



Professional Engineers Act 2002

Professional Engineers Regulation 2003

Current as at 1 February 2016



Queensland

Professional Engineers Regulation 2003

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Professional Engineers Regulation 2003

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Professional Engineers Regulation 2003*.

2 Dictionary

The dictionary in schedule 2 defines words used in this regulation.

Part 2 Election of a registered professional engineer to the board

Division 1 Preliminary

3 Purpose of pt 2

This part states the procedures for electing, for section 82(2)(c) of the Act, a registered professional engineer for appointment as a member of the board.

Editor's note—

Section 82 (Membership of board) of the Act—

- (1) The board consists of 7 members appointed by the Governor in Council.
- (2) The board must include—
 - ...
 - (c) 1 registered professional engineer elected under this Act.

Division 2 Notice of election and nomination procedure

4 Notice of election

- (1) The registrar must publish a notice of the election day for the election of a registered professional engineer for appointment as a member of the board.
- (2) The notice must be published at least 2 months before the election day.

5 Notice calling for nominations

- (1) The registrar must publish a notice inviting nomination of a candidate for election.
- (2) The notice must—
 - (a) state the day and time by which a nomination of a candidate must be received by the registrar; and
 - (b) be published at least 28 days before the day by which nominations must be received.

6 Requirements for nominations

- (1) A nomination of a candidate for election must—
 - (a) be in the approved form; and
 - (b) be received by the registrar before the nomination day and time.
- (2) A nomination may be accompanied by the candidate's written statement.
- (3) A statement mentioned in subsection (2) must not be more than 200 words.

Division 3 Procedure if only 1 candidate nominated

7 Candidate taken to be elected unopposed

If only 1 candidate is nominated by the nomination day and time—

- (a) the registrar is not required to conduct a ballot for the election; and
- (b) the candidate is taken to be elected unopposed.

8 Registrar to give notice of elected candidate

- (1) The registrar must give the candidate written notice of the candidate's election.
- (2) Also, the registrar must publish a notice of the candidate's election as soon as practicable after the candidate's appointment to the board.

Division 4 Procedure if more than 1 candidate nominated

9 Registrar to conduct ballot

If more than 1 candidate is nominated by the nomination day and time, the registrar must conduct a ballot for the election under this division.

10 Notice of accessibility of ballot

The registrar must, at least 35 days before the election day, publish a notice that—

- (a) states the election day and election time; and
- (b) states the name and contact details of the voting services provider for the election; and

[s 11]

- (c) provides instructions on how a registered professional engineer may cast a vote.

11 Registrar to ensure ballot accessible

Immediately after publishing the notice under section 10, the registrar must ensure both of the following are accessible to each eligible engineer—

- (a) an electronic ballot form;
- (b) a paper ballot form.

12 Requirements for ballot forms

- (1) An electronic ballot form or a paper ballot form must—
 - (a) list the name of each candidate in alphabetical order; and
 - (b) be accompanied by any statements the candidates give to the registrar.
- (2) The registrar may approve changes to an electronic ballot form that are necessary to allow the form to be displayed electronically.

12A Ways of voting

- (1) An eligible engineer—
 - (a) is entitled to a single vote at an election; and
 - (b) may vote using—
 - (i) an electronic ballot form; or
 - (ii) a paper ballot form.
- (2) However, if an eligible engineer wants to vote using a paper ballot form, the engineer must ask the voting services provider for a paper ballot form at least 28 days before the election day.
- (3) To remove any doubt, it is declared that an eligible engineer who asked for a paper ballot form may vote using an

electronic ballot form as long as the engineer did not use the paper ballot form to vote.

12B Printed voting material

- (1) This section applies if an eligible engineer asks the voting services provider for a paper ballot form.
- (2) The registrar must ensure the voting services provider sends the engineer the following things at least 14 days before the election day—
 - (a) a paper ballot form;
 - (b) an unsealed envelope (the *ballot envelope*);
 - (c) an unsealed envelope (the *return envelope*) addressed to the registrar.

12C How votes are cast

- (1) For voting using an electronic ballot form, an eligible engineer may vote only by following the instructions for the electronic voting system being used for the election, by the election time.
- (2) For voting using a paper ballot form, an eligible engineer may vote only by—
 - (a) marking the ballot form with a cross opposite the name of 1 candidate; and
 - (b) putting the ballot form in the ballot envelope and sealing the ballot envelope; and
 - (c) putting the ballot envelope in the return envelope and sealing the return envelope; and
 - (d) giving, posting or sending the return envelope to the voting services provider so that the provider receives the envelope by the election time.

12D Ballot box and electronic vote security

- (1) The registrar must ensure the voting services provider—
 - (a) has a ballot box for the election; and
 - (b) keeps the ballot box in a safe place; and
 - (c) seals the ballot box in a way that—
 - (i) allows ballot envelopes to be put in it until the election finishes; and
 - (ii) prevents ballot envelopes from being taken from it until votes for the election are to be counted.
- (2) The registrar must ensure the voting services provider has appropriate measures to keep an electronic voting system used or intended to be used for or in connection with electronic voting secure from interference at all times.

14 Counting of votes

- (1) The registrar must ensure the voting services provider does the following, at, or as soon as practicable after, the election time—
 - (a) for votes cast using an electronic ballot form—arrange for the electronic counting of the votes cast to happen;
 - (b) for votes cast using a paper ballot form—
 - (i) open each ballot envelope in the ballot box for the election; and
 - (ii) accept each formal ballot form and reject each informal ballot form; and
 - (iii) count and record the number of votes for each candidate on the accepted ballot forms.
- (2) The registrar must ensure the voting services provider does the things mentioned in subsection (1) in the presence of at least 2 witnesses.

(3) Despite subsection (1)(b)(ii), the voting services provider may accept an informal ballot form if the provider considers the voter's intention is clear.

(4) In this section—

formal ballot form, for a paper ballot form, means a ballot form that is marked as required under section 12C(2)(a).

informal ballot form, for a paper ballot form, means a ballot form that is not marked as required under section 12C(2)(a).

14A Voting services provider to inform registrar of result

The registrar must ensure the voting services provider tells the registrar the result of the counting as soon as practicable after counting all the votes.

15 Candidate with the highest number of votes is elected

(1) Subject to subsections (2) to (4), the candidate with the highest number of votes is elected.

(2) Subsections (3) and (4) apply if 2 or more candidates receive the same number of votes so that the candidate entitled to be elected under subsection (1) can not be decided.

(3) The registrar must conduct a draw by completing the following steps in the presence of at least 2 witnesses—

(a) writing the names of the candidates with the same number of votes on separate pieces of paper that are the same kind, shape, size and colour;

(b) folding the pieces of paper in the same way to be the same size and thickness;

(c) putting the pieces of paper in a container and shuffling them;

(d) drawing out 1 of the pieces of paper.

(4) The candidate whose name is drawn out under subsection (3)(d) is elected.

16 Registrar to give notice to candidates

- (1) The registrar must give each candidate written notice of the candidate elected.
- (2) Also, the registrar must publish a notice of the candidate elected as soon as practicable after the candidate's appointment to the board.

17 Disposing of ballots

- (1) The registrar must ensure the voting services provider—
 - (a) keeps all electronic ballot forms in a secure electronic location for 3 months after the election day; and
 - (b) keeps the paper ballot forms that were put in the ballot box under section 12D(1) for 3 months after the election day.
- (2) During the 3 months, the registrar must ensure the voting services provider makes the tally of electronic ballot forms and paper ballot forms available for inspection by members of the public, free of charge, at its office during ordinary office hours.
- (3) At the end of the 3 months, the registrar must ensure the voting services provider destroys the electronic ballot forms and paper ballot forms.

Division 5 Voting services providers

17AA Voting services provider and their systems

- (1) A *voting services provider*, for an election of a registered professional engineer for appointment as a member of the board, means an entity—
 - (a) approved by the board—
 - (i) to provide an electronic voting system or a postal voting system for the election; and

- (ii) to count votes in the election; and
 - (b) whose name and contact details are published on the board's website from when a notice is published under section 10.
- (2) An electronic voting system provided by a voting services provider must—
- (a) give an eligible engineer an opportunity to change his or her vote before casting the vote; and
 - (b) not allow a person to find out how a particular engineer cast his or her vote.
- (3) An electronic vote counting system provided by a voting services provider must—
- (a) if used properly, give the same result in the scrutiny of votes as would be obtained if the scrutiny were conducted without using the system; and
 - (b) not allow a person to find out how a particular engineer cast his or her vote.

Part 3 Miscellaneous

17A Prescribed qualifications and competencies for particular area of engineering—Act, s 10

- (1) This section prescribes, for section 10(1)(b) of the Act, the qualifications and competencies for aeronautical engineering.
- (2) The qualifications and competencies are—
- (a) a relevant CASA appointment that is in force; and
 - (b) the qualifications and experience necessary, under the *Civil Aviation Safety Regulations 1998* (Cwlth), for the appointment.
- (3) In this section—
- CASA** has the meaning given by the *Civil Aviation Act 1988* (Cwlth), section 3.

relevant CASA appointment means an appointment by CASA, under regulation 201.001 of the *Civil Aviation Safety Regulations 1998* (Cwlth), as an authorised person for part 21, subpart 21.M of those regulations.

18 Prescribed school of engineering—Act, s 82

For section 82(2)(a)(i) of the Act, a school of engineering (however described) at each of the following universities is a prescribed school of engineering—

- (a) Central Queensland University;
- (b) Griffith University;
- (c) James Cook University;
- (d) Queensland University of Technology;
- (e) The University of Queensland;
- (f) University of Southern Queensland;
- (g) University of the Sunshine Coast.

18A Code of practice approved—Act, s 108

For section 108(3) of the Act, the code of practice called ‘Code of Practice for Registered Professional Engineers’ made by the board on 22 March 2013 is approved.

19 Fees

The fees payable under the Act are stated in schedule 1.

20 Repeal

The Professional Engineers Regulation 2002 SL No. 349 is repealed.

Schedule 1 Fees

section 19

	\$
1 Application fee—Act, s 8(2)(b)(iv)	55.60
2 Registration fee (practising professional engineer)—Act, s 8(2)(b)(iv)—	
(a) for a period of registration of more than 1 month but not more than 6 months	103.35
(b) for a period of registration of more than 6 months	205.30
3 Registration fee (non-practising professional engineer)—Act, s 8(2)(b)(iv)	102.65
4 Annual registration fee (practising professional engineer)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	205.30
5 Annual registration fee (non-practising professional engineer)—Act, ss 18(3)(b)(ii) and 23(2)(b)(iii)	102.65
6 Processing a refused application—Act, s 14(b)	55.60
7 Processing a lapsed application—Act, s 27(7)	55.60
8 Processing a withdrawn application—Act, s 35(2)(a)	27.85
9 Copy of the register or part of it—Act, s 103(1)(b)	37.05
	plus \$2.15 for each page
10 Copy of the approved code of practice or part of it—Act, s 110(1)(b)	14.60
	plus \$2.15 for each page

Schedule 2 Dictionary

section 2

ballot envelope see section 12B(2)(b).

election day, for an election of a registered professional engineer to the board, means the day of the election, decided by the board.

election time, for an election of a registered professional engineer to the board, means the time on the election day, decided by the board, and stated in the notice published under section 10.

electronic ballot form means a ballot form in electronic form used in an electronic voting system.

eligible engineer, for an election of a registered professional engineer for appointment as a member of the board, means a person who was a registered professional engineer on the day the notice of the election day was published under section 4(1).

nomination day and time means the day and time stated in a notice given under section 5(1).

publish, in relation to a notice, means publishing the notice—

- (a) in a publication that is likely to be read by registered professional engineers, including for example, a journal or newsletter given to registered professional engineers; or
- (b) in an electronic form, including for example, on the board's website on the internet.

return envelope see section 12B(2)(c).

voting services provider see section 17AA(1).

1 Index to endnotes

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2 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
amd	= amendment	prov	= provision
t			
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	renu	= renumbered
		m	
ins	= inserted	rep	= repealed
lap	= lapsed	(retro	= retrospectively
)	
notf	= notified	rv	= revised version
d			
num	= numbered	s	= section

Key	Explanation	Key	Explanation
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
		m	
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	7 February 2003	
1A	2003 SL No. 247	10 October 2003	

Reprint No.	Amendments included	Effective	Notes
1B	2004 SL No. 90	25 June 2004	
1C	2004 SL No. 90	1 July 2004	
1D	2005 SL No. 109	10 June 2005	
1E	2005 SL No. 109	1 July 2005	R1E withdrawn, see R2
2	—	1 July 2005	
2A	2006 SL No. 175	7 July 2006	
2B	2006 SL No. 183	14 July 2006	
2C	2007 SL No. 43	30 March 2007	
2D	2008 SL No. 126 2008 SL No. 173	1 July 2008	R2D withdrawn, see R3
3	—	1 July 2008	
3A	2009 SL No. 82	1 July 2009	
3B	2010 SL No. 136	1 July 2010	
3C	2011 SL No. 120	1 July 2011	
3D	2012 SL No. 97	6 July 2012	

Current as at	Amendments included	Notes
1 July 2013	2013 SL No. 128	
29 November 2013	2013 SL No. 257	
1 July 2014	2014 SL No. 121	
12 December 2014	2014 SL No. 309	
1 July 2015	2015 SL No. 64	
1 February 2016	2016 SL No. 5	

4 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.

Professional Engineers Regulation 2003 SL No. 12

made by the Governor in Council on 6 February 2003

notfd gaz 7 February 2003 pp 385–6

commenced on date of notification

exp 31 August 2016 (see SIA s 56A(2) and SIR s 3 sch 2 pt 2)

Notes— (1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.

amending legislation—

Professional Engineers Amendment Regulation (No. 1) 2003 SL No. 247

notfd gaz 10 October 2003 pp 455–6

commenced on date of notification

Public Works Legislation Amendment Regulation (No. 1) 2004 SL No. 90 pts 1, 3

notfd gaz 25 June 2004 pp 573–81

ss 1–2 commenced on date of notification

s 8 commenced 1 July 2004 (see s 2)

remaining provisions commenced on date of notification

Public Works Legislation Amendment Regulation (No. 1) 2005 SL No. 109 pts 1, 3

notfd gaz 10 June 2005 pp 502–3

s 8 commenced 1 July 2005 (see s 2)

remaining provisions commenced on date of notification

Public Works Legislation Amendment Regulation (No. 1) 2006 SL No. 175 pts 1, 3

notfd gaz 7 July 2006 pp 1167–9

commenced on date of notification

Professional Engineers Amendment Regulation (No. 1) 2006 SL No. 183

notfd gaz 14 July 2006 pp 1279–80

commenced on date of notification

Professional Engineers Amendment Regulation (No. 1) 2007 SL No. 43

notfd gaz 30 March 2007 pp 1483–4

commenced on date of notification

Note—An explanatory note was prepared.

Professional Engineers Amendment Regulation (No. 1) 2008 SL No. 126

notfd gaz 16 May 2008 pp 407–8

ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2008 (see s 2)

Public Works Legislation Amendment Regulation (No. 1) 2008 SL No. 173 pts 1, 3

notfd gaz 27 June 2008 pp 1268–78
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2008 (see s 2)

Public Works Legislation Amendment Regulation (No. 1) 2009 SL No. 82 pts 1, 3

notfd gaz 12 June 2009 pp 619–21
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2009 (see s 2)

Public Works Legislation Amendment Regulation (No. 1) 2010 SL No. 136 pts 1, 3

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)

Public Works Legislation Amendment Regulation (No. 1) 2011 SL No. 120 pts 1, 3

notfd gaz 24 June 2011 pp 534–8
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2011 (see s 2)

Housing and Public Works Legislation Amendment Regulation (No. 1) 2012 SL No. 97 pts 1, 8

notfd gaz 6 July 2012 pp 759–60
commenced on date of notification

Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2013 SL No. 128 pts 1, 8

notfd gaz 28 June 2013 pp 739–47
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2013 (see s 2)

Building and Other Legislation Amendment Regulation (No. 3) 2013 SL No. 257 s 1, pt 3

notfd <www.legislation.qld.gov.au> 29 November 2013
commenced on date of notification

Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2014 SL No. 121 pts 1, 8

notfd <www.legislation.qld.gov.au> 20 June 2014
ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2014 (see s 2)

Queensland Building and Construction Commission and Another Regulation Amendment Regulation (No. 1) 2014 SL No. 309 s 1, pt 3

notfd <www.legislation.qld.gov.au> 12 December 2014
commenced on date of notification

Housing and Public Works Legislation (Fees) Amendment Regulation (No. 1) 2015 SL No. 64 pts 1, 7

notfd <www.legislation.qld.gov.au> 26 June 2015

ss 1–2 commenced on date of notification
remaining provisions commenced 1 July 2015 (see s 2)

**Queensland Building and Construction Commission and Other Legislation
Amendment Regulation (No. 1) 2016 SL No. 5 ss 1–2(1), pt 5**

notfd <www.legislation.qld.gov.au> 29 January 2016
ss 1–2 commenced on date of notification
remaining provisions commenced 1 February 2016 (see s 2(1))

5 List of annotations

PART 1—PRELIMINARY

pt hdg ins 2003 SL No. 247 s 3

Dictionary

s 2 ins 2003 SL No. 247 s 7

PART 2—ELECTION OF A REGISTERED PROFESSIONAL ENGINEER TO THE BOARD

pt 2 (ss 3–17) ins 2003 SL No. 247 s 7

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Purpose of pt 2

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Division 2—Notice of election and nomination procedure

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s 5 ins 2003 SL No. 247 s 7

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s 6 ins 2003 SL No. 247 s 7

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div hdg ins 2003 SL No. 247 s 7

Candidate taken to be elected unopposed

s 7 ins 2003 SL No. 247 s 7

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div hdg ins 2003 SL No. 247 s 7

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s 9 ins 2003 SL No. 247 s 7

Notice of accessibility of ballot

s 10 ins 2003 SL No. 247 s 7
sub 2016 SL No. 5 s 12

Registrar to ensure ballot accessible

s 11 ins 2003 SL No. 247 s 7
sub 2016 SL No. 5 s 12

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s 12 ins 2003 SL No. 247 s 7
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Ways of voting

s 12A ins 2016 SL No. 5 s 12

Printed voting material

s 12B ins 2016 SL No. 5 s 12

How votes are cast

s 12C ins 2016 SL No. 5 s 12

Ballot box and electronic vote security

s 12D ins 2016 SL No. 5 s 12

Candidate may appoint scrutineer

s 13 ins 2003 SL No. 247 s 7
om 2016 SL No. 5 s 13

Counting of votes

s 14 ins 2003 SL No. 247 s 7
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Voting services provider to inform registrar of result

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Candidate with the highest number of votes is elected

s 15 ins 2003 SL No. 247 s 7
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Registrar to give notice to candidates

s 16 ins 2003 SL No. 247 s 7

Disposing of ballots

s 17 ins 2003 SL No. 247 s 7
sub 2016 SL No. 5 s 16

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div hdg ins 2016 SL No. 5 s 17

Voting services provider and their systems

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PART 3—MISCELLANEOUS

pt hdg ins 2003 SL No. 247 s 7

Prescribed qualifications and competencies for particular area of engineering—Act, s 10

s 17A ins 2013 SL No. 257 s 6

Prescribed school of engineering—Act, s 82

s 18 (prev s 2) renum and reloc 2003 SL No. 247 s 4
amd 2016 SL No. 5 s 18

Code of practice approved—Act, s 108

s 18A ins 2005 SL No. 109 s 7
amd 2008 SL No. 126 s 4; 2013 SL No. 257 s 7

Areas of engineering—Act, sch 2, definition area of engineering

s 18B ins 2006 SL No. 183 s 3
om 2008 SL No. 126 s 5

Fees

s 19 (prev s 3) amd 2003 SL No. 247 s 5(1)
renum and reloc 2003 SL No. 247 s 5(2)
amd 2004 SL No. 90 s 7

Repeal

s 20 (prev s 4) renum and reloc 2003 SL No. 247 s 6

SCHEDULE 1—FEES

amd 2003 SL No. 247 s 8
sub 2004 SL No. 90 s 8; 2005 SL No. 109 s 8; 2006 SL No. 175 s 5
amd 2007 SL No. 43 s 3
sub 2008 SL No. 173 s 6; 2009 SL No. 82 s 6; 2010 SL No. 136 s 6; 2011 SL No.
120 s 6; 2012 SL No. 97 s 15; 2013 SL No. 128 s 16; 2014 SL No. 121 s 16
amd 2014 SL No. 309 s 7
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SCHEDULE 2—DICTIONARY

ins 2003 SL No. 247 s 9
def *ballot envelope* amd 2016 SL No. 5 s 19(3)
def *election time* amd 2016 SL No. 5 s 19(4)
def *electronic ballot form* ins 2016 SL No. 5 s 19(2)
def *eligible engineer* ins 2016 SL No. 5 s 19(2)
def *return envelope* amd 2016 SL No. 5 s 19(5)
def *scrutineer* om 2016 SL No. 5 s 19(1)
def *voting services provider* ins 2016 SL No. 5 s 19(2)