbered provisions

### TABLE OF RENUMBERED PROVISIONS under the Reprints Act 1992 s 43

| Previous           | Renumbered as |
|--------------------|---------------|
| 3(2), 2nd sentence | 3(2A)         |