



Electoral and Other Legislation Amendment Bill 2019



Queensland

Electoral and Other Legislation Amendment Bill 2019

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2019

A Bill

for

An Act to amend the *Acts Interpretation Act 1954*, the *Electoral Act 1992*, the *Parliament of Queensland Act 2001* and the *Referendums Act 1997* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Electoral and Other Legislation Amendment Act 2019*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

Part 2 Amendment of Electoral Act 1992 8
9

Clause 3 Act amended 10

This part amends the *Electoral Act 1992*. 11

Clause 4 Amendment of s 2 (Definitions) 12

(1) Section 2, definitions *chief executive appointee, disclosure period, expert appointee, nonjudicial appointee, ordinary postal voter, pre-poll voting office, publicly available part of an electoral roll and special postal voter—* 13
14
15
16

omit. 17

(2) Section 2— 18

insert— 19

certified copy, of an electoral roll, means a copy 20
of the electoral roll certified as a true copy by— 21

(a) the electoral commissioner; or 22

-
- (b) if the copy of the electoral roll is prepared under an arrangement mentioned in section 62—the Electoral Commissioner under the Commonwealth Electoral Act.
- disclosure period**, for an election, for part 11—
- (a) for a candidate in the election—see section 198(1); or
- (b) for a third party to which section 263(1) or 264(1) applies for the election—see section 198(3).
- nonjudicial appointee** means the commissioner mentioned in section 6(2)(c).
- ordinary general election** see the *Constitution of Queensland 2001*, section 19A.
- ordinary postal voter** see section 119(2).
- pre-poll voting office** see section 99A(1)(a).
- publicly available part**, of an electoral roll, means the part of an electoral roll that does not contain—
- (a) the address of a silent elector; and
- (b) information of a kind prescribed by regulation to be restricted information.
- silent elector** means an elector—
- (a) to whom section 58(5) applies; or
- (b) whose address has been excluded from the electoral roll under an arrangement under section 62 because of the Commonwealth Electoral Act, section 104.
- source**, for part 11—
- (a) of a gift—see section 260A(1); or
- (b) of a loan—see section 260A(2).
- special postal voter** see section 114(2).

[s 5]

	<i>spoilt ballot paper</i> see section 123A(1)(a)(i) and 123B(1)(b).	1 2
	(3) Section 2, definition <i>appointed commissioner</i> , ‘a’— <i>omit, insert—</i> the	3 4 5
	(4) Section 2, definition <i>electoral visitor voter</i> , ‘section 114(4)’— <i>omit, insert—</i> section 114(3)	6 7 8
Clause 5	Amendment of s 7 (Functions and powers of commission)	9 10
	(1) Section 7(1)— <i>insert—</i> (fa) to administer, and promote compliance with— (i) part 11; and (ii) the <i>Local Government Electoral Act 2011</i> , part 6; and	11 12 13 14 15 16 17
	(2) Section 7(1)(fa) to (j)— <i>renumber</i> as section 7(1)(g) to (k).	18 19
Clause 6	Amendment of s 31 (Returning officers)	20
	(1) Section 31(1), from ‘Governor’ to ‘commission,’— <i>omit, insert—</i> commission may	21 22 23
	(2) Section 31(3), ‘Governor in Council’— <i>omit, insert—</i> commission	24 25 26
	(3) Section 31—	27

-
- insert—* 1
- (5) A returning officer’s membership of a political party, or failure to comply with section 32A, does not invalidate— 2
- (a) anything done by the returning officer while the returning officer is a member of a political party; or 3
4
- (b) if the returning officer does a thing for an election while the returning officer is a member of a political party—the election. 5
6
7
8
9
10

Clause 7 Amendment of s 32 (Assistant returning officers) 11

- (1) Section 32(1), from ‘Governor’ to ‘commission,’— 12
- omit, insert—* 13
- commission may 14
- (2) Section 32(3), ‘Governor in Council’— 15
- omit, insert—* 16
- commission 17
- (3) Section 32— 18
- insert—* 19
- (11) An assistant returning officer’s membership of a political party, or failure to comply with section 32A, does not invalidate— 20
- (a) anything done by the assistant returning officer while the assistant returning officer is a member of a political party; or 21
22
- (b) if the assistant returning officer does a thing for an election while the assistant returning officer is a member of a political party—the election. 23
24
25
26
27
28
29

[s 8]

Clause 8	Insertion of new s 32A	1
	After section 32—	2
	<i>insert</i> —	3
	32A Obligation to notify membership of political party	4
		5
	A returning officer or assistant returning officer must immediately notify the commission if the officer becomes a member of a political party, unless the officer has a reasonable excuse.	6 7 8 9
	Maximum penalty—40 penalty units.	10
Clause 9	Replacement of s 35 (Distribution, and redistribution, of State into electoral districts)	11 12
	Section 35—	13
	<i>omit, insert</i> —	14
	35 Redistribution of State into electoral districts	15
	(1) Division 2 sets out when the need for an electoral redistribution arises.	16 17
	(2) Division 3 sets out how the commission undertakes an electoral redistribution.	18 19
	(3) As soon as practicable after the need for an electoral redistribution arises, the commission must—	20 21 22
	(a) redistribute the State into the 93 electoral districts; and	23 24
	(b) publish a gazette notice that states—	25
	(i) that the need has arisen; and	26
	(ii) the membership of the commission.	27
	(4) However, the commission must defer undertaking, or any further action in undertaking, an electoral redistribution until after the writ for the next general election is returned if—	28 29 30 31

(a)	the need for the electoral redistribution arises—	1 2
(i)	if the last general election was an ordinary general election—more than 28 months after the writ for the election was returned; or	3 4 5 6
(ii)	if the last general election was an extraordinary general election—less than 20 months before the normal polling day for the next ordinary general election; or	7 8 9 10 11
(iii)	after a writ is issued for a general election but before the writ is returned; or	12 13 14
(b)	a writ for a general election is issued while the commission is undertaking an electoral redistribution.	15 16 17
(5)	In this section—	18
	<i>extraordinary general election</i> see the <i>Constitution of Queensland 2001</i> , section 19A.	19 20
	<i>normal polling day</i> , for a general election, see the <i>Constitution of Queensland 2001</i> , section 19B.	21 22
Clause 10	Replacement of s 38 (Electoral redistribution after certain number of elections and minimum period)	23 24
	Section 38—	25
	<i>omit, insert</i> —	26
	38 Electoral redistribution after 2 general elections or 7.5 years	27 28
(1)	The need for an electoral redistribution arises on the later of the following days—	29 30
(a)	the day that is 1 year after the writ is returned for the second general election held	31 32

[s 11]

	after the previous redistribution becomes final;	1 2
	(b) the day that is 7.5 years after the previous redistribution becomes final.	3 4
	(2) In this section—	5
	<i>previous redistribution</i> means the last electoral redistribution under this Act that became final.	6 7
Clause 11	Amendment of s 52 (When redistribution takes effect)	8
	(1) Section 52(1), ‘subsection (3) and’—	9
	<i>omit.</i>	10
	(2) Section 52(2), ‘Subject to subsection (3), the’—	11
	<i>omit, insert—</i>	12
	The	13
	(3) Section 52(3) to (5)—	14
	<i>omit, insert—</i>	15
	(3) However, until the Legislative Assembly is next dissolved or expires by the passage of time, the redistribution does not affect a by-election for an electoral district to fill a vacancy in the membership of the Legislative Assembly.	16 17 18 19 20
Clause 12	Amendment of s 59 (Preparation of electoral rolls)	21
	(1) Section 59(1)(c), ‘2 years’—	22
	<i>omit, insert—</i>	23
	3 years	24
	(2) Section 59(3), ‘Subject to subsection (4), the’—	25
	<i>omit, insert—</i>	26
	The	27
	(3) Section 59(3)(a), after ‘printed’—	28

insert—

or electronic

(4) Section 59(4)—

omit.

Clause 13 Amendment of s 64 (Entitlement to enrolment)

(1) Section 64(2)—

omit, insert—

(2) However, despite subsection (1)(b), a person serving a sentence of imprisonment to whom subsection (1)(a) applies is entitled to be enrolled for—

(a) the first of the following electoral districts that applies for the person—

(i) the electoral district for which the person was enrolled immediately before the person started to serve the sentence;

(ii) the electoral district for which the person was entitled to be enrolled immediately before the person started to serve the sentence;

(iii) an electoral district for which any of the person's next of kin is enrolled;

(iv) the electoral district in which the person was born; or

(b) if none of the electoral districts mentioned in paragraph (a) applies for the person—the electoral district to which the person has the closest connection.

(2A) Also, subsection (1)(b) does not deny a person the entitlement to be enrolled for an electoral district if the person did not live in the electoral district

[s 14]

	for the last month merely because the person was	1
	detained in lawful custody for a reason other than	2
	to serve a sentence of imprisonment.	3
(2)	Section 64(2A) to (4)—	4
	<i>renumber</i> as section 64(3) to (5).	5
(3)	Section 64—	6
	<i>insert</i> —	7
	(6) For subsection (2), a person is serving a sentence	8
	of imprisonment only if—	9
	(a) the person is in detention on a full-time	10
	basis for an offence against a law of the	11
	Commonwealth or a State; and	12
	(b) the detention is attributable to the sentence	13
	of imprisonment concerned.	14
	(7) In this section—	15
	<i>next of kin</i> see the Commonwealth Electoral Act,	16
	section 4(1).	17
Clause 14	Amendment of s 81 (Writs for elections)	18
	Section 81(2)—	19
	<i>omit, insert</i> —	20
	(2) The commission must conduct the election in	21
	accordance with the writ, subject to this part and	22
	the <i>Constitution of Queensland 2001</i> , chapter 2,	23
	part 2A.	24
Clause 15	Replacement of ss 82 and 83	25
	Sections 82 and 83—	26
	<i>omit, insert</i> —	27
	82 Writs by Governor	28
	The Governor is to issue writs of the following	29

kind—	1
(a) a writ for a general election under the <i>Constitution of Queensland 2001</i> , chapter 2, part 2A;	2 3 4
(b) a writ for an election to which section 83(1) or 95(3) applies;	5 6
(c) a writ for an election ordered by the Court of Disputed Returns under section 128(14) or 146.	7 8 9
83 Writs for vacancy in the membership of the Legislative Assembly	10 11
(1) The Governor must issue a writ to fill a vacancy in the membership of the Legislative Assembly if the vacancy—	12 13 14
(a) arises after a general election and before the first meeting of the Legislative Assembly after the election; or	15 16 17
(b) is caused by death or resignation and arises when the Legislative Assembly is not sitting.	18 19 20
(2) The Speaker of the Legislative Assembly must issue a writ for an election to fill a vacancy in the membership of the Legislative Assembly if—	21 22 23
(a) the vacancy is not one mentioned in subsection (1) or section 95(3); and	24 25
(b) the Legislative Assembly passes a resolution declaring that the vacancy exists and stating its cause.	26 27 28
(3) However, if a vacancy mentioned in subsection (1)(b) or (2) arises within 3 months before the next normal dissolution day for the Legislative Assembly, the Speaker or Governor may, but need not, issue a writ for an election to fill the vacancy.	29 30 31 32 33 34

[s 16]

	(4) In this section—	1
	<i>normal dissolution day</i> see the <i>Constitution of Queensland 2001</i> , section 19C(1).	2 3
Clause 16	Amendment of s 84 (Form and content of writs)	4
	Section 84(1)(d), from ‘must’—	5
	<i>omit, insert—</i>	6
	must be—	7
	(i) for a writ for a general election—the polling day for the election under the <i>Constitution of Queensland 2001</i> , section 19B or 19F; or	8 9 10
	(ii) for another writ—a Saturday not less than 26 days, nor more than 56 days, after the issue of the writ;	11 12 13
Clause 17	Amendment of s 86 (Change of time limits in writ)	14
	Section 86—	15
	<i>insert—</i>	16
	(5) Subsection (1)(a) does not apply to a polling day for an ordinary general election.	17 18
	<i>Note—</i>	19
	The <i>Constitution of Queensland 2001</i> , section 19B(3) provides for the Governor to postpone the polling day for an ordinary general election in particular circumstances.	20 21 22 23
Clause 18	Amendment of s 89 (Deposit to accompany nomination)	24
	(1) Section 89(1), ‘, in cash or bank cheque’—	25
	<i>omit, insert—</i>	26
	with the commission or returning officer	27
	(2) Section 89—	28

-
- insert—* 1
- (1A) The deposit must be paid in cash or by bank 2
cheque, credit card or electronic funds transfer. 3
- (3) Section 89(2), ‘subsection (3)’— 4
- omit, insert—* 5
- subsection (4) 6
- (4) Section 89(5), ‘subsection (3) or (4)’— 7
- omit, insert—* 8
- subsection (4) or (5) 9
- (5) Section 89(1A) to (5)— 10
- renumber* as section 89(2) to (6). 11

- Clause 19 Amendment of s 98 (Setting up and operating polling booths)** 12
13
- (1) Section 98(5)— 14
- omit, insert—* 15
- (5) The commission must advertise, in the ways the 16
commission considers appropriate, including, for 17
example, on the commission’s website, the 18
following information about each polling booth 19
for an election— 20
- (a) the electoral districts for which an ordinary 21
vote may be made at the polling booth; 22
- (b) the location of the polling booth; 23
- (c) the voting hours of the polling booth. 24
- (2) Section 98(7)— 25
- omit, insert—* 26
- (7) The commission must advertise the establishment 27
and abolition of ordinary polling booths in the 28
ways the commission considers appropriate, 29
including, for example, on the commission’s 30

[s 20]

	website.	1
(3)	Section 98(8)(b), ‘and (8)’—	2
	<i>omit, insert—</i>	3
	and (9)	4
Clause 20	Amendment of s 99 (Kinds of polling booths)	5
(1)	Section 99(1)(c), ‘for electoral districts’—	6
	<i>omit.</i>	7
(2)	Section 99(3)(b)—	8
	<i>omit, insert—</i>	9
	(b) a building, structure, vehicle or other place declared under subsection (8) to be a mobile polling booth.	10 11 12
(3)	Section 99(4)—	13
	<i>omit, insert—</i>	14
	(4) If the commission considers that patients or residents of an institution should be able to vote at the institution, the commission may declare the institution to be a mobile polling booth for the election.	15 16 17 18 19
(4)	Section 99(8)—	20
	<i>omit, insert—</i>	21
	(8) If the commission considers an area is too remote to have enough electors to establish an ordinary polling booth, the commission may—	22 23 24
	(a) arrange for a building, structure, vehicle or other place to be available as a mobile polling booth for electors in the area to vote at the election; and	25 26 27 28
	(b) declare the building, structure, vehicle or other place to be a mobile polling booth for the election.	29 30 31

-
- (5) Section 99— 1
insert— 2
- (12) A declaration made under subsection (4) or (8) 3
must state— 4
- (a) the electoral districts for which electors may 5
make an ordinary vote at the mobile polling 6
booth; and 7
- (b) the days, during the period that starts 11 8
days before polling day and ends at 6p.m. on 9
polling day, when electors may vote at the 10
mobile polling booth; and 11
- (c) the voting hours for the mobile polling 12
booth on those days. 13
- (13) The commission must publish a declaration made 14
under subsection (4) or (8), and otherwise 15
advertise the information stated in the declaration 16
about the mobile polling booths, in the ways the 17
commission considers appropriate, including, for 18
example, on the commission’s website. 19

- Clause 21 Insertion of new ss 99A and 99B** 20
- After section 99— 21
- insert*— 22
- 99A Pre-poll voting offices** 23
- (1) The commission may declare for an election— 24
- (a) a stated place (a *pre-poll voting office*) to be 25
a place where an elector may— 26
- (i) make a pre-poll ordinary vote for an 27
electoral district; or 28
- (ii) make a declaration vote for the 29
election; and 30
- (b) the electoral districts for which a pre-poll 31
ordinary vote may be made at the place; and 32

[s 21]

- (c) the times during which electors are allowed to make a vote at the place. 1
2
 - (2) The commission must publish a declaration under subsection (1), and otherwise advertise the information stated in the declaration about the pre-poll voting offices, in the ways the commission considers appropriate, including, for example, on the commission's website. 3
4
5
6
7
8
- 99B Suspension of poll** 9
- (1) A returning officer may suspend the poll at a polling booth on polling day for not more than 4 hours if the taking of the poll is, or is likely to be, temporarily interrupted or obstructed by— 10
11
12
13
 - (a) a serious threat of a riot or open violence happening; or 14
15
 - (b) a serious risk to the health or safety of persons at the polling booth; or 16
17
 - (c) another emergency. 18
 - (2) The returning officer must ensure an elector who attends the polling booth while the poll is suspended is given information to assist the elector to make a vote, including— 19
20
21
22
 - (a) the time the poll is expected to resume at the polling booth; and 23
24
 - (b) the location of other polling booths. 25
 - (3) The returning officer must adjourn the conduct of the poll at the polling booth to another day if— 26
27
 - (a) for any reason, taking of the poll at the polling booth can not resume on polling day; or 28
29
30
 - (b) the returning officer is satisfied that it is unreasonable for an elector who would have otherwise cast a vote at the polling booth 31
32
33

while it was suspended to have cast a vote at 1
another polling booth. 2

Clause 22 Replacement of s 100 (Adjournment of poll) 3

Section 100— 4

omit, insert— 5

100 Adjournment of poll 6

(1) A returning officer may adjourn the poll at a 7
polling booth to another day if the returning 8
officer is satisfied the taking of the poll at the 9
polling booth is, or is likely to be, interrupted or 10
obstructed by any of the things stated in 11
subsection (2) to the extent that the taking of the 12
poll can not start or continue at the polling booth. 13

(2) For subsection (1), the things are as follows— 14

(a) a storm, flood, fire or similar happening; 15

(b) a riot or open violence; 16

(c) a serious threat of a riot or open violence 17
happening; 18

(d) a serious risk to the health or safety of 19
persons at the polling booth; 20

(e) another emergency. 21

(3) If the poll is adjourned under subsection (1) or 22
section 99B(3), the commission must fix a day 23
(not later than 34 days after the polling day) for 24
taking, or resuming, the adjourned poll. 25

(4) The commission must publish notice of the day 26
fixed for taking, or resuming, the adjourned poll 27
on the commission's website and in other ways 28
the commission considers appropriate. 29

(5) If an adjourned poll is held, only electors who are 30
enrolled in the electoral district for which the 31
polling booth is established and who have not 32

[s 23]

	already voted in the election are entitled to vote.	1
	(6) The adjourned poll is taken to have been held on the polling day.	2 3
Clause 23	Insertion of new s 101A	4
	After section 101—	5
	<i>insert—</i>	6
	101A Supply of electoral rolls and ballot papers	7
	(1) The commission must ensure a sufficient number of the following are available at each polling place—	8 9 10
	(a) certified copies of the electoral roll for each electoral district as at the cut-off day for electoral rolls;	11 12 13
	(b) ballot papers for each electoral district.	14
	(2) Without limiting (1)(a), a certified copy of the electoral roll for an electoral district is available at a polling place if—	15 16 17
	(a) a certified copy of the electoral roll can be accessed electronically from the polling place; and	18 19 20
	(b) an issuing officer at the polling place can use the certified copy to make an electronic record of the persons to whom a ballot paper is issued.	21 22 23 24
	(3) Without limiting subsection (1)(b), a ballot paper for an electoral district is available at a polling place if a ballot paper can be reproduced at the place under section 102A.	25 26 27 28
Clause 24	Amendment of s 102 (Supply of ballot papers and electoral rolls)	29 30
	(1) Section 102, heading—	31

<i>omit, insert—</i>	1
102 Form of ballot papers	2
(2) Section 102(1)—	3
<i>omit.</i>	4
(3) Section 102(2)(b), before ‘be attached to’—	5
<i>insert—</i>	6
for a ballot paper other than a ballot paper reproduced under section 102A,	7 8
(4) Section 102(2)(b)(iii)—	9
<i>omit, insert—</i>	10
(iii) states the name of the electoral district; and	11
(5) Section 102(3)—	12
<i>omit, insert—</i>	13
(3) The ballot papers to which subsection (1) applies must contain the following sentence—	14 15
You must number every square in the order of your preference.	16 17
(6) Section 102(4), from ‘must’—	18
<i>omit, insert—</i>	19
must—	20
(a) be of a size or format that enables the elector’s electronically assisted vote to be accurately determined; and	21 22 23
(b) state the name of the electoral district for which the vote is made.	24 25
(7) Section 102(2) to (4)—	26
<i>renumber</i> as section 102(1) to (3).	27

[s 25]

Clause 25	Insertion of new s 102A	1
	After section 102—	2
	<i>insert—</i>	3
	102A Ballot papers may be reproduced if required	4
	(1) This section applies if a polling place does not have, or runs out of, ballot papers for an electoral district.	5 6 7
	(2) An issuing officer at the polling place may reproduce a ballot paper for the electoral district, including, for example, by photocopying, handwriting or printing the ballot paper.	8 9 10 11
	(3) Section 102(1) applies to a ballot paper reproduced under this section.	12 13
	(4) The issuing officer must keep a record of the number of ballot papers for an electoral district the officer reproduces under this section.	14 15 16
Clause 26	Amendment of s 104 (Scrutineers)	17
	Section 104(2), from ‘each mobile’ to ‘issuing officer,’—	18
	<i>omit, insert—</i>	19
	mobile polling booth and pre-poll voting office	20
Clause 27	Amendment of s 106 (Who may vote)	21
	Section 106(3), after ‘imprisonment’—	22
	<i>insert—</i>	23
	of 3 years or longer	24
Clause 28	Insertion of new pt 7, div 5, sdiv 1AA	25
	Part 7, division 5—	26
	<i>insert—</i>	27

Subdivision 1AA Preliminary 1

106A Particular references relating to an electoral district 2
3

For this division— 4

- (a) a reference to an electoral district in relation to an elector is a reference to the electoral district for which the elector is enrolled; and 5
6
7
- (b) a reference to a polling booth established for an electoral district, or otherwise in relation to an electoral district, is a reference to a polling booth at which an ordinary vote for the electoral district may be made; and 8
9
10
11
12
- (c) a reference to a returning officer in relation to an elector is a reference to the returning officer for the electoral district for which the elector is enrolled. 13
14
15
16

Clause 29 Amendment of s 107 (Procedure for voting) 17

(1) Section 107(1) and (2)— 18

omit, insert— 19

(1) An elector is to vote by following the procedures set out in this section unless the elector— 20
21

(a) makes a pre-poll ordinary vote under section 112; or 22
23

(b) makes, or must make, a declaration vote under subdivision 3; or 24
25

(c) makes an electronically assisted vote under subdivision 3A. 26
27

(2) The elector is, during ordinary voting hours, to enter a polling booth for the elector's electoral district. 28
29
30

(2) Section 107(3), (4)(a) and (5), after 'ballot paper'— 31

[s 30]

insert— 1
for the electoral district 2

Clause 30 Amendment of s 110 (Pre-poll ordinary voting) 3

Section 110(2), from ‘the electoral’ to ‘is enrolled’— 4

omit, insert— 5

the elector’s electoral district 6

Clause 31 Omission of s 111 (Pre-poll voting offices) 7

Section 111— 8

omit. 9

Clause 32 Amendment of s 112 (Procedure for pre-poll ordinary voting) 10
11

(1) Section 112(2), from ‘the electoral’— 12

omit, insert— 13

the elector’s electoral district. 14

(2) Section 112(3), (4)(a) and (5), after ‘ballot paper’— 15

insert— 16

for the electoral district 17

Clause 33 Amendment of s 114 (Who may make a declaration vote) 18

(1) Section 114(1)(a), ‘(an *ordinary postal voter*)’— 19

omit. 20

(2) Section 114(2), ‘The following electors are special postal voters’— 21
22

omit, insert— 23

Each of the following electors is a *special postal voter* 24
25

-
- (3) Section 114(2)(b)— 1
omit, insert— 2
 (b) a silent elector. 3
- (4) Section 114(3), ‘The following electors are electoral visitor 4
voters’— 5
omit, insert— 6
 Each of the following electors is an *electoral* 7
 visitor voter 8

- Clause 34 Amendment of s 115 (Who must make a declaration vote)** 9
- (1) Section 115(a), from ‘electoral district’— 10
omit, insert— 11
 elector’s electoral district; 12
- (2) Section 115(b), from ‘is outside’— 13
omit, insert— 14
 has not been established for the elector’s electoral 15
 district; 16
- (3) Section 115— 17
insert— 18
 (ca) an elector who goes on a polling day to a 19
 polling booth but is not able to make an 20
 ordinary vote at the polling booth for a 21
 reason that is beyond the elector’s control; 22
 Example of a reason beyond an elector’s control why 23
 the elector cannot make an ordinary vote— 24
 an electronic copy of the electoral roll can not be 25
 accessed from the polling booth so an issuing 26
 officer at the polling booth can not confirm the 27
 elector’s name is on the electoral roll for the 28
 electoral district 29
- (4) Section 115— 30
insert— 31

[s 35]

	(da) an elector who is serving a sentence of imprisonment, or is otherwise detained in lawful custody, on the polling day;	1 2 3
	(5) Section 115(ca) to (f)— <i>renumber</i> as section 115(d) to (h).	4 5
Clause 35	Amendment of s 116 (Ways in which an elector may make a declaration vote)	6 7
	(1) Section 116(b), ‘in an electoral district’— <i>omit.</i>	8 9
	(2) Section 116(c)— <i>omit.</i>	10 11
	(3) Section 116(d), after ‘section 119’— <i>insert</i> — or 123B	12 13 14
	(4) Section 116(d) and (e)— <i>renumber</i> as section 116(c) and (d).	15 16
Clause 36	Amendment of s 117 (Making a declaration vote at a polling booth)	17 18
	(1) Section 117(1), from ‘in an electoral’ to ‘ballot paper’— <i>omit, insert</i> — and request a ballot paper for an electoral district	19 20 21
	(2) Section 117(2), from ‘is enrolled’ to ‘is located’— <i>omit, insert</i> — may make an ordinary vote for the elector’s electoral district at the polling booth	22 23 24 25

Clause 37	Omission of s 118 (Making a declaration vote at a commission office)	1 2
	Section 118—	3
	<i>omit.</i>	4
Clause 38	Amendment of s 119 (Making a declaration vote using posted voting papers)	5 6
	(1) Section 119(1) to (3)—	7
	<i>omit, insert—</i>	8
	(1) A special postal voter or ordinary postal voter may make a declaration vote under this section using a ballot paper and declaration envelope sent to the elector.	9 10 11 12
	(2) An elector is an <i>ordinary postal voter</i> if—	13
	(a) the elector makes a request (a <i>postal vote request</i>) to the commission or returning officer to make a declaration vote using a ballot paper and declaration envelope sent to the elector; and	14 15 16 17 18
	(b) the elector’s postal vote request is received by the commission or returning officer not later than 7p.m. on the day that is 12 days before the polling day for the election.	19 20 21 22
	<i>Note—</i>	23
	The polling day for an election is always a Saturday—see the <i>Constitution of Queensland 2001</i> , sections 19B and 19F and section 84(1)(d) of this Act. The day that is 12 days before the polling day for an election is 2 Mondays before the polling day.	24 25 26 27 28 29
	(3) A postal vote request—	30
	(a) may be made by the elector orally or in writing; and	31 32
	(b) if the request is written—	33

[s 38]

- (i) must be in the approved form; and 1
- (ii) may be given to the commission or 2
returning officer by the elector or 3
someone else; and 4
- (c) must state the address to which the ballot 5
paper is to be sent. 6
- (2) Section 119— 7
insert— 8
- (4A) Also, the commission must post, deliver or 9
otherwise send a ballot paper and declaration 10
envelope to an ordinary postal voter as soon as 11
practicable after receiving the elector’s postal vote 12
request. 13
- (4B) If the commission or returning officer receives a 14
postal vote request for an elector after the time 15
mentioned in subsection (2)(b), the commission 16
or returning officer must give the elector a written 17
notice that states the elector is not entitled to make 18
a declaration vote under this section. 19
- (3) Section 119(6), ‘subsection (8)’— 20
omit, insert— 21
subsection (10) 22
- (4) Section 119(6)(d)(i), ‘an office of the commission’— 23
omit, insert— 24
a pre-poll voting office 25
- (5) Section 119(7), ‘subsection (6)(b) to (d)’— 26
omit, insert— 27
subsection (8)(b) to (d) 28
- (6) Section 119(8), ‘subsection (6)(d)(i)’— 29
omit, insert— 30
subsection (8)(d)(i) 31

-
- (7) Section 119(8)— 1
insert— 2
Note for subsection (10)— 3
Section 125 sets out the process for examining 4
declaration envelopes and preparing the ballot papers in 5
them for counting. 6
- (8) Section 119(4A) to (8)— 7
renumber as section 119(5) to (10). 8

- Clause 39 Amendment of s 120 (Electoral visitor voting)** 9
- Section 120(1) and (2)— 10
omit, insert— 11
- (1) An electoral visitor voter may give a request to 12
vote as an electoral visitor voter to the 13
commission or returning officer. 14
- (2) The request— 15
- (a) must— 16
- (i) be in writing; and 17
- (ii) be in the approved form; and 18
- (iii) state the address the electoral visitor is 19
to visit; and 20
- (b) may be given to the commission or returning 21
officer by the elector or someone else. 22

- Clause 40 Insertion of new pt 7, div 5, sdiv 5** 23
- Part 7, division 5— 24
insert— 25
- Subdivision 5 Replacement ballot papers** 26

[s 40]

123A Replacement ballot paper issued at polling place	1 2
(1) This section applies if, while voting at a polling place, an elector—	3 4
(a) satisfies an issuing officer that—	5
(i) a ballot paper given to the elector (the <i>spoilt ballot paper</i>) is marked, damaged or destroyed to the extent that it can not be used to make a vote; and	6 7 8 9
(ii) the spoilt ballot paper has not been put in a ballot box in the polling place; and	10 11
(iii) the elector has not voted in the election; and	12 13
(b) gives the spoilt ballot paper, or the remains of the ballot paper, to the issuing officer.	14 15
(2) The issuing officer must give the elector another ballot paper.	16 17
(3) The issuing officer must also—	18
(a) place the spoilt ballot paper in an envelope and seal the envelope; and	19 20
(b) keep the envelope for separate identification under section 127.	21 22
123B Replacement ballot paper issued to postal voter	23 24
(1) This section applies if a ballot paper for an election and declaration envelope is sent to an elector under section 119 and either—	25 26 27
(a) the elector does not receive the ballot paper and declaration envelope; or	28 29
(b) the ballot paper (the <i>spoilt ballot paper</i>) is marked, damaged or destroyed to the extent	30 31

	that it can not be used to make a declaration vote.	1 2
(2)	The elector may ask the commission or returning officer for a replacement ballot paper.	3 4
(3)	If the replacement ballot paper is to be sent to the elector, the request must state the address to which the ballot paper is to be sent.	5 6 7
(4)	An issuing officer must—	8
	(a) if the elector makes the request in person— give another ballot paper and declaration envelope to the elector; or	9 10 11
	(b) post, deliver or otherwise send another ballot paper and declaration envelope to the elector as soon as practicable after receiving the request.	12 13 14 15
(5)	When the elector makes a declaration vote under subdivision 3, the elector must make the declaration on the declaration envelope that states—	16 17 18 19
	(a) the ballot paper sent to the elector has not been received or has been marked, damaged or destroyed; and	20 21 22
	(b) the elector has not otherwise voted in the election.	23 24
(6)	The commission and returning officers must keep a record of all ballot papers and declaration envelopes given or sent under this section.	25 26 27
Clause 41	Amendment of s 124 (Votes to be counted in accordance with division)	28 29
	(1) Section 124, heading, after ‘counted’—	30
	<i>insert—</i>	31
	and ballot boxes opened	32

[s 42]

- (2) Section 124— 1
insert— 2
(2) A ballot box used for an election must only be 3
opened in accordance with this division. 4

- Clause 42 Amendment of s 125 (Preliminary processing of 5
declaration envelopes and ballot papers) 6**
- (1) Section 125(2)(c), ‘section 119(6)(d)’— 7
omit, insert— 8
section 119(8)(d) 9
- (2) Section 125— 10
insert— 11
(7) Declaration envelopes may be examined under 12
this section before or after polling day for the 13
election. 14

- Clause 43 Amendment of s 126 (Preliminary and official counting of 15
votes) 16**
- Section 126— 17
insert— 18
(c) in accordance with the procedures made 19
under section 130A. 20

- Clause 44 Replacement of s 127 (Preliminary counting of ordinary 21
votes) 22**
- Section 127— 23
omit, insert— 24
127 Preliminary counting of ordinary votes 25
- (1) As soon as practicable after the end of ordinary 26
voting hours on polling day, the member of the 27
commission’s staff in charge of a polling booth 28

-
- must ensure that the commission's staff at the
polling place follow the procedures—
- (a) set out in subsections (2), (3) and (6); and
 - (b) made under section 130A.
- (2) The staff must—
- (a) open all ballot boxes at the polling booth,
including ballot boxes in which ballot
papers from declaration envelopes have
been placed under section 125(3); and
 - (b) identify and keep in separate parcels for
each different electoral district—
 - (i) all formal ballot papers (including
ballot papers printed for electronically
assisted votes) that are not in a
declaration envelope; and
 - (ii) all declaration envelopes; and
 - (iii) all informal ballot papers (including
ballot papers printed for electronically
assisted votes) that are not in a
declaration envelope; and
 - (c) for each electoral district for which ordinary
votes are to be counted at the polling
booth—
 - (i) arrange, and place in separate parcels
under the names of the candidates for
the electoral district, all formal ballot
papers (including formal ballot papers
printed for electronically assisted
votes) on which a first preference vote
is indicated for the same candidate; and
 - (ii) count the first preference votes on
formal ballot papers for each
candidate; and

[s 44]

- (iii) count, and keep in a separate parcel, the informal ballot papers; and 1
2
 - (iv) prepare and sign a statement, in the approved form, setting out— 3
4
 - (A) the number of first preference votes for each candidate; and 5
6
 - (B) the number of informal ballot papers; and 7
8
 - (v) advise the returning officer for the electoral district of the contents of the statement; and 9
10
11
 - (d) for each electoral district to which paragraph (c) does not apply, identify and keep in a separate parcel— 12
13
14
 - (i) all formal ballot papers, including ballot papers printed for electronically assisted votes; and 15
16
17
 - (ii) all informal ballot papers, including ballot papers printed for electronically assisted votes; and 18
19
20
 - (e) for each separate parcel of ballot papers or declaration envelopes— 21
22
 - (i) seal the parcel; and 23
 - (ii) write on the parcel a description of its contents, including the number of ballot papers or declaration envelopes in the parcel; and 24
25
26
27
 - (iii) sign the description; and 28
 - (iv) if a scrutineer wishes to countersign the description—allow the scrutineer to do so; and 29
30
31
 - (f) send the parcels, and the statements mentioned in subsection (2)(c)(iv), to the 32
33

-
- returning officer for the appropriate
electoral district. 1
2
- (3) Also, the staff must— 3
- (a) identify all envelopes containing spoilt
ballot papers for each different electoral
district; and 4
5
6
- (b) keep the envelopes in a separate parcel; and 7
- (c) deal with the parcel in the way stated in
subsection (2)(e) and (f) as if the reference
in that subsection to ballot papers were a
reference to envelopes containing spoilt
ballot papers. 8
9
10
11
12
- (4) This section also applies, in the way stated in
subsection (5), to the following votes received by
the commission— 13
14
15
- (a) votes received under section 125 for an
electoral district; 16
17
- (b) pre-poll ordinary votes for an electoral
district made at a pre-poll voting office; 18
19
- (c) ballot papers printed for electronically
assisted votes at a place other than a polling
booth. 20
21
22
- (5) This section applies to the votes mentioned in
subsection (4) in the same way it would apply if
an office of the commission, or a pre-poll voting
office, were a polling booth for an electoral
district— 23
24
25
26
27
- (a) to the extent it is reasonably practicable to
count the votes on polling day; and 28
29
- (b) subject to any changes prescribed by
regulation and any other necessary changes. 30
31
- (6) If the commission considers it appropriate for
gaining an indication of the candidate most likely
to be elected for an electoral district, the 32
33
34

[s 45]

	commission may require the commission's staff to—	1 2
	(a) count the preference votes in the way required by the commission; and	3 4
	(b) prepare and sign a statement of the number of preference votes (other than first preference votes) for each candidate; and	5 6 7
	(c) advise the returning officer for the electoral district of the contents of the statement.	8 9
Clause 45	Amendment of s 128 (Official counting of votes)	10
	(1) Section 128(1), after 'this section'—	11
	<i>insert</i> —	12
	and made under section 130A	13
	(2) Section 128(2)(b) and (c)—	14
	<i>omit, insert</i> —	15
	(b) identify and keep in separate parcels for each different electoral district—	16 17
	(i) all formal ballot papers (including ballot papers printed for electronically assisted votes) that are not in a declaration envelope; and	18 19 20 21
	(ii) all declaration envelopes; and	22
	(iii) all informal ballot papers (including ballot papers printed for electronically assisted votes) that are not in a declaration envelope; and	23 24 25 26
	(c) for each parcel for an electoral district other than the returning officer's electoral district—	27 28 29
	(i) seal the parcel; and	30

(ii)	write on the parcel a description of its contents, including the number of ballot papers or declaration envelopes in the parcel; and	1 2 3 4
(iii)	sign the description; and	5
(iv)	if a scrutineer wishes to countersign the description—allow the scrutineer to do so; and	6 7 8
(3)	Section 128(3)(a)—	9
	<i>omit, insert—</i>	10
(a)	open—	11
(i)	the parcels mentioned in subsection (2)(b) for the returning officer’s electoral district; and	12 13 14
(ii)	all sealed parcels of ballot papers and declaration envelopes sent to the returning officer under section 127; and	15 16 17
(ab)	follow the procedures set out in section 125 for all declaration envelopes; and	18 19
(4)	Section 128(3)(ab) to (c)—	20
	<i>renumber</i> as section 128(3)(b) to (d).	21
(5)	Section 128(4)(c), ‘subsection (3)(c)’—	22
	<i>omit, insert—</i>	23
	subsection (3)(d)	24
Clause 46	Insertion of new s 130A	25
	After section 130—	26
	<i>insert—</i>	27
	130A Prescribed procedures for counting of absentee votes	28 29
	(1) The commission must make procedures about	30

[s 47]

	how, subject to this division, absentee votes at an election are to be counted.	1 2
(2)	The procedures must provide for—	3
(a)	the circumstances in which absentee votes are counted at a polling booth under section 127; and	4 5 6
(b)	ensuring absentee votes are counted at polling places in a way that does not compromise the secrecy of voting; and	7 8 9
(c)	the secure delivery of sealed ballot boxes, and sealed parcels of ballot papers and declaration envelopes, containing absentee votes to the returning officer for the appropriate electoral district or the commission; and	10 11 12 13 14 15
(d)	the arrangements for scrutineers to be present when absentee votes are counted and their roles and responsibilities.	16 17 18
(3)	The procedures—	19
(a)	do not take effect until approved by a regulation; and	20 21
(b)	must be tabled in the Legislative Assembly with the regulation approving the procedures; and	22 23 24
(c)	must be published on the commission’s website.	25 26
(4)	In this section—	27
	<i>absentee vote</i> means an ordinary vote made by an elector at a polling booth that is not located in the elector’s electoral district.	28 29 30
Clause 47	Insertion of new s 133A	31
	After section 133—	32

insert—

133A Election and elector information

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32
- (1) After the writ for an election is returned, the commission must publish on the commission's website—
 - (a) the number of first preference votes given for each candidate in the election; and
 - (b) information about the distribution of preference votes, other than first preference votes, given for the candidates for election in each electoral district.
 - (2) Also, after the writ for an election is returned, a registered political party or independent member (each a *requester*) may ask the commission for elector information for the election.
 - (3) The commission must comply with a request under subsection (2) by giving the requester the elector information about each elector who—
 - (a) was enrolled, for the election, on the electoral roll for—
 - (i) for a request made by a registered political party—each electoral district; or
 - (ii) for a request made by an independent member—the electoral district for which the member was elected; and
 - (b) voted in the election.
 - (4) The *elector information* about an elector who voted in an election is—
 - (a) the elector's name and address; and
 - (b) whether the elector voted in person, by post or in another way; and

[s 48]

	(c) if the elector voted in person at a polling place in the electoral district for which the elector was enrolled for the election—the location of the polling place.	1 2 3 4
	(5) However, the commission must not give elector information about a silent elector to a registered political party or independent member.	5 6 7
	(6) A person must not use, disclose to another person or allow another person to access elector information given to a registered political party or independent member under this section, unless the use, disclosure or giving of access is for a purpose related to an election.	8 9 10 11 12 13
	Maximum penalty for subsection (6)—200 penalty units.	14 15
	(7) In this section— <i>independent member</i> means an elected member who is not a member of a registered political party.	16 17 18 19
Clause 48	Amendment of s 136 (Storage of ballot papers and declaration envelopes)	20 21
	(1) Section 136(1), from ‘until’ to ‘general election’— <i>omit, insert—</i> for the period that applies under subsection (2)	22 23 24
	(2) Section 136(1)(a)— <i>omit, insert—</i> (a) formal and informal ballot papers for the election;	25 26 27 28
	(3) Section 136— <i>insert—</i> (1A) For subsection (1), the period starts on the polling day for the election and ends on the latest of the	29 30 31 32

following days—	1
(a) the day that is 1 year after the polling day for the election;	2 3
(b) if the material relates to an application to dispute an election or an appeal—the day on which—	4 5 6
(i) the application is withdrawn; or	7
(ii) if the application is decided and an appeal from the decision has not been started—the time for starting an appeal from the decision ends; or	8 9 10 11
(iii) if the application is dismissed and an appeal from the decision or order to dismiss the application has not been started—the time for starting an appeal from the decision or order ends; or	12 13 14 15 16
(iv) the appeal is decided, dismissed or withdrawn;	17 18
(c) if the commission has authorised a person, including, for example, a person who conducts research at a university, to use the materials for analysis or research—the day on which—	19 20 21 22 23
(i) the person finishes the analysis or research; or	24 25
(ii) the person no longer requires the materials for the analysis or research; or	26 27 28
(iii) the commission withdraws the authorisation.	29 30
(4) Section 136—	31
<i>insert—</i>	32
(4) In this section—	33

[s 49]

	<i>appeal</i> means an appeal started under part 8, division 4.	1 2
	<i>application to dispute an election</i> means an application to dispute an election under part 8, division 2.	3 4 5
(5)	Section 136(1A) and (2)— <i>renumber</i> as section 136(2) and (3).	6 7
Clause 49	Amendment of s 147 (Restrictions on certain orders)	8
(1)	Section 147(4)(a), ‘section 102(2)(d)’— <i>omit, insert</i> — section 102(1)(d)	9 10 11
(2)	Section 147(4)(b) and (c), ‘section 102(2)(g)’— <i>omit, insert</i> — section 102(1)(g)	12 13 14
Clause 50	Amendment of s 177 (Misuse of restricted information)	15
(1)	Section 177(1)— <i>omit, insert</i> — (1) A person must not use, disclose to another person or allow another person to access information in a copy of an electoral roll made available to a person or organisation under section 61, unless the use, disclosure or giving of access is for a purpose stated in subsection (2). Maximum penalty—20 penalty units or 6 months imprisonment.	16 17 18 19 20 21 22 23 24 25
(2)	Section 177(2)— <i>insert</i> — (f) if the copy of the electoral roll is made available to the person or organisation under	26 27 28 29

	section 61(2)—the purpose prescribed under a regulation for which the copy is made available.	1 2 3
Clause 51	Amendment of s 188 (Canvassing etc. in or near polling places)	4 5
	Section 188(1)(b), from ‘or’ to ‘commission,’— <i>omit.</i>	6 7
Clause 52	Insertion of new s 188A	8
	After section 188— <i>insert—</i>	9 10
	188A Particular badges and emblems not to be worn in polling booths	11 12
	A person must not wear or display a badge or emblem of a political party or candidate in an election during voting hours in a polling booth.	13 14 15
	Maximum penalty—1 penalty unit.	16
Clause 53	Amendment of s 191 (Offences relating to ballot papers)	17
	Section 191(1)(a), ‘119(6)(c) or (d)’— <i>omit, insert—</i>	18 19
	119(8)(c) or (d)	20
Clause 54	Replacement of s 192 (Failure to post, fax or deliver documents for someone else)	21 22
	Section 192— <i>omit, insert—</i>	23 24
	192 Failure to give, post or send documents for someone else	25 26
	(1) If a person is given a request under section 119 or	27

[s 55]

	120 to give, post or send to the commission or a returning officer, the person must promptly give, post or send the request to the commission or returning officer, unless the person has a reasonable excuse.	1 2 3 4 5
	Maximum penalty—20 penalty units or 6 months imprisonment.	6 7
	(2) If a person is given a declaration envelope under section 119(8)(d)(ii) to post or send to the commission or a returning officer, the person must promptly post or send the declaration envelope to the commission or returning officer, unless the person has a reasonable excuse.	8 9 10 11 12 13
	Maximum penalty—20 penalty units or 6 months imprisonment.	14 15
Clause 55	Amendment of s 194 (Breaking seals on parcels)	16
	Section 194, ‘section 127(2)(h)’—	17
	<i>omit, insert—</i>	18
	section 127(2)(e)	19
Clause 56	Amendment of s 195 (Duty of witness to signing of declaration voting papers)	20 21
	Section 195, ‘section 119(6)(a)’—	22
	<i>omit, insert—</i>	23
	119(8)(a)	24
Clause 57	Amendment of s 197 (Definitions)	25
	(1) Section 197, definition <i>disclosure period</i> —	26
	<i>omit.</i>	27
	(2) Section 197—	28
	<i>insert—</i>	29

	<i>disclosure period</i> , for an election—	1
	(a) for a candidate in the election—see section 198(1); or	2 3
	(b) for a third party to which section 263(1) or 264(1) applies for the election—see section 198(3).	4 5 6
	<i>source</i> —	7
	(a) of a gift—see section 260A(1); or	8
	(b) of a loan—see section 260A(2).	9
Clause 58	Replacement of s 198 (Meaning of <i>disclosure period</i>)	10
	Section 198—	11
	<i>omit, insert</i> —	12
	198 Meaning of <i>disclosure period</i>	13
	(1) The <i>disclosure period</i> for an election, for a candidate in the election, is the period that—	14 15
	(a) starts—	16
	(i) if the candidate was a candidate in a by-election held after the last general election—30 days after the polling day for the last by-election in which the candidate was a candidate; or	17 18 19 20 21
	(ii) if subparagraph (i) does not apply and the candidate was a candidate in the last general election—30 days after the polling day for the last general election; or	22 23 24 25 26
	(iii) otherwise—the day that applies for the candidate under subsection (2); and	27 28
	(b) ends 30 days after the polling day for the election.	29 30
	(2) For subsection (1)(a)(iii), the day that applies for	31

[s 59]

	the candidate for the election is the earliest of the following days—	1 2
	(a) the day the person announces or otherwise publicly indicates the person’s intention to be a candidate in the election;	3 4 5
	(b) the day the person nominates as a candidate in the election;	6 7
	(c) the day the person otherwise indicates the person’s intention to be a candidate in the election, including, for example, by accepting a gift made for a purpose related to the election.	8 9 10 11 12
	(3) The <i>disclosure period</i> for an election, for a third party to whom section 263 or 264 applies for the election, is the period that—	13 14 15
	(a) starts 30 days after the polling day for the last general election; and	16 17
	(b) ends 30 days after the polling day for the election.	18 19
Clause 59	Insertion of new ss 260A and 260B	20
	After section 260—	21
	<i>insert—</i>	22
	260A Who is the source of a gift or loan	23
	(1) An entity is the <i>source</i> of a gift (the <i>ultimate gift</i>) made to another entity (the <i>ultimate recipient</i>) if—	24 25 26
	(a) the entity makes a gift or loan (the <i>first gift or loan</i>) to another entity (the <i>first recipient</i>); and	27 28 29
	(b) the entity’s main purpose in making the first gift or loan is to enable (directly or indirectly) the first recipient, or another	30 31 32

-
- person, to make the ultimate gift to the
ultimate recipient; and
- (c) the first recipient, or another person, makes
the ultimate gift to the ultimate recipient;
and
- (d) the first gift or loan enabled (directly or
indirectly) the first recipient, or another
person, to make the ultimate gift.
- (2) An entity is the *source* of a loan (the *ultimate
loan*) made to another entity (the *ultimate
recipient*) if—
- (a) the entity makes a gift or loan (the *first gift
or loan*) to another entity (the *first
recipient*); and
- (b) the entity’s main purpose in making the first
gift or loan is to enable (directly or
indirectly) the first recipient, or another
person, to make the ultimate loan to the
ultimate recipient; and
- (c) the first recipient, or another person, makes
the ultimate loan to the ultimate recipient;
and
- (d) the first gift or loan enabled (directly or
indirectly) the first recipient, or another
person, to make the ultimate loan.

260B Donor must disclose source of gift or loan

- (1) This section applies to an entity if—
- (a) the entity—
- (i) makes a gift or loan to a registered
political party or candidate in an
election (each a *recipient*); or

[s 60]

	(ii) makes a gift to a third party to whom section 263 applies (also a <i>recipient</i>); and	1 2 3
	(b) the value of the gift or amount of the loan equals or exceeds the gift threshold amount; and	4 5 6
	(c) the entity is not the source of the gift or loan.	7 8
	(2) When the entity makes the gift or loan to the recipient, the entity must give the recipient a notice that states—	9 10 11
	(a) that the entity is not the source of the gift or loan; and	12 13
	(b) the relevant particulars of the entity that is the source of the gift or loan.	14 15
	Maximum penalty—20 penalty units.	16
Clause 60	Amendment of s 261 (Disclosure by candidates of gifts)	17
	Section 261(2)(b)—	18
	<i>insert—</i>	19
	(iv) if the entity is not the source of the gift—the relevant particulars of the entity that is the source of the gift; and	20 21 22
Clause 61	Amendment of s 262 (Loans to candidates)	23
	Section 262(2)(b)—	24
	<i>insert—</i>	25
	(iv) if the entity is not the source of the loan—the relevant particulars of the entity that is the source of the loan; and	26 27 28

Clause 62	Amendment of s 263 (Disclosure of gifts by third parties that incur expenditure for political purposes)	1 2
	(1) Section 263(4)—	3
	<i>omit.</i>	4
	(2) Section 263(5)(b)—	5
	<i>omit, insert—</i>	6
	(b) the relevant details of a gift are—	7
	(i) the amount or value of the gift; and	8
	(ii) the date on which the gift was made; and	9 10
	(iii) the relevant particulars of the entity that made the gift; and	11 12
	(iv) if the third party is not the source of the gift—the relevant particulars of the entity that is the source of the gift.	13 14 15
Clause 63	Amendment of s 264 (Disclosure by third parties of gifts to candidates)	16 17
	Section 264(8)(b)—	18
	<i>insert—</i>	19
	(iv) if the entity is not the source of the gift—the relevant particulars of the entity that is the source of the gift.	20 21 22
Clause 64	Amendment of s 265 (Gifts to political parties)	23
	Section 265(2), (4) and (10)—	24
	<i>insert—</i>	25
	(d) if the entity is not the source of the gift—the relevant particulars of the entity that is the source of the gift.	26 27 28

[s 65]

Clause 65	Amendment of s 272 (Particular loans not to be received)	1
	Section 272(3)—	2
	<i>insert—</i>	3
	(d) if the entity is not the source of the loan—	4
	the relevant particulars of the entity that is	5
	the source of the loan.	6
Clause 66	Amendment of s 283 (Returns of electoral expenditure)	7
	Section 283—	8
	<i>insert—</i>	9
	(2) The details about electoral expenditure stated in	10
	the return must include—	11
	(a) the name and business address of the person	12
	who supplied the goods or service to which	13
	the expenditure relates; and	14
	(b) a description of the goods or service; and	15
	(c) the amount of the expenditure.	16
Clause 67	Amendment of s 307 (Offences)	17
	(1) Section 307—	18
	<i>insert—</i>	19
	(2A) A person who fails to give notice of particulars	20
	that the person is required to give under section	21
	312A commits an offence.	22
	Maximum penalty—20 penalty units.	23
	(2) Section 307(5), penalty, ‘50 penalty units’—	24
	<i>omit, insert—</i>	25
	100 penalty units	26
	(3) Section 307(14), ‘3 years’—	27
	<i>omit, insert—</i>	28

	4 years	1
Clause 68	Insertion of new s 307D	2
	After section 307C—	3
	<i>insert—</i>	4
	307D False or misleading information about gift	5
	(1) A person must not publish information about a gift made to, or received by, a candidate in an election, registered political party or third party that the person knows is false or misleading in a material particular.	6 7 8 9 10
	Maximum penalty—20 penalty units.	11
	(2) A person does not commit an offence against subsection (1) if the information published is a true copy, or fair summary, of information in a return published by the commission under section 316.	12 13 14 15 16
Clause 69	Amendment of s 309 (Records to be kept)	17
	Section 309(2), from ‘3 years’—	18
	<i>omit, insert—</i>	19
	5 years after the day—	20
	(a) the claim or return was made; or	21
	(b) if the return was required to be made but has not been made—by which the return was required to be made.	22 23 24
Clause 70	Insertion of new s 312A	25
	After section 312—	26
	<i>insert—</i>	27

[s 71]

312A Notifying particulars for incomplete returns	1
(1) This section applies to a person who, within 5 years after the polling day for an election—	2 3
(a) gives the commission a notice under section 312(1) or (3) that states the person is unable to obtain certain particulars required to complete a return for the election; and	4 5 6 7
(b) obtains the particulars.	8
(2) As soon as practicable after obtaining the particulars, the person must give the commission a written notice identifying—	9 10 11
(a) the return to which the particulars relate; and	12 13
(b) the particulars.	14

Clause 71 Amendment of s 316 (Publishing of returns)	15
(1) Section 316(1)—	16
<i>omit, insert—</i>	17
(1) The commission must publish a return given to the commission under this part on its website.	18 19
(2) Section 316—	20
<i>insert—</i>	21
(3) However, if publishing a return mentioned in subsection (1) would disclose the following information, the commission must publish a copy of the return from which the information has been deleted—	22 23 24 25 26
(a) the address of a silent elector;	27
(b) information prescribed for this subsection.	28

Clause 72	Amendment of s 317 (Inspection and supply of copies of claims and returns)	1 2
	Section 317(4), from ‘copy of’—	3
	<i>omit, insert—</i>	4
	copy of a claim under division 4 until after the end of 24 weeks after the polling day for the election to which the claim relates.	5 6 7
Clause 73	Insertion of new pt 13, div 10	8
	Part 13—	9
	<i>insert—</i>	10
	Division 10	Transitional provisions for
		Electoral and Other
		Legislation Amendment
		Act 2019
		11 12 13 14
	428 Definitions for division	15
	In this division—	16
	<i>amended</i> , for a provision of this Act, means as in force after the commencement.	17 18
	<i>previous</i> , for a provision of this Act, means as in force from time to time before the commencement.	19 20 21
	429 Appointment of returning officers and assistant returning officers ends	22 23
	The appointment of a person as a returning officer or assistant returning officer ends on the commencement.	24 25 26

[s 73]

430 Particular references for redistribution of State into electoral districts	1 2
(1) A reference in section 35 or 38 to a general election or the return of a writ for an election includes a general election held or writ returned before the commencement.	3 4 5 6
(2) A reference in section 38 to an electoral redistribution includes an electoral redistribution that happened before the commencement.	7 8 9
431 Disclosure period for next general election	10
The disclosure period for an election under previous section 198 applies as if the <i>Electoral and Other Legislation Amendment Act 2019</i> had not been enacted for—	11 12 13 14
(a) the first general election held after the commencement; and	15 16
(b) each other election held after the commencement and before that general election.	17 18 19
432 Notifying particulars for incomplete returns	20
Section 312A does not apply to a person in relation to a notice the person gave the commission under section 312 before the commencement.	21 22 23 24
433 Publication of returns	25
(1) This section applies to a return to which section 316 applies if, before the commencement—	26 27
(a) section 316 did not apply to the return; and	28
(b) the commission published the return on its website.	29 30

	(2)	To remove any doubt, it is declared that the return was, and continues to be, published for the purposes of this Act.	1 2 3
		434 Requirement to keep records	4
	(1)	This section applies if, immediately before the commencement—	5 6
		(a) a person was required to keep a record under previous section 309; and	7 8
		(b) the period for which the person is required to keep the recorded had not ended.	9 10
	(2)	Amended section 309 applies in relation to the requirement to keep the record.	11 12
		435 Offence against s 307	13
		Previous section 307(14) continues to apply to an offence committed before the commencement.	14 15
Part 3		Amendment of Referendums Act 1997	16 17
Clause 74	Act amended		18
		This part amends the <i>Referendums Act 1997</i> .	19
Clause 75	Insertion of new pt 4, div 1AA		20
		Part 4—	21
		<i>insert</i> —	22
		Division 1AA Preliminary	23

[s 76]

14A Particular references relating to an electoral district	1
	2
For this part—	3
(a) a reference to an electoral district in relation to an elector is a reference to the electoral district for which the elector is enrolled; and	4 5 6
(b) a reference to a polling booth established for an electoral district, or otherwise in relation to an electoral district, is a reference to a polling booth at which an ordinary vote for the electoral district may be made; and	7 8 9 10 11
(c) a reference to a returning officer in relation to an elector is a reference to the returning officer for the electoral district for which the elector is enrolled.	12 13 14 15

Clause 76	Amendment of s 15 (Setting up and operating polling booths)	16
		17
(1)	Section 15(4)—	18
	<i>omit, insert—</i>	19
	(4) The commission must advertise, in the ways the commission considers appropriate, including, for example, on the commission’s website, the following information about each polling booth for a referendum—	20 21 22 23 24
	(a) the electoral districts for which an ordinary vote may be made at the polling booth;	25 26
	(b) the location of the polling booth;	27
	(c) the voting hours of the polling booth.	28
(2)	Section 15(6)—	29
	<i>omit, insert—</i>	30
	(6) The commission must advertise the establishment and abolition of ordinary polling booths in the	31 32

	ways the commission considers appropriate, including, for example, on the commission's website.	1 2 3
Clause 77	Amendment of s 16 (Kinds of polling booths)	4
(1)	Section 16(1)(c), 'for electoral districts'— <i>omit.</i>	5 6
(2)	Section 16(3)(b)— <i>omit, insert—</i>	7 8
	(b) a building, structure, vehicle or other place declared under subsection (6) to be a mobile polling booth.	9 10 11
(3)	Section 16(4)— <i>omit, insert—</i>	12 13
	(4) If the commission considers that patients or residents of an institution should be able to vote at the institution, the commission may declare the institution to be a mobile polling booth for the referendum.	14 15 16 17 18
(4)	Section 16(6)— <i>omit, insert—</i>	19 20
	(6) If the commission considers an area is too remote to have enough electors to establish an ordinary polling booth, the commission may—	21 22 23
	(a) arrange for a building, structure, vehicle or other place to be available as a mobile polling booth for electors in the area to vote at the referendum; and	24 25 26 27
	(b) declare the building, structure, vehicle or other place to be a mobile polling booth for the referendum.	28 29 30
(5)	Section 16—	31

[s 78]

- insert—* 1
- (10) A declaration made under subsection (4) or (6) 2
must state— 3
- (a) the electoral districts for which electors may 4
make an ordinary vote at the mobile polling 5
booth; and 6
- (b) the days, during the period that starts 11 7
days before polling day and ends at 6p.m. on 8
polling day, on which electors may vote at 9
the mobile polling booth; and 10
- (c) the voting hours for the mobile polling 11
booth on those days. 12
- (11) The commission must publish a declaration made 13
under subsection (4) or (6), and otherwise 14
advertise the information about the mobile polling 15
booths stated in the declaration, in the ways the 16
commission considers appropriate, including, for 17
example, on the commission’s website. 18

Clause 78 Insertion of new ss 16A and 16B 19

After section 16— 20

insert— 21

16A Pre-poll voting offices 22

- (1) The commission may declare for a referendum— 23
- (a) a stated place (a *pre-poll voting office*) to be 24
a place where an elector may— 25
- (i) make a pre-poll ordinary vote for the 26
referendum; or 27
- (ii) make a declaration vote for the 28
referendum; and 29
- (b) the electoral districts for which a pre-poll 30
ordinary vote may be made at the place; and 31

-
- (c) the times during which electors are allowed to make a vote at the place. 1
2
- (2) The commission must publish a declaration under subsection (1), and otherwise advertise the information about the pre-poll voting offices stated in the declaration, in the ways the commission considers appropriate, including, for example, on the commission's website. 3
4
5
6
7
8
- 16B Suspension of poll** 9
- (1) A returning officer may suspend the poll at a polling booth on polling day for not more than 4 hours if the taking of the poll is, or is likely to be, temporarily interrupted or obstructed by— 10
11
12
13
- (a) a serious threat of a riot or open violence happening; or 14
15
- (b) a serious risk to the health or safety of persons at the polling booth; or 16
17
- (c) another emergency. 18
- (2) The returning officer must ensure an elector who attends the polling booth while the poll is suspended is given information to assist the elector to vote at the referendum, including— 19
20
21
22
- (a) the time the poll is expected to resume at the polling booth; and 23
24
- (b) the location of other polling booths. 25
- (3) The returning officer must adjourn the conduct of the poll at the polling booth if— 26
27
- (a) for any reason, taking of the poll at the polling booth can not resume on polling day; or 28
29
30
- (b) the returning officer is satisfied that it is unreasonable for an elector who would have otherwise cast a vote at the polling booth 31
32
33

[s 79]

	while it was suspended to have cast a vote at another polling booth.	1 2
Clause 79	Amendment of s 17 (Adjournment of poll at polling booth)	3
(1)	Section 17(1), (2) and (3)—	4
	<i>omit, insert—</i>	5
(1)	A returning officer may adjourn the poll at a polling booth to another day if the returning officer is satisfied the taking of the poll at the polling booth is, or is likely to be, interrupted or obstructed by a thing stated in subsection (2) to the extent that the taking of the poll can not start or continue at the polling booth.	6 7 8 9 10 11 12
(2)	For subsection (1), the things are as follows—	13
(a)	a storm, flood, fire or similar happening;	14
(b)	a riot or open violence;	15
(c)	a serious threat of a riot or open violence happening;	16 17
(d)	a serious risk to the health or safety of persons at the polling booth;	18 19
(e)	another emergency.	20
(3)	If the poll is adjourned under subsection (1) or section 16B(3), the commission must fix a day (not later than 34 days after the polling day) for taking, or resuming, the adjourned poll.	21 22 23 24
(3A)	The commission must give notice of the day fixed for taking, or resuming, the adjourned poll on the commission’s website and in other ways the commission considers appropriate.	25 26 27 28
(2)	Section 17(3A) to (6)—	29
	<i>renumber</i> as section 17(4) to (7).	30

Clause 80	Insertion of new s 17A	1
	After section 17—	2
	<i>insert—</i>	3
	17A Supply of electoral rolls and ballot papers	4
	(1) The commission must ensure that a sufficient number of the following are available for the referendum at each polling place—	5 6 7
	(a) certified copies of the electoral roll for each electoral district as at the cut-off day for electoral rolls;	8 9 10
	(b) ballot papers.	11
	(2) Without limiting subsection (1)(a), a certified copy of the electoral roll for an electoral district is available at a polling place if—	12 13 14
	(a) a certified copy of the electoral roll can be accessed electronically from the polling place; and	15 16 17
	(b) an issuing officer at the polling place can use the certified copy to make an electronic record of the persons to whom a ballot paper is issued.	18 19 20 21
	(3) Without limiting subsection (1)(b), a ballot paper is available at a polling place if a ballot paper can be reproduced at the place under section 18A.	22 23 24
Clause 81	Amendment of s 18 (Ballot papers and electoral rolls)	25
	(1) Section 18, heading—	26
	<i>omit, insert—</i>	27
	18 Form of ballot papers	28
	(2) Section 18(1)—	29
	<i>omit.</i>	30
	(3) Section 18(2), after ‘Ballot papers’—	31

[s 82]

<i>insert—</i>	1
for voting at the referendum for an electoral district	2 3
(4) Section 18(2)(c), before ‘be attached to’—	4
<i>insert—</i>	5
for a ballot paper other than a ballot paper reproduced under section 18A,	6 7
(5) Section 18(2)(c)(iii)—	8
<i>omit, insert—</i>	9
(iii) states the name of the electoral district; and	10
(6) Section 18(2)—	11
<i>insert—</i>	12
(e) show the name of the State, the name of the electoral district and the day of the referendum.	13 14 15
(7) Section 18(4), from ‘must’—	16
<i>omit, insert—</i>	17
must—	18
(a) be of a size or format that enables the elector’s electronically assisted vote to be accurately determined; and	19 20 21
(b) state the name of the State, the name of the electoral district for which the vote is cast and the day of the referendum.	22 23 24
(8) Section 18(2) to (4)—	25
<i>renumber</i> as section 18(1) to (3).	26
Clause 82 Insertion of new s 18A	27
After section 18—	28
<i>insert—</i>	29

18A Ballot papers may be reproduced if required

- (1) This section applies if a polling place does not have, or runs out of, ballot papers for an electoral district.
- (2) An issuing officer at the polling place may reproduce a ballot paper, including, for example, by photocopying, handwriting or printing the ballot paper.
- (3) Section 18(1) applies to a ballot paper reproduced under this section.
- (4) The issuing officer must keep a record of the number of ballot papers for an electoral district the officer reproduces under this section.

Clause 83 Amendment of s 19 (Scrutineers)

Section 19(2), from ‘each mobile’ to ‘issuing officer,’—
omit, insert—
mobile polling booth and pre-poll voting office

Clause 84 Amendment of s 21 (Who may vote)

Section 21(3), after ‘imprisonment’—
insert—
of 3 years or longer

Clause 85 Amendment of s 22 (Procedure for voting)

(1) Section 22(1)—
omit, insert—

(1) An elector is to vote by following the procedures stated in this section unless the elector—

(a) makes a pre-poll ordinary vote under section 24C; or

[s 86]

- (b) makes, or must make, a declaration vote under subdivision 2; or 1
2
- (c) makes an electronically assisted vote under subdivision 2A. 3
4
- (2) Section 22(2)(a), from ‘established’— 5
omit, insert— 6
for the elector’s electoral district during ordinary voting hours; or 7
8
- (3) Section 22(3), after ‘ballot paper’— 9
insert— 10
for the electoral district 11
- (4) Section 22(4) and (5), after ‘ballot paper’, first mention— 12
insert— 13
for the electoral district 14
- (5) Section 22(5) and (6), ‘enrolled in’— 15
omit, insert— 16
entitled to vote at the referendum for 17

Clause 86 Amendment of s 24A (Pre-poll ordinary voting) 18
Section 24A(2), ‘electoral district for which the elector is enrolled’— 19
20
omit, insert— 21
elector’s electoral district 22

Clause 87 Omission of s 24B (Pre-poll voting offices) 23
Section 24B— 24
omit. 25

Clause 88	Amendment of s 24C (Procedure for pre-poll ordinary voting)	1 2
	(1) Section 24C(2), from ‘electoral district’—	3
	<i>omit, insert—</i>	4
	elector’s electoral district.	5
	(2) Section 24C(3), (4)(a) and (5), after ‘ballot paper’—	6
	<i>insert—</i>	7
	for the electoral district	8
Clause 89	Amendment of s 25 (Who may make a declaration vote)	9
	Section 25(1)(a), ‘(an <i>ordinary postal voter</i>)’—	10
	<i>omit.</i>	11
Clause 90	Amendment of s 26 (Who must make a declaration vote)	12
	(1) Section 26(a), from ‘electoral district’—	13
	<i>omit, insert—</i>	14
	elector’s electoral district;	15
	(2) Section 26(b), from ‘is outside’—	16
	<i>omit, insert—</i>	17
	has not been established for the elector’s electoral district;	18 19
	(3) Section 26—	20
	<i>insert—</i>	21
	(ca) an elector who goes on a polling day to a polling booth but is not able to make an ordinary vote at the polling booth for a reason that is beyond the elector’s control;	22 23 24 25

[s 91]

	<i>Example of a reason beyond an elector's control why the elector cannot make an ordinary vote—</i>	1 2
	an electronic copy of the electoral roll can not be accessed from the polling booth so an issuing officer at the polling booth can not confirm the elector's name is on the electoral roll for the electoral district	3 4 5 6 7
(4)	Section 26— <i>insert—</i>	8 9
	(da) an elector who is serving a sentence of imprisonment, or is otherwise detained in lawful custody, on the polling day;	10 11 12
(5)	Section 26(ca) to (f)— <i>renumber</i> as section 26(d) to (h).	13 14
Clause 91	Amendment of s 27 (Ways in which an elector may make a declaration vote)	15 16
(1)	Section 27(1)(b), 'in an electoral district'— <i>omit.</i>	17 18
(2)	Section 27(1)(c)— <i>omit.</i>	19 20
(3)	Section 27(1)(d), after 'section 30'— <i>insert—</i> or 34B	21 22 23
(4)	Section 27(1)(d) and (e)— <i>renumber</i> as section 27(1)(c) and (d).	24 25
Clause 92	Amendment of s 28 (Making a declaration vote at a polling booth)	26 27
(1)	Section 28(1), from 'in an electoral' to 'ballot paper'— <i>omit, insert—</i>	28 29

	and request a ballot paper for an electoral district	1
(2)	Section 28(2), from ‘is enrolled’—	2
	<i>omit, insert—</i>	3
	may make an ordinary vote for the elector’s electoral district at the polling booth.	4 5
Clause 93	Omission of s 29 (Making a declaration vote at a commission office)	6 7
	Section 29—	8
	<i>omit.</i>	9
Clause 94	Amendment of s 30 (Making a declaration vote using posted referendum papers)	10 11
(1)	Section 30(1) to (3)—	12
	<i>omit, insert—</i>	13
(1)	A special postal voter or ordinary postal voter may make a declaration vote under this section using a ballot paper and declaration envelope sent to the elector.	14 15 16 17
(2)	An elector is an <i>ordinary postal voter</i> if—	18
(a)	the elector makes a request (a <i>postal vote request</i>) to the commission or the returning officer to make a declaration vote using a ballot paper and declaration envelope sent to the elector; and	19 20 21 22 23
(b)	the elector’s postal vote request is received by the commission or returning officer not later than 7p.m. on the day that is 12 days before the polling day for the election.	24 25 26 27
	<i>Note—</i>	28
	The polling day for a referendum is always a Saturday—see section 6(2)(c). The day that is 12	29 30

[s 94]

days before the polling day for a referendum is 2	1
Mondays before the polling day.	2
(3) A postal vote request—	3
(a) may be made by the elector orally or in writing; and	4 5
(b) if the request is written—	6
(i) must be in the approved form; and	7
(ii) may be given to the commission or returning officer by the elector or someone else; and	8 9 10
(c) must state the address to which the ballot paper is to be sent.	11 12
(2) Section 30—	13
<i>insert—</i>	14
(4A) Also, the commission must post, deliver or otherwise send a ballot paper and declaration envelope to an ordinary postal voter as soon as practicable after receiving the elector’s postal vote request.	15 16 17 18 19
(4B) If the commission or a returning officer receives a postal vote request for an elector after the time mentioned in subsection (2)(b), the commission or returning officer must give the elector a written notice that states the elector is not entitled to make a declaration vote under this section.	20 21 22 23 24 25
(3) Section 30(6)(d)(i), ‘an office of the commission’—	26
<i>omit, insert—</i>	27
a pre-poll voting office	28
(4) Section 30(7), ‘subsection (6)(b)’—	29
<i>omit, insert—</i>	30
subsection (8)(b)	31
(5) Section 30(8), ‘subsection (6)(d)(i)’—	32

omit, insert— 1

subsection (8)(d)(i) 2

(6) Section 30(8)— 3

insert— 4

Note for subsection (10)— 5

Section 36 sets out the process for examining
declaration envelopes and preparing the ballot papers in
them for counting. 6
7
8

(7) Section 30(4A) to (8)— 9

renumber as section 30(5) to (10). 10

Clause 95 Amendment of s 31 (Electoral visitor voting) 11

Section 31(1) and (2)— 12

omit, insert— 13

(1) An electoral visitor voter may give a request to
vote as an electoral visitor voter to the
commission or returning officer. 14
15
16

(2) The request— 17

(a) must— 18

(i) be in writing; and 19

(ii) be in the approved form; and 20

(iii) state the address the electoral visitor is
to visit; and 21
22

(b) may be given to the commission or returning
officer by the elector or someone else. 23
24

Clause 96 Insertion of new pt 4, div 3, sdiv 4 25

Part 4, division 3— 26

insert— 27

Subdivision 4 Replacement ballot papers 28

[s 96]

34A Replacement ballot paper issued at polling place	1 2
(1) This section applies if, while voting at a polling place, an elector—	3 4
(a) satisfies an issuing officer that—	5
(i) a ballot paper given to the elector (the <i>spoilt ballot paper</i>) is marked, damaged or destroyed to the extent that it can not be used to make a vote; and	6 7 8 9
(ii) the spoilt ballot paper has not been put in a ballot box in the polling place; and	10 11
(iii) the elector has not voted in the election; and	12 13
(b) gives the spoilt ballot paper, or the remains of the ballot paper, to the issuing officer.	14 15
(2) The issuing officer must give the elector another ballot paper.	16 17
(3) The issuing officer must also—	18
(a) place the spoilt ballot paper in an envelope and seal the envelope; and	19 20
(b) keep the envelope for separate identification under section 38.	21 22
34B Replacement ballot paper issued to postal voter	23 24
(1) This section applies if a ballot paper for a referendum and declaration envelope is sent to an elector under section 30 and either—	25 26 27
(a) the elector does not receive the ballot paper and declaration envelope; or	28 29
(b) the ballot paper (the <i>spoilt ballot paper</i>) is marked, damaged or destroyed to the extent	30 31

	that it can not be used to make a declaration vote.	1 2
(2)	The elector may ask the commission or returning officer for a replacement ballot paper.	3 4
(3)	If the replacement ballot paper is to be sent to the elector, the request must state the address to which the ballot paper is to be sent.	5 6 7
(4)	An issuing officer must—	8
	(a) if the elector makes the request in person— give another ballot paper and declaration envelope to the elector; or	9 10 11
	(b) post, deliver or otherwise send another ballot paper and declaration envelope to the elector as soon as practicable after receiving the request.	12 13 14 15
(5)	When the elector makes a declaration vote under subdivision 2, the elector must make the declaration on the declaration envelope that states—	16 17 18 19
	(a) the ballot paper sent to the elector has not been received or has been marked, damaged or destroyed; and	20 21 22
	(b) the elector has not otherwise voted in the election.	23 24
(6)	The commission and returning officers must keep a record of all ballot papers and declaration envelopes given or sent under this section.	25 26 27
Clause 97	Amendment of s 36 (Preliminary processing of declaration envelopes and ballot papers)	28 29
(1)	Section 36(2)(c), ‘section 30(6)(d)’— <i>omit, insert—</i>	30 31
	section 30(8)(d)	32

[s 98]

	(2) Section 36—	1
	<i>insert—</i>	2
	(7A) Declaration envelopes may be examined under this section before or after polling day for the referendum.	3 4 5
	(3) Section 36(7A) and (8)—	6
	<i>renumber</i> as section 36(8) and (9).	7
Clause 98	Amendment of s 37 (Preliminary and official counting of votes)	8 9
	Section 37—	10
	<i>insert—</i>	11
	(c) in accordance with the procedures made under section 41A.	12 13
Clause 99	Replacement of s 38 (Preliminary counting of ordinary votes)	14 15
	Section 38—	16
	<i>omit, insert—</i>	17
	38 Preliminary counting of ordinary votes	18
	(1) As soon as practicable after the end of ordinary voting hours on the polling day for the referendum, the member of the commission's staff in charge of a polling booth must ensure that the commission's staff at the polling place follow the procedures—	19 20 21 22 23 24
	(a) stated in subsection (2); and	25
	(b) made under section 41A.	26
	(2) The staff must—	27
	(a) open all ballot boxes at the polling booth, including ballot boxes in which ballot	28 29

-
- papers from declaration envelopes have 1
been placed under section 36(3); and 2
- (b) identify and keep in separate parcels for 3
each different electoral district— 4
- (i) all formal ballot papers (including 5
ballot papers printed for electronically 6
assisted votes) that are not in a 7
declaration envelope; and 8
- (ii) all declaration envelopes; and 9
- (iii) all informal ballot papers (including 10
ballot papers printed for electronically 11
assisted votes) that are not in a 12
declaration envelope; and 13
- (c) for each electoral district for which ordinary 14
votes are to be counted at the polling 15
booth— 16
- (i) arrange, count and keep in separate 17
parcels— 18
- (A) all yes votes; and 19
- (B) all no votes; and 20
- (C) all informal ballot papers; and 21
- (ii) prepare and sign a statement, in the 22
approved form, setting out— 23
- (A) the number of yes votes; and 24
- (B) the number of no votes; and 25
- (C) the number of informal ballot 26
papers; and 27
- (iii) advise the returning officer for the 28
electoral district of the contents of the 29
statement; and 30
- (d) for each electoral district to which 31
paragraph (c) does not apply, identify and 32
keep in a separate parcel— 33

[s 99]

- (i) all formal ballot papers, including ballot papers printed for electronically assisted votes; and
 - (ii) all informal ballot papers, including ballot papers printed for electronically assisted votes; and
 - (e) for each separate parcel of ballot papers or declaration envelopes—
 - (i) seal the parcel; and
 - (ii) write on the parcel a description of its contents, including the number of ballot papers or declaration envelopes in the parcel; and
 - (iii) sign the description; and
 - (iv) if a scrutineer wishes to countersign the description—allow the scrutineer to do so; and
 - (f) send the parcels, and the statement mentioned in subsection (2)(c)(ii), to the returning officer for the appropriate electoral district.
- (3) However, if the poll was for more than 1 referendum, the staff must make up the ballot papers into separate sealed parcels in the way the commission directs.
- (4) Also, the staff must—
- (a) identify all envelopes containing spoilt ballot papers for each different electoral district; and
 - (b) keep the envelopes in a separate parcel; and
 - (c) deal with the parcel in the way stated in subsection (2)(e) and (f) as if the reference in that subsection to ballot papers were a

reference to envelopes containing spoilt ballot papers.	1 2
(5) This section also applies, in the way stated in subsection (6), to the following votes received by the commission—	3 4 5
(a) votes received under section 36 for an electoral district;	6 7
(b) pre-poll votes for an electoral district made at a pre-poll voting office;	8 9
(c) ballot papers printed for electronically assisted votes at a place other than a polling booth.	10 11 12
(6) This section applies to the votes mentioned in subsection (5) in the same way it would apply if an office of the commission, or a pre-poll voting office, were a polling booth for an electoral district—	13 14 15 16 17
(a) to the extent it is reasonably practicable to count the votes on polling day; and	18 19
(b) subject to any changes prescribed by regulation and any other necessary changes.	20 21
Clause 100 Amendment of s 39 (Official counting of votes)	22
(1) Section 39(1), after ‘this section’—	23
<i>insert—</i>	24
and made under section 41A	25
(2) Section 39(2)(b) and (c)—	26
<i>omit, insert—</i>	27
(b) identify and keep in separate parcels for each different electoral district—	28 29
(i) all formal ballot papers (including ballot papers printed for electronically	30 31

[s 100]

- assisted votes) that are not in a
declaration envelope; and 1 2
- (ii) all declaration envelopes; and 3
- (iii) all informal ballot papers (including
ballot papers printed for electronically
assisted votes) that are not in a
declaration envelope; and 4 5 6 7
- (c) for each parcel for an electoral district other
than the returning officer's electoral
district— 8 9 10
- (i) seal the parcel; and 11
- (ii) write on the parcel a description of its
contents, including the number of
ballot papers or declaration envelopes
in the parcel; and 12 13 14 15
- (iii) sign the description; and 16
- (iv) if a scrutineer wishes to countersign the
description—allow the scrutineer to do
so; and 17 18 19
- (3) Section 39(3)(a)— 20
omit, insert— 21
- (a) open— 22
- (i) the parcels mentioned in subsection
(2)(b) for the returning officer's
electoral district; and 23 24 25
- (ii) all sealed parcels of ballot papers and
declaration envelopes sent to the
returning officer under section 38; and 26 27 28
- (ab) follow the procedures set out in section 36
for all declaration envelopes; and 29 30
- (4) Section 39(3)(ab) to (c)— 31
renumber as section 39(3)(b) to (d). 32

Clause 101	Insertion of new s 41A	1
	After section 41—	2
	<i>insert—</i>	3
	41A Prescribed procedures for counting of absentee votes	4
		5
	(1) The commission must make procedures about how, subject to this division, absentee votes at a referendum are to be counted.	6 7 8
	(2) The procedures must provide for—	9
	(a) the circumstances in which absentee votes are counted at a polling booth under section 38; and	10 11 12
	(b) ensuring absentee votes are counted at polling places in a way that does not compromise the secrecy of voting; and	13 14 15
	(c) the secure delivery of sealed ballot boxes, and sealed parcels of ballot papers and declaration envelopes, containing absentee votes to the returning officer for the appropriate electoral district or the commission; and	16 17 18 19 20 21
	(d) the arrangements for scrutineers to be present when absentee votes are counted and their roles and responsibilities.	22 23 24
	(3) The procedures—	25
	(a) do not take effect until approved by a regulation; and	26 27
	(b) must be tabled in the Legislative Assembly with the regulation approving the procedures; and	28 29 30
	(c) must be published on the commission’s website.	31 32
	(4) In this section—	33

[s 102]

	<i>absentee vote</i> means an ordinary vote made by an	1
	elector at a polling booth that is not located in the	2
	elector's electoral district.	3
Clause 102	Amendment of s 46 (Storage of ballot papers and	4
	declaration envelopes)	5
(1)	Section 46(1), from 'a period' to 'Governor'—	6
	<i>omit, insert—</i>	7
	the period that applies under subsection (2)	8
(2)	Section 46(1)(a)—	9
	<i>omit, insert—</i>	10
	(a) formal and informal ballot papers for the	11
	referendum;	12
(3)	Section 46—	13
	<i>insert—</i>	14
	(1A) For subsection (1), the period starts on the polling	15
	day for the referendum and ends on the latest of	16
	the following days—	17
	(a) the day that is 1 year after the polling day;	18
	(b) if the material relates to an application to	19
	dispute a referendum or an appeal—the day	20
	on which—	21
	(i) the application is withdrawn; or	22
	(ii) if the application is decided and an	23
	appeal from the decision has not been	24
	started—the time for starting an appeal	25
	from the decision ends; or	26
	(iii) if the application is dismissed and an	27
	appeal from the decision or order to	28
	dismiss the application has not been	29
	started—the time for starting an appeal	30
	from the decision or order ends; or	31

	(iv) the appeal is decided, dismissed or withdrawn;	1 2
	(c) if the commission has authorised a person, including, for example, a person who conducts research at a university, to use the materials for analysis or research—the day on which—	3 4 5 6 7
	(i) the person finishes the analysis or research; or	8 9
	(ii) the person no longer requires the materials for the analysis or research; or	10 11 12
	(iii) the commission withdraws the authorisation.	13 14
(4)	Section 46—	15
	<i>insert</i> —	16
	(4) In this section—	17
	<i>appeal</i> means an appeal started under part 5, division 2.	18 19
	<i>application to dispute a referendum</i> means an application to dispute a referendum under part 5, division 1.	20 21 22
(5)	Section 46(1A) and (2)—	23
	<i>renumber</i> as section 46(2) and (3).	24
Clause 103	Amendment of s 72 (Author of referendum matter must be named)	25 26
	(1) Section 72(1), penalty—	27
	<i>omit, insert</i> —	28
	Maximum penalty—	29
	(a) for an individual—20 penalty units; or	30
	(b) for a corporation—85 penalty units.	31

[s 104]

- (2) Section 72(4), definition *referendum matter*— 1
omit. 2
- (3) Section 72(4)— 3
insert— 4
publish includes publish on the internet, even if 5
the internet site on which the publication is made 6
is located outside Queensland. 7

- Clause 104 Amendment of s 73 (Headline to general referendum matter advertisements)** 8
9
Section 73(1), penalty— 10
omit, insert— 11
Maximum penalty— 12
(a) for an individual—10 penalty units; or 13
(b) for a corporation—40 penalty units. 14

- Clause 105 Amendment of s 76 (Leave to vote)** 15
Section 76(3), penalty— 16
omit, insert— 17
Maximum penalty— 18
(a) for an individual—10 penalty units; or 19
(b) for a corporation—40 penalty units. 20

- Clause 106 Amendment of s 77 (Canvassing etc. in or near polling places)** 21
22
(1) Section 77(1)(b), from ‘or’ to ‘commission,’— 23
omit. 24
(2) Section 77(1), penalty, ‘9 penalty units’— 25
omit, insert— 26

	10 penalty units	1
Clause 107	Amendment of s 78 (Interrupting voting etc.)	2
	Section 78, penalty, ‘9 penalty units’—	3
	<i>omit, insert</i> —	4
	10 penalty units	5
Clause 108	Amendment of s 82 (Offences relating to ballot papers)	6
	Section 82(1)(a), ‘30(6)(c)’—	7
	<i>omit, insert</i> —	8
	30(8)(c)	9
Clause 109	Amendment of s 83 (Failure to give, post or send documents for someone else)	10
	(1) Section 83(1) and (2), ‘returning officer.’—	11
	<i>omit, insert</i> —	12
	returning officer, unless the person has a reasonable excuse.	13
	(2) Section 83(2), ‘section 30(6)(d)(ii)’—	14
	<i>omit, insert</i> —	15
	section 30(8)(d)(ii)	16
Clause 110	Amendment of s 85 (Breaking seals on parcels)	17
	Section 85, ‘section 38(2)(h)’—	18
	<i>omit, insert</i> —	19
	section 38(2)(e)	20
		21
		22

[s 111]

Clause 111	Amendment of s 86 (Duty of witness to signing of declaration voting papers)	1 2
	Section 86, ‘section 30(6)(a)’—	3
	<i>omit, insert—</i>	4
	section 30(8)(a)	5
Clause 112	Amendment of s 88 (Extension of time)	6
	Section 88(1), after ‘under the’—	7
	<i>insert—</i>	8
	<i>Constitution of Queensland 2001</i> , section 19B or	9
Clause 113	Amendment of s 89 (Cut-off day for electoral rolls for an election and a referendum)	10 11
	Section 89(2), ‘stated in the writ for the election’—	12
	<i>omit, insert—</i>	13
	for the election under the <i>Electoral Act 1992</i>	14
Clause 114	Omission of s 90 (Pre-poll voting—making a declaration vote at a commission office)	15 16
	Section 90—	17
	<i>omit.</i>	18
Clause 115	Amendment of s 94 (Applications, declarations, ballot papers and references)	19 20
	(1) Section 94(a), ‘section 119(1)’—	21
	<i>omit, insert—</i>	22
	section 119(2)	23
	(2) Section 94(a), ‘section 30(1)’—	24
	<i>omit, insert—</i>	25

	section 30(2)	1
(3)	Section 94(b) and (c), ‘119,’— <i>omit.</i>	2 3
(4)	Section 94(b) and (c), ‘29,’— <i>omit.</i>	4 5
Clause 116	Insertion of new s 95A	6
	After section 95—	7
	<i>insert—</i>	8
	95A Suspension of poll at both referendum and election	9 10
	(1) This section applies if—	11
	(a) the polling day for a referendum is also the polling day for an election; and	12 13
	(b) the returning officer suspends the poll at a polling booth under the <i>Electoral Act 1992</i> , section 99B.	14 15 16
	(2) The poll at the polling booth for the referendum is also suspended while the poll at the polling booth for the election is suspended.	17 18 19
Clause 117	Amendment of s 96 (Adjournment at both referendum and election)	20 21
	Section 96(1)(b) and (c), after ‘section’—	22
	<i>insert—</i>	23
	99B or	24
Clause 118	Amendment of s 96AC (Application of division 1)	25
	(1) Section 96AC(1)—	26
	<i>insert—</i>	27

[s 119]

	(fa) the reference in section 95A or 96(1) to the	1
	<i>Electoral Act 1992</i> , section 99B were a	2
	reference to the LGEA, section 52A; and	3
	(2) Section 96AC(1)(fa) to (i)—	4
	<i>renumber</i> as section 96AC(1)(g) to (j).	5
Clause 119	Amendment of s 96AE (Applications, declarations, ballot papers and references)	6
	Section 96AE(a), ‘section 30(1)’—	7
	<i>omit, insert—</i>	8
	section 30(2)	9
Clause 120	Omission of s 96AH (Ballot papers)	10
	Section 96AH—	11
	<i>omit.</i>	12
Clause 121	Amendment of sch 3 (Dictionary)	13
	(1) Schedule 3, definitions <i>ordinary postal voter</i> and <i>pre-poll voting office</i> —	14
	<i>omit.</i>	15
	(2) Schedule 3—	16
	<i>insert—</i>	17
	<i>certified copy</i> , of an electoral roll, means a	18
	certified copy of the electoral roll under the	19
	<i>Electoral Act 1992</i> .	20
	<i>ordinary postal voter</i> see section 30(2).	21
	<i>pre-poll voting office</i> see section 16A(1)(a).	22
	<i>referendum matter</i> means anything able to, or	23
	intended to—	24
		25
		26

	(a)	influence an elector in relation to voting at a referendum; or	1 2
	(b)	affect the result of a referendum.	3
		<i>spoilt ballot paper</i> see section 34A(1)(a)(i) and 34B(1)(b).	4 5
Part 4		Amendment of other Acts	6
Division 1		Amendment of Acts Interpretation Act 1954	7 8
Clause 122	Act amended		9
		This division amends the <i>Acts Interpretation Act 1954</i> .	10
Clause 123	Amendment of sch 1 (Meaning of commonly used words and expressions)		11 12
	(1)	Schedule 1, definition <i>Constitution of Queensland</i> , paragraph (c)—	13 14
		<i>omit.</i>	15
	(2)	Schedule 1, definition <i>Constitution of Queensland</i> , paragraph (d)—	16 17
		<i>renumber</i> as paragraph (c).	18
Division 2		Amendment of Parliament of Queensland Act 2001	19 20
Clause 124	Act amended		21
		This division amends the <i>Parliament of Queensland Act 2001</i> .	22

[s 125]

Clause 125	Amendment of s 5 (Relationship between this Act and some other Acts about Parliament)	1 2
(1)	Section 5(2)— <i>omit, insert—</i>	3 4
	(2) The <i>Constitution of Queensland 2001—</i>	5
	(a) contains basic statements about the Assembly’s membership and procedures and its powers, rights and immunities; and	6 7 8
	(b) provides for the duration of the Assembly.	9
(2)	Section 5(4)— <i>omit.</i>	10 11
(3)	Section 5(5) and (6)— <i>renumber</i> as section 5(4) and (5).	12 13

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