



Queensland

Local Government Electoral Act 2011

Local Government Electoral Regulation 2012

Current as at 20 January 2020

Reprint note

This is the last reprint before repeal. Repealed on 28 June 2023 by 2023 SL No. 57 s 28.

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Local Government Electoral Regulation 2012

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Local Government Electoral Regulation 2012

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Local Government Electoral Regulation 2012*.

Part 2 Local government elections

2 Date of quadrennial election for 2016

For section 23(3) of the Act, the day fixed for the quadrennial election for 2016 is 19 March 2016.

2A Prescribed information for nomination—Act, s 32

For section 32(3) of the Act, definition *prescribed information*, the following information or statements are prescribed—

- (a) the candidate's name, address and occupation;
- (b) for a candidate nominated by the registered officer of a registered political party under section 27(1)(a) of the Act—
 - (i) the name of the registered officer; and
 - (ii) the name of the political party; and
 - (iii) the fact the candidate is endorsed by the party;
- (c) for a candidate nominated by electors under section 27(1)(b) of the Act—the name of each elector who nominated the candidate;

- (d) the information or a statement required to be contained in the nomination under schedule 1 of the Act, other than the address of a close associate of the candidate.

3 Electors who may cast an electronically assisted vote—Act, s 68(5B)(c)

- (1) For section 68(5B)(c) of the Act, the following classes of electors are prescribed—

- (a) special postal voters;
(b) distance voters.

- (2) In this section—

distance voter—

- (a) means an elector, other than a special postal voter, whose address, as shown on the voters 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 local government area or division of the local government area 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 vote may be made for the by-election; and
(b) ending on the close of the poll for the by-election.

4 Approval of procedure for electronically assisted voting—Act, s 75A(3)(a)

For section 75A(3)(a) of the Act, the procedures set out in the document called ‘Procedure for electronically assisted voting for local government elections’, version 2.0, made by the electoral commission on 1 November 2019 are approved.

Part 3 Electoral funding and financial disclosure

5 Disclosure deadline for returns by candidates for gifts or loans received—Act, ss 117 and 120

For sections 117(2) and 120(2) of the Act, the disclosure deadline for a return about a gift or loan received by a candidate for an election is—

- (a) if the gift or loan is received 7 business days or less 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 gift or loan is received.

6 Disclosure deadline for returns by agent for groups of candidates for gifts received—Act, s 118

For section 118(2) of the Act, the disclosure deadline for a return about a gift received by a member of a group of candidates for an election, or a person acting on behalf of the group, is—

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

7 Disclosure deadline for returns by third parties for gifts received to enable political expenditure—Act, s 118A

For section 118A(2) of the Act, the disclosure deadline for a return about a gift received by a third party is the seventh business day after the gift is used as mentioned in section 118A(1)(c) of the Act.

8 Disclosure deadline for returns by agent for groups of candidates for loans received—Act, s 120

For section 120(4) of the Act, the disclosure deadline for a return about a loan received by a group of candidates for an election is—

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

9 Disclosure deadline for returns by particular electoral participants for electoral expenditure incurred—Act, s 124

For section 124(3)(b) of the Act, the disclosure deadline for a return about electoral expenditure incurred by an election participant for an election is—

- (a) if the amount is incurred 7 business days or less before the polling day for the election—24 hours after the expenditure is incurred; or
- (b) otherwise—the seventh business day after the expenditure is incurred.

9A Disclosure deadline for returns for political expenditure by third parties—Act, s 125A

For section 125A(3)(b) of the Act, the disclosure deadline for a return about expenditure incurred by a third party is the seventh business day after the amount is incurred.

9B Prescribed information for publishing copy of return or document—Act, s 128

For section 128(3)(c) of the Act, the information required to be stated in a return under section 124(3)(c)(i) or 125A(3)(c)(i) of the Act is prescribed.

10 Approval of procedures for electronic lodgement of returns—Act, s 132A

For section 132A(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 electoral commission on 1 November 2019 are approved.

Part 4 Transitional provisions

Division 1 Transitional provisions for Local Government Electoral (Transparency and Accountability in Local Government) Amendment Regulation 2017

11 Gifts or loans received by candidates before commencement

- (1) This section applies in relation to a gift or loan received by a candidate during the current disclosure period for the candidate for an election if—
 - (a) the candidate is required to give a return for the gift or loan under section 117(2) or 120(2) of the Act; and
 - (b) the gift or loan was received by the candidate before the commencement.
- (2) Despite section 5, the disclosure date for sections 117(2) and 120(2) 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.

12 Gifts received by a group of candidates before commencement

- (1) This section applies in relation to a gift received by a member of a group of candidates, or a person acting on behalf of the group, during the group's current disclosure period for an election if—
 - (a) the group's agent is required to give a return for the gift under section 118(2) of the Act; and

- (b) the gift was received by the member of the group, or the person acting on behalf of the group, before the commencement.
- (2) Despite section 6, the disclosure date for section 118(2) 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.

13 Loans received by a group of candidates before commencement

- (1) This section applies in relation to a loan received by a group of candidates during the group's current disclosure period for an election if—
 - (a) the agent for the group is required to give a return for the loan under section 120(4) of the Act; and
 - (b) the loan was received by the group before the commencement.
- (2) Despite section 7, the disclosure date for section 120(4) 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.

14 Expenditure incurred by third parties for political activity before commencement

- (1) This section applies in relation to each amount of expenditure incurred 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 amount of the expenditure under section 124(2) of the Act; and
 - (b) the expenditure was incurred before the commencement.

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- (2) Despite section 8, the disclosure date for section 124(2) 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.

15 Gifts received by third parties to enable expenditure for political activity before commencement

- (1) This section applies in relation to a gift received by a third party to enable the third party to incur expenditure for a political activity during the current disclosure period for an election if—
 - (a) the third party is required to give a return for the gift under section 125(2) of the Act; and
 - (b) the gift was applied by the third party as described in section 125(1)(b)(ii) of the Act before the commencement.
- (2) Despite section 9, the disclosure date for section 125(2) 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.

Division 2 Transitional provision for Local Government Legislation (Implementing Stage 2 of Belcarra) Amendment Regulation 2019

16 Existing requirement for return by third parties for gifts received to enable expenditure for political activity

- (1) This section applies if—

- (a) immediately before the commencement, a person was required to give a return under section 125(2) of the Act as in force before the commencement; and
 - (b) on the commencement, the person has not given the return.
- (2) Section 9 as in force immediately before the commencement continues to apply in relation to the return as if the *Local Government Legislation (Implementing Stage 2 of Belcarra) Amendment Regulation 2019*, section 12 had not commenced.