

# Electoral Amendment Regulation (No. 1) 2016

Explanatory notes for SL 2016 No. 103

made under the

*Electoral Act 1992*

## General Outline

### Short title

*Electoral Amendment Regulation (No. 1) 2016*

### Authorising law

Sections 121A(c), 121B(3)(a) and 392 of the *Electoral Act 1992* (Electoral Act).

### Policy objectives and the reasons for them

For the purposes of the upcoming by-election for Toowoomba South and future elections, the *Electoral Regulation 2013* (Electoral Regulation) will be amended to:

- prescribe additional categories of electors – special postal voters and distance voters - who can utilise electronically assisted voting to align with the *Referendums Regulation 2016* (Referendums Regulation) and the *Local Government Electoral Regulation 2012* (LGE Regulation); and
- authorise updated procedures for electronically assisted voting at elections.

### Achievement of policy objectives

Section 121A of the Electoral 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. The Electoral Regulation does not currently prescribe any additional classes of electors who may utilise electronically assisted voting.

Clause 3 will insert a new subsection 4AA into the Electoral Regulation to prescribe special postal voters and distance voters for electronically assisted voting to align with section 2 of the Referendums Regulation and section 3 of the LGE Regulation. Clause 3 will define the term ‘distance voter’ for the purposes of a by-election more broadly than for general elections. In addition to an elector whose address is more than 20km from a polling booth, it will include an elector who can not, for another reason, vote at a polling booth during the voting period for the by-election..

Section 121B of the Electoral Act enables the Electoral Commission Queensland (ECQ) to make procedures for electronically assisted voting. Subsection (2) outlines what information must be included in the procedure and subsection (3) provides that they do not take effect until approved by regulation, with additional requirements regarding tabling and publication of the ECQ's website.

Section 4A of the Electoral Regulation currently approves procedures entitled 'Electronically assisted voting procedures', which were made by the ECQ on 7 January 2015, as the approved procedures for electronically assisted voting at elections. These procedures have been updated and as a result the Amendment Regulation approves the updated procedures, entitled "'Electronically assisted voting procedures' for elections" for electronically assisted voting at elections.

### **Consistency with policy objectives of authorising law**

The Amendment Regulation is consistent with the objectives of the Electoral Act.

### **Inconsistency with policy objectives of other legislation**

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

### **Benefits and costs of implementation**

The Amendment 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 is factored into election funding.

### **Consistency with fundamental legislative principles**

The Amendment Regulation is consistent with fundamental legislative principles.

### **Consultation**

ECQ was consulted during the preparation of the Amendment Regulation.

The Queensland Productivity Commission was consulted and confirmed that a Regulatory Impact Statement is not required.