



Queensland

COVID-19 Emergency Response and Other Legislation Amendment Bill 2021



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2021

A Bill

for

An Act to amend the *Body Corporate and Community Management Act 1997*, the *City of Brisbane Act 2010*, the *City of Brisbane Regulation 2012*, the *COVID-19 Emergency Response Act 2020*, the *Economic Development (COVID-19 Emergency Response) Regulation 2020*, the *Environmental Protection Act 1994*, the *Gaming Machine Act 1991*, the *Justice Legislation (COVID-19 Emergency Response—Proceedings and Other Matters) Regulation 2020*, the *Local Government Act 2009*, the *Local Government Electoral Act 2011*, the *Local Government Regulation 2012* and the *State Penalties Enforcement Regulation 2014* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *COVID-19 Emergency Response and Other Legislation Amendment Act 2021*. 4
5

Part 2 Amendment of Body Corporate and Community Management Act 1997 6
7
8

Clause 2 Act amended 9

This part amends the *Body Corporate and Community Management Act 1997*. 10
11

Clause 3 Amendment of s 323D (Sinking fund budgets) 12

Section 323D(4), note, ‘2008, section 139’— 13
omit, insert— 14
2020, section 160 15

Clause 4 Amendment of s 323F (Penalties for late payment) 16

Section 323F(1)(b), example, ‘1 June’— 17
omit, insert— 18
1 November 19

Clause 5	Amendment of s 323H (Power to borrow)	1
	Section 323H(4)(a), ‘2008’—	2
	<i>omit, insert—</i>	3
	2020	4
Part 3	Amendment of City of Brisbane Act 2010	5
		6
Clause 6	Act amended	7
	This part amends the <i>City of Brisbane Act 2010</i> .	8
Clause 7	Insertion of new s 96B	9
	After section 96A—	10
	<i>insert—</i>	11
	96B Additional decisions about levying of rates and charges for 2021–2022 financial year	12
		13
	(1) The council may decide, by resolution made other than at the council budget meeting for the 2021–2022 financial year, what rates and charges are to be levied for a relevant part of that financial year.	14
		15
		16
		17
		18
	(2) For this section, a relevant part of the 2021–2022 financial year is a period—	19
		20
	(a) starting on a day not earlier than the day the resolution is made; and	21
		22
	(b) ending on 30 June 2022.	23
	(3) A decision made under subsection (1) is an extraordinary decision .	24
		25
	(4) The council must, at the meeting at which the extraordinary decision is made, amend the annual budget for the 2021–2022 financial year to take	26
		27
		28

[s 8]

	account of the extraordinary decision.	1
(5)	An amendment of the annual budget under subsection (4) is of no effect if the amendment—	2 3
(a)	does not comply with the requirements prescribed by regulation for preparing an annual budget; or	4 5 6
(b)	is inconsistent with the extraordinary decision.	7 8
(6)	The council must adopt the annual budget as amended in compliance with this section.	9 10
(7)	Subsection (1) does not limit section 96(2).	11
(8)	To the extent a relevant decision previously made by the council would otherwise be inconsistent with the extraordinary decision, the relevant decision ceases to have effect in relation to the relevant part of the 2021–2022 financial year.	12 13 14 15 16
(9)	This section expires on 30 June 2022.	17
(10)	In this section—	18
	<i>2021–2022 financial year</i> means the financial year ending on 30 June 2022.	19 20
	<i>relevant decision</i> means—	21
(a)	a decision made under section 96(2); or	22
(b)	an extraordinary decision.	23
Clause 8	Insertion of new ch 7, pt 5B	24
	Chapter 7—	25
	<i>insert</i> —	26
	Part 5B	27
	Provisions for other elections affected by COVID-19 public health emergency	28 29 30

240C Minister may give directions about filling vacancies in office of councillors	1 2
(1) This section applies if the office of a councillor (including the mayor) becomes vacant before the COVID-19 legislation expiry day.	3 4 5
(2) Section 163(2), (3) and (6) does not apply in relation to the vacant office.	6 7
(3) The Minister may give a direction to the council about whether or not the vacant office must be filled.	8 9 10
(4) If the Minister directs that the vacant office must be filled, the Minister may, by notice to the council, extend the period within which the council must fill the vacant office under section 163(4).	11 12 13 14 15
(5) However, the Minister may act under subsection (3) or (4) only if the Minister is satisfied that, after consulting the electoral commission and having regard to the purpose of the <i>Local Government Electoral Act 2011</i> , part 9B, it is in the public interest to do so.	16 17 18 19 20 21
(6) If the Minister extends the period under subsection (4), the Governor in Council may appoint a qualified person under section 163(5) to fill the vacant office only if the council has not filled the vacancy within the extended period.	22 23 24 25 26
240D Regulation-making power for elections affected by COVID-19 public health emergency	27 28
(1) This section applies if this Act does not make provision or sufficient provision about a matter in relation to an election to which the <i>Local Government Electoral Act 2011</i> , part 9B applies.	29 30 31 32
(2) A regulation may make provision about the matter.	33 34

[s 9]

- (3) The regulation may have retrospective operation to a day not earlier than the day of commencement. 1
2
3
- (4) This part and the regulation expire on the COVID-19 legislation expiry day. 4
5

Part 4 **Amendment of City of Brisbane Regulation 2012** 6
7

Clause 9 **Regulation amended** 8
This part amends the *City of Brisbane Regulation 2012*. 9

Clause 10 **Amendment of s 255G (Expiry)** 10
Section 255G, ‘30 June 2021’— 11
omit, insert— 12
the COVID-19 legislation expiry day 13

Part 5 **Amendment of COVID-19 Emergency Response Act 2020** 14
15

Clause 11 **Act amended** 16
This part amends the *COVID-19 Emergency Response Act 2020*. 17
18

Clause 12 **Amendment of s 4A (Meaning of COVID-19 legislation expiry day)** 19
20
Section 4A(a), ‘30 April’— 21
omit, insert— 22
30 September 23

Clause 13	Amendment of s 25 (Transitional regulation-making power)	1 2
(1)	Section 25— <i>insert</i> —	3 4
(3A)	An affected law is taken to include a power to make the transitional regulation.	5 6
(2)	Section 25(4)— <i>omit, insert</i> —	7 8
(4)	The transitional regulation must declare it is a transitional regulation.	9 10
(4A)	The transitional regulation must also declare—	11
(a)	if it is made under this section—that it is made under this section; or	12 13
(b)	if it is made under an affected law—that it is made under the affected law as modified by subsection (4).	14 15 16
(3)	Section 25(3A) to (6)— <i>renumber</i> as section 25(4) to (8).	17 18
Part 6	Amendment of Economic Development (COVID-19 Emergency Response) Regulation 2020	19 20 21 22
Clause 14	Regulation amended	23
	This part amends the <i>Economic Development (COVID-19 Emergency Response) Regulation 2020</i> .	24 25

[s 15]

Clause 15	Amendment of s 6 (Publicly notifying applications if no local newspaper)	1 2
	Section 6(2)(b)(ii), ‘30 April’—	3
	<i>omit, insert—</i>	4
	30 September	5
Part 7	Amendment of Environmental Protection Act 1994	6 7
Clause 16	Act amended	8
	This part amends the <i>Environmental Protection Act 1994</i> .	9
Clause 17	Amendment of s 547D (Form and content)	10
	Section 547D(2)(d)(ii), ‘30 June’—	11
	<i>omit, insert—</i>	12
	30 November	13
Clause 18	Amendment of s 547I (Making of declaration)	14
	Section 547I(3)(a)(ii), ‘30 June’—	15
	<i>omit, insert—</i>	16
	30 November	17
Part 8	Amendment of Gaming Machine Act 1991	18 19
Clause 19	Act amended	20
	This part amends the <i>Gaming Machine Act 1991</i> .	21

Clause 20	Amendment of s 367C (Deferral or waiver of payment of gaming taxes)	1
	Section 367C(4), ‘30 June’—	2
	<i>omit, insert—</i>	3
	30 September	4
		5
Part 9	Amendment of Justice Legislation (COVID-19 Emergency Response—Proceedings and Other Matters) Regulation 2020	6
		7
		8
		9
		10
Clause 21	Regulation amended	11
	This part amends the <i>Justice Legislation (COVID-19 Emergency Response—Proceedings and Other Matters) Regulation 2020</i> .	12
		13
		14
Clause 22	Omission of pt 2, div 1 (Modification of Coroners Act 2003)	15
	Part 2, division 1—	16
	<i>omit.</i>	17
		18
Part 10	Amendment of Local Government Act 2009	19
		20
Clause 23	Act amended	21
	This part amends the <i>Local Government Act 2009</i> .	22

[s 24]

Clause 24	Insertion of new s 94B	1
	After section 94A—	2
	<i>insert—</i>	3
	94B Additional decisions about levying of rates and charges for 2021–2022 financial year	4
		5
	(1) A local government may decide, by resolution made other than at the local government’s budget meeting for the 2021–2022 financial year, what rates and charges are to be levied for a relevant part of that financial year.	6 7 8 9 10
	(2) For this section, a <i>relevant part</i> of the 2021–2022 financial year is a period—	11 12
	(a) starting on a day not earlier than the day the resolution is made; and	13 14
	(b) ending on 30 June 2022.	15
	(3) A decision made under subsection (1) is an <i>extraordinary decision</i> .	16 17
	(4) The local government must, at the meeting at which the extraordinary decision is made, amend the annual budget for the 2021–2022 financial year to take account of the extraordinary decision.	18 19 20 21
	(5) An amendment of the annual budget under subsection (4) is of no effect if the amendment—	22 23
	(a) does not comply with the requirements prescribed by regulation for preparing an annual budget; or	24 25 26
	(b) is inconsistent with the extraordinary decision.	27 28
	(6) The local government must adopt the annual budget as amended in compliance with this section.	29 30 31
	(7) Subsection (1) does not limit section 94(2).	32
	(8) To the extent a relevant decision previously made	33

	by the local government would otherwise be	1
	inconsistent with the extraordinary decision, the	2
	relevant decision ceases to have effect in relation	3
	to the relevant part of the 2021–2022 financial	4
	year.	5
	(9) This section expires on 30 June 2022.	6
	(10) In this section—	7
	<i>2021–2022 financial year</i> means the financial	8
	year ending on 30 June 2022.	9
	<i>relevant decision</i> means—	10
	(a) a decision made under section 94(2); or	11
	(b) an extraordinary decision.	12
Clause 25	Insertion of new ch 7, pt 5B	13
	Chapter 7—	14
	<i>insert—</i>	15
	Part 5B	16
	Provisions for other	17
	elections affected by	18
	COVID-19 public health	19
	emergency	19
	260AC Minister may give directions about filling	20
	vacancies in office of councillors	21
	(1) This section applies if the office of a councillor	22
	(including the mayor) becomes vacant before the	23
	COVID-19 legislation expiry day.	24
	(2) Section 163(2), (2A) and (5) does not apply in	25
	relation to the vacant office.	26
	(3) The Minister may give a direction to the local	27
	government about whether or not the vacant	28
	office must be filled.	29

[s 25]

- (4) If the Minister directs that the vacant office must be filled, the Minister may, by notice to the local government, extend the period within which the local government must fill the vacant office under section 163(3). 1
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- (5) However, the Minister may act under subsection (3) or (4) only if the Minister is satisfied that, after consulting the electoral commission and having regard to the purpose of the *Local Government Electoral Act 2011*, part 9B, it is in the public interest to do so. 6
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- (6) If the Minister extends the period under subsection (4), the Governor in Council may appoint a qualified person under section 163(4) to fill the vacant office only if the local government has not filled the vacancy within the extended period. 12
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260AD Regulation-making power for elections affected by COVID-19 public health emergency 18
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- (1) This section applies if this Act does not make provision or sufficient provision about a matter in relation to an election to which the *Local Government Electoral Act 2011*, part 9B applies. 20
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23
- (2) A regulation may make provision about the matter. 24
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- (3) The regulation may have retrospective operation to a day not earlier than the day of commencement. 26
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28
- (4) This part and the regulation expire on the COVID-19 legislation expiry day. 29
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Part 11	Amendment of Local Government Electoral Act 2011	1 2	
Clause 26	Act amended	3	
	This part amends the <i>Local Government Electoral Act 2011</i> .	4	
Clause 27	Amendment of s 18 (When voters roll must be compiled)	5	
	(1) Section 18(1), from ‘after the publication’—	6	
	<i>omit, insert—</i>	7	
	after notice of the election is published on the electoral commission’s website under section 25(1).	8 9 10	
	(2) Section 18(3), from ‘after the publication’—	11	
	<i>omit, insert—</i>	12	
	after notice of the day of the by-election is published on the electoral commission’s website under section 24(3).	13 14 15	
Clause 28	Insertion of new pt 9B	16	
	After part 9A—	17	
	<i>insert—</i>	18	
	Part 9B	Provisions for elections affected by COVID-19 public health emergency	19 20 21 22
	200M Purpose of part	23	
	(1) The purpose of this part is to facilitate the holding of an election to which this part applies in a timely way that helps minimise serious risks to the health	24 25 26	

[s 28]

and safety of persons caused by the COVID-19 public health emergency. 1
2

(2) In this section— 3

COVID-19 public health emergency means— 4

(a) the declared public health emergency under the *Public Health Act 2005*, section 319(2) for COVID-19 declared on 29 January 2020 as extended and further extended under that Act; or 5
6
7
8
9

(b) another public health emergency declared under the *Public Health Act 2005*, section 319(2) for COVID-19. 10
11
12

200N Application of part 13

(1) This part applies in relation to— 14

(a) a by-election if notice of the day of the by-election is published on the electoral commission’s website under section 24(3) on or before the COVID-19 legislation expiry day; or 15
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(b) a fresh election for a local government if a regulation that provides for the election to be held is made on or before the COVID-19 legislation expiry day. 20
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23

Note— 24

The *Local Government Act 2009*, sections 20 and 123(3)(b)(i) and (4) provide for the circumstances in which a regulation may be made to provide for a fresh election for a local government to be held. See also the *City of Brisbane Act 2010*, section 22 and section 105(1) of this Act. 25
26
27
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(2) Also, this part applies despite any other provision of this Act about the holding of an election. 31
32

200O References to provisions of pt 4 in relation to fresh election	1 2
A reference to a provision of part 4 in relation to a fresh election is a reference to the provision as applied to the fresh election under section 105(3).	3 4 5
200P Time limit for compiling voters roll	6
(1) The electoral commission may, by notice, fix a day by which a voters roll for an election must be compiled that is not during the period provided for under section 18(1) or (3) for the election.	7 8 9 10
(2) However, the electoral commission may act under subsection (1) only if satisfied that, having regard to the purpose of this part, it would be in the public interest to do so.	11 12 13 14
(3) The electoral commission must ensure the notice under subsection (1) is published on the electoral commission's website and in other ways the electoral commission considers appropriate.	15 16 17 18
(4) Despite section 18(1) and (3), a voters roll for the election must be compiled by the day fixed under subsection (1).	19 20 21
(5) This section does not limit section 18(2) in relation to a fresh election.	22 23
200Q Time limit for nomination of candidates	24
(1) The electoral commission may, by notice, fix a day as the nomination day for an election that is not a day provided for under section 25(2)(a).	25 26 27
(2) However, the electoral commission may act under subsection (1) only if satisfied that, having regard to the purpose of this part, it would be in the public interest to do so.	28 29 30 31
(3) The electoral commission must ensure the notice	32

[s 28]

under subsection (1) is published on the electoral
commission's website and in other ways the
electoral commission considers appropriate. 1
2
3

(4) For this Act, a reference to the nomination day for
an election includes a reference to the day stated
as the nomination day for the election in a notice
under subsection (1). 4
5
6
7

200R Adjournment of poll under s 52A or 53 8

- (1) This section applies— 9
- (a) if a poll for an election is adjourned under
section 52A(3) or 53(1); and 10
11
- (b) despite section 24(2). 12
- (2) The returning officer may, by notice published on
the electoral commission's website, fix a day for
taking or resuming the adjourned poll that is— 13
14
15
- (a) the earliest Saturday on which the returning
officer is satisfied that the poll may
practicably and safely be taken or resumed; 16
17
18
and 19
- (b) not more than 2 months after the original
polling day for the election. 20
21
- (3) Before acting under subsection (2), the returning
officer must be satisfied that, having regard to the
purpose of this part, it would be in the public
interest to do so. 22
23
24
25
- (4) If the returning officer acts under subsection (2) to
fix a day for taking or resuming the poll, the
returning officer is taken to have complied with
section 53(3) in relation to the adjournment of the
poll. 26
27
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- (5) To remove any doubt, it is declared that the
returning officer or presiding officer for a polling
booth may act under section 53, and the returning 31
32
33

officer may act under subsection (2), as the
occasion requires.

(6) For this Act, a reference to the polling day for an
election at a polling booth includes a reference to
the day to which the poll is adjourned under
subsection (2).

(7) In this section—

original polling day, for an election, means the
day stated as the polling day for the election in a
notice under section 35.

200S Postponing polling day

(1) This section applies if the Minister is satisfied
that, after consulting the electoral commission
and having regard to the purpose of this part, it
would not be in the public interest for an election
to be held during the period of 2 months after the
original polling day for the election.

Note—

The returning officer may adjourn the poll for an
election for not more than 2 months after the original
polling day under section 200R(2).

(2) The Minister may, by written notice given to the
electoral commission, postpone the polling day to
a Saturday that is—

(a) the earliest Saturday on which the Minister
is satisfied that the poll may practicably and
safely be taken or resumed; and

(b) more than 2 months after the original
polling day for the election.

(3) As soon as practicable after receiving the
Minister's notice under subsection (2), the
electoral commission must publish a notice about
the postponement of the polling day on the
electoral commission's website.

[s 28]

- (4) If the election is a by-election, the day stated in a notice under subsection (2) may be later than the day provided for under section 24(2). 1
2
3
- (5) For this Act, a reference to the polling day for an election includes a reference to the day stated as the polling day for the election in a notice published under subsection (3). 4
5
6
7
- (6) In this section— 8
original polling day, for an election, means the day stated as the polling day for the election in a notice under section 35. 9
10
11

200T Conduct of poll by postal ballot 12

- (1) This section applies if the Minister is satisfied that, having regard to the purpose of this part, it would be in the public interest for a poll for an election to be conducted by postal ballot in— 13
14
15
16
- (a) for an election for a division of a local government's area—all or part of the division; or 17
18
19
- (b) for an election for all of a local government's area— 20
21
- (i) all of the area; or 22
- (ii) 1 or more divisions of the area; or 23
- (iii) another part of the area. 24
- (2) The Minister may direct that the poll be conducted by postal ballot. 25
26
- (3) However, before giving the direction, the Minister must consult with the electoral commission. 27
28
29
- (4) A direction under subsection (2) must— 30
- (a) be published on the electoral commission's website; and 31
32

-
- (b) if the direction relates to a part of the local government's area—be accompanied by a map showing the part of the local government's area. 1
2
3
4
- (5) The local government must ensure the public may inspect the map mentioned in subsection (4)(b)— 5
6
- (a) at the local government's public office; and 7
- (b) on the local government's website. 8
- (6) If the Minister gives a direction under subsection (2), the electoral commission may declare, by notice published on the electoral commission's website, that electors of a stated class may vote in the election other than by postal vote, including, for example— 9
10
11
12
13
14
- (a) by making an electronically assisted vote; or 15
- (b) voting in another stated way approved by the electoral commission. 16
17

200U Time limit for applying to cast postal vote in election 18
19

- (1) The electoral commission may, by notice published on the electoral commission's website, fix a time and day by which an elector may apply, under section 79 or 81, to cast a postal vote in an election. 20
21
22
23
24
- (2) The time and day fixed under subsection (1)— 25
- (a) may be earlier or later than the time and day mentioned in section 79(2)(d) or 81(2A); and 26
27
28
- (b) must be before the polling day for the election. 29
30
- (3) Sections 79 and 81 apply for the election as if the references in sections 79(2)(d) and 81(2A) to 7p.m. on the day that is 12 days before the polling 31
32
33

[s 28]

day for the election were references to the time 1
and day fixed under subsection (1). 2

**200V Declaration about electors casting postal 3
vote without application 4**

- (1) The electoral commission may, by notice 5
published on the electoral commission’s website, 6
declare that electors of a stated class may cast a 7
postal vote in an election without applying to do 8
so under section 79. 9
- (2) Section 79(4) to (7) applies in relation to each 10
elector in the class as if the reference in section 11
79(4) to as soon as practicable after receiving the 12
application were a reference to as soon as 13
practicable after the making of the declaration 14
under subsection (1). 15
- (3) This section does not limit the ways that an elector 16
may otherwise cast a vote in the election. 17

**200W Declaration that electoral visitor voting not 18
available for election 19**

- (1) This section applies for an election if— 20
- (a) notice of the election has not been published 21
under section 25; and 22
- (b) the electoral commission is satisfied that it 23
would pose a risk to the health and safety of 24
issuing officers to visit electors under 25
section 77. 26
- (2) The electoral commission may declare that, for 27
the election, electors will not be visited under 28
section 77. 29
- (3) Notice of the electoral commission’s declaration 30
must be included in notice of the election 31
published under section 25. 32

-
- (4) Also, the electoral commission may publish notice of the declaration made under subsection (2) in other ways the electoral commission considers appropriate.
- (5) If the electoral commission makes a declaration for an election under subsection (2)—
- (a) section 77 does not apply for the election; and
- (b) the electoral commission must make alternative arrangements to enable an elector affected by the declaration to vote in the election, including, for example, by casting an electronically assisted vote or postal vote.

200X Declaration about electoral visitor voting

- (1) This section applies for an election if—
- (a) a declaration has not been made under section 200W for the election; and
- (b) the electoral commission is satisfied that, for the election, it would pose a risk to the health and safety of an issuing officer to visit, under section 77—
- (i) an elector who has applied under that section to vote as a visitor elector; or
- (ii) electors of a particular class; or
- (iii) any electors.
- (2) The electoral commission or returning officer may direct the issuing officer not to visit the elector, or electors of the class, or any electors.
- (3) The electoral commission or returning officer must ensure an issuing officer makes alternative arrangements to enable an elector affected by the direction to vote in the election, including, for

[s 28]

example, by casting an electronically assisted 1
vote or postal vote. 2

(4) Section 77 applies to the issuing officer subject to 3
the direction. 4

200Y Electronically assisted voting 5

(1) This section applies if the electoral commission is 6
satisfied that, having regard to the purpose of this 7
part, it would be in the public interest to allow 8
electors of a class not mentioned in section 9
68(5B) to cast an electronically assisted vote in an 10
election. 11

(2) The electoral commission may, by notice 12
published on the electoral commission’s website, 13
declare a class of electors who may cast an 14
electronically assisted vote in the election. 15

(3) An elector of a class declared under subsection (2) 16
may cast an electronically assisted vote in the 17
election. 18

(4) For the election, any procedures made under 19
section 75A apply in relation to electors of a class 20
declared under subsection (2). 21

(5) The electoral commission may make procedures 22
about how electors may cast electronically 23
assisted votes in an election. 24

(6) The procedures— 25

(a) must be published on the electoral 26
commission’s website; and 27

(b) take effect when they are published on the 28
electoral commission’s website or any later 29
day stated in the procedures. 30

(7) If procedures made under subsection (5) are in 31
effect for an election— 32

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- (a) the procedures apply in relation to electors who may cast an electronically assisted vote for the election under section 68(5B) or subsection (3); and
 - (b) to the extent of any inconsistency between the procedures under subsection (5) and any procedures under section 75A, the procedures under subsection (5) prevail; and
 - (c) a reference in this Act or a document to procedures approved under section 75A is taken to include a reference to the procedures under subsection (5).

200Z Distribution or display of how-to-vote cards or other election material

- (1) This section applies if the electoral commission is satisfied that, having regard to the purpose of this part, it would be in the public interest to regulate, limit or prevent the distribution or display of how-to-vote cards or other election material at a polling booth for an election.
- (2) The electoral commission may give a direction—
 - (a) about how, where or when how-to-vote cards may be distributed or displayed at a polling booth for the election; or
 - (b) prohibiting the distribution or display of how-to-vote cards or other election material at a polling booth for the election; or
 - (c) prohibiting a person from canvassing for votes in or near polling booths for the election; or
 - (d) permitting the display of political statements at a place mentioned in section 188(1) for the election.
- (3) The direction must be published on the electoral

[s 28]

commission’s website.	1
(4) A person must not contravene the direction, unless the person has a reasonable excuse.	2 3
Maximum penalty—10 penalty units.	4
(5) Section 188 does not apply to the display of a political statement permitted under the direction.	5 6
(6) In this section—	7
<i>political statement</i> see section 188(2).	8
200ZA Directions about candidates or scrutineers at particular places	9 10
(1) The electoral commission may give a direction for an election—	11 12
(a) regulating the number of scrutineers each candidate may have at a polling booth or another place where a scrutineer is entitled to be present under this Act; or	13 14 15 16
(b) prohibiting a candidate or scrutineer from being present at a polling booth or another place where the candidate or scrutineer would otherwise be entitled to be present under this Act.	17 18 19 20 21
<i>Example of another place—</i>	22
a place where votes for the election are to be counted	23
<i>Example of a direction that may be given under paragraph (b)—</i>	24 25
a direction prohibiting a scrutineer from accompanying an issuing officer under section 76	26 27
(2) However, the electoral commission may give a direction under subsection (1) only if the electoral commission is satisfied that, having regard to the purpose of this part, it would be in the public interest to give the direction.	28 29 30 31 32
(3) The direction must be published on the electoral	33

commission’s website. 1

- (4) A person must not contravene the direction, 2
unless the person has a reasonable excuse. 3

Maximum penalty—20 penalty units. 4

- (5) The direction applies despite section 59 or another 5
provision of this Act that allows a candidate or 6
scrutineer to be present at a polling booth or 7
another place. 8

- (6) Section 174(b) does not apply to the extent a 9
scrutineer is prevented from entering a polling 10
booth under the direction. 11

**200ZB Direction about movement of candidates or 12
scrutineers 13**

- (1) This section applies in relation to— 14

(a) the returning officer, a presiding officer for 15
a polling booth or a member of the electoral 16
commission’s staff who has been given a 17
direction under section 96A (each *an* 18
official); and 19

(b) a place (a *relevant place*) that is a polling 20
booth or another place where a candidate or 21
scrutineer is entitled to be present under this 22
Act. 23

- (2) The official may give a direction to a candidate or 24
scrutineer at the relevant place if the official is 25
satisfied that, having regard to the purpose of this 26
part, it would be in the public interest to do so. 27

- (3) The direction may be about— 28

(a) the movement of the candidate or scrutineer 29
at the relevant place; or 30

(b) an area in the relevant place in which the 31
candidate or scrutineer may or may not be; 32
or 33

[s 28]

- (c) the maximum number of scrutineers who may be in a particular area in the relevant place. 1
2
3
- (4) The candidate or scrutineer must comply with the direction, unless the candidate or scrutineer has a reasonable excuse. 4
5
6
Maximum penalty—20 penalty units. 7
- (5) A candidate or scrutineer does not commit an offence against subsection (4) unless the official giving the direction has warned the candidate or scrutineer that it is an offence not to comply with the direction unless the candidate or scrutineer has a reasonable excuse. 8
9
10
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- 200ZC Counting of votes** 14
- (1) The returning officer may direct a member of the electoral commission’s staff to carry out the counting of votes for an election at a stated place. 15
16
17
- (2) Votes may be counted at the place stated in the direction. 18
19
- (3) The returning officer may arrange for the counting of votes for an election to be filmed by a member of the electoral commission’s staff. 20
21
22
- 200ZD Restriction on directions** 23
- (1) This section applies in relation to a provision of this part authorising the electoral commission, the returning officer, a presiding officer for a polling booth or a member of the electoral commission’s staff (each *an official*) to give a direction. 24
25
26
27
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- (2) The official must not give a direction under the provision— 29
30

-
- (a) of a kind prescribed under section 200ZE(b) as a kind of direction that may not be given under the provision; or
 - (b) in circumstances prescribed under section 200ZE(b) as circumstances in which a direction may not be given under the provision.

200ZE Regulation about election

A regulation may make provision about a matter to facilitate the holding of an election in the way stated in section 200M, including, for example—

- (a) enabling the electoral commission, the returning officer, a presiding officer for a polling booth or a member of the electoral commission's staff who has a stated function in relation to the election to give a direction about any matter necessary to facilitate the holding of the election in the way stated in section 200M; and
- (b) providing for a matter about directions given under a provision of this part or the regulation, including—
 - (i) a kind of direction that may not be given under the provision; and
 - (ii) circumstances in which a direction may not be given under the provision; and
- (c) enabling the electoral commission to make procedures for the application of a provision of this part or the regulation for an election.

200ZF Matters about regulation under this part

- (1) This section applies in relation to a regulation made under this part.

[s 29]

(2)	The regulation may—	1
(a)	create an offence and prescribe a maximum penalty of not more than 20 penalty units for the offence; and	2 3 4
(b)	other than for creating an offence, have retrospective operation to a day not earlier than the commencement; and	5 6 7
(c)	be inconsistent with this Act, the <i>Local Government Act 2009</i> or the <i>City of Brisbane Act 2010</i> including, for example, by modifying the application of part 4 of this Act in relation to an election, to the extent necessary to achieve the purpose of this part.	8 9 10 11 12 13 14
(3)	The Minister may recommend to the Governor in Council the making of the regulation only if the Minister is satisfied that the regulation is necessary to achieve the purpose of this part.	15 16 17 18
(4)	Also, the Minister must consult with the electoral commission before recommending to the Governor in Council the making of a regulation under this part.	19 20 21 22
(5)	The regulation must declare that it is made under this part.	23 24
	200ZG Expiry	25
	This part and any regulation made under this part expire on the COVID-19 legislation expiry day.	26 27
Clause 29	Insertion of new pt 11, div 5	28
	Part 11—	29
	<i>insert</i> —	30

Division 5	Transitional provision for COVID-19 Emergency Response and Other Legislation Amendment Act 2021	1 2 3 4 5
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220 Application of pt 9B to election	6
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|---|----------------------------|
| (1) Part 9B applies to an election mentioned in section 200N— | 7
8 |
| (a) whether notice of the election mentioned in section 200N(1)(a) was published before or after the commencement; and | 9
10
11 |
| (b) whether a regulation providing for the election to be held mentioned in section 200N(1)(b) was made before or after the commencement. | 12
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| (2) Subsection (3) applies if, immediately before the expiry of part 9B under section 200ZG, anything required or permitted to be done under this Act in relation to an election mentioned in section 200N has not been done. | 16
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| (3) Expired part 9B continues to apply for the election as if the expired part continued in effect. | 21
22 |

Part 12	Amendment of Local Government Regulation 2012	23 24
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|------------------|--|----|
| Clause 30 | Regulation amended | 25 |
| | This part amends the <i>Local Government Regulation 2012</i> . | 26 |

[s 31]

Clause 31	Amendment of s 277F (Expiry)	1
	Section 277F, ‘30 June 2021’—	2
	<i>omit, insert—</i>	3
	the COVID-19 legislation expiry day	4
Part 13	Amendment of State Penalties Enforcement Regulation 2014	5
		6
Clause 32	Regulation amended	7
	This part amends the <i>State Penalties Enforcement Regulation 2014</i> .	8
		9
Clause 33	Amendment of sch 1 (Infringement notice offences and fines for nominated laws)	10
	Schedule 1, entry for the <i>Local Government Electoral Act 2011</i> —	11
		12
	<i>insert—</i>	13
		14
	s 200Z(4)	1 -
	s 200ZA(4)	2 -
	s 200ZB(4)	2 -

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