



Queensland

# **Local Government and Other Legislation Amendment Bill 2015**





Queensland

# Local Government and Other Legislation Amendment Bill 2015

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# 2015

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## A Bill

for

***An Act to amend the Heavy Vehicle National Law Act 2012, the Local Government Electoral Act 2011 and the Queensland Reconstruction Authority Act 2011 for particular purposes***

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[s 1]

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**The Parliament of Queensland enacts—** 1

**Part 1 Preliminary** 2

**Clause 1 Short title** 3

This Act may be cited as the *Local Government and Other  
Legislation Amendment Act 2015*. 4  
5

**Part 2 Amendment of Local  
Government Electoral Act 2011** 6  
7

**Clause 2 Act amended** 8

This part amends the *Local Government Electoral Act 2011*. 9

**Clause 3 Replacement of s 9 (Returning officer)** 10

Section 9— 11

*omit, insert—* 12

**9 Returning officers** 13

(1) The returning officer for an election is  
responsible for the proper conduct of the  
election. 14  
15  
16

(2) The electoral commission may appoint a person  
as the returning officer for an election. 17  
18

(3) A person must not be appointed under subsection  
(2) if the person is— 19  
20

(a) a minor; or 21

(b) a member of a political party; or 22

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	(c) the chief executive officer of the local government for which the election is to be held.	1 2 3
	(4) Despite subsection (3)(c), the electoral commission may appoint the chief executive officer of the local government as the returning officer if—	4 5 6 7
	(a) the chief executive officer is not a member of a political party; and	8 9
	(b) the electoral commission considers the chief executive officer is the only person with experience in conducting elections who is reasonably available to be appointed as the returning officer.	10 11 12 13 14
	(5) The returning officer must comply with a direction given by the electoral commission for the proper conduct of the election.	15 16 17
<b>Clause 4</b>	<b>Omission of s 9A (Responsibility of returning officers)</b>	18
	Section 9A—	19
	<i>omit.</i>	20
<b>Clause 5</b>	<b>Amendment of s 10 (Assistant returning officers)</b>	21
	(1) Section 10(2)—	22
	<i>omit, insert—</i>	23
	(2) The electoral commission may appoint a person as an assistant returning officer for an election.	24 25
	(2) Section 10(4), ‘CEO returning officer or’—	26
	<i>omit.</i>	27
<b>Clause 6</b>	<b>Amendment of s 12 (Issuing officers)</b>	28
	Section 12(2) to (4)—	29

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[s 7]

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*omit, insert—* 1  
(2) An issuing officer must be a member of the staff 2  
of the electoral commission mentioned in the 3  
*Electoral Act 1992*, section 29. 4

**Clause 7 Omission of ss 12A and 12B** 5  
Sections 12A and 12B— 6  
*omit.* 7

**Clause 8 Amendment of s 17 (Electoral commission or returning officer must compile voters roll)** 8  
9  
(1) Section 17, heading, ‘Electoral commission or returning’— 10  
*omit, insert—* 11  
**Returning** 12  
(2) Section 17(1)— 13  
*omit, insert—* 14  
(1) The returning officer for an election must 15  
compile a roll of persons entitled to vote at the 16  
election (the *voters roll*). 17  
(3) Section 17(3), from ‘If’ to ‘an’, first mention— 18  
*omit, insert—* 19  
An 20

**Clause 9 Omission of s 24A (Plan for election)** 21  
Section 24A— 22  
*omit.* 23

**Clause 10 Amendment of s 56 (Ballot papers for separate polls)** 24  
Section 56(2)— 25  
*omit, insert—* 26



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	(2)	The returning officer may decide to use separate ballot papers or combined ballot papers for the poll.	1 2 3
<b>Clause 11</b>		<b>Amendment of s 79 (Applications to cast postal votes in local government elections that are not postal ballot elections)</b>	4 5 6
		Section 79(5)—	7
		<i>omit, insert—</i>	8
	(5)	The things given to an elector under subsection (4) must be accompanied by an unsealed reply paid post envelope addressed to the returning officer at the returning officer’s postal address and bearing the words ‘Ballot Paper’.	9 10 11 12 13
<b>Clause 12</b>		<b>Amendment of s 80 (Distribution of ballot papers to electors for postal ballot elections)</b>	14 15
		Section 80(2)(a)—	16
		<i>omit, insert—</i>	17
	(a)	be accompanied by an unsealed reply paid post envelope addressed to the returning officer at the returning officer’s postal address and bearing the words ‘Ballot Paper’; and	18 19 20 21 22
<b>Clause 13</b>		<b>Amendment of s 81 (Applications to cast postal votes in postal ballot elections)</b>	23 24
		Section 81(6)—	25
		<i>omit, insert—</i>	26
	(6)	The things given to a person under subsection (5) must be accompanied by an unsealed reply paid post envelope addressed to the returning officer at the returning officer’s postal address and bearing the words ‘Ballot Paper’.	27 28 29 30 31

[s 14]

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<b>Clause 14</b>	<b>Amendment of s 82 (Distribution of ballot papers to particular electors whose address has been omitted from electoral roll and to special postal voters)</b>	1 2 3
(1)	Section 82(1), ‘relevant entity’— <i>omit, insert</i> — returning officer	4 5 6
(2)	Section 82(1)(d)— <i>omit, insert</i> — (d) an unsealed reply paid post envelope addressed to the returning officer at the returning officer’s postal address and bearing the words ‘Ballot Paper’.	7 8 9 10 11 12
(3)	Section 82(3), ‘relevant entity’— <i>omit, insert</i> — returning officer	13 14 15
(4)	Section 82(4)— <i>omit.</i>	16 17
<b>Clause 15</b>	<b>Amendment of s 96A (Re-counting of votes)</b>	18
	Section 96A(4), ‘9A(2)’— <i>omit, insert</i> — 9(5)	19 20 21
<b>Clause 16</b>	<b>Amendment of s 145 (Restrictions on particular orders)</b>	22
	Section 145(2)(a)— <i>omit, insert</i> — (a) because of an absence or error of, or omission by, a member of the electoral commission’s staff that appears unlikely to have had the effect that a candidate elected	23 24 25 26 27 28

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	at an election would not have been elected;	1
	or	2
<b>Clause 17</b>	<b>Amendment of s 163 (Evidentiary provisions)</b>	3
	Section 163, ‘or a CEO returning officer’—	4
	<i>omit.</i>	5
<b>Clause 18</b>	<b>Amendment of s 179 (Giving of how-to-vote cards to electoral commission)</b>	6
	Section 179(6)(b), ‘local government’s’—	7
	<i>omit, insert—</i>	8
	electoral commission’s	9
<b>Clause 19</b>	<b>Insertion of new pt 11, div 1, hdg</b>	10
	Part 11, before section 210—	11
	<i>insert—</i>	12
	<b>Division 1</b>	13
	<b>Transitional provision</b>	14
	<b>inserted under Sustainable</b>	15
	<b>Planning and Other</b>	16
	<b>Legislation Amendment</b>	17
	<b>Act 2012</b>	18
<b>Clause 20</b>	<b>Insertion of new pt 11, div 2</b>	19
	Part 11—	20
	<i>insert—</i>	21
	<b>Division 2</b>	22
	<b>Transitional provision for</b>	23
	<b>Local Government and</b>	24
	<b>Other Legislation</b>	25
	<b>Amendment Act 2015</b>	25

[s 21]

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## 211 By-elections and fresh elections

- |  |                    |
|--|--------------------|
|  | 1                  |
| (1) This section applies if there is a CEO returning officer before the commencement for a by-election or fresh election.  | 2<br>3<br>4        |
| (2) The CEO returning officer continues as the returning officer for the by-election or fresh election.  | 5<br>6<br>7        |
| (3) A person appointed by a CEO returning officer as an electoral officer before the commencement continues as an electoral officer for the by-election or fresh election. | 8<br>9<br>10<br>11 |
| (4) This Act as in force before the commencement continues to apply to the conduct of the by-election or fresh election.   | 12<br>13<br>14     |
| (5) In this section—   | 15                 |
| <i>CEO returning officer</i> means a person who is a CEO returning officer under section 9 as in force before the commencement.  | 16<br>17<br>18     |

- |                  |   |          |
|------------------|---|----------|
| <b>Clause 21</b> | <b>Amendment of schedule (Dictionary)</b>                                 | 19       |
| (1)              | Schedule, definition, <i>CEO returning officer</i> —                      | 20       |
|                  | <i>omit.</i>  | 21       |
| (2)              | Schedule, definition, <i>electoral officer</i> , from ‘officer, issuing’— | 22<br>23 |
|                  | <i>omit, insert</i> —   | 24       |
|                  | officer or issuing officer.   | 25       |

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<b>Part 3</b>	<b>Amendment of Heavy Vehicle National Law Act 2012</b>	1 2
<b>Clause 22</b>	<b>Act amended</b>	3
	This part amends the <i>Heavy Vehicle National Law Act 2012</i> .	4
<b>Clause 23</b>	<b>Amendment of s 2 (Commencement)</b>	5
	Section 2(2)—	6
	<i>omit, insert</i> —	7
	(2) However, if no day has been fixed by 1 July 2018, the Act commences on that day.	8 9
	(3) The <i>Acts Interpretation Act 1954</i> , section 15DA does not apply to this Act.	10 11
<b>Part 4</b>	<b>Amendment of Queensland Reconstruction Authority Act 2011</b>	12 13 14
<b>Clause 24</b>	<b>Act amended</b>	15
	This part amends the <i>Queensland Reconstruction Authority Act 2011</i> .	16 17
<b>Clause 25</b>	<b>Omission of pt 11 (Expiry of Act)</b>	18
	Part 11—	19
	<i>omit</i> .	20