

Electoral and Other Legislation Amendment Regulation 2024

Explanatory notes for SL 2024 No. 3

Made under the

Electoral Act 1992

Referendums Act 1997

General Outline

Short Title

Electoral and Other Legislation Amendment Regulation 2024

Authorising law

Sections 121B, 130A and 315A of the *Electoral Act 1992* (Electoral Act)
Section 41A of the *Referendums Act 1997* (Referendums Act)

Policy objectives and the reasons for them

Section 121B of the Electoral Act enables the Electoral Commission of Queensland (the commission) to make procedures about how an elector may make an electronically assisted vote for an election. The procedures must provide for the authentication, secure transmission, secrecy and scrutiny of each electronically assisted vote.

Section 130A of the Electoral Act and section 41A of the Referendums Act enable the commission to make procedures about how absentee votes at an election (votes cast outside an elector's electoral district) are to be counted. The procedures must provide for counting of these votes in a way that does not compromise the secrecy of voting.

Section 315A of the Electoral Act enables the commission to make procedures about how a return under part 11, division 7 (Disclosure of gifts and particular loans) or 11 (Returns by registered political parties and associated entities) may be lodged electronically through the commission's electronic disclosure system.

Under the Electoral Act and the Referendums Act, the relevant procedures do not take effect until approved by regulation, with additional requirements regarding tabling and publication of the commission's website.

The *Electoral Regulation 2013* (Electoral Regulation) and the *Referendums Regulation 2016* (Referendums Regulation) currently approve the procedures for these sections.

The purpose of the *Electoral Amendment and Other Legislation Amendment Regulation 2024* (Amendment Regulation) is to amend the Electoral Regulation to approve updated procedures made by the commission for electronically assisted voting at State elections, counting of absentee votes and electronic lodgement of returns and the Referendums Regulation to approve updated procedures made by the commission for counting of absentee votes.

Achievement of policy objectives

The Amendment Regulation achieves its purpose by amending:

- the Electoral Regulation to approve the following procedures:
 - 'Procedure for electronically assisted voting for State elections, version 4.0', made by the commission on 14 December 2023;
 - 'Procedures for counting of absentee votes for State elections and referendums', version 2.1', made by the commission on 30 June 2023; and
 - 'Procedure for electronic lodgement of returns, version 3.0', made by the commission on 22 May 2023; and
- the Referendums Regulation to approve the 'Procedures for counting of absentee votes for State elections and referendums', version 2.1', made by the commission on 30 June 2023.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the authorising law.

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 updates existing procedures of the commission to reflect current systems and practices. Any costs to the commission in implementing the updated procedures will be absorbed by the commission.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with the fundamental legislative principles.

Consultation

The commission has been consulted during the preparation of the Amendment Regulation. The commission has provided the new and updated procedures for approval and tabling.

An Impact Analysis Statement has been prepared which identifies that the Amendment Regulation is not subject to regulatory impact assessment requirements under the *Queensland Government Better Regulation Policy* as it is a regulatory proposal that is machinery in nature.