

EXPLANATORY STATEMENT

Select Legislative Instrument 2007 No. 354

Commonwealth Electoral Act 1918
Referendum (Machinery Provisions) Act 1984

Electoral and Referendum Amendment Regulations 2007 (No. 5)

Section 395 of the *Commonwealth Electoral Act 1918* (the Electoral Act) provides, in part, that the Governor-General may make regulations, not inconsistent with that Act, prescribing all matters which by that Act are required or permitted to be prescribed, or necessary or convenient to be prescribed for giving effect to that Act.

In addition, section 144 of the *Referendum (Machinery Provisions) Act 1984* (the Referendum Act) provides, in part, that the Governor-General may make regulations, not inconsistent with that Act, prescribing matters required or permitted by that Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to that Act.

The purpose of the Regulations is to prescribe the Department of the Environment and Water Resources as a new prescribed authority that may be given electoral roll information along with the purposes for which that information may be used. The Regulations would also prescribe a purpose for which the Australian Red Cross Blood Service may use roll information

Under item 3 of the table in subsection 90B(4) and paragraph 91A(2A)(c) of the Electoral Act, the Electoral Commission may give information on an electoral roll (name and address) to a person or organisation for any purpose that is prescribed. The Regulations will enable the Australian Red Cross Blood Service to use electoral roll information to contact blood donors and transfusion recipients in relation to positive results for blood borne infections or suspected adverse reactions to donor blood.

Item 4 of the table in subsection 90B(4) of the Electoral Act provides that a prescribed authority may be given any information on the electoral roll if authorised by the regulations. Regulations 5A, 7, 8 and Schedule 1 to the *Electoral and Referendum Regulations 1940* (the Principal Regulations) operate to permit the provision of electoral roll information to specified Commonwealth agencies for specified purposes. The Regulations will add the Department as a prescribed authority. The Department will use the roll information for the purpose of verifying the principal place of residence of applicants under the Photovoltaic Rebate Programme and the Solar Hot Water Rebate Programme.

Details of the Regulations are set out in the Attachment.

The Regulations commence on the day after registration on the Federal Register of Legislative Instruments.

The Australian Red Cross Blood Service and the Department of the Environment and Water Resources were consulted in the preparation of these regulations.

Attachment

Details of the *Electoral and Referendum Amendment Regulations 2007 (No. 5)*

Regulation 1 – Name of Regulations

This regulation provides that the title of the Regulations is the *Electoral and Referendum Amendment Regulations 2007 (No. 5)*.

Regulation 2 – Commencement

This regulation provides that the Regulations commence on the day after registration.

Regulation 3 – Amendment of *Electoral and Referendum Regulations 1940*

This regulation provides that the *Electoral and Referendum Regulations 1940* (the Principal Regulations) are amended as set out in Schedule 1.

Schedule 1 – Amendments

Item [1] – After regulation 8

The Australian Red Cross Blood Service (ARCBS) is an operating division of the Australian Red Cross Society, which is part of the International Federation of Red Cross and Red Crescent Societies. The ARCBS was established as a national organisation in 1996. Since 2005-06, the ARCBS has been fully funded jointly by the Federal and State governments of Australia. The ARCBS provides blood products and related services to the community. It recruits donors and collects, processes and distributes blood and plasma products.

This item prescribes a purpose for which roll information provided under item 3 of the table in subsection 90B(4) may be used. The purpose is to enable the ARCBS to contact blood donors and transfusion recipients in relation to positive results for blood borne infections or suspected adverse reactions to donor blood.

Item [2] – Schedule 1, after item 16

Two areas of the Department of the Environment and Water Resources (the Department) are provided with roll information under item 4 of the table in subsection 90B(4) of the Electoral Act.

The changes to the regulation relate to access to the electoral roll for the purposes of two solar programmes. Both programmes involve the payment of a rebate to people who install these systems at their primary place of residence.

The first change relates to the Energy Futures Branch in the Australian Greenhouse Office in relation to the Photovoltaic Rebate Programme (PVRP). The PVRP is a national solar programme that provides cash rebates or grants for the installation of

solar photovoltaic systems on homes, schools and community use buildings. To be eligible for the residential rebate, the photovoltaic system must be installed at the applicant's principal place of residence as shown on the electoral roll.

The second change relates to the Energy Efficiency and Community Branch in relation to the Solar Hot Water Rebate Programme (SHWRP). The SHWRP is a national programme that provides cash rebates for the installation of solar and heat pump hot water systems. To be eligible for the rebate, the dwelling where the hot water system is installed must be at the applicant's principal place of residence.

This item specifies the Department of the Environment and Water Resources as a Commonwealth agency that may be provided with electoral roll information and also specifies the purposes for which this information may be used.