Parliamentary Committee Briefing Paper

Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025

Prepared by the Department of Justice (DoJ)

Overview and policy intent

The overarching policy objectives of the Electoral Laws (Restoring Electoral Fairness) Amendment Bill 2025 are to improve and restore fairness and equality to the regulation of elections in Queensland and increase public confidence in Queensland's electoral processes.

The Bill includes amendments:

- prohibiting persons serving a sentence of imprisonment or detention of one year or longer from voting at State elections and referendums and local government elections;
- applying existing caps on political donations for State elections to financial years, broadly aligning with the length of Commonwealth gift cap periods;
- removing the ban on political donations from property developers and related industry bodies for State elections, as well as refining and targeting the ban for local government electoral purposes (including through closing loopholes and anti-circumvention measures);
- allowing loans from financial institutions to be used for electoral expenditure for State elections, broadening electoral funding sources to include regulated lenders;
- enhancing the independence of registered political parties by enabling them to conduct preselection ballots without the oversight of the Electoral Commission of Queensland (ECQ); and
- changing authorisation requirements for election materials and how-to-vote cards for State elections to apply to the period 12 months before an ordinary general election and to allow post office boxes or other prescribed addresses to be used.

Commencement

Clause 2 provides that certain clauses of the Bill, when enacted, will commence on a day to be fixed by proclamation. These clauses relate to voting by persons serving sentences of imprisonment or detention (see below). The remaining clauses will commence on the day that is 28 days after the date of assent.

Increasing restrictions on voting by persons serving sentences of imprisonment or detention

Background and policy intent

Currently, under the *Electoral Act 1992* (Electoral Act), the *Referendums Act 1997* (Referendums Act) and *Local Government Electoral Act 2011* (LGE Act), prisoners who are serving a sentence of imprisonment of three years or more are not entitled to vote at State elections and referendums and local government elections.

The Bill will increase this restriction by prohibiting persons serving a sentence of imprisonment or detention of one year or longer from voting at State elections and referendums and local government elections (rather than the current prohibition when serving a sentence of imprisonment of three years or longer).

The following table displays DoJ's understanding of the length of sentence to disqualify prisoners from voting in State or Territory elections in other jurisdictions, and in Commonwealth elections, and the current and proposed positions for Queensland:

Length of imprisonment	1 year or longer	3 years or longer	5 years or longer	No disqualification
Jurisdiction	Queensland (proposed) New South Wales[1] Western Australia[2]	Queensland (current) Commonwealth[3] Tasmania[4] Northern Territory[5]	Victoria[6]	Australian Capital Territory[7] South Australia[8]

The Bill also provides that persons over 18 years who were sentenced to detention of one year or more as a child and are serving that sentence (in full-time detention or as a term of imprisonment in a corrective services facility) are not entitled to vote in State elections and referendums and local government elections. The policy objectives of prohibiting voting by persons serving sentences of imprisonment or detention of one year or longer are to:

- refine the eligibility to vote to a narrower class of prisoners and persons serving sentences of detention, having regard to the culpability of their offending, to enhance civic responsibility; and
- increase public confidence in the integrity of electoral processes, by not allowing elections to be influenced by those who show disregard for the rule of law.

Under section 58 of the Electoral Act and section 21 of the Referendums Act, the ECQ may ask the Chief Executive of Queensland Corrective Services to give the ECQ information about persons who are serving a sentence of imprisonment for offences against the law of a Commonwealth or of a State or Territory for the purposes of enabling the ECQ to determine who is not entitled to vote in a State election or referendum. The Bill will clarify that the Chief Executive of Queensland Corrective Services (QCS) may also give such information for the purpose of enabling the ECQ to decide who is not entitled to vote in a local government election.

The Bill will also provide that the ECQ may ask the Chief Executive under the *Youth Justice Act 1992* (Youth Justice Act) to give the ECQ information about persons who are serving a sentence of detention for offences against the law of a Commonwealth or of a State or Territory, and about persons who were serving such a sentence of detention and have been transferred to serve that sentence in a corrective services facility, for the purposes of enabling the ECQ to determine who is not entitled to vote in a State election or referendum or local government election.

Amendments to the Electoral Act in the Bill (clauses 4 to 7)

These amendments provide for a change to the entitlement to vote in State elections. Other amendments are also being made for consistency or to support the administration of this changed entitlement.

Clause 6 amends section 106 (Who may vote) to provide that a person who is in full time detention attributable to a sentence of imprisonment or detention of one year or more is not entitled to vote at an election for an electoral district of the State. This reduces the sentence of imprisonment from the current position of three years, and also provides that persons serving a sentence of detention of one year or more are not entitled to vote.

The clause also provides that any part of a sentence of detention that a person is serving as a term of imprisonment is taken to be attributable to the sentence of detention for the purposes of determining eligibility to vote. This ensures that entitlement to vote by a person who is transferred from detention to a corrective services facility (for example, when they

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[1] Section 30(4) *Electoral Act 2017* (NSW).
[2] Section 18 of the *Electoral Act 1907* (WA).
[3] Section 93(8AA) of the *Commonwealth Electoral Act 1918* (Cth).
[4] Section 31(2) of the *Electoral Act 2004* (Tas).
[5] Section 14(1) of the *Northern Territory (Self-Government) Act 1978* (Cth) and section 21 of the *Electoral Act 2004* (NT).
[6] Section 48(2) of the *Constitution Act 1975* (Vic) and section 87 of the *Electoral Act 2002* (Vic).
[7] Sections 72 and 128(1) of the *Electoral Act 1992* (ACT).
[8] Section 29 and 69 of the *Electoral Act 1985* (SA).

turn 18 years old while serving a sentence of detention) is determined based on a person's original sentence of detention, and not a shorter period of detention being served as a term of imprisonment in a corrective services facility.

Clause 5 amends section 64 (Entitlement to enrolment) so that a person serving a sentence of detention of any length is treated on the same basis as a person serving a sentence of imprisonment of any length for the purpose of entitlement to enrolment, including which electoral district that the person may be enrolled for.

Clause 7 amends section 115 (Who must make a declaration vote) to provide that an elector who is serving a sentence of detention on the polling day must make a declaration vote, to align with the requirement for a person who is serving a sentence of imprisonment to make a declaration vote. This provides for a consistent approach with an elector who is serving a sentence of imprisonment.

Clause 4 amends section 58 (Commission to keep electoral rolls) to allow the ECQ to ask the chief executive (youth justice) to give the ECQ information about persons aged at least 18 years who are serving a sentence of detention, or were serving a sentence of detention of one year or longer and have been transferred to serve the detention as a term of imprisonment. The clause also amends section 58 to ensure that the chief executive (youth justice) must give the ECQ the information as soon as practicable after receiving the request.

Amendments to the Referendums Act in the Bill (clauses 46 and 47)

These amendments provide for a change to the entitlement to vote in referendums. Other amendments are also being made for consistency or to support the administration of this changed entitlement.

Clause 46 amends section 51 (Who may vote) to:

- provide that a person who is serving a sentence of imprisonment or detention of one year or more is not entitled to vote at a referendum. This reduces the sentence of imprisonment from the current position of three years, and also provides that persons serving a sentence of detention of one year or more are not entitled to vote;
- provide that any part of a sentence of detention that a person is serving as a term of imprisonment is taken to be attributable to the sentence of detention. This ensures that entitlement to vote by a person who is transferred from detention to a corrective services facility is determined based on a person's original sentence of detention, and not a shorter period of detention being served as a term of imprisonment in a corrective services facility; and
- allow the ECQ to ask the chief executive (youth justice) to give the ECQ information about persons aged at least 18 years who are serving a sentence of detention, or were serving a sentence of detention of one year or longer and have been transferred to serve the detention as a term of imprisonment. There are also amendments to ensure that the chief executive (youth justice) must give the ECQ the information as soon as practicable after receiving the request.

Clause 47 amends section 26 (Who must make a declaration vote) to provide that an elector who is serving a sentence of detention on the polling day for a referendum must make a declaration vote. This provides for a consistent approach with an elector who is serving a sentence of imprisonment.

Amendments to the LGE Act in the Bill (clauses 26 to 31 and clause 42)

These amendments provide for a change to the entitlement to vote in local government elections. Other amendments are also being made for consistency or to support the administration of this changed entitlement or clarify requirements for local government elections.

Clause 26 inserts new section 16A (Definitions for division) which provides a definition of 'enrolled to vote' which is used in section 17 (as amended by clause 32) and section 64 (as amended by clause 35). 'Enrolled to vote', for an election for all of a local government area or division of a local government area, means enrolled on an electoral roll for an electoral district, or part of an electoral district, included in the relevant local government area or division. An 'electoral district' is defined Schedule 2 of the LGE Act to mean an electoral district under the Electoral Act.

Clause 42 amends section 205 (Persons serving a sentence of imprisonment) to:

- provide that a person is serving a sentence of detention if the person is in detention on a full-time basis for an offence against a law of the Commonwealth or a State or Territory and the detention is attributable to the sentence of detention concerned.
- provide that any part of a sentence of detention that a person is serving as a term of imprisonment is taken to be attributable to the sentence of detention. This ensures that entitlement to vote by a person who is transferred from detention to a corrective services facility is determined based on a person's original sentence of detention and not a shorter period of detention being served as a term of imprisonment in a corrective services facility.

Clause 30 replaces section 64 (Who may vote). New section 64 provides that the only persons entitled to vote at an election are:

- persons on the voters roll;
- persons who are not on the voters roll but are entitled under section 64(1)(a)(ii) of the Electoral Act to be enrolled to vote at the election;
- persons who are not on the roll because of an official error; and
- persons who are not on the voters roll but are entitled to be enrolled and give the ECQ a notice under section 65 of the Electoral Act after the cut-off day for the voters roll and no later than 6pm on the day before polling day.

The section also provides that a person who is serving a sentence of imprisonment or detention of one year or longer is not entitled to vote at an election. Also, a person is not entitled to vote more than once at the same election or at two or more divisions of the same local government area.

Clause 27 amends section 17 (Returning officer must compile voters roll) which provides that the returning officer must compile a roll of persons enrolled to vote at the election, with reference to the new definition in section 16A, as amended by clause 30. This ensures the voters roll consists of persons enrolled to vote at the time that the voters roll has been compiled in accordance with the requirement in section 18, and entitlement to vote may be determined under section 64 at the time that a person votes. The clause also amends the section to allow an electoral registrar under the Electoral Act to give the returning officer information the officer reasonably requires to compile the voters roll for an election.

Clause 28 inserts new section 17A (Information about persons serving sentences of imprisonment or detention) which permits a returning officer to ask the chief executive (corrective services) and the chief executive (youth justice) for stated information to enable the returning officer to decide the persons who are not entitled to vote because of section 64(2). The chief executive must give the returning officer the information as soon as practicable after receiving the request. In addition, the section allows an electoral registrar who has received information under section 58(8) of the Electoral Act, to provide that information to the returning officer.

Clause 29 amends section 19 (Requirements of voters roll) to provide that the voters roll must show the names of all persons enrolled to vote at the election. This ensures that the voters roll consists of persons enrolled to vote at the time that the voters roll has been compiled in accordance with the requirement in section 18, and entitlement to vote may be determined under section 64 at the time that a person votes.

Clause 31 amends section 69 (Who must complete a declaration envelope) to provide that the following electors must complete a declaration envelope for an election, in addition to those already provided for:

- persons who are serving a sentence of detention on the cut-off day for the voters roll but not serving a sentence of detention on the polling day for the election;
- persons who are not on the voters roll but are entitled under section under section 64(1)(a)(ii) of the Electoral Act to be enrolled to vote at the election; and
- persons who are not on the voters roll but are entitled to be enrolled and give the ECQ a notice under section 65 of the Electoral Act after the cut-off day for the voters roll and no later than 6pm on the day before polling day.

Transitional provisions (clauses 23, 43 and 48)

Clause 23 includes new section 452 (Prisoner voting in particular elections) of the Electoral Act which provides that former section 64, 106 and 115 continue to apply to a person in relation to an election for which the writs were issued before the commencement.

Clause 48 includes new section 103 (Voting in particular referendums) of the Referendums Act which provides that former sections 21 and 26 continue to apply to a person in relation to a referendum for which the writ was issued before the commencement.

Clause 43 includes new section 239 (Prisoner voting in particular elections) of the LGE Act which provides that former sections 17, 19, 64 and 69 continue to apply to a person in relation to an election for which public notice was given under section 25(1) before the commencement.

Applying existing caps on political donations for State elections to financial years

Background and policy intent

Under the Electoral Act, caps on political donations limit the value of political donations that a single donor can make during the 'donation cap period' to a registered political party, candidates endorsed by a registered political party, or an independent candidate for a purpose relating to a State election.

The 'donation cap period' currently means the period between general elections (30 days after polling day for the last general election until 30 days after polling day for the next general election). The current period is from 26 November 2024 to 27 November 2028. If a candidate contests a by-election, the donation cap period 'renews' and will apply from 30 days after election day for the by-election until the next election contested by the candidate. During the donation cap period, donors must not make political donations of more than: $4,800 to the same registered political party; $7,200 to an independent candidate; or a total of $7,200 to candidates endorsed by the same registered political party.

The Bill will amend 'donation cap period' to mean each financial year so that the current donation cap amounts instead apply to each financial year. The amendments will be applied retrospectively to 1 July 2025 and will apply to both registered political parties and candidates in an election.

The policy objective of applying the existing caps to financial years is to reduce the restriction on funding sources which may be applied to electoral expenditure at State elections, while continuing to limit potential risks of corruption and undue influence and ensure a level playing field between donors through the caps on political donations. The change will also broadly align the length of donation cap periods with gift cap periods due to commence in the *Commonwealth Electoral Act 1918* (Cth) on 1 July 2026.

Amendments to the Electoral Act (clauses 14 to 16)

Clause 14 replaces section 247 (Meaning of donation cap period). New section 247 provides that the donation cap period, for a registered political party or candidate in an election, is each financial year. The donation cap for a candidate in an election will apply in relation to each election that person meets the definition of a candidate. For example, if a person is a candidate in a by-election and a general election in the same financial year, the donation cap will apply separately to that person in each capacity that they are a candidate.

Clause 15 amends section 253 (Adjustment of donation cap) to:

- provide that the donation cap is adjusted on 1 July each year (rather than 30 days after the polling day for each general election);
- provide that the donation cap amount is rounded up to the nearest dollar;
- update CPI numbers used in the formula for the adjustment to reflect the adjustment occurring on 1 July each year; and
- require the ECQ to publish the amount before the start of each financial year.

Clause 16 amends section 255 (Caps on political donations made to candidates) so that the prohibition on making a stated political donation to a candidate is expressed to apply during a donation cap period for a candidate in an election. This reflects the donation cap period in new section 247 inserted by clause 19.

Transitional provision (clause 23)

Clause 23 includes new section 456 (Transitional provision for donation cap period) which provides that for a candidate in an election (other than a candidate in a by-election held fewer than 30 days before the commencement) new part 11, division 6 (Political donations and caps on political donations) applies in relation to a candidate or party as if it had commenced on 1 July 2025. The result is that the candidate or party's donation cap period is taken to have started on 1 July 2025 and the donation cap period under former section 247 is taken to have ended on 30 June 2025 for all purposes, including the offence provisions. For a candidate in a by-election held fewer than 30 days before the commencement, the donation cap under former section 247 continues to apply and former part 11, division 6 continues to apply in relation to the candidate until the end of the donation cap period.

Removing the ban on political donations from property developers and related industry bodies for State elections

Background and policy intent

Currently, under the Electoral Act, political donations from property developers, or industry bodies which have property developers as the majority of their members, are banned (property developer donations ban).

The property developer donations ban was enacted by the *Local Government Electoral (Implementing Stage 1 of Belcarra)* and *Other Legislation Amendment Act 2018* in response to certain recommendations of the Crime and Corruption Commission's (CCC) report *Operation Belcarra: A blueprint for integrity and addressing corruption risk in local government* (Belcarra Report).

Currently, under the LGE Act, there is a similar property developer donations ban. This ban, in part, applies to political donations to a 'political party', which is defined to mean any entity that has as its purpose, or that engages in, promoting or endorsing the election of a local government candidate.

The only other jurisdictions in Australia with comparable bans on political donations from property developers are New South Wales and the Australian Capital Territory.

The Bill includes amendments to remove the property developer donations ban from the Electoral Act so that it does not apply at the State level.

The Bill also includes amendments to the LGE Act to ensure that political donations to a political party will not be subject to the ban when made with the intention that the donation is not used for local government electoral purpose. However, the ban will continue to apply to political donations for a local government electoral purpose, to be more consistent with recommendation 20 of the CCC's Belcarra Report. The policy objectives for removing the property developer donations ban at the State level, and limiting the scope of the ban as it applies to political parties at the local government level, are to:

- create more equal opportunities by allowing property developers to participate in State elections by making political donations in the same way as other donors;
- ensure the property developer donations ban is targeted at local government elections only, as contemplated by recommendation 20 of the Belcarra Report;
- promote freedom of expression by allowing donations from property developers to be used for State electoral purposes including campaigning.

Amendments to the Electoral Act (clauses 12, 13, 17 to 22 and 24)

Clause 17 omits part 11, division 8, subdivision 4 (Political donations from property developers) so that political donations from property developers are no longer banned at the State level.

Clauses 12, 13, 18 to 22 and 24 provide for or include consequential amendments as a result of the omission of part 11, division 8, subdivision 4.

Clause 21 also updates the note under section 374 (Right of appeal) in view of the changes made to the LGE Act by clauses 42 to 44 (see below).

Amendments to the LGE Act (clauses 32 to 41 and 44)

Section 113A (Meaning of *political donation*) specifies what is a 'political donation for part 6, division 1A of the LGE Act (Political donations from property developers).

In general terms, a 'political donation' covered by section 113A is a gift or loan made to or for the benefit of:

- a political party with at least one object or activity being the promotion of election of candidates endorsed by it (or a body or organisation of which it forms a part) to an office of councillor of a local government;
- a candidate in an election; or
- a group of candidates for an election
- another entity to make or reimburse a gift to an above-mentioned entity or to incur electoral expenditure (including for campaigning in a local government election).

A 'prohibited donor' is defined in section 113 (Meaning of *prohibited donor*) to mean a property developer or an industry representative organisation a majority of whose members are property developers, but does not include an entity subject to a determination by the Electoral Commissioner under section 113D that they are not a property developer.

Under section 113B (Political donations by prohibited donors), it is unlawful for:

- a prohibited donor to make a political donation.
- a person to make a political donation on behalf of a prohibited donor.
- a person to accept a political donation that was made (wholly or in part) by or on behalf of a prohibited donor.
- a prohibited donor to solicit a person to make a political donation.

Clauses 32 to 34 include amendments to exclude from the definition of 'political donation' a gift (or loan) that is made to or for the benefit of a political party that is a 'restricted donation' (i.e. a political donation made by a prohibited donor and accompanied by a restricted donation statement).

A 'restricted donation statement' must: be in writing; be made by the donor, state the relevant particulars of the entity that is the donor of the gift or loan, state that the gift or loan is made with the intention that it is not used for an electoral purpose relating to a local government election; and be given to the recipient when the gift or loan is made. The relevant particulars are those in section 197 of the Electoral Act.

The combined effect of these provisions means that restricted donations from a prohibited donor to a political party with a complying restricted donation statement are not unlawful under section 113B. This allows property developers to make political donations to a political party that endorses a local government candidate for election, provided the donation is not for a local government electoral purpose.

Clause 44 insert definitions of 'restricted donation' and 'restricted donation statement' in Schedule 2 (Dictionary).

Clause 35 inserts new section 113BA (Use of restricted donations) which provides that it is unlawful for a person to use a restricted donation made by a prohibited donor for an electoral purpose relating to a local government election.

Clause 36 amends section 113C (Recovery of political donations) to provide that if a person uses a restricted donation for an electoral purpose, an amount equal to twice the amount or value of the restricted donation is payable by the person to the State.

Clause 41 amends section 194A (Offence about prohibited donations) to make it an offence for a person doing an act or omission that is unlawful under new section 113BA (Use of restricted donations) if the person knows or ought reasonably to know of the facts that result in the act or omission being unlawful under that section. The offence has a maximum penalty of 400 penalty units or two years imprisonment.

Making the unlawful conduct an offence and subject to the recovery provision ensures that there is similar treatment for the unlawful use of a restricted donation with other unlawful conduct involving political donations from prohibited donors. This ensures the integrity of the ban on political donations as it relates to local government electoral purposes.

Clause 40 amends section 127AA (Requirement for registered political party to operate dedicated account) to provide that a restricted donation received by a registered political party that endorses a candidate in a local government election must not be paid into the dedicated account that the registered political party must operate for incurring local government electoral expenditure. The registered political party must take all reasonable steps to ensure that requirements for the dedicated account, including this new requirement, are complied with and failure to so will be an offence with a maximum penalty of 100 penalty units. This is intended to operate as an additional safeguard so that restricted donations (not intended to be used for local government electoral purposes) are not applied to electoral expenditure in a local government election.

Currently, under section 113G of the LGE Act a person who is given, or is entitled to be given, an information notice about a decision by the Electoral Commissioner that an entity is not a prohibited donor or about the revocation of a determination has a right to appeal against the decision under the Electoral Act.

Clauses 37 to 39 make amendments to the LGE Act to ensure that there continues to be the right to appeal under the Electoral Act and insert notes to relevant sections alerting readers to this.

Consequential amendments to other Acts (clause 49)

Clause 49 (Schedule 1) includes consequential amendments to the *City of Brisbane Act 2010* and the *Local Government Act 2009* to reflect the omission or amendment of offences in the Electoral Act.

Transitional provisions (clauses 23 and 43)

Clause 23 includes:

- new section 457 (Proceedings for particular offences) which provides, in part, that a proceeding for omitted offences under the Electoral Act may be continued or started, and the person may be convicted of and punished for the offence, as if the amending Act had not commenced;
- new section 458 (Recovery of particular donations) which provides that amounts relating to accepted prohibited donations under the Electoral Act before commencement continue to be payable to the State; and
- new section 459 (Register of determinations) which provides that the register or determinations and revocations made under sections 277 and 278 of the Electoral Act must be kept until 1 July 2029.

Clause 43 includes:

- new section 240 (Recovery of particular donations) which provides that amounts relating to accepted prohibited donations under the LGE Act before commencement continue to be payable to the State; and
- new section 241 (Proceedings for particular offences) which provides that a proceeding for an offence against former section 194A (Offence about prohibited donations) or 194B (Schemes to circumvent prohibition on particular political donations or electoral expenditure) of the LGE Act committed by a person before commencement may be continued or started, and the person may be convicted of and punished for the offence, as if the amending Act had not commenced.

Allowing loans from financial institutions to be used for electoral expenditure for State elections

Background and policy intent

Candidates, registered political parties and registered third parties are required to maintain State campaign accounts for State elections. All electoral expenditure for State elections must be paid from these accounts, and for candidates and registered political parties the amounts that can be paid into them are limited to certain types of funding.

Currently, under the Electoral Act, a loan from a financial institution cannot be paid into a candidate or registered political party's State campaign account, and therefore cannot be used to fund electoral expenditure of a candidate or registered political party for a State election. However, loans from other sources (such as individuals, private or unregulated lenders) can be paid into State campaign accounts, provided that the required records are kept about them.

The policy objective of allowing loans from financial institutions to be used for electoral expenditure for State elections is to ensure that funding sources for campaigning are not unfairly restricted to private and unregulated lenders and other types of loans not provided by financial institutions; and to prevent candidates and registered political parties from being forced to borrow only from these sources to finance their electoral expenditure for State elections.

Amendment to the Electoral Act (clause 12)

Clause 12 includes amendments to section 197 (Definitions) so that 'loan' no longer excludes a loan made by a financial institution. This will mean that loans made by a financial institution will, among other things, be able to be paid into a State campaign account of a registered political party or candidate under section 216(2)(e) unless it is a loan received in contravention part 11, division 8, subdivision 3 (Records to be kept about loans).

In line with current requirements for other loans under the Electoral Act, loans from financial institutions:

- paid into the State campaign account must be repaid from the State campaign account (including fees, duties or other charges) (see section 217) to ensure repayments are not funded by unlawful donations;
- must be disclosed in returns by candidates and registered political parties and subject to the same record keeping requirements as current allowable loans (see sections 262 and 272);
- are not be included in scope of the donation caps, unless the loan is enabled by another gift or loan or is for no consideration or inadequate consideration (see section 250).

Enhancing independence of political parties in preselection ballots

Background and policy intent

Currently, part 9 of the Electoral Act provides for the ECQ to oversee the conduct of preselection ballots by performing inquiries or audits. This includes requirements for registered political parties to adhere to model procedures for the conduct of a preselection ballot that are prescribed by regulation.

A preselection ballot means the process (or that part of the process) of selecting a candidate to be endorsed by a political party for a State or local government election, in which a member of the party votes in a ballot for the candidate.

DoJ is not aware of any comparable arrangements for oversight of preselection ballots by Electoral Commissions in other States or Territories or the Commonwealth.

The Bill will repeal part 9 of the Electoral Act to remove the oversight requirements of preselection ballots. The purposes of the amendments are to remove the administrative burden on the ECQ in undertaking audits and inquiries into preselection ballots and allow registered political parties to undertake preselection ballots in accordance with their constitution without having to adhere to other requirements. This will remove restrictions and burdensome regulations that do not apply equally to all political parties, given some parties do not require preselection ballot processes.

Amendment to the Electoral Act (clause 8) and *Electoral Regulation 2024* (clause 49)

Clause 8 omits part 9 (Commission oversight of preselection ballots). This will remove powers for the ECQ to inquire into a preselection ballot of a candidate for an election of a member of the Legislative Assembly (State election) or an election for a local government.

Clause 49 (Schedule 1) includes amendments to the *Electoral Regulation 2024* to omit sections 32 and Schedule 1, as a result of the omission part 9 of the Electoral Act.

Transitional provisions (clause 23)

Clause 23 includes:

- new section 454 (Existing inquiry into preselection ballot) which provides that an inquiry into a preselection ballot that started but was not completed before commencement:
  - may be completed if initiated by the ECQ; and
  - must be completed and reported on if initiated by a complaint; and
- new section 455 (Current audit of preselection ballot) which provides that if the ECQ gave a notice before the commencement to the registered political party that a preselection ballot was to be audited, but had not given a report to the Minister, former section 172 continues to apply in relation to the audit and former section 173 applies in relation to a report to the Minister identifying the preselection ballot.

Enhancing electoral transparency by amending authorisation requirements for election materials and how-to-vote cards

Background and policy intent

Currently, under section 181 of the Electoral Act, a person must not print, publish, distribute or broadcast (or permit or authorise) an advertisement, handbill, pamphlet or notice containing election matter, unless it contains the name and address of the person who authorised the material. Similarly, under section 182 of the Electoral Act, a person must not distribute (or permit or authorise) a how-to-vote card unless it contains the required authorisation details.

Both sections 181 and 182 of the Electoral Act apply during the 'election period', which means the period beginning on the day after the writ for the election is issued and ending at 6pm on the polling day for the election. Both sections also prohibit a post office box being used as a person's address in the authorisation details.

The policy objective of amending the definition of 'election period' so that for an ordinary general election the period will begin 12 months prior to polling day and end at 6pm on polling day, is to ensure greater transparency and awareness about who is authorising material that is provided to voters and the Queensland public more generally, and enable voting choices to be formed taking into account not only any information conveyed through such material but who is responsible for it.

The policy objective of allowing post office boxes or another address prescribed by regulation to be used to comply with the authorisation details is to address privacy and safety concerns, particularly for candidates who may be required to provide their personal residential address.

Amendments to the Electoral Act (clauses 9 to 11)

Clause 9 inserts new section 180A (Definitions for division) of the Electoral Act. This section provides new definitions for 'address' and 'authorisation period' which are used in sections 181 and 182.

'Address' includes a post office box and a form of address prescribed by regulation.

'Authorisation period', for an ordinary general election, means the period beginning on the day that is one year before the polling day for an ordinary general election and ending at 6pm on polling day. For any other election, it means the period beginning on the day after the writ for the election is issued and ending at 6pm on polling day.

Clause 10 amends section 181 (Author of election matter must be named) to:

- provide that the offence in the section relating to including required particulars in an advertisement, handbill, pamphlet or notice containing election matters applies to the authorisation period as defined in new section 180A;
- no longer exclude post office boxes as a form of address that may be included as required particulars. The definition of address in new section 180A will be relevant to those required particulars.

Clause 11 amends section 182 (Distribution of how-to-vote cards) to:

- provide that the offence relating to including required particulars in a how-to-vote card applies to the authorisation period as defined in new section 180A; and
- no longer exclude post office boxes as a form of address that may be included as required particulars. The definition of address in new section 180A will be relevant to those required particulars.

Transitional provision (clause 23)

Clause 23 includes new section 453 (Election matter etc. for particular elections), which provides that former sections 181 and 182 continue to apply in relation to election matter and how-to-vote cards for an election for which the election period started before the commencement (i.e. if the writ for an election is issued before commencement).

Fundamental legislative principles (FLPs)

Potential breaches of the fundamental legislative principles (FLPs) raised by the amendments are considered justified. The FLP issues and justifications for the potential breaches are outlined in the Explanatory Notes for the Bill.

Human rights impacts

The amendments in the Bill are considered to be compatible with human rights on the basis that they limit human rights only to the extent that is reasonable and demonstrably justifiable in accordance with section 13 of the *Human Rights Act 2019*. The human rights issues and justifications are outlined in detail in the Statement of Compatibility with human rights for the Bill.