

Referendums Regulation 2016

Explanatory notes for SL 2016 No. 3

made under the

Referendums Act 1997

General Outline

Short title

Referendums Regulation 2016

Authorising law

Sections 32A, 32B and 100 of the *Referendums Act 1997*.

Policy objectives and the reasons for them

The *Constitution (Fixed Term Parliament) Referendum Act 2015* (the Act) was assented to on 17 December 2015.

The Act makes changes to the *Referendums Act 1997* (Referendums Act) to address recommendations made by the Finance and Administration Committee in its report on the inquiries into possible changes to Queensland's parliamentary terms, and makes other amendments proposed by the Electoral Commission of Queensland (ECQ) to facilitate the conduct of referendums in Queensland.

The amendments bring the Referendums Act into line with the *Electoral Act 1992* and the *Local Government Electoral Act 2011*, by making electronically assisted voting available to voters who cannot vote without assistance because they have an impairment or an insufficient level of literacy, as well as other categories of electors prescribed by regulation.

The *Referendums Regulation 2016* (Regulation) will prescribe additional categories of electors who can utilise electronically assisted voting to align with the *Local Government Electoral Regulation 2012* (LGER) and approve procedures for electronically assisted voting at referendums as required under the amendments.

Achievement of policy objectives

Section 32A of the Referendums Act outlines those electors who may make an electronically assisted vote and includes an elector who is a member of a class of elector prescribed by regulation.

Section 2 of the Regulation prescribes special postal voters and distance voters for electronically assisted voting, consistent with section 3 of the LGER:

Section 32B of the Referendums Act enables ECQ to make procedures for electronically assisted voting (procedures). Subsection (2) outlines what information must be included in the procedures and subsection (3) provides that the procedures do not take effect until approved by regulation, with additional requirements regarding tabling and publication on ECQ's website.

Section 3 of the Regulation provides that the procedures stated in the document called "Electronically assisted voting procedures' for Referendums" made by the ECQ on 23 December 2015 are approved.

Consistency with policy objectives of authorising law

The Regulation is consistent with the objectives of the Referendums Act.

Inconsistency with policy objectives of other legislation

The Regulation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The Regulation will benefit blind and low-vision electors, as well as special postal and distance voters by allowing these voters the option to utilise electronically assisted voting. The costs associated with electronically assisted voting will need to be factored into the funding for any referendum.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

ECQ was consulted during the preparation of the Regulation.

The Office of Best Practice Regulation was consulted and confirmed that the Regulation is excluded from the Regulatory Impact Statement system.