

Electoral and Other Legislation Amendment Regulation 2024

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Electoral and Other Legislation Amendment Regulation 2024* (Amendment Regulation) made under the *Electoral Act 1992* (the Electoral Act) and the *Referendums Act 1997* (the Referendums Act).

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

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 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.

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* and the *Referendums Regulation 2016* currently approve the procedures for these sections.

The purpose of the Amendment Regulation is to approve updated procedures for these provisions.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Amendment Regulation does not raise a human rights issue.

Conclusion

I consider that the *Electoral and Other Legislation Amendment Regulation 2024* is compatible with the *Human Rights Act 2019* because it does not limit a human right.

YVETTE D'ATH MP
Attorney-General and Minister for Justice
and Minister for the Prevention of Domestic and Family Violence

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