



Queensland

Electoral and Other Legislation Amendment Regulation 2020

Subordinate Legislation 2020 No. 10

made under the

Electoral Act 1992

Referendums Act 1997

State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Electoral and Other Legislation Amendment Regulation 2020*.

Part 2 Amendment of Electoral Regulation 2013

2 Regulation amended

This part amends the *Electoral Regulation 2013*.

3 Amendment of s 4AA (Electors who may make an electronically assisted vote—Act, s 121A)

Section 4AA(1)(a), after ‘postal voters’—

insert—

who are not detained in lawful custody

4 Replacement of s 4A (Approval of procedure for electronically assisted voting—Act, s 121B(3)(a))

Section 4A—

omit, insert—

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 ‘Electronically assisted voting for State elections procedure’, made by the commission on 23 December 2019, are approved.

[s 5]

5 Omission of s 7 (Times for disclosure period—Act, s 198)

Section 7—

omit.

6 Replacement of s 8A (Period for giving returns by candidates for gifts or loans received—Act, ss 261 and 262)

Section 8A—

omit, insert—

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.

7 Replacement of s 8E (Period for giving returns by entities for large gifts—Act, s 266B)

Section 8E—

omit, insert—

8E Period for particular entities to give returns about large gift received—Act, s 266B

For section 266B(2)(c) of the Act, the following days and times are prescribed for a return about a special reporting event for the gifts made by an entity to a registered political party—

-
- (a) for a return given by the entity making the gifts—the seventh business day after the special reporting event happens;
 - (b) for a return given by the registered political party or an associated entity of the registered political party—
 - (i) if the special reporting event happens within 7 days before the polling day for a general election—24 hours after the special reporting event happens; or
 - (ii) if the special reporting event happens 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 special reporting event happens; or
 - (iii) otherwise—the seventh business day after the special reporting event happens.

8 Replacement of s 10 (Period for giving returns by political parties and associated entities for gifts or loans received—Act, ss 290 and 294)

Section 10—

omit, insert—

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;

[s 9]

- (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 associated entity to give return for gift received—Act, s 294

For section 294(2)(c) of the Act, the following days and times are prescribed for a return about a gift received by an associated entity of a registered political party—

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

9 Replacement of s 12 (Approval of procedure for electronic lodgement of returns—Act, s 315A)

Section 12—

omit, insert—

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.

10 Insertion of new pt 5A

After section 12—

insert—

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 3 Amendment of Referendums Regulation 2016

11 Regulation amended

This part amends the *Referendums Regulation 2016*.

12 Amendment of s 2 (Electors who may make an electronically assisted vote—Act, s 32A)

Section 2(1)(a), after ‘postal voters’—

[s 13]

insert—

who are not detained in lawful custody

13 Insertion of new s 4

After section 3—

insert—

4 Approval of procedures for counting of absentee votes—Act, s 41A

For section 41A(3)(a) of the Act, the procedures about how absentee votes at a referendum 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 41A(3)(c) of the Act, the procedures must be published on the commission’s website.

Part 4 Amendment of State Penalties Enforcement Regulation 2014

14 Regulation amended

This part amends the *State Penalties Enforcement Regulation 2014*.

15 Amendment of sch 1 (Infringement notice offences and fines for nominated laws)

Schedule 1, entry for *Referendums Act 1997*, columns 1 and 2—

omit, insert—

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
	Individual	Corporation
s 72(1)	2	8
s 73(1)	1	4
s 75(1)	1	-
s 78 (other than an offence that constitutes an assault)	1	-
s 80(1)	1	-
s 96A(1)	2	-
s 96A(2)	2	-
s 96A(4)	2	-
s 96B(1)	2	-
s 96B(2)	2	-

ENDNOTES

- 1 Made by the Governor in Council on 13 February 2020.
- 2 Notified on the Queensland legislation website on 14 February 2020.
- 3 The administering agency is the Department of Justice and Attorney-General.

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