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Mr Linus Power MP  
Chair  
Economics and Governance Committee  
Parliament House  
George Street  
BRISBANE QLD 4000  
Email: [egc@parliament.qld.gov.au](mailto:egc@parliament.qld.gov.au)

Dear Mr Power

I refer to the Economics and Governance Committee's (the Committee) inquiry into the COVID-19 Emergency Response and Other Legislation Amendment Bill 2021 (the Bill) introduced into the Parliament on 11 March 2021.

The Electoral Commission of Queensland (ECQ) provides this submission to the Committee's inquiry, with respect to the amendments contained in the Bill relating to the conduct of COVID-safe by-elections.

During 2020, the ECQ delivered two major State-wide elections which coincided with the emergence of the COVID-19 global pandemic. For the local government elections and State by-elections held on 28 March 2020, this necessitated the implementation of major changes to the election delivery model and additional investment by Government following the commencement of the elections, as national restrictions were progressively implemented during the election period.

The ability to adapt the planned election delivery model was assisted by this additional investment and the commencement of amendments to the *Local Government Electoral Act 2011* on 19 March 2020, which provided additional capacity and regulatory flexibility for the conduct of the elections, including the ability for the ECQ to issue directions regarding the distribution of how-to-vote cards and scrutineering activities. In addition, the Chief Health Officer issued the *Local Government Election and State By-elections Direction* which authorised and embedded COVID-safe practices to protect the safety of electors attending polling places. However, the early voting period had already commenced when the amendments were enacted, limiting the ECQ's ability to plan for further changes.

In contrast, in delivering the State general election in October 2020, the ECQ had sufficient budget and additional time to prepare and plan for the delivery of a COVID-safe election designed to minimise health risks to voters, election staff, candidates and other electoral participants. For that election, amendments were passed on 18 June 2020, over four months prior to election day, implementing a special legislative framework for the conduct of the election under part 12B of the *Electoral Act 1992*.



This framework and associated resource allocation from Government provided the ECQ with certainty in its planning for the State general election and delivered additional flexibility in adapting the traditional electoral model to the COVID-19 environment. This included the ability to change delivery mode to a predominantly postal election for all or designated parts of the State if required. While this option was ultimately not necessary, the ECQ did implement a number of administrative measures such as focusing on an extended election period rather than an election day, expanding early voting locations and operating hours, developing COVID-safe plans for all polling places, and establishing hubs for receipt and delivery of the significantly increased volume of postal votes.

Importantly, a number of the special provisions of the *Electoral Act* were instrumental in authorising measures to enhance COVID safety at the election. This included:

- changing dates for election milestones contained in the writ to maximise the available period for despatch and return of postal votes
- issuing notices to expand eligibility for telephone voting, including to overseas electors and those subject to mandatory hotel quarantine, and
- issuing directions requiring COVID-safety measures to be observed in handing out election materials or how-to-vote cards near polling places and the activities of scrutineers.

The threat of COVID-19 can still impact the delivery of by-elections, and by extension, affect the continuity of public administration during an emergency. It is therefore prudent to provide similar regulatory flexibility for the conduct of local government by-elections and extend existing provisions applying to State by-elections until such time as health authorities are satisfied that the threat has passed. The by-election provisions in both the *Electoral Act* and *Local Government Electoral Act* are substantively similar to part 12B of the *Electoral Act* which provided an effective framework for the State election.

For all elections delivered since the emergence of the COVID-19 pandemic, the ECQ has worked closely with Queensland's Chief Health Officer and other key government agencies to ensure that required health protections are put in place. The ECQ will continue to adopt this practice for any by-elections conducted during the pandemic and where significant risks to public health are identified. Therefore, provisions contained in the Bill would only be operationalised based on health advice and where it is considered necessary to protect the health and safety of electoral participants and facilitate voter participation in a by-election.

I trust this information is of assistance to the Committee. Should you require further information regarding this matter, please contact Ms Cecelia Nuttall, Director, Strategy, Policy and Governance, ECQ on [REDACTED] or at [REDACTED].

Yours sincerely



Pat Vidgen PSM  
Electoral Commissioner