



*Local Government Electoral Act 2011*

# **Local Government Electoral Regulation 2023**

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Queensland

# Local Government Electoral Regulation 2023

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# Local Government Electoral Regulation 2023

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Local Government Electoral Regulation 2023*.

### 2 Commencement

This regulation commences on 28 June 2023.

## Part 2 Quadrennial election for 2024

### 3 Date of quadrennial election for 2024—Act, s 23

For section 23(3) of the Act, the day fixed for the quadrennial election for 2024 is 16 March 2024.

### 4 Capped expenditure period—Act, s 123A

For section 123A(2) of the Act, the day prescribed for the start of the capped expenditure period for the quadrennial election for 2024 is 14 August 2023.

### 5 Relevant day to decide number of enrolled electors for quadrennial election—Act, s 123S

For section 123S(4) of the Act, the day prescribed for the relevant day for the quadrennial election for 2024 is 1 July 2023.

## **Part 3                      Local government elections**

### **Division 1                General**

#### **6                      Prescribed information for nomination—Act, s 32**

For section 32(3) of the Act, definition *prescribed information*, the following information or statements are prescribed—

- (a) the candidate's name, address and occupation;
- (b) for a candidate nominated by the registered officer of a registered political party under section 27(1)(a) of the Act—
  - (i) the name of the registered officer; and
  - (ii) the name of the political party; and
  - (iii) a statement that the candidate is endorsed by the party;
- (c) for a candidate nominated by electors under section 27(1)(b) of the Act—the name of each elector who nominated the candidate;
- (d) the information or a statement required to be contained in the nomination under schedule 1 of the Act, other than the address of a close associate of the candidate.

#### **7                      Electors who may cast an electronically assisted vote—Act, s 68**

- (1) For section 68(5B)(c) of the Act, the following classes of electors for an election are prescribed—
  - (a) special postal voters who are not detained in lawful custody;
  - (b) distance voters;
  - (c) out-of-State voters.

(2) In this section—

*distance voter*, for an election—

- (a) means an elector, other than a special postal voter or an out-of-State voter, whose address, as shown on the voters roll, is more than 20km by the nearest practicable route from a polling booth; and
- (b) if the election is a by-election—also means an elector, other than an out-of-State voter, who can not, for another reason, vote at a polling booth during the voting period for the by-election.

*Example of an elector for paragraph (b)—*

an elector who will be absent from the elector's local government area or division of the local government area for the whole of the voting period for the by-election

*out-of-State voter*, for an election, means an elector who is not in Queensland at any time during the voting period.

*voting period*, for an election, means the period—

- (a) starting on the first day that a pre-poll vote may be made for an election; and
- (b) ending on the close of the poll for the election.

## **8 Approval of procedure for electronically assisted voting—Act, s 75A**

For section 75A(3)(a) of the Act, the procedures set out in the document called 'Procedure for electronically assisted voting for local government elections', version 3.0, made by the electoral commission on 22 May 2023 are approved.

## **9 Qualifications or experience for auditors—Act, s 106**

For section 106 of the Act, definition *auditor*, the qualifications prescribed are any of the following—

- (a) registration as an auditor under the Corporations Act;

- (b) membership of CPA Australia Ltd ACN 008 392 452 and an entitlement to use the letters ‘CPA’ or ‘FCPA’;
- (c) membership of the Institute of Public Accountants Ltd ACN 004 130 643 and an entitlement to use the letters ‘MIPA’ or ‘FIPA’;
- (d) membership of Chartered Accountants Australia and New Zealand ARBN 084 642 571 and an entitlement to use the letters ‘CA’ or ‘FCA’.

**10 Prescribed details for application for registration of third party for an election—Act, s 127F**

For section 127F(2)(b) of the Act, the following details are prescribed—

- (a) the election to which the application relates;
- (b) the following details in relation to the third party—
  - (i) if the third party is an individual—
    - (A) date of birth;
    - (B) address as shown on the electoral roll;
  - (ii) if the third party is not an individual—ABN or ACN;
  - (iii) business address;
  - (iv) telephone number;
  - (v) email address.



## **Division 2                    Prescribed information to be included in particular records to be kept**

### **Subdivision 1            General**

#### **11            Purpose of division**

This division states, for section 127N(1)(b) of the Act, information that is required to be included in a record for a prescribed matter.

### **Subdivision 2            Records about gifts and loans**

#### **12            Gifts or loans made to or for the benefit of particular relevant entities**

- (1) This section applies for a record about a gift or loan made to, or for the benefit of, a relevant entity for an election, other than a third party.
- (2) The following information must be included in the record—
  - (a) the relevant details for the gift or loan;
  - (b) a statement that the person who made the gift or loan is not a prohibited donor;
  - (c) for a record about a gift—how the value of the gift is worked out under section 108 of the Act;
  - (d) for a record about a gift that is refunded or returned in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the value refunded or returned; and

- (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 108 of the Act.
- (3) If the record is about a gift that is electoral expenditure gifted to the relevant entity, the following information must also be included in the record—
  - (a) details about how the electoral expenditure benefits the entity;
  - (b) details of the circumstances mentioned in section 109C(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the entity provided for the electoral expenditure;
  - (d) a copy of an invoice, if any, issued to the entity for the electoral expenditure;
  - (e) for electoral expenditure incurred under an arrangement between the entity and 1 or more other relevant entities in the election—details of the arrangement.
- (4) In this section—

*prohibited donor* see section 113(1) of the Act.

### **13 Gifts or loans made by particular relevant entities to other relevant entities**

- (1) This section applies for a record about a gift or loan made by a relevant entity for an election, other than a third party for the election, (the *first entity*) to another relevant entity for the election (the *second entity*).
- (2) The following information must be included in the record—
  - (a) the relevant details for the gift or loan;
  - (b) for a record about a gift—how the value of the gift is worked out under section 108 of the Act;

- (c) for a record about a gift that is refunded or returned in full or in part—
  - (i) the day the refund was given or the return was made; and
  - (ii) the value refunded or returned; and
  - (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 108 of the Act.
- (3) If the record is about a gift that is electoral expenditure gifted to the second entity, the following information must also be included in the record—
  - (a) details about how the electoral expenditure benefits the second entity;
  - (b) details of the circumstances mentioned in section 109C(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the first entity received from the second entity for incurring the electoral expenditure;
  - (d) a copy of an invoice, if any, the first entity issued to the second entity for the electoral expenditure;
  - (e) details of the arrangement under which the electoral expenditure was incurred, if any, between—
    - (i) the first entity and the second entity; or
    - (ii) the second entity and 1 or more other relevant entities; or
    - (iii) both the first entity and the second entity and 1 or more other relevant entities.

## **14 Gifts to third parties to enable political expenditure**

- (1) This section applies for a record about a gift made to a third party for an election about which the third party is required to give the commission a return under section 118A of the Act.
- (2) The following information must be included in the record—
  - (a) the relevant details for the gift;
  - (b) for a gift of property other than money—how the value of the gift is worked out under section 108 of the Act;
  - (c) for a gift that is refunded or returned in full or in part—
    - (i) the day the refund was given or the return was made; and
    - (ii) the value refunded or returned; and
    - (iii) for a return of a gift of property other than money—how the value of the gift, or the part of the gift, returned is worked out under section 108 of the Act.
- (3) If the record is about a gift that is electoral expenditure gifted to the third party, the following information must also be included in the record—
  - (a) details about how the electoral expenditure benefits the third party;
  - (b) details of the circumstances mentioned in section 109C(1)(b)(i) or (ii) of the Act that apply;
  - (c) details of the consideration, if any, the third party provided for the electoral expenditure;
  - (d) a copy of an invoice, if any, issued to the third party for the electoral expenditure;
  - (e) for electoral expenditure incurred under an arrangement between the third party and 1 or more other relevant entities in the election—details of the arrangement.

## **Subdivision 3      Records about electoral expenditure**

### **15      Electoral expenditure incurred**

- (1) This section applies for a record about electoral expenditure incurred—
  - (a) by a relevant entity for an election, other than a third party, or with the relevant entity’s authority at any time; or
  - (b) by a third party for an election, or with the third party’s authority, during the capped expenditure period for the election.
- (2) The following information must be included in the record—
  - (a) the amount of the electoral expenditure;
  - (b) the day the amount was paid;
  - (c) a description of the goods or services for which the electoral expenditure was incurred;
  - (d) the name and business address of the person who supplied the goods or provided the services;
  - (e) the day the goods or services were supplied or provided;
  - (f) for electoral expenditure to which section 109E(4) of the Act applies—the day the goods were first used for a campaign purpose during a capped expenditure period;
  - (g) a copy of an invoice or receipt issued for the electoral expenditure;
  - (h) for electoral expenditure that benefits another relevant entity for an election—
    - (i) details about how the electoral expenditure benefits the other relevant entity; and
    - (ii) if section 109C(1)(b)(i) or (ii) or 123U(3)(a)(i) or (ii) of the Act applies—details of the

circumstances mentioned in those subsections that apply; and

- (iii) details of the consideration, if any, the relevant entity or third party that incurred the electoral expenditure received for the expenditure; and
- (iv) a copy of an invoice, if any, issued to the other relevant entity for the electoral expenditure; and
- (v) details of the arrangement under which the electoral expenditure was incurred, if any, between—
  - (A) the relevant entity or third party that incurred the electoral expenditure and 1 or more other relevant entities in the election; or
  - (B) 2 or more other relevant entities;
- (i) for electoral expenditure incurred under section 123V of the Act in relation to a quadrennial election—details about how the expenditure relates to the election under that section;
- (j) for electoral expenditure incurred by an unregistered third party that is required to be registered for a quadrennial election under section 127D of the Act—details about how the expenditure relates to the election.

## **Subdivision 4      Records about operation of accounts**

### **16      Amounts paid into dedicated account**

- (1) This section applies for a record about an amount paid into the dedicated account of a candidate, or group of candidates, for an election.
- (2) The following information must be included in the record—

- (a) the amount;
- (b) whether the amount is a gift, loan or amount of another type;
- (c) for each part of the amount—the information necessary to show the part is a gift, loan or amount of another type.

## **17 Amounts paid from dedicated account**

- (1) This section applies for a record about an amount paid from the dedicated account of any of the following entities—
  - (a) a candidate in an election;
  - (b) a group of candidates for an election;
  - (c) a registered political party that endorses a candidate in an election;
  - (d) a relevant third party.
- (2) The following information must be included in the record—
  - (a) the amount;
  - (b) for an amount paid for electoral expenditure incurred by an entity mentioned in subsection (1)—information necessary to show the amount is paid for the electoral expenditure;
  - (c) for an amount paid under section 126(6), 127(6), 127AA(5) or 127AB(5) of the Act—information necessary to show the relevant provision has been complied with.

## **Division 3                      Electoral funding and financial disclosure**

### **18            Disclosure deadline for returns for gifts or loans received by candidates—Act, ss 117 and 120**

For sections 117(2) and 120(2) of the Act, the disclosure deadline for a return about a gift or loan received by a candidate for an election is—

- (a) if the gift or loan is received 7 business days or less before the polling day for the election—24 hours after the gift or loan is received; or
- (b) otherwise—the seventh business day after the gift or loan is received.

### **19            Disclosure deadline for returns for gifts received by groups of candidates—Act, s 118**

For section 118(2) of the Act, the disclosure deadline for a return about a gift received by a member of a group of candidates for an election, or a person acting on behalf of the group, is—

- (a) if the gift is received 7 business days or less before the polling day for the election—24 hours after the gift is received; or
- (b) otherwise—the seventh business day after the gift is received.

### **20            Disclosure deadline for returns for gifts or loans received by associated entities of candidates or groups of candidates—Act, ss 118AA and 120A**

For sections 118AA(2) and 120A(2) of the Act, the disclosure deadline for a return about a gift or loan received by an associated entity of a candidate for an election, or a group of candidates for an election, is—



- (a) if the gift or loan is received 7 business days or less before the polling day for the election—24 hours after the gift or loan is received; or
- (b) otherwise—the seventh business day after the gift or loan is received.

**21 Disclosure deadline for returns for gifts received by third parties to enable political expenditure—Act, s 118A**

For section 118A(2) of the Act, the disclosure deadline for a return about a gift received by a third party is the seventh business day after the gift is used as mentioned in section 118A(1)(c) of the Act.

**22 Disclosure deadline for returns for gifts made by third parties—Act, s 118B**

For section 118B(2) of the Act, the disclosure deadline for a return about a gift made by a third party is the seventh business day after the gift is made.

**23 Disclosure deadline for returns for loans received by groups of candidates—Act, s 120**

For section 120(4) of the Act, the disclosure deadline for a return about a loan received by a group of candidates for an election is—

- (a) if the loan is received 7 business days or less before the polling day for the election—24 hours after the loan is received; or
- (b) otherwise—the seventh business day after the loan is received.

**24 Disclosure deadline for returns for electoral expenditure incurred by particular election participants—Act, s 124**

For section 124(3)(b) of the Act, the disclosure deadline for a return about electoral expenditure incurred by an election participant for an election is—

- (a) if the amount is incurred 7 business days or less before the polling day for the election—24 hours after the expenditure is incurred; or
- (b) otherwise—the seventh business day after the expenditure is incurred.

**25 Disclosure deadline for returns for electoral expenditure incurred by relevant third parties—Act, s 125B**

For section 125B(3)(b) of the Act, the disclosure deadline for a return about expenditure incurred by a relevant third party is—

- (a) if the amount is incurred before the day the third party is registered for the election, or is required to be registered for the election under section 127D of the Act—
  - (i) 7 business days after the third party is registered or is required to be registered; but
  - (ii) not less than 24 hours before polling day; or
- (b) otherwise—the seventh business day after the expenditure is incurred.

**26 Prescribed information for publishing copy of return or document—Act, s 128**

For section 128(3)(e) of the Act, the information required to be stated in a return under section 124(3)(c)(i) or 125B(3)(c)(i) of the Act is prescribed.

**27 Approval of procedures for electronic lodgement of returns—Act, s 132A**

For section 132A(2)(a) of the Act, the procedures set out in the document called ‘Procedure for electronic lodgement of returns’, version 3.0, made by the electoral commission on 22 May 2023 are approved.

**Part 4 Repeal and transitional provision**

**Division 1 Repeal**

**28 Repeal**

The Local Government Electoral Regulation 2012, SL No. 17 is repealed.

**Division 2 Transitional provisions**

**29 References to repealed regulation**

A reference in a document to the repealed *Local Government Electoral Regulation 2012* may, if the context permits, be taken to be a reference to this regulation.

**30 Information required to be included in a record**

- (1) This section applies to an entity that is required, under sections 12 to 17, to include particular information in a record about a prescribed matter if—
  - (a) the event that is the subject of the information required to be included in the record occurred before the commencement; and

- (b) the entity considers it is impossible to complete the record because the entity is unable to obtain the information.
- (2) The entity must not, merely because of the omission of the information, be taken to have failed to keep a record about the prescribed matter if the entity includes the following information in the record—
  - (a) details about the reasons the entity is unable to obtain the information; and
  - (b) if the entity believes, on reasonable grounds, that another person can give the information—a statement of that belief and reasons for it and, if known, the name and address of the other person.