

*I hereby certify that this PUBLIC BILL has finally passed the
Legislative Assembly of Queensland.*

Legislative Assembly Chamber,
Brisbane,

The Clerk of the Parliament.

17 DECEMBER 2015

In the name and on behalf of the Queen, I assent to this Bill.

Paul de Jersey

Government House,

Brisbane,

17 December 2015



Queensland

No. 35 of 2015

A BILL for

**An Act to provide for a referendum on the Constitution (Fixed Term
Parliament) Amendment Bill 2015 and to amend this Act and the
Referendums Act 1997 for particular purposes**



Queensland

Constitution (Fixed Term Parliament) Referendum Bill 2015

Contents

		Page
Part 1	Preliminary	
1	Short title	6
Part 2	Submitting Bill to electors for voting	
2	Bill to be submitted to electors	6
3	How vote is taken	6
Part 3	Amendment of Acts	
Division 1	Amendment of this Act	
4	Act amended	7
5	Amendment of long title	7
Division 2	Amendment of Referendums Act 1997	
6	Act amended	7
7	Amendment of s 3 (Function of the commission)	7
8	Amendment of s 6 (Form and content of writs)	7
9	Amendment of s 8 (Commission to publish writ and prepare for referendum)	8
10	Amendment of s 11 (When must an argument in favour of or against the Bill or question be published)	8
11	Amendment of s 12 (How an argument for or against the Bill or question is distributed or published)	9
12	Amendment of s 13 (More than 1 referendum on the same day)	10
13	Amendment of s 16 (Kinds of polling booths)	10
14	Amendment of s 18 (Supply of ballot papers and electoral rolls)	10
15	Amendment of s 19 (Scrutineers)	11
16	Amendment of s 21 (Who may vote)	11
17	Amendment of s 22 (Procedure for voting)	12
18	Insertion of new pt 4, div 3, sdiv 1A	12
	Subdivision 1A Pre-poll ordinary voting	

Contents

	24A	Pre-poll ordinary voting	12
	24B	Pre-poll voting offices	13
	24C	Procedure for pre-poll ordinary voting	13
	24D	Help to enable electors to vote at pre-poll voting offices	15
19		Amendment of s 25 (Who may make a declaration vote)	16
20		Amendment of s 26 (Who must make a declaration vote)	17
21		Amendment of s 30 (Making a declaration vote using posted referendum papers)	17
22		Amendment of s 31 (Electoral visitor voting)	17
23		Amendment of s 32 (Making a declaration vote in cases of uncertain identity)	17
24		Insertion of new pt 4, div 3, sdiv 2A	18
		Subdivision 2A Electronically assisted voting	
	32A	Who may make an electronically assisted vote	18
	32B	Prescribed procedures for electronically assisted voting	19
	32C	Audit of electronically assisted voting for a referendum	20
	32D	Protection of information technology	21
	32E	Electoral commissioner may decide electronically assisted voting is not to be used.	21
	32F	Review of electronically assisted voting	22
25		Amendment of s 33 (How electors must vote)	22
26		Amendment of s 36 (Preliminary processing of declaration envelopes and ballot papers)	22
27		Amendment of s 38 (Preliminary counting of ordinary votes)	23
28		Amendment of s 39 (Official counting of votes)	23
29		Amendment of s 83 (Failure to post, fax or deliver documents for someone else)	24
30		Replacement of pt 7, hdg (Referendum held in conjunction with election under Electoral Act 1992)	24
31		Amendment of s 88 (Extension of time)	24
32		Amendment of s 89 (Cut-off date for electoral rolls for an election and a referendum)	25
33		Amendment of s 90 (Pre-poll voting—making a declaration vote at a commission office)	25
34		Amendment of s 92 (Mobile polling booths)	25
35		Amendment of s 94 (Applications, declarations, ballot papers and references)	25
36		Amendment of s 95 (Record of ordinary votes)	26
37		Amendment of s 96 (Adjournment at both referendum and election)	26

38	Insertion of new pt 7, div 2	26
	Division 2 Referendum held with local government election	
	96AA Application of division.	26
	96AB Definitions for division.	26
	96AC Application of division 1	27
	96AD Cut-off day for electoral rolls.	28
	96AE Particular applications, declarations, ballot papers and references.	28
	96AF Holding postal ballot election	29
	96AG Pre-poll voting.	29
	96AH Ballot papers	30
	96AI Application of particular provisions of the LGEA	30
39	Insertion of new pt 9, hdg and pt 9, div 1, hdg	30
40	Insertion of new pt 9, div 2	30
	Division 2 Transitional provision for Constitution (Fixed Term Parliament) Referendum Act 2015	
	102 Application of s 11 for particular referendum	31
41	Amendment of sch 3 (Dictionary).	31

2015

A Bill

for

An Act to provide for a referendum on the Constitution (Fixed Term Parliament) Amendment Bill 2015 and to amend this Act and the *Referendums Act 1997* for particular purposes

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Constitution (Fixed Term Parliament) Referendum Act 2015*.

Part 2 Submitting Bill to electors for voting

2 Bill to be submitted to electors

- (1) This section applies if the Constitution (Fixed Term Parliament) Amendment Bill 2015 is passed by the Legislative Assembly.
- (2) In accordance with the *Constitution Act Amendment Act 1934*, section 4, the Constitution (Fixed Term Parliament) Amendment Bill 2015 is to be submitted for the approval or otherwise of the electors qualified to vote for the election of members of the Legislative Assembly.

3 How vote is taken

For the purpose of section 2, a referendum is to be held under the *Referendums Act 1997*.

Part 3 Amendment of Acts

Division 1 Amendment of this Act

4 Act amended

This division amends this Act.

5 Amendment of long title

Long title, from ‘and to amend’—
omit.

Division 2 Amendment of Referendums Act 1997

6 Act amended

This division amends the *Referendums Act 1997*.

7 Amendment of s 3 (Function of the commission)

Section 3, editor’s note—
omit, insert—

Note—

See the *Electoral Act 1992*, section 7(1)(j).

8 Amendment of s 6 (Form and content of writs)

Section 6(2)(d), ‘91’—
omit, insert—

[s 9]

9 Amendment of s 8 (Commission to publish writ and prepare for referendum)

Section 8(b), before ‘commissioner’—

insert—

electoral

10 Amendment of s 11 (When must an argument in favour of or against the Bill or question be published)

(1) Section 11(1)(b)—

omit, insert—

(b) authorised under subsection (2); and

(2) Section 11—

insert—

(1A) The argument must be authorised by—

- (a) for an argument in favour of the Bill or an argument against the Bill, if all the members voting voted for the Bill—a majority of the members who wish to forward the argument to the commission; or
- (b) for an argument in favour of the Bill, if paragraph (a) does not apply—a majority of the members who voted for the Bill and wish to forward the argument to the commission; or
- (c) for an argument against the Bill, if paragraph (a) does not apply—a majority of the members who voted against the Bill and wish to forward the argument to the commission.

(3) Section 11(2)(b)—

omit, insert—

(b) authorised under subsection (4); and

(4) Section 11—

insert—

(3) The argument must be authorised by—

- (a) for an argument in favour of a ‘yes’ answer or a ‘no’ answer to the question, if all the members voting voted in favour of the ‘yes’ answer—a majority of the members who wish to forward the argument to the commission; or
- (b) for an argument in favour of a ‘yes’ answer to the question, if paragraph (a) does not apply—a majority of the members who voted in favour of the ‘yes’ answer and wish to forward the argument to the commission; or
- (c) for an argument in favour of a ‘no’ answer to the question, if paragraph (a) does not apply—a majority of the members who voted against the ‘yes’ answer and wish to forward the argument to the commission.

(5) Section 11(1A) to (3)—

renumber as section 11(2) to (4).

11 Amendment of s 12 (How an argument for or against the Bill or question is distributed or published)

(1) Section 12(2)—

omit, insert—

- (2) Also, the commission must publish any argument forwarded to it under section 11—
 - (a) at least twice before the polling day for the referendum in a newspaper circulating throughout the State, including on the day before the polling day; and
 - (b) on the commission’s website.

[s 12]

- (2) Section 12(3), ‘in the same newspapers’—
omit.

12 Amendment of s 13 (More than 1 referendum on the same day)

- Section 13(2), ‘newspapers’—
omit, insert—
newspaper

13 Amendment of s 16 (Kinds of polling booths)

- (1) Section 16(1), ‘2 kinds’—
omit, insert—
3 kinds
- (2) Section 16(1)—
insert—
(c) pre-poll voting offices for electoral districts.

14 Amendment of s 18 (Supply of ballot papers and electoral rolls)

- (1) Section 18, heading, ‘Supply of ballot’—
omit, insert—
Ballot
- (2) Section 18(2), after ‘Ballot papers’—
insert—
, other than a completed ballot paper printed for an electronically assisted vote,
- (3) Section 18(3), ‘If’—
omit, insert—
For ballot papers to which subsection (2) applies, if

(4) Section 18—

insert—

- (4) A completed ballot paper printed for an electronically assisted vote must be of a size or format that enables the elector's electronically assisted vote to be accurately determined.

15 Amendment of s 19 (Scrutineers)

(1) Section 19(2), after 'mobile polling booth,'—

insert—

each pre-poll voting office

(2) Section 19(3)(b), after 'envelopes'—

insert—

, the printing of completed ballot papers for electronically assisted votes

(3) Section 19(3)—

insert—

- (c) at a place to observe any part of a procedure for making an electronically assisted vote.

(4) Section 19(5), after 'votes,'—

insert—

including electronically assisted votes,

16 Amendment of s 21 (Who may vote)

Section 21(1)—

insert—

(d) persons who—

- (i) are not enrolled on the electoral roll for any electoral district but are entitled under the *Electoral Act 1992* to be

[s 17]

enrolled on the electoral roll for an electoral district; and

- (ii) after the cut-off day for electoral rolls for the referendum and no later than 6p.m. on the day before the polling day, give the commission or an electoral registrar for the district a notice under the *Electoral Act 1992*, section 65.

17 Amendment of s 22 (Procedure for voting)

Section 22(1), after ‘who’—

insert—

makes a pre-poll ordinary vote under section 24C or who

18 Insertion of new pt 4, div 3, sdiv 1A

After section 24—

insert—

Subdivision 1A Pre-poll ordinary voting

24A Pre-poll ordinary voting

- (1) This section applies to an elector, other than one who must make a declaration vote under subdivision 2, who wishes to vote—
 - (a) before the polling day for a referendum; and
 - (b) other than by making a declaration vote under subdivision 2.
- (2) If there is a pre-poll voting office for the electoral district for which the elector is enrolled, the elector may make a vote under section 24C (a *pre-poll ordinary vote*).

24B Pre-poll voting offices

- (1) The commission may declare, by gazette notice, for a referendum—
 - (a) a stated place to be a place where an elector enrolled in a stated electoral district may make a pre-poll ordinary vote (a ***pre-poll voting office*** for the electoral district); and
 - (b) the times during which electors may make a pre-poll ordinary vote at the pre-poll voting office.
- (2) The commission may, in a declaration under subsection (1) or by gazette notice under this subsection, declare that a particular pre-poll voting office located in an electoral district is also a pre-poll voting office for 1 or more other electoral districts.
- (3) If the commission makes a declaration under subsection (1) or (2), the commission may also publish the declaration in any other way the commission considers appropriate, including, for example, on the commission's website.

24C Procedure for pre-poll ordinary voting

- (1) An elector who wishes to vote during the period beginning 3 days after the cut-off day for electoral rolls for the referendum and ending at 6p.m. on the day before polling day may make a pre-poll ordinary vote by following the procedures stated in this section.
- (2) The elector is to go to a pre-poll voting office for the electoral district for which the elector is enrolled.
- (3) At the pre-poll voting office, the elector must ask the issuing officer for a ballot paper.
- (4) If the elector—

[s 18]

- (a) has a ballot paper and declaration envelope for the referendum; and
 - (b) does not intend to make a declaration vote under subdivision 2;

the elector must give the ballot paper and declaration envelope to the issuing officer.
- (5) The issuing officer must issue a ballot paper to a person if the issuing officer is satisfied the person is entitled to vote at the referendum for the electoral district.
- (6) The issuing officer may ask questions of a person requesting a ballot paper for the purpose of deciding whether the person is entitled to vote at the referendum for the electoral district.
- (7) The issuing officer must comply with section 32 if the issuing officer has asked questions under subsection (6) and suspects a person claiming to be a particular elector is not the elector.
- (8) The issuing officer must keep a record of all persons to whom the officer issues ballot papers under this section.
- (9) The issuing officer must, if a scrutineer requests it, keep a record of any objection by the scrutineer to the entitlement of a person to vote.
- (10) On being given the ballot paper, the elector must, without delay—
 - (a) go alone to an unoccupied voting compartment in the pre-poll voting office; and
 - (b) there, in private, mark a vote on the ballot paper in accordance with section 33; and
 - (c) fold the ballot paper to conceal the vote and put it in a ballot box in the pre-poll voting office; and

- (d) leave the pre-poll voting office.

24D Help to enable electors to vote at pre-poll voting offices

- (1) Subject to subsection (2), if an elector satisfies an issuing officer that the elector can not vote without help, the elector may be accompanied in the pre-poll voting office by another person chosen by the elector.
- (2) The other person may help the elector in any of the following ways—
 - (a) acting as an interpreter;
 - (b) explaining the ballot paper and the requirements of section 33 relating to its marking;
 - (c) marking, or helping the elector to mark, the ballot paper in the way the elector wishes;
 - (d) folding the ballot paper and putting it in the ballot box.
- (3) If an elector can not enter a pre-poll voting office because of illness, disability or advanced pregnancy, but can come to a place (the ***voting place***) close to the pre-poll voting office, then, subject to subsection (4)—
 - (a) the issuing officer may perform the issuing officer's functions; and
 - (b) the voter may vote;at the voting place as if it were the pre-poll voting office.
- (4) The issuing officer must—
 - (a) before taking any action under subsection (3), inform any scrutineers present of the proposed action; and

[s 19]

- (b) ensure that, after the ballot paper is marked, it is—
 - (i) folded to conceal the vote; and
 - (ii) put into an envelope and sealed; and
- (c) open the envelope inside the pre-poll voting office in the presence of any scrutineers and put the folded ballot paper in a ballot box.

19 Amendment of s 25 (Who may make a declaration vote)

- (1) Section 25(1)(a)—

omit, insert—

- (a) an elector who wishes to make a declaration vote before the polling day for a referendum (an *ordinary postal voter*);

- (2) Section 25(1)(b), editor's note—

omit, insert—

Note—

See subsection (2) and the *Electoral Act 1992*, section 114(2).

- (3) Section 25(1)(c), 'subsection (4)'—

omit, insert—

subsection (3)

- (4) Section 25(1)(c), editor's note—

omit, insert—

Note—

See subsection (3) and the *Electoral Act 1992*, section 114(3).

- (5) Section 25(2)—

omit.

- (6) Section 25(3) and (4)—

renumber as section 25(2) and (3).

20 Amendment of s 26 (Who must make a declaration vote)

Section 26(d), before ‘applies’—

insert—

or (d)

21 Amendment of s 30 (Making a declaration vote using posted referendum papers)

(1) Section 30(1), from ‘by writing’ to ‘delivered’—

omit, insert—

in an approved form given

(2) Section 30(3), ‘6p.m. on the Thursday’—

omit, insert—

7p.m. on the Wednesday

22 Amendment of s 31 (Electoral visitor voting)

(1) Section 31(1), from ‘by writing’ to ‘delivered’—

omit, insert—

in an approved form given

(2) Section 31(3), ‘6p.m. on the Thursday’—

omit, insert—

7p.m. on the Wednesday

23 Amendment of s 32 (Making a declaration vote in cases of uncertain identity)

(1) Section 32(1) and (2)—

omit, insert—

[s 24]

- (1) If section 22(7) or 24C(7) applies for a person who is an elector or a person claiming to be an elector, the issuing officer must give the person a declaration envelope.
- (2) Section 32(5)(a), '(3)(a)'—
omit, insert—
(2)(a)
- (3) Section 32(5)(b), '(3)(b)'—
omit, insert—
(2)(b)
- (4) Section 32(7), 'subsection (5)'—
omit, insert—
subsection (4)
- (5) Section 32(3) to (9)—
renumber as section 32(2) to (8).

24 Insertion of new pt 4, div 3, sdiv 2A

After section 32—

insert—

Subdivision 2A Electronically assisted voting

32A Who may make an electronically assisted vote

An elector may make an electronically assisted vote if—

- (a) the elector can not vote without assistance because the elector has—
 - (i) an impairment; or
 - (ii) an insufficient level of literacy; or

- (b) the elector can not vote at a polling booth because of an impairment; or
- (c) the elector is a member of a class of elector prescribed by a regulation for this section.

Examples of a class of elector—

- an elector whose address, as shown on an electoral roll, is more than 20km by the nearest practical route from a polling booth
- an elector who will not, throughout ordinary voting hours on polling day, be within Queensland

32B Prescribed procedures for electronically assisted voting

- (1) The commission may make procedures about how an elector may make an electronically assisted vote for a referendum.
- (2) The procedures must provide for the following—
 - (a) the registration of electors who may make an electronically assisted vote for a referendum under section 32A;
 - (b) the authentication of each electronically assisted vote;
 - (c) the recording of each elector who uses electronically assisted voting;
 - (d) ensuring the secrecy of each electronically assisted vote;
 - (e) the secure transmission of each electronically assisted vote to the electoral commissioner, and secure storage of each electronically assisted vote by the commissioner, until printing;
 - (f) the printing, for scrutiny and counting, of a ballot paper for each electronically assisted vote;

[s 24]

- (g) the secure delivery of each printed ballot paper to the returning officer for the appropriate electoral district or to the commission.
- (3) The procedures—
 - (a) do not take effect until approved by a regulation; and
 - (b) must be tabled in the Legislative Assembly with the regulation approving the procedures; and
 - (c) must be published on the commission's website.

32C Audit of electronically assisted voting for a referendum

- (1) The commission must appoint an independent person to audit the information technology used under the procedures for electronically assisted voting made under section 32B.
- (2) The audit must be conducted—
 - (a) at least 7 days before the cut-off day for electoral rolls for the referendum; and
 - (b) within 60 days after the polling day for the referendum.
- (3) A person appointed under subsection (1) must be an individual who is not, and has not ever been, a member of a political party.
- (4) The person appointed to conduct the audit may make recommendations to the commission to reduce or eliminate risks that could affect the security, accuracy or secrecy of electronically assisted voting.
- (5) A regulation may prescribe requirements about the conduct of an audit under this section.

- (6) In this section—
political party see the *Electoral Act 1992*, section 2.

32D Protection of information technology

- (1) A person must not disclose to another person a source code or other computer software relating to electronically assisted voting, unless the person is authorised to do so under—
- (a) the procedures made under section 32B; or
 - (b) an agreement entered into by the person with the electoral commissioner.

Maximum penalty—40 penalty units or 6 months imprisonment.

- (2) A person must not, without reasonable excuse, destroy or interfere with a computer program, data file or electronic device used for or in connection with electronically assisted voting.

Maximum penalty—100 penalty units or 2 years imprisonment.

32E Electoral commissioner may decide electronically assisted voting is not to be used

- (1) The electoral commissioner may decide that electronically assisted voting is not to be used—
- (a) at a particular referendum; or
 - (b) by a class of electors at a particular referendum.
- (2) The electoral commissioner's decision must be in writing and published on the commission's website.

[s 25]

32F Review of electronically assisted voting

- (1) On the request of the Minister following a referendum, the electoral commissioner must conduct—
 - (a) a review of the use of electronically assisted voting for the referendum; and
 - (b) an investigation into extending the use of electronically assisted voting to other electors for future referendums.
- (2) A report on the review and investigation must be given to the Minister.
- (3) The Minister must, within 14 days after receiving the report, table the report in the Legislative Assembly.

25 Amendment of s 33 (How electors must vote)

Section 33(1)—

omit, insert—

- (1) An elector must vote in accordance with—
 - (a) if the elector votes using electronically assisted voting—the procedures approved under section 32B(3); or
 - (b) otherwise—subsection (2) or (3).

26 Amendment of s 36 (Preliminary processing of declaration envelopes and ballot papers)

Section 36(2)(c), from ‘the signature’, first mention to ‘request and’—

omit.

27 Amendment of s 38 (Preliminary counting of ordinary votes)

(1) Section 38(2)(b)—

omit, insert—

(b) identify and keep in a separate parcel all declaration envelopes and all ballot papers printed for electronically assisted votes; and

(2) Section 38—

insert—

(3) This section applies to votes received by the commission under section 36 for an electoral district—

(a) in the same way as it would apply if the commission's office were a polling booth for the electoral district; and

(b) subject to any changes prescribed by regulation and other necessary changes.

(4) This section applies to pre-poll ordinary votes received by the commission for an electoral district—

(a) in the same way as it would apply if a pre-poll voting office were a polling booth for the electoral district, to the extent to which it is reasonably practicable for pre-poll ordinary votes to be counted on polling day; and

(b) subject to any changes prescribed by regulation and other necessary changes.

28 Amendment of s 39 (Official counting of votes)

Section 39(2)(b), after 'envelopes'—

insert—

[s 29]

and ballot papers printed for electronically assisted votes

29 Amendment of s 83 (Failure to post, fax or deliver documents for someone else)

(1) Section 83, heading, ‘post, fax or deliver’—

omit, insert—

give, post or send

(2) Section 83(1), from ‘under section 30’ to ‘the request’—

omit, insert—

in the approved form under section 30 or 31 to give to the commission or a returning officer, the person must promptly give the request

30 Replacement of pt 7, hdg (Referendum held in conjunction with election under Electoral Act 1992)

Part 7, heading—

omit, insert—

Part 7

**Referendum held in
conjunction with
particular elections**

Division 1

**Referendum held with
election under Electoral
Act 1992**

31 Amendment of s 88 (Extension of time)

Section 88(1), ‘section 82’—

omit, insert—

section 86

32 Amendment of s 89 (Cut-off date for electoral rolls for an election and a referendum)

- (1) Section 89, ‘date’—
omit, insert—
day
- (2) Section 89(2), ‘section’—
omit, insert—
section,

33 Amendment of s 90 (Pre-poll voting—making a declaration vote at a commission office)

- Section 90, ‘section 109’—
omit, insert—
section 118(1)

34 Amendment of s 92 (Mobile polling booths)

- Section 92, ‘section 94(4) or (6)’—
omit, insert—
section 99(4) to (8)

35 Amendment of s 94 (Applications, declarations, ballot papers and references)

- (1) Section 94(a), ‘sections 110(1) or 111(1)’—
omit, insert—
section 119(1) or 120(1)
- (2) Section 94(b) and (c), ‘section 103(3), 108, 109, 110, 111 or 112’—
omit, insert—
section 108(3), 113(3), 117, 118, 119, 120 or 121

[s 36]

(3) Section 94(b) and (c), after ‘section 23(3),’—
insert—
24D(3),

36 Amendment of s 95 (Record of ordinary votes)

Section 95, ‘section 102(8)’—
omit, insert—
section 107(8)

37 Amendment of s 96 (Adjournment at both referendum and election)

Section 96(1)(b) and (c), ‘section 95’—
omit, insert—
section 100

38 Insertion of new pt 7, div 2

Part 7—
insert—

**Division 2 Referendum held with
local government election**

96AA Application of division

This division applies if the polling day for a referendum is the same day as the polling day for a local government election.

96AB Definitions for division

In this division—

LGEA means *Local Government Electoral Act 2011*.

local government election means a quadrennial election under the LGEA.

96AC Application of division 1

- (1) Division 1, other than sections 89, 90 and 94, applies in relation to the referendum and local government election as if—
 - (a) a reference in the division to an election were a reference to a local government election; and
 - (b) the reference in section 88(1) to the *Electoral Act 1992*, section 86 were a reference to the LGEA, section 38; and
 - (c) a reference in section 88(2) to an electoral district or a district were a reference to a local government area or division of a local government area; and
 - (d) the reference in section 92 to a declaration or arrangement made under the *Electoral Act 1992*, section 99(4) to (8) were a reference to an arrangement under the LGEA, section 49; and
 - (e) the reference in section 93 to the *Electoral Act 1992* were a reference to the LGEA; and
 - (f) the reference in section 95 to the *Electoral Act 1992*, section 107(8) were a reference to the LGEA, section 75(6); and
 - (g) the reference in section 96(1)(b) to the returning officer were a reference to the returning officer or presiding officer under the LGEA; and
 - (h) a reference in section 96(1) to the *Electoral Act 1992*, section 100 were a reference to the LGEA, section 53; and

[s 38]

- (i) a reference in section 96 to the commission were a reference to the returning officer under the LGEA.
- (2) In this section—
division, of a local government area, see the LGEA, schedule.

96AD Cut-off day for electoral rolls

- (1) If the cut-off day for electoral rolls stated in the writ for the referendum would, but for this section, be a day before the local cut-off day, the cut-off day for electoral rolls is extended to the local cut-off day.
- (2) In this section—
local cut-off day means the cut-off day for the voters rolls, under the LGEA, for the local government election.

96AE Particular applications, declarations, ballot papers and references

For the purposes of the referendum and local government election—

- (a) an application made under the LGEA, section 72(2) or 79(2) is taken to be a request under section 30(1) (and vice versa) and an application under the LGEA, section 77(2) is taken to be a request under section 31(1) (and vice versa); and
- (b) a declaration made for the election under the LGEA, section 70 is taken to be a declaration made under section 28 (and vice versa) and a declaration made for the election under the LGEA, section 72 is taken to be a declaration made under section 30 (and vice versa); and

- (c) a ballot paper given to an elector under section 28 or 30 may be enclosed in the same declaration envelope as a ballot paper given to the elector under the LGEA, section 70, 72 or 79.

96AF Holding postal ballot election

- (1) This section applies if a poll for the local government election is to be conducted by a postal ballot election under the LGEA.
- (2) An elector who must cast a postal vote under the LGEA for the local government election must cast a vote for the referendum using ballot papers posted to the elector under this section.
- (3) The commission must, as soon as practicable after the issue of the writ for the referendum, post a ballot paper and declaration envelope to each elector who is entitled to cast a vote in the postal ballot election.
- (4) For subsection (3), the ballot paper may be enclosed in the same declaration envelope as a ballot paper given to the elector under the LGEA, section 80(1) or 81(5).
- (5) Returning officers and the commission must keep a record of all ballot papers and declaration envelopes posted or given to the elector under this section.

96AG Pre-poll voting

- (1) An elector may make a pre-poll ordinary vote at a pre-polling booth in the local government area only during voting hours for the booth under the LGEA.
- (2) This section applies despite section 24C(1).

[s 39]

96AH Ballot papers

- (1) The ballot paper for the referendum may include, at the top of the ballot paper, the name of an electoral district.
- (2) This section applies despite section 18.

96AI Application of particular provisions of the LGEA

- (1) For the purpose of holding the referendum and local government election on the same polling day, a provision of the LGEA dealing with matters about procedures for conducting a local government election applies with necessary changes.
- (2) Subsection (1) applies subject to this Act.

39 Insertion of new pt 9, hdg and pt 9, div 1, hdg

After section 100—

insert—

Part 9

Transitional provisions

Division 1

Transitional provision for Electoral and Other Acts Amendment Act 2001

40 Insertion of new pt 9, div 2

After section 101—

insert—

**Division 2 Transitional provision for
Constitution (Fixed Term
Parliament) Referendum
Act 2015**

102 Application of s 11 for particular referendum

- (1) This section applies to a referendum held for the purpose of the *Constitution (Fixed Term Parliament) Referendum Act 2015*, section 2.
- (2) Section 11(1)(c) applies as if the reference in the paragraph to within 4 weeks after the passage of the Bill were a reference to at least 25 days before the polling day for the referendum.

41 Amendment of sch 3 (Dictionary)

- (1) Schedule 3, definitions *cut-off day for electoral rolls* and editor's note, *deputy electoral commissioner*, *electoral commissioner* and *issuing officer* and editor's note—

omit.

- (2) Schedule 3—

insert—

cut-off day for electoral rolls see the *Electoral Act 1992*, section 2.

deputy electoral commissioner means the deputy electoral commissioner under the *Electoral Act 1992*.

electoral commissioner means the electoral commissioner under the *Electoral Act 1992*.

issuing officer see the *Electoral Act 1992*, section 2.

LGEA, for part 7, division 2, see section 96AB.

[s 41]

local government election, for part 7, division 2,
see section 96AB.

pre-poll ordinary vote see section 24A(2).

pre-poll voting office, for an electoral district, see
section 24B(1)(a).

- (3) Schedule 3, definition *assistant returning officer*, ‘section 33’—

omit, insert—

section 32

- (4) Schedule 3, definition *Court of Disputed Returns*, ‘section 127’—

omit, insert—

section 137

- (5) Schedule 3, definition *electoral visitor voter*, ‘section 25(4)’—

omit, insert—

section 25(3)

- (6) Schedule 3, definition *institution*, ‘section 3’—

omit, insert—

section 2

- (7) Schedule 3, definition *member of the commission’s staff*, ‘section 30’—

omit, insert—

section 29

- (8) Schedule 3, definition *ordinary postal voter*, ‘section 25(2)’—

omit, insert—

section 25(1)(a)

- (9) Schedule 3, definition *polling booth*, ‘or a mobile polling booth’—

omit, insert—

- , a mobile polling booth or a pre-poll voting office
- (10) Schedule 3, definition *returning officer*, ‘section 32’—
omit, insert—
section 31
- (11) Schedule 3, definition *special postal voter*, ‘section 105’—
omit, insert—
section 114(2)