

Local Government Electoral Amendment Regulation (No.1) 2015

Explanatory notes for SL 2015 No. 143

made under the

Local Government Electoral Act 2011

General Outline

Short title

Local Government Electoral Amendment Regulation (No.1) 2015

Authorising law

Section 208 of the *Local Government Electoral Act 2011*.

Policy objectives and the reasons for them

Section 68(5B) of the *Local Government Electoral Act 2011* (LGEA) makes provision for the use of electronically assisted voting by electors if the elector-

- cannot vote without assistance because the elector has an impairment or an insufficient level of literacy; or
- cannot vote at a polling booth because of an impairment; or
- is a member of a class of electors prescribed under a regulation.

Such electors can only cast an electronically assisted vote if a procedure has been made by the Electoral Commission of Queensland (ECQ) under section 75A of the LGEA.

Section 75A of the LGEA provides that the ECQ may make procedures about how an elector may cast an electronically assisted vote for an election. However, the procedures do not take effect until approved by a regulation. The procedures must then be tabled in the Legislative Assembly with the regulation approving the procedures and published on the ECQ's website.

The ECQ advise that due to the success of electronically assisted voting at the January 2015 State general election, where it was available for use only to blind and low vision electors, the ECQ propose to increase the availability of this type of voting for the 2016 local government elections to electors specified in section 68(5B)(a) and (b) of the LGEA

and also to two classes of electors to be prescribed under section 68(5B)(c) of the LGEA, i.e. 'special postal voters' and 'distance voters'.

Achievement of policy objectives

On 8 September 2015, the ECQ made electronically assisted voting procedures for local government elections. These procedures provide for the use of electronically assisted voting at local government elections for the following persons:

- electors who cannot vote without assistance because of impairment or an insufficient level of literacy, or
- electors who cannot vote at a polling booth because of impairment, or
- electors who are 'special postal voters', or
- electors who are 'distance voters'.

Accordingly, the regulation achieves the policy objectives by inserting new sections 3 and 4 into the *Local Government Electoral Regulation 2012* to:

- prescribe 'special postal voters' (as defined in section 68(5A) of the LGEA) as a class of electors who may cast an electronically assisted vote at a local government election, pursuant to section 68(5B)(c) of the LGEA
- prescribe 'distance voters' as a class of electors who may cast an electronically assisted vote at a local government election, pursuant to section 68(5B)(c) of the LGEA
- insert a definition for 'distance voter' to mean *an elector whose address, as shown on the voters roll, is more than 20km by the nearest practicable route from a polling booth*
- approve, as required under section 75A(3) of the LGEA, the electronically assisted voting procedures for local government elections made by the ECQ on 8 September 2015 under section 75A(1) of the LGEA.

Advice from the ECQ is that they will be seeking to make the same changes to the State's electoral laws prior to any State election/by-election.

Consistency with policy objectives of authorising law

The regulation is consistent with the main objectives of the *Local Government Electoral Act 2011* to ensure the transparent conduct of council elections in Queensland and to give the Electoral Commission of Queensland a mandate to oversee and conduct all local government elections.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The regulation will improve access to voting, through the use of electronically assisted voting, for electors who have historically faced difficulty in casting a ballot because they live outside an urban area. Electronically assisted voting will also be an option for a

wider number of electors if registered as a 'special postal voter', including defence members or defence civilians and Australian Federal Police officers or staff members serving outside Australia.

The costs of implementation to Government will be met from within existing resources.

Consistency with fundamental legislative principles

The regulation has been drafted with regard to the fundamental legislative principles as defined in the *Legislative Standards Act 1992* and is consistent with these principles.

Consultation

The ECQ, Local Government Association of Queensland, Local Government Managers Australia (Queensland) and Brisbane City Council are supportive of the regulation.

The Office of Best Practice Regulation was consulted and confirmed that the proposed amendments are excluded from further assessment under the Regulatory Impact Statement Guidelines.