



Queensland

Electoral Reform Bill 2010



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Electoral Reform Bill 2010

Contents

| | | Page |
|---------------|---|------|
| Part 1 | Preliminary | |
| 1 | Short title | 4 |
| 2 | Commencement | 4 |
| Part 2 | Amendment of Electoral Act 1992 | |
| 3 | Act amended | 4 |
| 4 | Amendment of s 97 (Supply of ballot papers and electoral rolls) . | 4 |
| 5 | Amendment of s 102 (Procedure for voting) | 4 |
| 6 | Amendment of s 106 (Who must make a declaration vote) | 5 |
| 7 | Replacement of s 113 (How electors must vote) | 5 |
| | 113 How electors must vote | 5 |
| 8 | Replacement of s 125 (Notice of failure to vote etc.) | 6 |
| 9 | Omission of s 125A (Payments for failure to vote) | 6 |
| 10 | Insertion of new s 161AA | 6 |
| | 161AA Distribution and display of how-to-vote cards on polling day | 6 |
| 11 | Omission of s 164 (Failure to vote etc.) | 7 |
| 12 | Amendment of s 169 (Displaying political statements in certain places) | 7 |
| Part 3 | Amendment of Electoral Regulation 2002 | |
| 13 | Regulation amended | 7 |
| 14 | Insertion of new pt 3A. | 7 |
| | Part 3A Proof of identity documents | |
| | 5A Documents relating to proof of identity | 7 |
| 15 | Insertion of new sch 3 | 8 |
| Part 4 | Amendment of State Penalties Enforcement Regulation 2000 | |
| 16 | Regulation amended | 9 |

Contents

| | | |
|----|---|----|
| 17 | Amendment of s 5 (Administering authority for particular nominated laws) | 10 |
| 18 | Amendment of s 6 (Administering authority for Electoral Act 1992) | 10 |
| 19 | Schedule 5 (Other legislation) | 10 |

2010

A Bill

for

An Act to amend the Electoral Act 1992, the Electoral Regulation 2002 and the State Penalties Enforcement Regulation 2000 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 *Electoral Reform Act 2010*. 4

Clause 2 Commencement 5
This Act commences on a day to be fixed by proclamation. 6

Part 2 Amendment of Electoral Act 1992 7
8

Clause 3 Act amended 9
This part amends the *Electoral Act 1992*. 10

Clause 4 Amendment of s 97 (Supply of ballot papers and electoral rolls) 11
12
Section 97(3), second dot point— 13
omit, insert— 14
‘• You must indicate your preference for additional 15
candidates by numbering the other squares in your 16
preferred order.’. 17

Clause 5 Amendment of s 102 (Procedure for voting) 18
(1) Section 102, before subsection (1)— 19

insert—

‘(1A) This section applies to an elector only if the elector wishes to exercise their right to vote.’.

(2) Section 102—

insert—

‘(3A) When requesting a ballot paper from an issuing officer, the person must show the issuing officer the proof of identity documents.

‘(11) In this section—

proof of identity documents, for a person, means the documents, relating to proof of the person’s identity, prescribed under a regulation.’.

Clause 6 Amendment of s 106 (Who must make a declaration vote)

(1) Section 106—

renumber as section 106(2).

(2) Section 106—

insert—

‘(1) This section applies only to electors who wish to exercise their right to vote.’.

Clause 7 Replacement of s 113 (How electors must vote)

Section 113—

omit, insert—

‘113 How electors must vote

‘(1) An elector must vote by—

(a) writing on a ballot paper the number 1 opposite the name of the candidate for whom the elector votes as the elector’s first preference; and

(b) writing the numbers 2, 3, 4 and so on in the other squares opposite the names of all the remaining

[s 8]

| | | |
|------------------|--|---------------------------|
| | candidates to indicate the order of the elector's preferences for all of the other candidates. | 1 2 |
| | ‘(2) The numbers mentioned in subsection (1)(b) must be consecutive numbers, without the repetition of any number.’. | 3 4 |
| Clause 8 | Replacement of s 125 (Notice of failure to vote etc.) | 5 |
| | Section 125— | 6 |
| | <i>omit, insert—</i> | 7 |
| ‘125 | Notice to be given if declaration vote not accepted | 8 |
| | ‘As soon as practicable after an election, the commission must send a notice to each person who made a declaration vote under section 106(c), but whose ballot paper was not accepted for counting under section 116(1), advising the person why the ballot paper was not accepted for counting.’. | 9 10 11 12 13 |
| Clause 9 | Omission of s 125A (Payments for failure to vote) | 14 |
| | Section 125A— | 15 |
| | <i>omit.</i> | 16 |
| Clause 10 | Insertion of new s 161AA | 17 |
| | After section 161A— | 18 |
| | <i>insert—</i> | 19 |
| ‘161AA | Distribution and display of how-to-vote cards on polling day | 20 21 |
| | ‘A person must not distribute or display, or permit or authorise another person to distribute or display, a how-to-vote card on the polling day for the election. | 22 23 24 |
| | Maximum penalty— | 25 |
| | (a) for an individual—20 penalty units; or | 26 |
| | (b) for a corporation—85 penalty units.’. | 27 |

| | | |
|------------------|--|----|
| Clause 11 | Omission of s 164 (Failure to vote etc.) | 1 |
| | Section 164— | 2 |
| | <i>omit.</i> | 3 |
| Clause 12 | Amendment of s 169 (Displaying political statements in certain places) | 4 |
| | Section 169— | 5 |
| | <i>insert—</i> | 6 |
| | ‘(1A) Also, a person must not, on the polling day for the election, display a political statement on land occupied by the State. | 7 |
| | Maximum penalty—1 penalty unit.’. | 8 |
| | | 9 |
| | | 10 |

| | | |
|---------------|---|----|
| Part 3 | Amendment of Electoral Regulation 2002 | 11 |
| | | 12 |

| | | |
|------------------|---|----|
| Clause 13 | Regulation amended | 13 |
| | This part amends the <i>Electoral Regulation 2002</i> . | 14 |

| | | |
|------------------|-------------------------------|----|
| Clause 14 | Insertion of new pt 3A | 15 |
| | After part 3— | 16 |
| | <i>insert—</i> | 17 |

| | | |
|-----------------|------------------------------------|----|
| ‘Part 3A | Proof of identity documents | 18 |
|-----------------|------------------------------------|----|

| | | |
|------------|---|----|
| ‘5A | Documents relating to proof of identity | 19 |
| | ‘(1) This section prescribes for section 102 of the Act, the documents, relating to proof of identity, for a person (the <i>identified person</i>) that must be sighted by an issuing officer. | 20 |
| | | 21 |
| | | 22 |

[s 15]

| | | |
|--------------------|--|----------------------|
| ‘(2) | The issuing officer must sight 1 proof of identity document mentioned in schedule 3 for the identified person.’. | 1 2 |
| Clause 15 | Insertion of new sch 3 | 3 |
| | After schedule 2— | 4 |
| | <i>insert—</i> | 5 |
| ‘Schedule 3 | Proof of identity documents | 6 |
| | section 5A | 7 |
| • | birth certificate | 8 |
| • | citizenship certificate or notice of citizenship | 9 |
| • | current Australian or overseas passport | 10 |
| • | current driver licence containing the person’s photograph | 11 12 |
| • | current proof of age card | 13 |
| • | voter information letter sent by the Electoral Commission Queensland to the voter before the polling day for an election detailing the elector’s enrolment details and enrolled electoral district | 14 15 16 17 |
| • | current identification card issued by the Commonwealth or a State as evidence of the person’s entitlement to a financial benefit | 18 19 20 |
| | <i>Examples—</i> | 21 |
| 1 | Commonwealth seniors health card | 22 |
| 2 | health care card | 23 |
| 3 | medicare card | 24 |
| 4 | pensioner concession card | 25 |
| 5 | repatriation health card | 26 |

-
- current account card, or current credit card, issued by a financial institution, that contains the person's name and signature 1
2
3
 - passbook issued by a financial institution that shows the passbook's last entry to be less than 6 months before the passbook is sighted 4
5
6
 - recent account statement issued by a financial institution 7
 - current crowd controller's licence, private investigator's licence or security officer's licence issued under the *Security Providers Act 1993* 8
9
10
 - current gaming machine licence issued under the *Gaming Machine Act 1991* 11
12
 - current licence issued under the *Weapons Act 1990* 13
 - current positive notice blue card 14
 - current positive exemption notice 15
 - current student identification card containing the person's photograph and signature that is issued by an educational institution 16
17
18
 - recent notice of assessment issued under the *Income Tax Assessment Act 1997* (Cwlth)'. 19
20

Part 4 **Amendment of State Penalties Enforcement Regulation 2000** 21
22

Clause 16 **Regulation amended** 23
This part amends the *State Penalties Enforcement Regulation 2000*. 24
25

[s 17]

| | | | |
|---------------|-----------|---|----|
| Clause | 17 | Amendment of s 5 (Administering authority for particular nominated laws) | 1 |
| | | Section 5(2)(d)— | 2 |
| | | <i>omit.</i> | 3 |
| | | | 4 |
| Clause | 18 | Amendment of s 6 (Administering authority for Electoral Act 1992) | 5 |
| | | Section 6— | 6 |
| | | <i>omit.</i> | 7 |
| | | | 8 |
| Clause | 19 | Schedule 5 (Other legislation) | 9 |
| | | Schedule 5, entry for <i>Electoral Act 1992</i> — | 10 |
| | | <i>omit.</i> | 11 |