

Writ Management Procedure: State general elections and by-elections

Version 1.0

Approval



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Purpose

The Writ Management Procedure outlines the Electoral Commission of Queensland's (ECQ) internal processes for receiving, managing, publishing and returning writs for State general elections and State by-elections (State elections) in accordance with the *Electoral Act 1992*.

Scope

Upon receiving a writ for an election from the Governor or the Speaker of the Legislative Assembly, the ECQ must conduct the election in accordance with the days and times specified in the writ.

As custodians of the writ during an election period, the ECQ must also ensure proper management of the writ including arranging receipt, publication, secure storage, completion, and return of the writ. These functions are generally not prescribed in legislation and this document therefore sets out the official procedures by which the ECQ is to manage the writ during State elections.

Application

This procedure applies to all ECQ officers performing functions related to the management of writs for State elections.

The ECQ has obligations under part 7 of the *Electoral Act* to receive, complete and return writs to commence and conclude State elections. The ECQ must safely secure the document during the election period and undertake actions as directed by the writ to deliver its election responsibilities.

In assessing any human rights impacts of this procedure under the *Human Rights Act 2019*, the ECQ has no discretion as to taking custody of writs for State elections and the conduct of elections facilitates people's right to take part in public life through participating in elections. Therefore, this procedure does not have any adverse impacts on the human rights of any individuals.

Process

The writ is the formal document that commences a State election in accordance with the *Electoral Act*. The ECQ must conduct the election according to the writ, which sets out:

- the day of the issue of the writ
- the cut-off day for the preparation of electoral rolls for the election
- the cut-off day for the nomination of candidates for the election
- the polling day for the election, and
- the day for the return of the writ.

For State general elections, the writ must be issued by the Governor. For State by-elections, the writ may be issued by either the Governor or the Speaker of the Legislative Assembly depending on the circumstances in which the vacancy arises¹.

Under the *Constitution of Queensland 2001*, the Queensland Parliament operates on a fixed four-year term electoral cycle, which means that ordinary State general elections are held on the last Saturday in October, in the fourth calendar year after the last general election ².

Provisions exist to postpone the normal polling day for an ordinary general election in extraordinary circumstances or to conduct an extraordinary general election outside the fixed four-year electoral cycle. Such actions can only be taken on the initiative of the Premier and/or the Governor (depending on the circumstances), and the ECQ will deliver the election in accordance with the directions included in any writ issued for the election.

For ordinary State general elections, under section 19C of the *Constitution*, the 'normal dissolution day' of the Legislative Assembly is 26 days before the normal election day. The Legislative Assembly is dissolved by Proclamation on the advice of the Premier. The Department of the Premier and Cabinet prepares the necessary Proclamation to dissolve the Legislative Assembly. After it is signed by the Premier and affixed with the Public Seal of the State, it is presented in person, by the Premier, to the Governor at Government House for signature.

Under section 19C of the *Constitution*, the Governor must dissolve the Legislative Assembly and issue a writ for a general election on the normal dissolution day (26 days before the normal election day). A special sitting of the Executive Council is held to deal with the issue of the writ.

State by-elections may be required in circumstances when a Member of Parliament vacates office, due to resignation, death, election to the Commonwealth or other State legislature, election as a mayor or councillor of a local government, or in other circumstances prescribed by the *Parliament of Queensland Act 2001*³. If a Member of Parliament resigns in order to contest a Commonwealth election and the Member has indicated their intention to stand again as a candidate for State election if unsuccessful in the Commonwealth election, the writ for a by-election must be deferred until completion of Commonwealth election processes⁴. Where a vacancy arises within three months before the next normal dissolution day for the Legislative Assembly, the conduct of a by-election is discretionary⁵.

The dates of issue, election and return of writs for State elections conducted since 2020, and anticipated dates for the forthcoming State general election are listed in **Appendix 2**.

¹ *Electoral Act 1992*, section 83

² *Constitution of Queensland 2001*, section 19B

³ *Parliament of Queensland Act 2001*, section 72

⁴ *Parliament of Queensland Act 2001*, section 76

⁵ *Electoral Act 1992*, section 83(3)

Coordinate receipt of the writ

Prior to the expected issue of a writ, the ECQ will make preparations to receive the writ from the relevant representative of either the Department of the Premier and Cabinet (for writs issued by the Governor) or the Parliamentary Service (for writs issued by the Speaker).

Upon notice of a by-election or at least two weeks prior to the normal dissolution day of the Legislative Assembly and consequent date for issuing the writ for a State general election, the ECQ will undertake the actions detailed below.

- 1.1. Coordinate writ delivery: the Director, Strategy, Policy and Governance (SPG) will liaise with relevant representatives the Department of the Premier and Cabinet or the Parliamentary Service to coordinate timing and attendees for delivery of the writ to the Electoral Commissioner. Timing and arrangements will be confirmed with the Electoral Commissioner and Executive team. Relevant contact officers are listed at **Appendix 3**.
- 1.2. Prepare acknowledgement letter: the Strategy and Governance team will draft a letter of acknowledgement to the Director-General of the Department of the Premier and Cabinet or the Speaker (as the circumstances require) confirming receipt of the writ, to be provided to the relevant representative upon delivery of the writ (see **Appendix 4**). The acknowledgement letter is to be provided to the Executive team for signature by the Electoral Commissioner as soon as possible prior to the scheduled time for delivery of the writ. The Executive team will scan a copy of the signed acknowledgement letter prior to delivery of the writ.
- 1.3. Receive the writ: the Electoral Commissioner or other authorised ECQ representative will meet the relevant representative at the agreed time at the ECQ's offices to officially receive the writ and provide the letter formally acknowledging receipt of the writ. Photos of the handover may be taken for publication through internal communications or social media channels. If photos are to be published externally, consent from those photographed must be obtained.

2. Management and distribution of the writ

Once a writ has been received, the ECQ will undertake actions detailed below to save copies for recordkeeping purposes, distribute internally to ECQ staff, publicly notify receipt in the Queensland Government Gazette (the Gazette) and securely store the writ until the conclusion of the election.

- 2.1. Scan and save a copy of the writ: Upon receipt, the Executive team will scan and save a high-resolution electronic copy of the writ in SharePoint and RecFind (or the relevant filing system in use), along with the letter accompanying the writ addressed to the Electoral Commissioner, and the letter acknowledging receipt of the writ. A copy of the writ will be emailed to the Director, SPG and the Executive Director, Election Event Management to undertake relevant actions.

- 2.2. Securely store the writ: After scanning, the Executive team will securely store the writ in the safe located in the Executive office. Where a certified copy of the writ is provided with the writ, it should be stored in the safe with the original. The writ will remain in secure storage in the safe until the election result declaration/s are nearing completion.
- 2.3. Distribute a copy of the writ: The Executive Director, Election Event Management will draft an email detailing the key election dates as specified in the writ and the immediate next steps for election delivery, for the Electoral Commissioner to send to all staff attaching a copy of the writ.

3. Gazettal of the writ

Under section 85 of the *Electoral Act*, the ECQ is required to arrange for a copy of the writ to be published in the Gazette, advertise the days specified in the writ in such ways the ECQ considers appropriate, and make arrangements for the conduct of the election. The ECQ will undertake the actions below to publicly notify receipt of the writ in the Gazette.

- 3.1. Advice of upcoming gazettal: Prior to the writ being received, the Strategy and Governance team will contact the Gazette coordinator (see contact details in **Appendix 3**) to provide notice of the upcoming publication requirements and to confirm costs and publication deadlines. Advice should also be provided to the Finance team of upcoming Gazette payment requirements and timeframes.
- 3.2. Request for proof and invoice: Upon receiving the scanned copy of the writ, the Strategy and Governance team will email the Gazette coordinator requesting a proof⁶ and invoice for publication in an Extraordinary Gazette on the same day the writ is received. Authority to publish is provided upon payment of the invoice.
- 3.3. Checking proof: Upon receipt of a proof from the Gazette coordinator, the Strategy and Governance team will check the documentation and, if satisfied it is suitable for publication, will forward to the Director, SPG (or other SMT member with financial delegations) for approval. This email should also be sent to the Finance team to provide notice of authority to progress the payment upon approval.
- 3.4. Payment of invoice: Upon approval of the proof, the Finance team will process payment of the invoice for the Gazette notice and advise by return email to the Strategy and Governance team and Director, SPG when this has occurred. Confirmation of payment will be provided by the Strategy and Governance team to the Gazette coordinator.
- 3.5. Publication of the Gazette: Once payment is received, the Gazette coordinator will confirm publication of the Extraordinary Gazette, including a copy of the notice. A copy of the Gazette will be saved in relevant SharePoint files and RecFind (or relevant filing system in use) and a copy of the gazetted writ emailed to the Director, SPG, the Senior Management Team and the Communication team for their information.

⁶ The proof is a 'preview' copy of the advertisement to be published in the Gazette.

- 3.6. Advertise the days specified in the writ: The ECQ Communication team will advertise the days specified in the writ through its approved advertising and communication campaign and channels, including through publication of the Gazette in a social media post on the same day.

4. Completion of the writ

Under Part 7, section 132(2)(a) of the *Electoral Act*, on receiving notification of the results of the election, the ECQ must write on the writ the name of each candidate elected. As the election results are being determined, preparations should be made to complete the writ for return to the Governor or Speaker. For a State general election, these preparations should commence when declarations for all 93 electorates are nearing conclusion.

- 4.1. Draft Gazette notice: The Strategy and Governance team will prepare the Gazette notice which is to be issued under section 132(2)(c) of the *Electoral Act* notifying the results of the election. For a State general election, this will include notification of results for all 93 electorates.
- 4.2. Prepare for completion of writ: The Director, SPG will select a suitable ECQ staff member to write the names of the elected candidate/s on the writ. A list of elected candidate/s will be generated from the Election Management System and manually cross-checked against the electoral roll and results declarations to ensure accuracy. For State general elections, the scribe will practice completion of the writ under the oversight of the Director, SPG to ensure all candidates' names can be written in the designated space on the writ.
- 4.3. Draft letter to the Governor or Speaker: The Strategy and Governance team will prepare a cover letter from the Electoral Commissioner to the Governor or Speaker (as appropriate) notifying return of the writ to be provided at the official handover of the writ (see **Appendix 4**).
- 4.4. Write elected candidate/s' name/s on writ: When the declaration of result/s is nearing finalisation, the Executive team will remove the writ from the safe and provide to the Director, SPG. The designated scribe, under the oversight of the Director, SPG, will write the name/s of the elected candidate/s on the writ.
- 4.5. Sign the writ and cover letter: The Director, SPG will provide the writ and the cover letter to the Executive team for signature by the Electoral Commissioner. The Electoral Commissioner must sign the completed writ for a State general election or by-election prior to return of the writ to the Governor or the Speaker.
- 4.6. Scan the writ: The Executive team will scan a high-resolution copy of the writ for the ECQ's records and provide to the Director, SPG for cross-checking against the Gazette notice, publication on the ECQ website and saving in relevant SharePoint files and RecFind (or relevant filing system in use).

5. Return of the writ

After writing the name/s of each candidate elected on the writ, the ECQ will undertake the following actions to return the writ to either the Governor or the Speaker in accordance with section 132(2)(b) of the *Electoral Act*. The process of returning the writ may vary for State general elections compared to State by-elections, and depending on whether the Governor or the Speaker issued the writ.

- 5.1. Coordinate return of the writ: The Director, SPG will liaise with the Department of the Premier and Cabinet to advise of the expected time for returning the writ in advance of the expected date for completion of declaration/s. The Executive team will liaise with representatives of the Governor's office and/or Speaker's office or Parliamentary Service to arrange a time to return the writ. Upon confirmation of a time for returning the writ, this will be conveyed to the Department of the Premier and Cabinet.
- 5.2. Writ handover: For writs issued by the Governor, the Electoral Commissioner will attend Government House at the agreed time to formally return the writ to the Governor, with representative/s of the Department of the Premier and Cabinet in attendance. The Governor will sign and date the writ upon receipt. Photos may be taken by the Governor's office for publication of the Governor's social media channels, which may be reshared on the ECQ's social media channels.

For by-election writs issued by the Speaker, the writ may be returned through the Parliamentary Service without official involvement of the Electoral Commissioner and/or the Speaker. The Director, SPG will advise the Department of the Premier and Cabinet once this has occurred. A copy of the completed writ will also be tabled in Parliament.

6. Gazettal of the completed writ

After completion and return of the writ to either the Governor or the Speaker, the ECQ will undertake the following actions to publish the name of each elected candidate in the Gazette in accordance with section 132(2)(c) of the *Electoral Act*.

- 6.1. Finalise Gazette notice: Following previous drafting of the Gazette notice (see section 4.1), the Strategy and Governance team will undertake a final quality check of the notice to confirm accuracy and consistency with the completed writ.
- 6.2. Gazettal of elected candidate/s: The Strategy and Governance team will arrange for publication of the Gazette notice in an Extraordinary Gazette on the same day as return of the writ. The process for gazettal of the notice follows the process described at section 3.1 to section 3.6 above.
- 6.3. Save the Gazette notice: The Strategy and Governance team will save a copy of the Gazette notice in the relevant SharePoint files and RecFind (or the relevant filing system in use) and email a copy of the gazetted writ to be emailed to the Director, SPG and Senior Management Team for information and to the Communication team for publication on the ECQ website.

- 6.4. Transfer to QSA: Under the Electoral Commission of Queensland retention and disposal schedule, writ correspondence files, including copies of writs and correspondence between the Commission and the Governor or Speaker, are permanent records and are to be transferred to the Queensland State Archives after the relevant business actions have been completed.

Appendix 1 — Regulatory Framework

Regulatory framework

- *Constitution of Queensland 2001*
- *Electoral Act 1992, Part 7, sections 85 and 132*
- *Parliament of Queensland Act 2001*

Appendix 2 — Writ issue, election and writ return dates

| Election | Date of issue of writ | Election date | Last date for return of writ | Actual date of return of writ |
|--|--|---|---------------------------------------|--------------------------------------|
| 2020 Bundamba by-election | Monday 24 February 2020 | Saturday 28 March 2020 | Wednesday 29 April 2020 | Thursday 9 April 2020 |
| 2020 Currumbin by-election | Thursday 6 February 2020 | Saturday 28 March 2020 | Wednesday 29 April 2020 | Thursday 9 April 2020 |
| 2020 State general election | Tuesday 6 October 2020 | Saturday, 31 October 2020 | Wednesday 9 December 2020 | Monday 16 November 2020 |
| 2021 Stretton by-election | Tuesday 29 June 2021 | Saturday 24 July 2021 | Monday 13 August 2022 | Tuesday 27 July 2021 |
| 2022 Callide by-election | Monday 23 May 2022 | Saturday, 18 June 2022 | Wednesday 20 July 2022 | Thursday 23 June 2022 |
| 2024 Inala by-election | Tuesday, 30 January 2024 | Saturday, 16 March 2024 | Monday, 22 April 2024 | |
| 2024 Ipswich West by-election | Tuesday, 30 January 2024 | Saturday, 16 March 2024 | Monday, 22 April 2024 | |
| <i>2024 State general election (anticipated)</i> | <i>Tuesday, 1 October 2024</i> | <i>Saturday, 26 October 2024</i> | | |

Appendix 4 — Template letters acknowledging receipt and return of writs

Letter template – receipt of writ

<ADDRESS BLOCK>

Dear <Mr/Ms Name of Director-General (DPC)>/<Mr Speaker>

Thank you for your transmission of the writ issued today for <insert name of electoral event> on Saturday, <date>.

I acknowledge receipt of the writ and the Electoral Commission of Queensland will now make the necessary arrangements to deliver the election/by-election in accordance with the requirements of the *Electoral Act 1992*.

Please do not hesitate to contact me if you have any queries regarding this matter.

Yours sincerely

Letter template – return of writ

<ADDRESS BLOCK>

Dear <Name of Official Secretary>/<Mr Speaker>

I refer to the <insert name of electoral event> which was held on Saturday, <date>.

<**For a State general election**> The Electoral Commission of Queensland (ECQ) has today declared all candidates elected to the Legislative Assembly.

<**For a by-election**> The Electoral Commission of Queensland (ECQ) has today declared <name of candidate>, <party of candidate> as the candidate elected to represent the electoral district of <title of district>.

Please find enclosed the completed writ including the name/s of the successful candidate/s for return to Her Excellency the Honourable Dr Jeanette Young AC PSM, Governor of Queensland <delete if not applicable>, in accordance with section 132(2) of the *Electoral Act 1992*. The ECQ will also publish a notice notifying the name/s of the elected candidate/s in the Queensland Government Gazette.

Please do not hesitate to contact me if you have any queries regarding this matter.

Yours sincerely