

COMMONWEALTH ELECTORAL ACT 1918

ELECTORAL AND REFERENDUM REGULATIONS - AMENDMENT

EXPLANATORY STATEMENT

STATUTORY RULES 1990 NO. 334

Issued by the Authority the Minister for Administrative Services

The Electoral and Referendum Regulations make provision for Commonwealth electoral and referendum administration.

The Electoral and Referendum Amendment Act 1989 has amended the Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984, to include in them inter alia provisions dealing with matters currently dealt with in the following provisions of the Electoral and Referendum Regulations:

the definition of "courier service" in regulation 5(1); and

regulations 26, 29, 30, 34, 36, 37, 38, 39, 40, 40A, 40B, 40C, 41, 42, 44, 45, 46, 49, 50, 67, 68, 71, 72, 72A, 73, 74, 84, 85, 86, 93, 96, 98, 99 and 100, and Forms 18, 19, and 27 in the Schedule.

The last of the relevant amendments made by the Electoral and Referendum Amendment Act 1989 commenced on 30 September 1990. The amending Regulations repeal the provisions of the Electoral and Referendum Regulations which have been made redundant by the amendments made by the Electoral and Referendum Amendment Act 1989.

Subsections 91(9), (10) and (11) of the Commonwealth Electoral Act 1918 provide:

- " (9) Except as otherwise provided by this Act, the Electoral Commission shall not provide any person with any information which discloses particulars of the occupations, sex or dates of birth of electors.
- (10) The Electoral Commission may provide a prescribed authority with a microfiche of a Roll or with information referred to in subsection (9) if the provision of the microfiche or information is authorised by the regulations.
- (11) In subsection (10), 'prescribed authority' means:
 - (a) the Secretary of a Department that is specified in the regulations for the purposes of this subsection; or
 - (b) the chief executive officer of an authority of the Commonwealth that is so specified."

The amending Regulations:

define, pursuant to subsection 91(11) of the Act, the Secretaries of a number of Commonwealth Departments, and the chief executive officers of a number of authorities of the Commonwealth, as "prescribed authorities"; and

authorise, pursuant to subsection 91(10) of the Act, the provision by the Electoral Commission of microfiche of Rolls, and information referred to in subsection 91(9) of the Act, to the prescribed authorities so defined.

Subsections 91(9), (10) and (11) of the Commonwealth Electoral Act 1918 are new provisions which commenced on 30 September 1990. Prior to that date all of these Departments and authorities had access to the Electoral Commission's enrolment records under an administrative arrangement. Each of these agencies has justified its access to those records in terms of the Information Privacy Principles set out in the Privacy Act 1988.

S.R. No.