

RECALL OF MPS ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS (AND SCHEDULES)

Section 18: Power to make further provision about conduct of a recall petition etc

110. **Section 18** provides that the Minister may, by regulations, make further provision about the conduct of a recall petition; about the questioning of the outcome of a recall petition and the consequences of irregularities; and about the giving, sending, delivery or receipt of notices or other documents under this Act. Regulations under this section may incorporate any provision of electoral legislation, amend any form contained in a provision of electoral legislation for use in relation to recall petitions, make provision conferring a discretion on any person, create a criminal offence and make further provision about criminal offences under this Act (*subsection (2)*). A provision of electoral legislation is defined in *subsection (7)* as that made under the Representation of the People Acts, or other legislation which is a provision relating to elections.
111. The regulations are likely to cover the detailed conduct rules for the administration of the recall petition, including the publication of notice of the recall petition, the issue and receipt of petition signature sheets, signing procedures, the procedure to be followed in counting the signatures and the retention, disposal and inspection of petition documentation (*subsection (3)*). The regulations will also set out the process by which a person may question the success or failure of the petition. The outcome of a recall petition may only be questioned in accordance with such regulations (*subsection (5)*). Regulations under this section are subject to the affirmative resolution procedure (*subsection (8)*).