

South Australia

Electoral (Miscellaneous) Amendment Act 2024

An Act to amend the *Electoral Act 1985* and to make related amendments to the *Local Government Act 1999*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Electoral (Miscellaneous) Amendment Act 2024*.

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by, or on behalf of, the Crown.
- (2) Part 2 comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Electoral Act 1985*

3—Amendment of section 4—Interpretation

- (1) Section 4(1), definition of *how-to-vote card*—delete "a card," and substitute:
written information
- (2) Section 4(1)—after the definition of *polling place* insert:
pre-polling centre—see section 18(1);

4—Amendment of section 18—Polling places

- (1) Section 18(1)—after "polling places" insert:
(including places for the taking of votes before polling day (*pre-polling centres*))
- (2) Section 18(2)(a)—after "polling places" insert:
(including pre-polling centres)

- (3) Section 18(2)(a)—after "polling place" insert:

(including a pre-polling centre)

- (4) Section 18—after subsection (2) insert:

(2a) The Electoral Commissioner must use reasonable endeavours to appoint at least 1 pre-polling centre within each district.

5—Amendment of section 31A—Itinerant persons

- (1) Section 31A(9)(b)—delete paragraph (b)
(2) Section 31A(10)(b)—delete paragraph (b)
(3) Section 31A(10)(c)(iii)—delete subparagraph (iii)

6—Amendment of section 32—Making of claim for enrolment or transfer of enrolment

Section 32—after subsection (1a) insert:

- (1b) If a person makes a claim for enrolment pursuant to section 69(1a), the person will be taken to have made a claim for enrolment in accordance with this Act (even if the claim does not comply with the requirements to be in the manner and form approved by the Electoral Commissioner and given to an electoral registrar).

7—Amendment of section 40—Order in which applications are to be determined

Section 40(2)—delete subsection (2)

8—Amendment of section 53—Multiple nomination of candidates endorsed by political party

- (1) Section 53(1)—delete subsection (1) and substitute:

- (1) The registered officer of a registered political party may, after the issue of the writ for the election, nominate a candidate or candidates endorsed by the party for election as a member or members of the House of Assembly or the Legislative Council.

- (2) Section 53(2)—delete subsection (2)

- (3) Section 53(3)—delete "paper must be in a form approved by the Electoral Commissioner and" and substitute:

made by a registered officer under this section must

- (4) Section 53(3)(a)—delete paragraph (a) and substitute:

- (a) be made in a manner and form determined by, and in accordance with any requirements of, the Electoral Commissioner; and
(ab) be made at least 48 hours before the hour of nomination; and
(ac) be accompanied by a deposit of the prescribed amount to be paid in the manner determined by the Electoral Commissioner in respect of each candidate nominated; and

- (5) Section 53(3)(b)—delete ", signed by each candidate, that he or she" and substitute:
made by the candidate in the prescribed manner, that the candidate
- (6) Section 53(4)—delete subsection (4) and substitute:
- (4) If the Electoral Commissioner receives a nomination under this section, the Electoral Commissioner must, as soon as is practicable after receipt of the nomination, provide a copy of the nomination to the returning officer in respect of each district for which a candidate has been nominated.
- (7) Section 53(5)—delete "in writing lodged with the appropriate district returning officer" and substitute:
to the Electoral Commissioner in a manner and form determined by the Electoral Commissioner
- (8) Section 53(6)—delete "returning officer must immediately inform" and substitute:
Electoral Commissioner must immediately inform the appropriate district returning officer and
- (9) Section 53(7)—delete "some other person as the candidate endorsed by the party for the district by lodging with the appropriate district returning officer before the hour of nomination a duly completed nomination paper" and substitute:
, before the hour of nomination and in accordance with the requirements of subsection (3), some other person as the candidate endorsed by the party for the district

9—Amendment of section 53A—Nomination of candidate by a person

- (1) Section 53A(1)—delete "on a nomination paper"
- (2) Section 53A(2)—delete subsection (2)
- (3) Section 53A(3)—delete "paper must be in a form approved by the Electoral Commissioner and—" and substitute:
made by a person under this section must—
- (a1) be made to the appropriate district returning officer before the hour of nomination; and
- (a2) be made in a manner and form determined by, and in accordance with any requirements of, the Electoral Commissioner; and
- (a3) be accompanied by a deposit of the prescribed amount to be paid in the manner determined by the Electoral Commissioner; and
- (4) Section 53A(3)(a)—delete "signed" and substitute:
endorsed, in a manner determined by the Electoral Commissioner,
- (5) Section 53A(3)(b)—delete "signed by the candidate, that he or she" and substitute:
made by the candidate in the prescribed manner, that the candidate
- (6) Section 53A(3a)(b)—delete "signs a nomination paper" and substitute:
endorses a nomination

- (7) Section 53A(3a)—delete "signature" and substitute:
endorsement
- (8) Section 53A(4)—delete "in writing lodged with" and substitute:
given in a manner and form determined by the Electoral Commissioner to
- (9) Section 53A(4a)—delete "paper lodged under subsection (2)" and substitute:
made under this section

10—Amendment of section 54—Declaration of nominations

- Section 54(1)(a)—delete "nomination papers" and substitute:
nominations

11—Amendment of section 58—Grouping of candidates in Legislative Council election

- Section 58(2)(b)—delete "signed" and substitute:
endorsed, in a manner determined by the Electoral Commissioner,

12—Amendment of section 60A—Voting tickets

- (1) Section 60A(2)(a)—delete "written notice of intention to lodge a voting ticket or voting tickets is given to the Electoral Commissioner or the returning officer" and substitute:
notice of intention to lodge a voting ticket or voting tickets is given, in a manner and form determined by the Electoral Commissioner, to the Electoral Commissioner or the returning officer
- (2) Section 60A(2)—after paragraph (b) insert:
and
(c) the voting ticket is lodged in accordance with the requirements of the Electoral Commissioner.
- (3) Section 60A(3)(b)—delete "in writing" and substitute:
, in a manner and form determined by the Electoral Commissioner,

13—Amendment of section 62—Printing of descriptive information on ballot papers

- (1) Section 62(1)(d)—delete paragraph (d)
- (2) Section 62(1a)(b)—delete "appropriate written authorisation" and substitute:
authorisation, in a manner and form determined by the Electoral Commissioner,
- (3) Section 62(2)(b)—delete "signed" and substitute:
endorsed, in a manner determined by the Electoral Commissioner,
- (4) Section 62(2)(ba)—delete "appropriate written authorisation signed by the candidate" and substitute:
authorisation given by the candidate under subsection (1a)(b)

- (5) Section 62(2)(c)(i)—delete "signed" and substitute:
endorsed
- (6) Section 62(2)(d)—delete "appropriate written authorisation signed by all of the members of the group" and substitute:
authorisation given by all of the members of the group in a manner and form determined by the Electoral Commissioner
- (7) Section 62(3) and (4)—delete subsections (3) and (4)

14—Amendment of section 65—Properly staffed polling booths to be provided

- (1) Section 65(1)—after "election" insert:
for a district
- (2) Section 65(1)—delete "returning officer for the district" and substitute:
Electoral Commissioner
- (3) Section 65(1)(a)—delete "within" and substitute:
for

15—Amendment of section 66—Preparation of certain electoral material

- (1) Section 66(2)(c)—delete paragraph (c) and substitute:
 - (c) must be submitted in a manner determined by, and in accordance with the requirements of, the Electoral Commissioner; and
- (2) Section 66(2)(f)—delete "(in the form determined by the Electoral Commissioner) that is signed" and substitute:
(made in a manner and form determined by the Electoral Commissioner)

16—Amendment of section 69—Entitlement to vote

Section 69—after subsection (1) insert:

- (1a) A person is entitled to vote at an election for a district if the person—
 - (a) is entitled to be enrolled on the electoral roll for the district (other than by way of transfer of enrolment); and
 - (b) after the close of rolls for the election and no later than 6 pm on polling day, makes a claim for enrolment in accordance with section 32.
- (1b) If, in relation to a person claiming an entitlement to vote under subsection (1a), the district for which the person is entitled to be enrolled as an elector for the purposes of this Act is not able to be determined at the time of the making of the claim, the person is entitled to make a declaration vote for each district for which the person might be entitled to be enrolled, provided that—
 - (a) an electoral registrar must, as soon as reasonably practicable after the making of the claim, determine the district for which the person is entitled to be enrolled as an elector; and

- (b) the Electoral Commissioner must ensure that any declaration vote made in respect of a district for which the person is not entitled to be enrolled is not accepted in the counting of votes for the purposes of the election.

17—Amendment of section 71—Manner of voting

- (1) Section 71(1)(a)—after "place" insert:
 - (including a pre-polling centre)
- (2) Section 71(1)—after paragraph (a) insert:
 - (ab) by attending at—
 - (i) a pre-polling centre; or
 - (ii) a polling place on polling day,
that is not a pre-polling centre or polling place for the district for which the elector is enrolled, and voting in the manner prescribed by this Act; or
- (3) Section 71—after subsection (1) insert:
 - (1a) However, a person to whom section 69(1a) applies may only exercise their vote by making a declaration vote.
- (4) Section 71(2)(a)—delete paragraph (a) and substitute:
 - (a) who—
 - (i) attends a pre-polling centre, or a polling booth at a polling place on polling day, that is not a pre-polling centre or polling place for the district for which the elector is enrolled; and
 - (ii) cannot exercise their vote in accordance with subsection (1)(ab); or

18—Amendment of section 74—Issue of declaration voting papers by post or other means

- (1) Section 74(1)(b)—delete paragraph (b) and substitute:
 - (b) to an elector who applies for the issue of declaration voting papers in the manner determined by the Electoral Commissioner and within the designated time.
- (2) Section 74(2)—delete subsection (2) and substitute:
 - (2) An officer who receives an application before the designated time must ensure that they respond to the applicant as soon as practicable after receipt of the application.
- (3) Section 74(3a)—delete "sign the elector's own name" and substitute:
 - make the application in the prescribed manner

(4) Section 74—after subsection (7) insert:

(8) In this section—

designated time means—

- (a) in the case of an applicant who applies for the issue of declaration voting papers to an address within the State—5 pm on the Tuesday immediately preceding polling day; and
- (b) in any other case—5 pm on the Friday falling 8 days before polling day.

19—Amendment of section 74A—Offence to distribute application form for issue of declaration voting papers

(1) Section 74A(1)—delete subsection (1) and substitute:

- (1) A person, other than a person acting under the authority of the Electoral Commissioner, must not distribute, or cause or permit to be distributed, to an elector—
 - (a) a form for, or purporting to be for, the application for the issue of declaration voting papers (an *application form*); or
 - (b) material containing, or purporting to contain, a link, code or other means by which an elector is able to apply for the issue of declaration voting papers.

Maximum penalty: \$5 000.

- (1a) It is not an offence against subsection (1) for a person to distribute, or cause or permit to be distributed, an application form if—
 - (a) the form is provided by or under the authority of the Electoral Commissioner; and
 - (b) the form is distributed at—
 - (i) a post office; or
 - (ii) any other place determined by the Electoral Commissioner.

(2) Section 74A(2), definition of *distribute*—after "form" first occurring insert:

or material

(3) Section 74A(2), definition of *distribute*—after "form" second occurring insert:

or material

20—Amendment of section 77—Times and places for polling

(1) Section 77(2)—after "polling booth" first occurring insert:

(other than a polling booth at a pre-polling centre)

(2) Section 77—after subsection (2) insert:

(2a) Polling at a polling booth at a pre-polling centre—

- (a) may only be conducted within the 7 days before polling day; and
- (b) must be conducted between 9 am and 5 pm (or for a longer duration determined by the Electoral Commissioner) on at least 6 of those days.

21—Amendment of section 79—Vote to be marked in private

Section 79(1)(b)—delete paragraph (b) and substitute:

- (b) in the case of an elector exercising their vote in accordance with section 71(1)(ab)—enclose the ballot paper in the envelope provided by the officer who issued the voting papers;
- (ba) fold the ballot paper and—
 - (i) in the case of a ballot paper of a kind referred to in paragraph (b)—deposit it in a ballot box designated for such ballot papers; or
 - (ii) in any other case—deposit the ballot paper in the ballot box; and

22—Amendment of section 80—Voter may be accompanied by an assistant in certain circumstances

Section 80(3)—delete paragraph (d) and substitute:

- (d) by—
 - (i) in the case of a voter exercising their vote in accordance with section 71(1)(ab)—folding the ballot paper, enclosing it in the envelope provided by the officer who issued the voting papers and depositing the envelope in a ballot box designated for such ballot papers; or
 - (ii) in any other case—folding and depositing the ballot paper in the ballot box;

23—Amendment of section 80A—Voting near polling booth in certain circumstances

(1) Section 80A(3)—before paragraph (a) insert:

- (a1) in the case of a voter exercising their vote in accordance with section 71(1)(ab)—after the voter has marked a vote on the ballot paper, the presiding officer must, in the presence of the scrutineers, ensure that the ballot paper is folded to conceal the vote and placed in an envelope that is then sealed and deposited in a ballot box designated for such ballot papers;

(2) Section 80A(3)(a)—delete "an ordinary vote" and substitute:

any other ordinary vote

24—Insertion of Part 9 Division 5B

After Part 9 Division 5A insert:

Division 5B—Voting for eligible electors using telecommunications technology

84D—Voting for eligible electors using telecommunications technology

- (1) An eligible elector is entitled to vote in an election using a telecommunications technology voting method prescribed by the regulations.
- (2) Without limiting subsection (1) but subject to this section, regulations made for the purposes of subsection (1) may—
 - (a) determine the telecommunications technology voting method to be used; and
 - (b) provide for matters related to the voting using the telecommunications technology voting method (including, without limitation, matters relating to the provision of assistance to eligible electors using the method, requirements relating to the use of the method, the making of records of each eligible elector who voted using the method and matters of privacy and secrecy); and
 - (c) provide for the application of this Act, or provisions of this Act, in relation to votes cast using the telecommunications technology voting method, including the modification of the application of this Act or a provision of this Act in relation to such votes; and
 - (d) provide for any other matters related to the telecommunications technology voting method.
- (3) Subject to this Division, if an eligible elector votes using the telecommunications technology voting method (a *telecommunications technology vote*)—
 - (a) this Act applies (subject to any modifications prescribed under subsection (2)(c)) in relation to a telecommunications technology vote as if it were a declaration vote; and
 - (b) the record of the telecommunications technology vote produced in accordance with the regulations is to be taken to be a ballot paper for the purposes of this Act; and
 - (c) the requirements of this Act in relation to the eligible elector's right to receive a ballot paper are to be taken to have been satisfied.

(4) In this section—

eligible elector means—

- (a) a sight-impaired elector; or
- (b) an elector who otherwise cannot vote without assistance because of motor impairment;

telecommunications technology means technology that facilitates audio or video communication (or both) between 2 or more persons over a carriage service (within the meaning of the *Telecommunications Act 1997* of the Commonwealth).

25—Amendment of section 85—Compulsory voting

(1) Section 85(8)—after paragraph (c) insert:

(ca) the elector is an itinerant elector; or

(2) Section 85—after subsection (10) insert:

(11) In this section—

itinerant elector means—

- (a) a person enrolled as an elector under section 31A; or
- (b) an itinerant elector within the meaning of the *Commonwealth Electoral Act 1918*.

26—Amendment of section 91—Preliminary scrutiny

Section 91(1)(b)(i)(A)—delete subsubparagraph (A) and substitute:

(A) of the identity of the elector (which must be verified in accordance with the regulations); and

27—Amendment of section 95—Scrutiny of votes in Legislative Council election

Section 95(2)—after paragraph (a) insert:

(ab) in relation to ballot papers of a kind referred to in sections 79(1)(b), 80(3)(d)(i) and 80A(3)(a1), withdraw the ballot papers from their envelopes; and

28—Amendment of section 96—Scrutiny of votes in House of Assembly election

Section 96(2)—after paragraph (a) insert:

(ab) in relation to ballot papers of a kind referred to in sections 79(1)(b), 80(3)(d)(i) and 80A(3)(a1) relating to the district and sent to the assistant returning officer, withdraw the ballot papers from their envelopes; and

29—Amendment of section 112—Publication of electoral advertisements, notices etc

(1) Section 112(1)(b)—delete paragraph (b)

(2) Section 112—after subsection (1) insert:

- (1a) Despite subsection (1)(a), an advertisement authorised by a candidate who is not endorsed by a registered political party may, with the approval of the Electoral Commissioner, include a post office box address for the candidate (instead of a street address) at the end if the suburb in which the candidate resides is also included at the end of the advertisement.

30—Amendment of section 112A—Special provision relating to how-to-vote cards

(1) Section 112A—after subsection (1) insert:

- (1a) Despite subsection (1)(a), a how-to-vote card authorised by a candidate who is not endorsed by a registered political party may, with the approval of the Electoral Commissioner, include a post office box address for the candidate (instead of a street address) at the bottom of the card if the suburb in which the candidate resides is also included at the bottom of the card.

(2) Section 112A(6)—after paragraph (d) insert:

- (da) in the case of how-to-vote cards distributed in accordance with subsection (7a)—the name and address of the person who authorised the cards and the name or abbreviation of the registered political party not appearing at the bottom of the cards; or

(3) Section 112A—after subsection (7) insert:

- (7a) Subsection (1)(a) and (b) do not apply to how-to-vote cards forming part of electoral material distributed by or on behalf of a registered political party that displays more than 1 how-to-vote card lodged by or on behalf of the party if—
- (a) the name (being the name by which the person is usually known) and address (not being a post office box) of the person who authorised the material appears at the end of the material; and
- (b) the party's name or, if the Register of Political Parties includes an abbreviation of the party's name, the abbreviation appears at the end of the material.

31—Amendment of section 115A—Automated political calls

(1) Section 115A—before subsection (1) insert:

- (a1) A designated entity, or a person acting on behalf of a designated entity, must not make, or cause or permit the making of, a call by way of telephone (including associated technology) containing regulated content.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
- (b) if the offender is a body corporate—\$10 000.

- (2) Section 115A(1)—delete subsection (1) and substitute:
- (1) Without limiting subsection (a1), a person who makes, or causes or permits the making of, a call by way of telephone (including associated technology) consisting of a pre-recorded electoral advertisement must ensure that, immediately after that part of the call consisting of the advertisement, the following statements are made:
 - (a) the name and address (not being a post office box) of the person who is making, or who authorises the making of, the call;
 - (b) if the call is authorised for a relevant third party—the name of the relevant third party.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
 - (b) if the offender is a body corporate—\$10 000.
- (3) Section 115A(2)—before the definition of *relevant third party* insert:

designated entity means—

- (a) a political party registered under Part 6 or under a law of the Commonwealth or another State or a Territory relating to the registration of political parties; or
- (b) a candidate or group standing for election to the Parliament of South Australia or any other Australian Parliament; or
- (c) a member of the Parliament of South Australia or any other Australian Parliament;

regulated content means—

- (a) a pre-recorded message containing material relating to a State election; or
- (b) an automated opinion poll, or other research, relating to a State election or the voting intentions of electors conducted using computer scripts (rather than by an individual);

- (4) Section 115A(2), definition of *relevant third party*—delete "registered political party, candidate or natural person" and substitute:

designated entity or an individual

32—Insertion of sections 115B to 115D

After section 115A insert:

115B—Certain artificially generated electoral advertisements prohibited

- (1) A person must not distribute, or cause or permit to be distributed, an artificially generated electoral advertisement that contains a depiction of a simulated person performing an act that the real person depicted in the depiction did not perform.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
- (b) if the offender is a body corporate—\$10 000.
- (2) It is a defence to a charge of an offence against this section to prove that—
- (a) the distribution of the artificially generated electoral advertisement containing a depiction of a simulated person occurred with the written consent of each real person depicted in the depiction; or
- (b) the defendant—
- (i) took no part in determining the content of the artificially generated electoral advertisement; and
- (ii) could not reasonably be expected to have known that the artificially generated electoral advertisement contravened subsection (1).
- (3) No offence is committed against this section by the Electoral Commissioner or a legal practitioner, or their agent, acting in the course of official duties or legal proceedings.
- (4) An apparent consent will not be an effective consent for the purposes of this section if—
- (a) given by a person who is under the age of 17 years or with a cognitive impairment (within the meaning of Part 5A of the *Summary Offences Act 1953*); or
- (b) obtained from a person by duress or deception.
- (5) In this section—

artificially generated electoral advertisement means an electoral advertisement containing audiovisual, visual or audio content that—

- (a) is generated wholly by artificial intelligence; or
- (b) is created or altered by use of technology of a prescribed kind;

depiction includes an audiovisual, visual or audio depiction of a real person;

distribute has the same meaning as in Part 5A of the *Summary Offences Act 1953*;

simulated person means a person depicted in an artificially generated electoral advertisement that—

- (a) purports to be a depiction of a particular real person; or
- (b) so closely resembles a depiction of a particular real person that a reasonable person who knew the real person would consider it likely to be a depiction of the real person.

115C—Prescribed artificially generated electoral advertisements to include certain statements

- (1) A person must not distribute, or cause or permit to be distributed, a prescribed artificially generated electoral advertisement unless the advertisement contains a statement that it is a prescribed artificially generated electoral advertisement and that complies with the following:
 - (a) in the case of a statement that contains audio content—the statement must be spoken so that it is clearly audible and intelligible, in the same language as the other content of the advertisement, at the beginning or end of the advertisement and for a duration of at least 3 seconds;
 - (b) in the case of an advertisement that contains audiovisual content—the statement must—
 - (i) be spoken so that it is clearly audible and intelligible, in the same language as the other content of the advertisement, at the beginning or end of the advertisement and for a duration of at least 3 seconds; and
 - (ii) be displayed so that it is clearly legible, in the same language as the other content of the advertisement, for the duration of the advertisement and in accordance with any other requirements prescribed by the regulations;
 - (c) in any other case—the statement must be displayed so that—
 - (i) it is clearly legible and is in the same language as the other content of the advertisement; and
 - (ii) if the advertisement is of a limited duration—it appears for the duration of the advertisement; and
 - (iii) it complies with any other requirements prescribed by the regulations.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
- (b) if the offender is a body corporate—\$10 000.

(2) In this section—

depiction includes an audiovisual, visual or audio depiction of a real person;

distribute has the same meaning as in Part 5A of the *Summary Offences Act 1953*;

prescribed artificially generated electoral advertisement means an electoral advertisement containing audiovisual, visual or audio content that—

- (a) is generated wholly by artificial intelligence; or
- (b) is created or altered by use of technology of a prescribed kind.

115D—Withdrawal etc of certain advertisements

(1) If, on application, the Electoral Commissioner is satisfied that an artificially generated electoral advertisement or prescribed artificially generated electoral advertisement contravenes a provision of section 115B or 115C (as the case may be), the Electoral Commissioner may request the person who distributed, or caused or permitted to be distributed, the advertisement to do 1 or more of the following:

- (a) withdraw the advertisement from further publication;
- (b) publish a statement relating to the contravention in specified terms and a specified manner and form,

(and in proceedings for an offence against section 115B or 115C arising from the advertisement, a person's response to a request under this subsection will be taken into account in assessing any penalty to which the person may be liable).

(2) If the Supreme Court is satisfied beyond reasonable doubt on application by the Electoral Commissioner that an artificially generated electoral advertisement or prescribed artificially generated electoral advertisement contravenes a provision of section 115B or 115C (as the case may be), the Court may order the person who distributed, or caused or permitted to be distributed, the advertisement to do one or more of the following:

- (a) withdraw the advertisement from further publication;
- (b) publish a statement relating to the contravention in specified terms and a specified manner and form.

33—Amendment of section 116—Published material to identify person responsible for political content

Section 116—after subsection (1) insert:

- (1a) Despite subsection (1), material or a programme for which a candidate who is not endorsed by a registered political party is responsible may, with the approval of the Electoral Commissioner, include a post office box address for the candidate (instead of a street address) if the material or programme also contains a statement of the suburb in which the candidate resides.

34—Amendment of section 116A—Evidence

- (1) Section 116A(b)—delete paragraph (b)
- (2) Section 116A(d)—delete paragraph (d) and substitute:
 - (d) an apparently genuine document purporting to be a certificate of the Electoral Commissioner certifying that the Electoral Commissioner made a request for—
 - (i) the withdrawal of a misleading advertisement or the publication of a retraction under section 113; or
 - (ii) the withdrawal of an artificially generated electoral advertisement or prescribed artificially generated electoral advertisement, or the publication of a statement under section 115D,

35—Substitution of section 119

Section 119—delete the section and substitute:

119—Maintenance of order at and near places for voting and counting centres

- (1) A person must not—
 - (a) obstruct the access or approaches to a designated place; or
 - (b) obstruct or unnecessarily delay the proceedings at a designated place; or
 - (c) behave in a disorderly manner at or in the immediate vicinity of a designated place.

Maximum penalty: \$5 000.

- (2) An authorised officer may give such directions as are necessary to maintain order at an election or at or in the immediate vicinity of a designated place.
- (3) A person who contravenes a direction given under subsection (2) is guilty of an offence.

Maximum penalty: \$5 000.

- (4) A person who contravenes subsection (1) or a direction given under subsection (2) (including a candidate or scrutineer) may be removed from a designated place and the immediate vicinity of the designated place by an authorised officer.
- (5) A person who has been removed from a designated place and the immediate vicinity of the designated place by an authorised officer and who re-enters the designated place or its immediate vicinity without the permission of an authorised officer is guilty of a further offence.

Maximum penalty: \$10 000 or imprisonment for 1 year.

- (6) In this section—

authorised officer means—

- (a) a police officer; or
(b) the Electoral Commissioner;
(c) a person authorised by the Electoral Commissioner; or
(d) the presiding officer at a polling booth;

designated place means—

- (a) a place where polling is being conducted under this Act (including a place where declaration votes are being issued);
or
(b) a counting centre; or
(c) any other place designated by the Electoral Commissioner on a website maintained by the Electoral Commissioner.

36—Amendment of section 130G—Requisites for appointment

Section 130G(1)(d)(i) and (ii)—delete "signed" wherever occurring and substitute in each case:

endorsed, in a manner determined by the Electoral Commissioner,

37—Amendment of section 130I—Termination of appointment of agent

Section 130I(2)—delete "signed" and substitute:

endorsed, in a manner determined by the Electoral Commissioner,

Schedule 1—Related amendments to *Local Government Act 1999*

1—Amendment of section 226—Moveable signs

- (1) Section 226(3)(c)—after "Commonwealth election" insert:

, is not prohibited from exhibition under section 226A

- (2) Section 226(3)(caa)—delete paragraph (caa) and substitute:
- (caa) the sign relates to a State election, is exhibited during the election period for the election and—
 - (i) is an electoral advertising poster that is not prohibited from exhibition under section 115(2a) of the *Electoral Act 1985* (or is a poster within the ambit of section 115(2b) of that Act or exhibited in accordance with section 125(1a) and (1b) of that Act); or
 - (ii) is identical to a sign approved by the Electoral Commissioner for exhibition during that period for the purpose of notifying electors of the election; or
- (3) Section 226—after subsection (3) insert:
- (3a) The Electoral Commissioner—
 - (a) may only approve a sign under subsection (3)(caa)(ii) if the sign contains white text on a black background and is in accordance with any other requirements of the regulations; and
 - (b) must publish a copy of a sign approved under subsection (3)(caa)(ii) on a website maintained by the Electoral Commissioner.

2—Insertion of section 226A

After section 226 insert:

226A—Control of electoral advertising posters for Commonwealth elections

- (1) A person must not exhibit a designated electoral advertising poster on a relevant road or road-related area (including any structure, fixture or vegetation on a relevant road or road-related area).
- (2) Subsection (1) does not apply to the exhibition of—
 - (a) a designated electoral advertising poster by a person holding the poster (either directly in their hands or by holding an implement or device to which the poster is attached); or
 - (b) a designated electoral advertising poster that—
 - (i) is not attached to a building, hoarding or other structure or fixture on a relevant road or road related area; and
 - (ii) is exhibited at, or in the vicinity of, a place at which a designated event or activity is being held; and
 - (iii) is exhibited immediately before, during or immediately after the designated event or activity, provided that the electoral advertising poster is not exhibited at, or in the vicinity of, the place for more than 6 hours.

(3) In this section—

Commonwealth election means an election held under the *Commonwealth Electoral Act 1918*;

designated electoral advertising poster means a poster, notice or sign containing matter calculated to affect the result of a Commonwealth election;

designated event or activity means—

- (a) an assembly within the meaning of the *Public Assemblies Act 1972*; or
- (b) an organised gathering, meeting, function or event relating to a Commonwealth election; or
- (c) a person canvassing for votes relating to a Commonwealth election; or
- (d) any other gathering, meeting, function or event, or class of gathering, meeting, function or event, prescribed by the regulations;

relevant road means a public road within the meaning of the *Road Traffic Act 1961*;

road-related area has the same meaning as in the *Road Traffic Act 1961*.