



Queensland

Electoral Act 1992

Electoral Regulation 2002

Reprinted as in force on 13 July 2012

Reprint No. 4A

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

**NOTE—This is the last reprint before repeal.
Repealed by 2013 SL No. 13 s 15
Repealed on 8 February 2013**

Information about this reprint

This regulation is reprinted as at 13 July 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

Replacement reprint date If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



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Electoral Regulation 2002

[as amended by all amendments that commenced on or before 13 July 2012]

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Electoral Regulation 2002*.

2 Commencement

- (1) This regulation, other than section 10(2), commences on 6 June 2002.
- (2) Section 10(2) commences on 30 June 2002.

Part 2 Electoral rolls

3 Declaration of 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 roll is declared to be restricted information—

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

[s 4]

4 Prescribed information for electoral rolls—Act, s 58

- (1) For section 58(3)(e) of the Act, each electoral roll must set out, in relation to each person, the date on which the person is enrolled on the electoral roll.
- (2) Also, the following government entities are prescribed for section 58(6) of the Act—
 - Brisbane City Council
 - Gold Coast City Council
 - Ipswich City Council
 - Logan City Council
 - Residential Tenancies Authority
 - the department within which the *Transport Operations (Road Use Management) Act 1995* is administered.

Part 3 Registration of political parties

5 Prescribed documents for application for registration—Act, s 71

- (1) For section 71(4)(g) of the Act, an application for registration of a political party that is not a Queensland parliamentary party must be accompanied by—
 - (a) for each person who is an elector and whose name is set out in the application as being a member of the party, a copy of each of the following—
 - (i) 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 evidencing the party’s acceptance of the person as a member in accordance with the party’s constitution;

-
- (iii) if the application for registration is made more than 1 year after the person's application for party membership, a document evidencing that the person is a member of the party as at the date of application for registration; and
 - (b) a list of the party's associated entities.
- (2) In this section—
associated entity has the same meaning as in the Act, section 197.

Part 4 Preselection ballots

6 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.

Part 4A Election funding and financial disclosure

6A Prescribed qualifications or experience for auditors

For the Act, section 197, definition *auditor*, paragraph (a), the following qualifications or experience for an individual are prescribed—

- (a) registration as an auditor under the Corporations Act;
- (b) membership of CPA Australia and an entitlement to use the letters 'CPA' or 'FCPA';
- (c) membership of the Institute of Public Accountants and an entitlement to use the letters 'MPA' or 'FIPA';

[s 6B]

- (d) membership of The Institute of Chartered Accountants in Australia and an entitlement to use the letters ‘CA’ or ‘FCA’.

6B Prescribed times for disclosure period

- (1) For the Act, section 198(1)(a) or (b), the prescribed time before the polling day mentioned in the section is 4 years.
- (2) For the Act, section 198(1)(a), (c) or (2), the prescribed time after the polling day mentioned in the section is 30 days.

6C Obligation of agent to notify donor of requirements about political donations—prescribed words for prescribed statement

For the Act, section 259(2), definition *prescribed statement*, the following are the prescribed words—

“Warning: it is an offence for a person to make a political donation - that is a gift intended for use for campaign purposes for a State election - if the donation exceeds the applicable donation cap provided for in the *Electoral Act 1992*.

Information on applicable donation caps may be obtained by contacting the Electoral Commission Queensland by telephone on 1300 881 665 during normal business hours, or on the commission’s website at www.ecq.qld.gov.au.”

6D Disclosure by candidates of political donations and gifts—prescribed time for giving returns

For the Act, section 261(1), the prescribed time after the polling day for an election within which the agent of each person who was a candidate in the election must give to the commission a return is 15 weeks.

6E Particular gifts not to be received—time prescribed for remaining a candidate

For the Act, section 271(5), the time prescribed for which a person who is a candidate in an election must be taken to remain a candidate in the election is 30 days after the polling day for the election.

6F Prescribed time for giving returns of electoral expenditure

For the Act, section 283(1), (2) or (3), the prescribed time before the expiration of which the commission must be given the return, mentioned in the section, for a capped expenditure period for an election is 15 weeks after the polling day for the election.

6G Prescribed time for giving returns for reporting periods by registered political parties

For the Act, section 290, the prescribed time within which the agent of each registered political party must give to the commission a return is 8 weeks after the end of each reporting period.

6H Prescribed time for giving returns for reporting periods by associated entities

For the Act, section 294(1), the prescribed time within which an associated entity's financial controller must give a return to the commission is 8 weeks after the reporting period mentioned in the section.

[s 7]

Part 5 **Miscellaneous**

7 **Fees**

The fees in schedule 2 are payable to the commission.

8 **Approval of forms**

- (1) The commissioner may approve forms for use under the Act.
- (2) In the Act, a reference to an approved form is a reference to a form approved under subsection (1).

Part 6 **Transitional provisions**

9 **Transitional provision for repeal of 1992 regulation**

Despite its repeal, the *Electoral Regulation 1992*, part 3 continues to apply to a return for section 314AB of the schedule to the Act in relation to the financial year ending on 30 June 2002.

10 **Transitional provision for Justice and Other Legislation Amendment Regulation (No. 1) 2008**

- (1) This section applies if—
 - (a) before the commencement, the commission asked a former prescribed entity to give the commission information under section 58(6) of the Act; and
 - (b) at the commencement, the former prescribed entity has not given the information as required under section 58(7) of the Act.
- (2) The former prescribed entity is taken to be a government entity prescribed for section 58(6) of the Act until the entity

gives the information to the commission as required under section 58(7) of the Act.

(3) This section does not limit the *Acts Interpretation Act 1954*, section 20.

(4) In this section—

commencement means commencement of this section.

former prescribed entity means an entity that—

- (a) before the commencement was prescribed, under section 4(2), for section 58(6) of the Act; and
- (b) immediately after the commencement is not prescribed, under section 4(2), for section 58(6) of the Act.

Schedule 1 Model procedures for the conduct of a preselection ballot

section 6

Division 1 Preliminary provisions

1 Interpretation

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, for a preselection ballot, means the call for nominations of candidates for the preselection ballot.

closing time, for a membership roll for a political party's preselection ballot, means the time stated in the call for nominations as the time when the political party's membership roll closes for the preselection ballot.

closing time, for a preselection ballot, means the time stated in the call for nominations as the time when the preselection ballot closes.

closing time, for nominations, means the time stated in the call for nominations as the time when nominations close.

closing time, for postal voting, means the time stated in the call for nominations as the time by which postal votes must be received at the address for receipt of postal votes.

declaration envelope means a declaration envelope mentioned in section 22.

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 preselection ballot by postal vote.

eligible preselection voter, for a political party's preselection ballot, means a party member who, under the party's constitution, is eligible to vote at the preselection ballot.

give, for a postal vote, includes send.

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

preselection roll, for a preselection ballot, means the roll of eligible preselection voters prepared for the preselection ballot under section 15.

return envelope means an envelope given to an eligible postal voter by the returning officer so that the voter may comply with section 23.

returning officer, for a preselection ballot, means the person appointed as returning officer for the preselection ballot under section 4.

voting material, for a postal vote, means—

- (a) a ballot paper; and
- (b) a declaration envelope; and
- (c) a return envelope; and
- (d) a statement about—
 - (i) the closing time for postal voting; and
 - (ii) the address at which the return envelope must be received.

2 Purpose of model procedures

The purpose of this schedule is to provide model procedures, for the conduct of a preselection ballot, that apply the general principles of free and democratic elections.

Editor's note—

The Act, section 76—

- (1) A political party's constitution is a ***complying constitution*** if it contains the following—
 - (e) the rules for selecting—
 - (ii) a candidate to be endorsed by the party for an election or an election for a local government;
 - (f) a rule requiring that a preselection ballot must satisfy the general principles of free and democratic elections.

The Act, section 76(2) states the general principles of free and democratic elections as applied to a preselection ballot.

Division 2 Returning officer

3 Returning officer for a preselection ballot

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

4 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 in which a returning officer for a preselection ballot is to be appointed, a returning officer must be appointed in accordance with the party's constitution.
- (3) Otherwise—
 - (a) a 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 in accordance with 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 details in relation to the returning officer must be recorded in the minutes—
- (a) the returning officer's name;
 - (b) the address of the returning officer's place of operation;
 - (c) if the appointment is for a particular preselection ballot, the preselection ballot for which the returning officer is appointed;
 - (d) if the appointment is for all preselection ballots that close during a particular period, the period of the appointment.

5 Returning officer retains any right 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 the party's constitution provides that a returning officer is ineligible to vote because of the appointment.

Division 3 Nomination of preselection ballot candidate

6 Calling for nominations

- (1) The returning officer for a political party's preselection ballot must call for nominations of candidates for the preselection ballot in writing.

- (2) If the party's constitution provides for the way in which nominations of candidates for a preselection ballot are to be called for, nominations must be called for in accordance with 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 would be held if the number of nominations accepted is greater than the number of candidates required to be selected by the preselection ballot.

7 Matters to be stated in call for nominations

A call for nominations of candidates for a political party's preselection ballot 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) when nominations close;
- (e) the address at which any nomination must be received;
- (f) that a nomination must—
 - (i) be in writing; and
 - (ii) state—
 - (A) the nominee's surname and given names as they appear on the electoral roll on which the nominee is enrolled; and
 - (B) if the nominee would prefer names by which the nominee is commonly known to appear on any ballot paper instead of the nominee's given names as appearing on the electoral roll—the preferred names; and

- (iii) be signed by the nominee; and
- (iv) 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) when the membership roll for the preselection ballot will close; and
 - (iii) any criteria about who is eligible to vote in the preselection ballot; and
 - (iv) when and where the roll of eligible preselection voters for the preselection ballot will be available for inspection; and
 - (v) if the preselection ballot includes attendance voting, when and where a person will be able to vote; and
 - (vi) if the preselection ballot includes postal voting, the address at which, and the time by which, postal votes must be received; and
 - (vii) when the preselection ballot will close;
- (h) any other matter required under the party's constitution to be included in a call for nominations.

8 Nominations

The nomination of a candidate for a preselection ballot must—

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

- (ii) if the nominee would prefer names by which the nominee is commonly known to appear on any ballot paper instead of the nominee's given names as appearing on the electoral roll—the preferred names; and
- (c) be signed by the nominee; and
- (d) be received at the address for receipt of nominations under section 7(e), as stated in the call for nominations, by the closing time for nominations; and
- (e) comply with any other requirement for a nomination under the party's constitution.

9 Withdrawal of nomination

- (1) A nominee for a preselection ballot may withdraw his or her nomination by giving written notice of the withdrawal which must be received at the address for receipt of nominations by the closing time for nominations.
- (2) If the nomination is withdrawn under subsection (1), the candidate's nomination is taken never to have been made.

10 Acceptance of nominations

- (1) As soon as possible after the closing time for nominations for a preselection ballot, the returning officer must decide, in relation to each nomination, whether it should be accepted.
- (2) The preselection returning officer must and may only accept a nomination if the nomination complies with section 8.
- (3) If a nomination is not accepted, the nomination is taken never to have been made.

11 Closing time for membership roll

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

Division 4 Preparation for preselection ballot

12 Application of div 4

This division applies only if a preselection ballot is necessary because the number of nominations accepted under section 10 is greater than the number of candidates required to be selected in the preselection ballot.

13 Notice to candidates

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

14 Matters to be stated in notice to candidates

- (1) The notice to candidates for a political party's preselection ballot 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 a person will be able to 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 include 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 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 will be able to vote, must be consistent with the information in the call for nominations.

15 Preselection roll

- (1) The returning officer for a political party's preselection ballot must prepare a roll of eligible preselection voters from the membership roll, for the section of the party for which the preselection ballot is being held, as at the closing time for the membership roll.
- (2) The name of a party member who is on the membership roll as at the closing time for the membership roll who is ineligible to vote in the preselection ballot must be crossed off the roll of eligible preselection voters.
- (3) A note must be made against the name of a party member crossed off the roll of eligible preselection voters under subsection (2) to indicate the reason for the party member's ineligibility.
- (4) The roll of eligible preselection voters must contain, for each eligible preselection voter, the person's name and address as shown in the party's records.
- (5) A person who is not on the membership roll as at the closing time for the membership roll is ineligible to vote in the preselection ballot.
- (6) The party's registered officer must certify that the persons on the roll of eligible preselection voters—
 - (a) were on the membership roll as at the closing time for the membership roll; and

-
- (b) are eligible to vote in the preselection ballot under the party's constitution.

16 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 during the period that starts 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 requests a copy of the roll, or part of the roll, the returning officer must give the candidate or party member a copy of the roll, or part of the roll, free of charge.

17 Preselection ballot papers

- (1) The returning officer for a political party's preselection ballot must, as soon as possible after the closing time for nominations, prepare the ballot papers for the preselection ballot.
- (2) The ballot papers must—
 - (a) state the nominee's surname and given names as they appear on the electoral roll; and
 - (b) describe how a voter is to mark the ballot paper so that the voter's intention is clear.
- (3) However, if a nomination stated names that the nominee would prefer to appear on any ballot paper instead of the nominee's given names as appearing on the electoral roll, the ballot papers must state the nominee's surname, as it appears on the electoral roll, and the preferred names.

- (4) The returning officer must decide by lot the order of names of candidates on the ballot paper.

Division 5 Preselection ballot

18 Voting

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

19 Preselection ballot box

The returning officer must—

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

20 Issuing ballot papers

For a preselection ballot, the returning officer or an issuing officer must initial a ballot paper before it is given to an eligible preselection voter.

21 Issuing a postal vote

- (1) The returning officer must give the voting material to each eligible postal voter in sufficient time for the voter to receive the voting material and to return the ballot paper to the address for receipt of postal votes by the closing time for postal voting.
- (2) If, at the voter's request, the returning officer gives the voter duplicate voting material, the returning officer must, beside the voter's name, mark the preselection roll with a note to this effect.
- (3) The returning officer must give the voting material in a sealed envelope—
 - (a) if an eligible postal voter attends the returning officer's place of operation 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 an address for the voter other than the address for the voter shown on the preselection roll—to the voter at the alternative address; or
 - (c) otherwise—to an eligible postal voter at the voter's address shown on the preselection roll.

22 Declaration envelope for postal vote

The declaration envelope for a postal vote must include—

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

“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).

23 Postal voting

- (1) To make a postal vote in a preselection ballot, an eligible postal voter must—
 - (a) complete the ballot paper; 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 is deposited, without being opened, into a sealed ballot box.

24 Attendance voting

- (1) The returning officer or an issuing officer must—
 - (a) before giving a person a ballot paper for attendance voting, ensure that he or she is satisfied as to the person's identity and that the person is on the preselection roll; and
 - (b) mark the preselection roll beside the person's name as a record that the person has been issued with a ballot paper for an attendance vote.
- (2) The returning officer or an issuing officer must ensure—
 - (a) upon completion of a ballot paper issued to a person for an attendance vote, the person places the ballot paper into a sealed ballot box; and

- (b) any ballot paper spoiled after being issued to a person for an attendance vote and for which a replacement ballot paper is issued to the person is retained in safe keeping by the returning officer or an issuing officer for sections 29 and 30.

25 Voting assistance

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

26 Counting votes for a preselection ballot

- (1) If the preselection ballot includes postal voting, the returning officer must—
 - (a) open the ballot box containing 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 as to the identity of the signatory; and
 - (v) ensure the preselection roll does not indicate 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) beside the voter's name, mark the preselection roll with a note to indicate 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 retained in safe keeping for sections 29 and 30.
- (2) Votes for a preselection ballot may not be counted until after the closing time for the preselection ballot.
- (3) If the preselection ballot includes postal voting, after the closing time for the preselection ballot, 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 preserves the secrecy of the ballot; and
 - (c) place the ballot papers in another sealed ballot box.
- (4) After the closing time for the preselection ballot, and, if the preselection ballot includes postal voting, the returning officer has complied with subsection (3), the returning officer must open the ballot box or ballot boxes containing the ballot papers.
- (5) The returning officer must—
- (a) admit the formal votes and reject the informal votes; and
 - (b) count the formal votes and record the number for each candidate for the preselection ballot; and
 - (c) count the number of informal votes.
- (6) For this section, a person is taken to have *previously voted* if beside the voter's name, the preselection roll is marked with a note to indicate—
- (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.

27 Scrutineers for a preselection ballot

- (1) A scrutineer for a preselection ballot may be present on any of the following occasions—
 - (a) for an attendance ballot, when a ballot paper is given to the eligible preselection voter;
 - (b) for a postal vote, when the return envelope is opened and the declaration envelope is scrutinised;
 - (c) when a ballot box is opened;
 - (d) when votes are scrutinised and counted.
- (2) For each person officiating on an occasion 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 under subsection (3)(b) must be—
 - (a) in writing; and
 - (b) signed by the candidate; and
 - (c) given to the returning officer before the person acts as scrutineer.

28 How preselection ballot result is decided

- (1) The result of a preselection ballot of a political party 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 votes 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 or are the successful candidate or candidates.

29 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 as 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 returning officer makes the report.

- (3) In this section—

issued means given to a voter under section 21 or 24.

reconciliation, of the ballot papers, means a reconciliation showing the aggregate of—

- (a) the number of ballot papers issued (including duplicate ballot papers issued at the request of eligible postal voters and replacement ballot papers issued at the request of attendance voters when previously issued ballot papers are spoiled); and
- (b) the number of ballot papers unused;
equals the number of ballot papers printed.

30 Documents to be retained

- (1) The returning officer for a political party's preselection ballot must forward all of the following documents to the party's registered officer—
 - (a) if section 4(2) applies, a copy of a document evidencing the appointment of the returning officer;
 - (b) if section 4(3) applies, a copy of the minutes mentioned in section 4(3);

-
- (c) a copy of the call for nominations and a record of how nominations were called for;
 - (d) all nominations of candidates for the preselection ballot, including nominations that were withdrawn or not accepted;
 - (e) any withdrawal of a nomination;
 - (f) 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 being held, as at the closing time for the membership roll; and
 - (ii) a copy of the notice to candidates given under section 13; and
 - (iii) the preselection roll; and
 - (iv) all ballot papers; and
 - (v) if the preselection ballot included postal voting, any returned 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 indicating the total number of formal votes and the number recorded for each candidate and the total number of informal votes; and
 - (viii) the certification and report mentioned in section 29; and
 - (ix) a copy of the minutes mentioned in section 29(2)(b).
- (2) The registered officer must retain the documents—
- (a) for a preselection ballot for an election, until the day the writ is issued for the next general election after that election; or
 - (b) 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.

(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 7

\$

- | | | |
|---|--|--|
| 1 | Supply under section 61(1), table, item 7 of the Act to a local government of a computer disk or computer tape version of an entire electoral roll for an electoral district wholly or partly within the local government's area | 390.00
plus the
additional
applicable
amount |
| 2 | Supply under section 61(1), table, item 8 of the Act to a local government of changes to a computer disk or computer tape version of an entire electoral roll for an electoral district wholly or partly within the local government's area, for each calendar year. | 390.00
plus the
additional
applicable
amount |
| 3 | In this schedule—

<i>additional applicable amount</i> means \$29.00 for each 1000 (or part of 1000) electors enrolled for the local government area as at 31 August immediately before the application for supply. | |

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). Accordingly, this reprint includes all amendments that commenced operation on or before 13 July 2012. Future amendments of the Electoral Regulation 2002 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

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1 rv	none	30 June 2002	30 June 2002

Reprint No.	Amendments included	Effective	Notes
1AA	none	3 July 2002	prov exp 2 July 2002
1A	2002 SL No. 223	1 September 2002	
1B	2003 SL No. 237	6 October 2003	
1C	2004 SL No. 178	20 September 2004	
1D	2005 SL No. 265	4 November 2005	
1E	2005 SL No. 326	19 December 2005	R1E withdrawn, see R2
2	—	19 December 2005	
2A	2006 SL No. 284	27 November 2006	
2B	2007 SL No. 275	26 November 2007	
2C	2008 SL No. 50	15 March 2008	
2D	2008 SL No. 266	1 September 2008	R2D withdrawn, see R3
3	—	1 September 2008	
3A	2009 SL No. 181	1 September 2009	
3B	2010 SL No. 155	1 July 2010	
3C	2010 Act No. 42	14 October 2010	
3D	2011 SL No. 71	27 May 2011	
3E	2011 SL No. 115	1 July 2011	R3E withdrawn, see R4
4	—	1 July 2011	
4A	2012 SL No. 102	13 July 2012	

5 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Electoral Regulation 2002 SL No. 125

made by the Governor in Council on 30 May 2002
notfd gaz 31 May 2002 pp 482–7
ss 1–2 commenced on date of notification

s 10(2) commenced 30 June 2002 (see s 2(2))
remaining provisions commenced 6 June 2002 (see s 2(1))
exp 1 September 2012 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Justice Legislation (Variation of Fees and Costs) Regulation (No. 1) 2002 SL No. 223 pts 1, 6

notfd gaz 30 August 2002 pp 1557–61
ss 1–2 commenced on date of notification
remaining provisions commenced 1 September 2002 (see s 2)

Justice Legislation (Variation of Costs and Fees) Regulation (No. 1) 2003 SL No. 237

notfd gaz 3 October 2003 pp 382–5
ss 1–2 commenced on date of notification
remaining provisions commenced 6 October 2003 (see s 2)

Justice Legislation (Costs and Fees) Amendment Regulation (No. 1) 2004 SL No. 178

notfd gaz 10 September 2004 pp 173–7
ss 1–2 commenced on date of notification
remaining provisions commenced 20 September 2004 (see s 2)

Electoral Amendment Regulation (No. 1) 2005 SL No. 229

notfd gaz 16 September 2005 pp 226–7
s 3 commenced on date of notification (amdt could not be given effect)
remaining provisions commenced on date of notification

Electoral Amendment Regulation (No. 2) 2005 SL No. 265

notfd gaz 4 November 2005 pp 869–70
commenced on date of notification

Justice and Other Legislation (Costs and Fees) Amendment Regulation (No. 1) 2005 SL No. 326

notfd gaz 16 December 2005 pp 1490–6
ss 1–2 commenced on date of notification
remaining provisions commenced 19 December 2005 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2006 SL No. 284

notfd gaz 24 November 2006 pp 1476–9
ss 1–2 commenced on date of notification
remaining provisions commenced 27 November 2006 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2007 SL No. 275

notfd gaz 9 November 2007 pp 1355–7
ss 1–2 commenced on date of notification
remaining provisions commenced 26 November 2007 (see s 2)

Justice and Other Legislation Amendment Regulation (No. 1) 2008 SL No. 50 pts 1, 3

notfd gaz 7 March 2008 pp 1151–2
ss 1–2 commenced on date of notification
remaining provisions commenced 15 March 2008 (see s 2)

Justice and Other Legislation (Fees) Amendment Regulation (No. 1) 2008 SL No. 266

notfd gaz 22 August 2008 pp 2651–6
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 September 2008 (see s 2)

Justice Legislation (Fees) Amendment Regulation (No. 1) 2009 SL No. 181

notfd gaz 28 August 2009 pp 1491–6
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 September 2009 (see s 2)

Justice Legislation (Fees) Amendment Regulation (No. 1) 2010 SL No. 155

notfd gaz 25 June 2010 pp 823–30
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2010 (see s 2)

Justice and Other Legislation Amendment Act 2010 No. 42 s 1, pt 12

date of assent 14 October 2010
 commenced on date of assent

Electoral Amendment Regulation (No. 1) 2011 SL No. 71

notfd gaz 27 May 2011 pp 187–8
 commenced on date of notification

Justice (Fees) Amendment Regulation (No. 1) 2011 SL No. 115

notfd gaz 1 July 2011 pp 589–96
 ss 1–2 commenced on date of notification
 remaining provisions commenced 1 July 2011 (see s 2)

Justice Legislation (Fees) Amendment Regulation (No. 1) 2012 SL No. 102

notfd gaz 13 July 2012 pp 820–5
 ss 1–2 commenced on date of notification
 remaining provisions commenced 13 July 2012 (see s 2)

6 List of annotations

Declaration of restricted information—Act, s 2

prov hdg amd 2011 SL No. 71 s 2 sch
s 3 amd 2008 SL No. 50 s 19, 2011 SL No. 71 s 2 sch

Prescribed information for electoral rolls—Act, s 58

s 4 amd 2005 SL No. 229 s 3 (amdt could not be given effect); 2005 SL No. 265 s 3; 2008 SL No. 50 s 20

Prescribed documents for application for registration—Act, s 71

prov hdg amd 2011 SL No. 71 s 2 sch
s 5 amd 2011 SL No. 71 s 2 sch

Model procedures for preselection ballots—Act, s 166

s 6 prov hdg amd 2011 SL No. 71 s 2 sch

PART 4A—ELECTION FUNDING AND FINANCIAL DISCLOSURE

pt 4A (ss 6A–6H) ins 2011 SL No. 71 s 3

PART 6—TRANSITIONAL PROVISIONS

pt hdg ins 2008 SL No. 50 s 21

Transitional provision for repeal of 1992 regulation

s 9 prov hdg amd 2008 SL No. 50 s 22

**Transitional provision for Justice and Other Legislation Amendment Regulation
(No. 1) 2008**

s 10 prev s 10 exp 2 July 2002 (see s 10(3))

pres s 10 ins 2008 SL No. 50 s 23

**SCHEDULE 1—MODEL PROCEDURES FOR THE CONDUCT OF A
PRESELECTION BALLOT**

Documents to be retained

s 30 amd 2008 SL No. 55 s 24

SCHEDULE 2—FEES

sub 2002 SL No. 223 s 12

amd 2003 SL No. 237 s 3 sch; 2004 SL No. 178 s 3 sch; 2005 SL No. 326 s 3
sch

sub 2006 SL No. 284 s 3 sch; 2007 SL No. 275 s 3 sch; 2008 SL No. 266 s 3
sch; 2009 SL No. 181 s 3 sch; 2010 SL No. 155 s 3 sch

amd 2010 Act No. 42 s 46

sub 2011 SL No. 115 s 3 sch

amd 2012 SL No. 102 s 3 sch