



Electoral and Referendum Regulation 2016

made under the

Commonwealth Electoral Act 1918 and the Referendum (Machinery Provisions) Act 1984

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About this compilation

This compilation

This is a compilation of the *Electoral and Referendum Regulation 2016* that shows the text of the law as amended and in force on 27 November 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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Part 1—Preliminary

1 Name

This is the *Electoral and Referendum Regulation 2016*.

3 Authority

This instrument is made under the following:

- (a) the *Commonwealth Electoral Act 1918*;
- (b) the *Referendum (Machinery Provisions) Act 1984*.

5 Definitions

Note: A number of expressions used in this instrument are defined in the Act or the Referendum (Machinery Provisions) Act, including the following:

- (a) approved list;
- (b) certified list of voters;
- (c) Electoral Commissioner;
- (d) Roll.

In this instrument:

Act means the *Commonwealth Electoral Act 1918*.

Australia's Foreign Investment Framework means any of the following Acts and any instruments made under any of those Acts:

- (a) the *Foreign Acquisitions and Takeovers Act 1975*;
- (b) the *Foreign Acquisitions and Takeovers Fees Imposition Act 2015*;
- (c) the *Register of Foreign Ownership of Agricultural Land Act 2015*.

authorised call centre means a call centre established in accordance with arrangements made by the Electoral Commissioner under subsection 15(1).

call centre operator means a person who:

- (a) works in an authorised call centre; and
- (b) is a pre-poll voting officer under subsection 4(1) of the Act or section 73 of the Referendum (Machinery Provisions) Act.

electronically assisted vote means a vote cast using the electronically assisted voting method.

electronically assisted voting means voting by an electronically assisted vote.

electronically assisted voting method means the procedures determined under subsection 19(1) for enabling a registered sight-impaired voter to vote by an electronically assisted vote.

reference Roll means a Roll that may be consulted by an officer if a voter wishes to vote by an electronically assisted vote.

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referendum has the same meaning as in the Referendum (Machinery Provisions) Act.

Referendum (Machinery Provisions) Act means the *Referendum (Machinery Provisions) Act 1984*.

registered sight-impaired voter means a sight-impaired person who is registered with the Electoral Commissioner for the purpose of voting by an electronically assisted vote.

sight-impaired person has the meaning given by section 202AA of the Act.

Part 2—Electoral roll matters

6 Prescribed authorities

For the definition of *prescribed authority* in subsection 4(1) of the Act, the Agencies and authorities of the Commonwealth mentioned in the column headed “Agency or authority” of the table in clause 1 of Schedule 1 to this instrument are specified.

Note: The table also prescribes permitted purposes for which a prescribed authority may use certain information (see section 9).

7 Arrangements with States—form of Roll

For paragraph 84(2)(a) of the Act, the manner in which a Roll may indicate that a person is not enrolled as a Commonwealth elector is to put a circle (o) before the person’s name on the Roll.

8 Provision of information on Rolls to particular people and organisations

(1) The persons and organisations specified in the following table are prescribed for the provisions of subsection 90B(4) of the Act specified in the following table:

Prescribed persons and organisations who may be provided certain information on Rolls		
Item	For this provision ...	these persons and organisations are prescribed ...
1	item 5 of the table in subsection 90B(4)	ACXIOM Australia Pty Limited Betfair Pty Limited Perceptive Communication Pty Ltd The Global Data Company Pty. Ltd. Veda Advantage Information Services and Solutions Limited
2	item 6 of the table in subsection 90B(4)	Betfair Pty Limited
3	item 7 of the table in subsection 90B(4)	ACXIOM Australia Pty Limited Experian Asia Pacific Pty. Ltd. Perceptive Communication Pty Ltd The Global Data Company Pty. Ltd. Veda Advantage Information Services and Solutions Limited

(2) For item 4 of the table in subsection 90B(4) of the Act, the provision to a prescribed authority of the information mentioned in that item is authorised.

9 Permitted purposes for use of information—prescribed authorities

For paragraph 91A(2AA)(b) of the Act, the purposes mentioned in an item of the table in clause 1 of Schedule 1 to this instrument are permitted purposes for the prescribed authority mentioned in the item.

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Note: See also section 6 (prescribed authorities).

10 Permitted purposes for use of information—Australian Red Cross Blood Service

For paragraph 91A(2A)(c) of the Act, the following purposes are prescribed for the Australian Red Cross Blood Service:

- (a) contacting any blood donor who has tested positive for a blood-borne infection;
- (b) contacting any person who has received a transfusion of blood donated by a person mentioned in paragraph (a) of this section;
- (c) contacting any donor whose blood was transfused to a person who has since tested positive for a blood-borne infection;
- (d) contacting any donor whose blood was transfused to a person who has had a suspected adverse reaction to the blood.

11 Permitted purposes for use of information—other persons or organisations

For paragraph 91A(2A)(c) of the Act, the following purposes are prescribed for a person or organisation that conducts medical research or provides a health screening program:

- (a) the conduct of medical research in accordance with the *Guidelines under Section 95 of the Privacy Act 1988* issued by the National Health and Medical Research Council on 1 November 2014;
- (b) the provision of a public health screening program:
 - (i) approved by the Secretary of the Department administered by the Minister administering the *National Health Act 1953*; and
 - (ii) conducted in accordance with the *Guidelines for the Conduct of Public Health Screening Programs with particular reference to Privacy and the Management of Personal Information* published in the Gazette on 1 December 1993.

Part 3—Enrolment matters

12 Provisional enrolment by applicant for citizenship—prescribed electors

For subparagraph 99B(4)(b)(i) of the Act and subparagraph 38(4)(b)(i) of the Referendum (Machinery Provisions) Act, the classes of electors mentioned in the table in clause 1 of Schedule 2 to this instrument are prescribed.

13 Enrolment-related claims or notices do not have to be signed in certain circumstances

For subsection 382(7) of the Act, the requirements that must be satisfied in relation to an enrolment-related claim or notice are:

- (a) that the person include his or her date of birth on the claim or notice; and
- (b) that the person include his or her driver's licence number on the claim or notice.

Part 4—Voting matters

Division 1A—Nomination of candidates

13A Qualification checklist to be included in nomination forms in Schedule 1 to the Act

- (1) This section is made for the purposes of paragraph 392(2)(a) of the Act.
- (2) Each of Forms C, CA, D and DA in Schedule 1 to the Act are altered by including the text in Part 1 of Schedule 3 to this instrument at the end of the Form.
- (3) Form CC in Schedule 1 to the Act is altered by including the text in Part 2 of Schedule 3 to this instrument at the end of the Form.

13B Providing additional documents with nomination papers

- (1) A person who is nominated for election as a Senator or a member of the House of Representatives may provide the following additional documents to an Australian Electoral Officer or DRO along with the nomination paper for the person:
 - (a) documents providing particulars of the person's Australian citizenship;
 - (b) documents providing particulars to support the person's contention that the person is not incapable of being chosen or of sitting as a Senator or member of the House of Representatives by reason of section 44 of the Constitution.
- (2) The Electoral Commission must publish on the Commission's website:
 - (a) the checklist in Schedule 3 to this instrument from the nomination paper for the person if the person fills out the checklist and consents to it being published (unless the person's name is not declared under section 176 of the Act); and
 - (b) any additional documents provided under subsection (1) by the person (whether or not the person consents to the publishing of the checklist).
- (3) The checklist and documents must:
 - (a) be published as soon as practicable after the declaration time; and
 - (b) remain available to the public until a petition disputing the election can no longer be filed under section 355 of the Act.
- (4) Before providing documents under subsection (1), the person may omit, redact or delete from the documents any information that the person does not wish to be published under subsection (2).

Division 1—Electronically assisted voting for sight-impaired people

14 Purpose of Division

This Division is made for the purposes of:

- (a) Part XVB of the Act; and
- (b) Part IVB of the Referendum (Machinery Provisions) Act.

15 Authorised call centres

- (1) The Electoral Commissioner must make arrangements for the establishment of one or more call centres to receive telephone calls from sight-impaired persons who wish to:
 - (a) register for the purpose of being eligible to vote by an electronically assisted vote; or
 - (b) vote by an electronically assisted vote.
- (2) The Electoral Commissioner may approve forms and other documents to be used by call centre operators and other officers for the purposes of:
 - (a) registering a sight-impaired person for the purpose of being eligible to vote by an electronically assisted vote; and
 - (b) assisting a registered sight-impaired voter to vote by an electronically assisted vote.

Example: Statements and responses that allow call centre operators to explain to a sight-impaired person how to register or vote.

16 Registration

- (1) The Electoral Commissioner must determine, in writing:
 - (a) the days on which and times when a person may apply to be registered by the Electoral Commissioner as a registered sight-impaired voter; and
 - (b) procedures for assessing whether a person may be registered by the Electoral Commissioner as a registered sight-impaired voter.
- Note: The procedures may include requirements for the person to:
- (a) be on an approved list of voters, a certified list of voters or a reference Roll; and
 - (b) affirm that he or she is sight-impaired.
- (2) A person who wishes to apply to be registered by the Electoral Commissioner as a registered sight-impaired voter must:
 - (a) contact an authorised call centre on a day and time determined under paragraph (1)(a); and
 - (b) comply with the procedures determined under paragraph (1)(b).
 - (3) The Electoral Commissioner must:
 - (a) register a person who complies with subsection (2) as a registered sight-impaired voter; and
 - (b) make and keep a register for that purpose.
-

Part 4 Voting matters

Division 1 Electronically assisted voting for sight-impaired people

Section 17

Note: The person will have a personal identification number and a registration number for requesting an electronically assisted vote.

- (4) A registered sight-impaired voter may vote by an electronically assisted vote at:
- (a) a general election; and
 - (b) a Senate election; and
 - (c) a by-election (within the meaning of section 202AA of the Act); and
 - (d) a referendum.

17 Who is entitled to vote by an electronically assisted vote

- (1) The Electoral Commissioner:
- (a) must determine, in writing, the days on which and times when electronically assisted voting is to be available; and
 - (b) must determine, in writing, procedures for assessing whether a person is a registered sight-impaired voter; and
 - (c) may give directions to officers in relation to requests for voting by an electronically assisted vote.

Example: For paragraph (b), if a call centre operator is not satisfied that a person is the registered sight-impaired voter whose name the person has used, the procedures may include a requirement for the operator to ask the person one or more questions about information provided on an approved list of voters, a certified list of voters or a reference Roll about the voter whose name the person has used.

- (2) Subject to subsection (3), a person is entitled to vote by an electronically assisted vote if:
- (a) the person calls an authorised call centre on a day on which and at a time when electronically assisted voting is available; and
 - (b) the person informs a call centre operator that the person wishes to vote by an electronically assisted vote; and
 - (c) a call centre operator is satisfied that the person is a registered sight-impaired voter; and
 - (d) the person's name is on an approved list of voters, a certified list of voters or a reference Roll.
- (3) A person is not entitled to vote by an electronically assisted vote if:
- (a) the person does not call an authorised call centre on a day on which and at a time when electronically assisted voting is available; or
 - (b) a call centre operator is not satisfied that the person is a registered sight-impaired voter after complying with the procedures for assessing whether the person is a registered sight-impaired voter; or
 - (c) the person's name is not on an approved list of voters, a certified list of voters or a reference Roll; or
 - (d) the person refuses to answer a question asked in accordance with subsection 18(2); or
 - (e) the person answers a question asked in accordance with subsection 18(2) in the affirmative; or
 - (f) the person has already voted; or

- (g) the person is provisionally enrolled; or
- (h) on the basis of any of the person's answers to questions mentioned in section 18, a call centre operator is not satisfied that the person is the voter whose name the person has used; or
- (i) the person does not otherwise comply with the procedures for:
 - (i) assessing whether the person is a registered sight-impaired voter; or
 - (ii) voting by an electronically assisted vote.

Note: The person may be eligible to vote by an assisted provisional vote on polling day or an assisted pre-poll vote.

18 Electronically assisted voting—questions to be put to person

- (1) If a person requests an electronically assisted vote, a call centre operator must be satisfied that the person is a registered sight-impaired voter in accordance with the procedures determined under paragraph 17(1)(b).

Note: The person will have a personal identification number and a registration number for requesting an electronically assisted vote.

- (2) If the person is a registered sight-impaired voter, a call centre operator must then ask the person the appropriate question from the following questions:
 - (a) Have you voted before in this election?
 - (b) Have you voted before in these elections?
 - (c) Have you voted before in this by-election?
 - (d) Have you voted before in this referendum?

19 Enabling registered sight-impaired voter to vote

- (1) The Electoral Commissioner must determine, in writing, procedures for enabling a registered sight-impaired voter to vote by an electronically assisted vote.

Example 1: The procedures may require a call centre operator to ensure that the voter:

- (a) receives the same information (in the same order), and has the same voting options, as would appear in the ballot paper for the election that the voter would be given if the voter were voting under Part XVI of the Act; and
- (b) is able to indicate the voter's vote in a way that, if the voter were marking a ballot paper, would satisfy the requirements of section 239 or 240 of the Act.

Example 2: The procedures may permit the voter's ballot papers to be checked to ensure that they have been marked in accordance with the voter's instructions (if any).

- (2) A call centre operator who is satisfied that a registered sight-impaired voter is entitled to vote by an electronically assisted vote must assist the voter in accordance with the procedures determined under subsection (1).
- (3) The voter may tell the call centre operator how the voter wants the ballot papers to be marked.
- (4) If the voter tells the call centre operator how the voter wants the ballot papers to be marked, the call centre operator must:
 - (a) initial the voter's ballot papers on the top front of each ballot paper; and

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Section 20

- (b) mark the voter's ballot papers in accordance with the voter's instructions; and
- (c) read the voter's voting preferences back to the voter; and
- (d) put the voter's ballot papers in an envelope marked with the name of the voter's Division; and
- (e) place the envelope in a ballot-box used at the authorised call centre for electronically assisted voting.

20 Requirements relating to ballot-boxes

- (1) For an election for which electronically assisted voting is available, the requirements in relation to ballot-boxes in Subdivision C of Division 3 of Part XVA of the Act, other than section 200DR, are taken to apply to ballot-boxes used at an authorised call centre for electronically assisted voting as if the electronically assisted voting were pre-poll ordinary voting.
- (2) For a referendum for which electronically assisted voting is available, the requirements in relation to ballot-boxes in Subdivision C of Division 3 of Part IVA of the Referendum (Machinery Provisions) Act, other than section 73CR, are taken to apply to ballot-boxes used at an authorised call centre for electronically assisted voting as if the electronically assisted voting were pre-poll ordinary voting.

21 Role of scrutineers—authorised call centre

- (1) A candidate in an election for which electronically assisted voting is available may appoint one scrutineer to attend at each authorised call centre for the purpose of monitoring the duties of call centre operators.
- (2) For a referendum for which electronically assisted voting is available, a person (the *appointer*) who may appoint persons to act as scrutineers under section 27 of the Referendum (Machinery Provisions) Act may appoint one scrutineer to attend at each authorised call centre for the purpose of monitoring the duties of call centre operators.
- (3) The appointment of a scrutineer must be made by notice, in writing:
 - (a) addressed to the Returning Officer; and
 - (b) signed by the candidate or the appointer (as the case requires); and
 - (c) stating the scrutineer's name and address.
- (4) A scrutineer appointed under subsection (1) who has not complied with subsection 202A(3) of the Act must not attend an authorised call centre to discharge a scrutineer's functions.
- (5) A scrutineer appointed under subsection (2) who has not complied with subsection 16A(3) of the Referendum (Machinery Provisions) Act must not attend an authorised call centre to discharge a scrutineer's functions.
- (6) A scrutineer commits an offence if:
 - (a) the scrutineer attends an authorised call centre; and

- (b) the scrutineer attempts to interfere with the duties of a call centre operator or an Assistant Returning Officer.

Penalty: 5 penalty units.

- (7) A scrutineer commits an offence if:
 - (a) the scrutineer attends an authorised call centre; and
 - (b) the scrutineer communicates with a person in the authorised call centre; and
 - (c) the communication is not reasonably necessary for the discharge of the scrutineer's functions.

Penalty: 5 penalty units.

22 Record of electronically assisted votes

- (1) The Electoral Commissioner must make a record of an electronically assisted vote.
- (2) The record of an electronically assisted vote must be:
 - (a) a mark on an approved list of voters or a certified list of voters beside the voter's name; or
 - (b) a record on a document other than an approved list of voters or a certified list of voters which states:
 - (i) the voter's name (whether or not it also states the voter's address or date of birth); and
 - (ii) the Division in which the voter is enrolled to vote.
- (3) If the record is in the form mentioned in paragraph (2)(b):
 - (a) it must be forwarded to a Divisional Returning Officer for the Division in which the voter is enrolled to vote; and
 - (b) the Divisional Returning Officer must place a mark beside the voter's name on an approved list of voters or a certified list of voters.

23 What must be done with the voter's ballot papers

- (1) As soon as the close of the poll for all Divisions, an Assistant Returning Officer must:
 - (a) open each ballot-box mentioned in paragraph 19(4)(e); and
 - (b) sort the envelopes, unopened, into bundles corresponding to Divisions.
- (2) An Assistant Returning Officer must forward each bundle to a Divisional Returning Officer for the appropriate Division for the conduct of a scrutiny.
- (3) A person commits an offence of strict liability if the person:
 - (a) is not an Assistant Returning Officer, or a person performing tasks under the direction of an Assistant Returning Officer; and
 - (b) does something mentioned in subsection (1) or (2).

Penalty: 5 penalty units.

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Division 1 Electronically assisted voting for sight-impaired people

Section 24

24 Scrutiny of ballot papers

- (1) The Divisional Returning Officer must conduct the scrutiny of the ballot papers forwarded by the Assistant Returning Officer under subsection 23(2).
- (2) For a general election, Senate election or by-election, the procedures in Part XVIII of the Act apply to the scrutiny with the modifications necessary to ensure that:
 - (a) no preliminary scrutiny mentioned in section 266 of the Act is to be conducted; and
 - (b) the electronically assisted vote is taken to be a pre-poll ordinary vote; and
 - (c) it is irrelevant that the voter did not complete the ballot paper personally; and
 - (d) it is irrelevant that the vote can be identified as being cast by a sight-impaired person.
- (3) For a referendum, the procedures in Part VI of the Referendum (Machinery Provisions) Act apply to the scrutiny with the modifications necessary to ensure that:
 - (a) no preliminary scrutiny mentioned in section 89A of that Act is to be conducted; and
 - (b) the electronically assisted vote is taken to be a pre-poll ordinary vote; and
 - (c) it is irrelevant that the voter did not complete the ballot paper personally; and
 - (d) it is irrelevant that the vote can be identified as being cast by a sight-impaired person.
- (4) A person commits an offence of strict liability if the person:
 - (a) is not the Divisional Returning Officer, or a person performing tasks under the direction of the Divisional Returning Officer; and
 - (b) conducts the scrutiny.

Penalty: 5 penalty units.

25 Offences related to electronically assisted voting

- (1) A person commits an offence if the person:
 - (a) interferes with a voter while the voter votes by an electronically assisted vote; or
 - (b) communicates with a voter who votes by an electronically assisted vote about the voter's vote; or
 - (c) does anything to find out how a voter who votes by an electronically assisted vote voted.

Penalty: 5 penalty units.

- (2) Subsection (1) does not apply if the person is a call centre operator who is assisting the voter to vote.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*.

26 Protection of electronic voting hardware or software

- (1) A person commits an offence if:
- (a) he or she destroys or interferes with:
 - (i) a computer program; or
 - (ii) a data file; or
 - (iii) an electronic device; and
 - (b) the program, file or device is used, or intended to be used, for or in connection with electronically assisted voting.

Penalty: 5 penalty units.

- (2) Subsection (1) does not apply if the person is an officer acting in the course of his or her duties.

Note: A defendant bears an evidential burden in relation to the matter in subsection (2): see subsection 13.3(3) of the *Criminal Code*.

Division 2—Enforcement of law in relation to compulsory voting

27 Proceedings in court on failure of elector to vote

- (1) This section applies in relation to proceedings that are instituted in a court of summary jurisdiction against an elector for a contravention of:
 - (a) subsection 245(15) of the Act; or
 - (b) subsection 45(14) of the Referendum (Machinery Provisions) Act.
- (2) The Divisional Returning Officer must send to the court the elector's response (if any) under subparagraph 245(5)(c)(i) or (ii) of the Act or subparagraph 45(5)(c)(i) or (ii) of the Referendum (Machinery Provisions) Act (as applicable).
- (3) The court must, whether the defendant is present or not, consider the contents of the response as if it were given in evidence before the court.

28 Evidence in court of summary jurisdiction

- (1) This section applies in relation to a prosecution in a court of summary jurisdiction against an elector for a contravention of:
 - (a) subsection 245(15) or (15C) of the Act; or
 - (b) subsection 45(14) or (14C) of the Referendum (Machinery Provisions) Act.
- (2) If the prosecuting officer lodges with the court a statutory declaration and a certified extract in the approved form, the officer is not required to attend the hearing.
- (3) If a statutory declaration and certified extract have been lodged as provided by subsection (2), and the prosecuting officer is not present at the hearing, the court must:
 - (a) proceed with the hearing and determination of the case in the prosecuting officer's absence; and
 - (b) consider the statutory declaration and certified extract as if the matters set out in those documents had been given in evidence before the court; and
 - (c) notwithstanding the absence of the prosecuting officer, permit evidence for the prosecution to be given by any witness who is summoned by, or attends on behalf of, the prosecuting officer.
- (4) For the purposes of this section, any document purporting to be a statutory declaration must be accepted as such by the court without proof of:
 - (a) the signatures on the declaration; or
 - (b) the authority of the person before whom the declaration purports to have been made to take statutory declarations.

Part 5—Application and transitional matters

Division 1—Application of the Electoral and Referendum Amendment (Eligibility) Regulations 2018

29 Application of the *Electoral and Referendum Amendment (Eligibility) Regulations 2018*

The amendments made by the *Electoral and Referendum Amendment (Eligibility) Regulations 2018* to this instrument apply in relation to any elections, the writs for which are issued on or after the commencement of that instrument.

Clause 1

Schedule 1—Prescribed authorities and permitted purposes for use of information

Note: See sections 6 and 9.

1 Prescribed authorities and permitted purposes for use of information

For sections 6 and 9, the following table sets out:

- (a) the Agencies or authorities of the Commonwealth that are prescribed authorities; and
- (b) the purposes that are prescribed as permitted purposes for a particular prescribed authority.

Prescribed authorities and permitted purposes for use of information		
Item	Agency or authority	Purpose
1	Australia Post	investigating postal and criminal offences committed against the Commonwealth under the <i>Australian Postal Corporation Act 1989</i> or the <i>Crimes Act 1914</i>
2	Australian Bureau of Statistics	collecting, compiling, analysing and disseminating statistics and related information
3	Australian Commission for Law Enforcement Integrity	<ol style="list-style-type: none"> (a) identifying or locating offenders, suspects or witnesses in relation to the investigation of, or reporting on, a corruption issue within the meaning of the <i>Law Enforcement Integrity Commissioner Act 2006</i> (the LEIC Act); or (b) collecting, correlating, analysing or disseminating information or intelligence in relation to: <ol style="list-style-type: none"> (i) corruption generally in a law enforcement agency within the meaning of the LEIC Act (a LEIC agency); or (ii) the integrity of a staff member of a LEIC agency; or (c) collecting, correlating, analysing or disseminating information or intelligence in relation to corruption generally in, or the integrity of a staff member of, a Commonwealth government agency (other than a LEIC agency) that has a law enforcement function within the meaning of the LEIC Act; or (d) security vetting of employees or potential employees
4	Australian Communications and Media Authority	identifying offences relating to interference with radiocommunications or telecommunications

Prescribed authorities and permitted purposes for use of information		
Item	Agency or authority	Purpose
5	Australian Competition and Consumer Commission	(a) identifying or locating offenders, suspects or witnesses; or (b) verifying the identity of individuals for enforcement of the criminal law or of a law imposing a pecuniary penalty in relation to the <i>Competition and Consumer Act 2010</i>
6	Australian Crime Commission	(a) collecting, correlating, analysing and disseminating criminal information and intelligence; or (b) undertaking intelligence operations; or (c) investigating matters relating to relevant criminal activity; or (d) assembling or analysing evidence about offences and suspected offences; or (e) conducting criminal and operational investigations to support authorised national security functions; or (f) security vetting of employees or potential employees
7	Australian Federal Police (AFP)	(a) identifying or locating offenders, suspects or witnesses; or (b) deciding whether suspects can be eliminated from an investigation; or (c) target development; or (d) intelligence checks; or (e) protecting the safety of officers, staff members, AFP employees and special members; or (f) law enforcement; or (g) surveillance; or (h) identification of potential or actual disaster victims, and notification of victims' families; or (i) security vetting of AFP officers or potential AFP officers
8	Australian Securities and Investments Commission	(a) identifying or locating suspects or witnesses; or (b) surveillance; or (c) law enforcement
9	Australian Security Intelligence Organisation	(a) confirming the identity of Australian citizens to determine whether or not they are of security interest; or (b) security vetting of employees or potential employees
9A	Australian Sports Anti-Doping Authority	The administration of the National Anti-Doping Scheme (within the meaning of the <i>Australian Sports Anti-Doping Authority Act 2006</i>)

Schedule 1 Prescribed authorities and permitted purposes for use of information

Clause 1

Prescribed authorities and permitted purposes for use of information

Item	Agency or authority	Purpose
10	Australian Taxation Office (the Statutory Agency consisting of the Commissioner of Taxation and staff)	(a) identifying or locating taxpayers; or (b) preventing, detecting or investigating taxation fraud; or (c) administering Australia's Foreign Investment Framework
11	Australian Transaction Reports and Analysis Centre	conducting investigations in relation to the enforcement of: (a) the criminal law; or (b) a law imposing a pecuniary penalty; in relation to the <i>Financial Transaction Reports Act 1988</i>
12	Commonwealth Superannuation Corporation	locating members and former members for the purpose of protecting public revenue in relation to the payment of benefits, the recovery of overpayments and the review of entitlement to benefits
13	Department administered by the Minister administering the <i>Agricultural and Veterinary Chemicals Act 1994</i>	investigating, monitoring and enforcing the following Acts: (a) the <i>Quarantine Act 1908</i> ; (b) the <i>Export Control Act 1982</i> ; (c) the <i>Australian Meat and Live-stock Industry Act 1997</i> ; (d) the <i>Biological Control Act 1984</i>
14	Department administered by the Minister administering the <i>Defence Force Discipline Act 1982</i>	(a) identifying or locating an individual suspected of fraud or another criminal offence under: (i) a law of the Commonwealth administered by the Department; or (ii) another law of the Commonwealth, or a law of a State or Territory, that is connected with the defence of Australia or the operations or activities of the Department; or (b) security vetting of employees or potential employees
15	Department administered by the Minister administering the <i>Australian Education Act 2013</i>	preventing, detecting or investigating fraud and other criminal offences in relation to the Department's programs and relevant money (within the meaning of the <i>Public Governance, Performance and Accountability Act 2013</i>) managed by the Department
16	Department administered by the Minister administering the <i>Work Health and Safety Act 2011</i>	identifying or locating suspects, debtors or witnesses in relation to criminal investigations

Prescribed authorities and permitted purposes for use of information		
Item	Agency or authority	Purpose
17	Department administered by the Minister administering the <i>Australian Passports Act 2005</i>	<ul style="list-style-type: none"> (a) confirming the identity of passport applicants or identifiers of documents; or (b) verifying information relating to a passport or an application for a passport; or (c) locating parents who have not lodged an application for a passport, in connection with seeking consent to issue a passport to a minor; or (d) assisting in consular operations to locate next of kin in Australia
18	Department administered by the Minister administering the <i>Human Services (Medicare) Act 1973</i>	<ul style="list-style-type: none"> (a) preventing and detecting fraud relating to identity or incorrect payments; or (b) identifying or locating clients for debt management, determination or correction purposes; or (c) undertaking compliance, investigation or enforcement activities relating to the Chief Executive Medicare's functions under section 5 of the <i>Human Services (Medicare) Act 1973</i>; or (d) recovering overpayments or other amounts due to the Commonwealth in relation to the performance of the Chief Executive Medicare's functions under section 5 of the <i>Human Services (Medicare) Act 1973</i>
19	Department administered by the Minister administering the <i>Australian Border Force Act 2015</i>	<ul style="list-style-type: none"> (a) verifying the identity or status of travellers and consignees of cargo or postal articles; or (b) verifying the identity and status of importers and exporters; or (c) checking the accuracy of information given to the Department or to a Collector (within the meaning of the <i>Customs Act 1901</i>); or (d) verifying the identity of individuals on behalf of: <ul style="list-style-type: none"> (i) the government of another country; or (ii) a law enforcement administration under an international agreement or arrangement; or (e) surveillance purposes; or (f) facilitating travel to Australia, or entry to Australia, for an Australian citizen who may have lost his or her passport; or (g) enabling airport officers to identify travellers and confirm their status; or (h) assisting investigations and compliance staff in the detection of persons suspected of: <ul style="list-style-type: none"> (i) being in Australia unlawfully; or (ii) working without authority; or (iii) being involved in people smuggling; or (iv) committing offences against legislation administered by the Department

Schedule 1 Prescribed authorities and permitted purposes for use of information

Clause 1

Prescribed authorities and permitted purposes for use of information		
Item	Agency or authority	Purpose
20	Department administered by the Minister administering the <i>Industry Research and Development Act 1986</i>	preventing, detecting or investigating fraud and other criminal offences in relation to: (a) the Department's purposes (within the meaning of the <i>Public Governance, Performance and Accountability Act 2013</i>); and (b) relevant money (within the meaning of the <i>Public Governance, Performance and Accountability Act 2013</i>) managed by the Department
21	Department administered by the Treasurer	administering Australia's Foreign Investment Framework, except the <i>Register of Foreign Ownership of Agricultural Land Act 2015</i> and any instrument made under that Act
22	Department administered by the Minister administering the <i>Veterans' Entitlements Act 1986</i>	(a) undertaking reviews of, or research into, the health of former members of the Defence Force; or (b) protection of the public revenue in relation to reviews of entitlement to benefits
23	Director of Public Prosecutions	verifying the identity of, or locating, persons of interest in relation to property ownership matters conducted under the <i>Proceeds of Crime Act 2002</i>
24	Federal Court of Australia (the Statutory Agency consisting of the Chief Executive Officer and Principal Registrar of the Federal Court and the APS employees referred to in section 18N of the <i>Federal Court of Australia Act 1976</i> assisting the Chief Executive Officer and Principal Registrar of the Federal Court)	(a) preparing a written jury roll for a jury district; or (b) determining if a person included on a jury list is not qualified to serve as a juror or should be excused from serving as a juror; or (c) giving the Commissioner of the Australian Federal Police the name and other details of any or all of the persons included on a jury list so that the Commissioner may give information about the criminal history (if any) of each of those persons; or (d) disclosing to an officer responsible for convening juries for trials before a court of a State or Territory information identifying a juror or former juror so that the officer can consider whether to summons the juror or former juror when convening a trial before the State or Territory court Note: The purposes described in this item relate to functions performed under Division 1A of Part III of the <i>Federal Court of Australia Act 1976</i> .

Prescribed authorities and permitted purposes for use of information		
Item	Agency or authority	Purpose
25	Australian Financial Security Authority	(a) locating and investigating bankrupts and their associates in relation to obligations under the <i>Bankruptcy Act 1966</i> ; or (b) conducting criminal investigations in relation to the <i>Bankruptcy Act 1966</i> ; or (c) investigating identity fraud
26	Office of the Official Secretary to the Governor-General	identifying or locating individuals who: (a) are nominated, or are being considered for nomination, for an honour or award within the Australian Honours and Awards system; or (b) have been selected to provide a reference connected with such a nomination

Clause 1

Schedule 2—Prescribed electors

Note: See section 12.

1 Prescribed classes of electors—applications for provisional enrolment by persons about to become Australian citizens

For section 12, the following table sets out the classes of electors that are prescribed for the purposes of applications for provisional enrolment by persons who are about to become Australian citizens.

Prescribed classes of electors—applications for provisional enrolment by persons about to become Australian citizens

Item	Class of elector
1	Commissioner for Oaths of a State or Territory
2	Family counsellor within the meaning of the <i>Family Law Act 1975</i>
3	Holder of a current liquor licence
4	Holder of a current pilot's licence
5	Licensed or registered real estate agent
6	Licensed or registered surveyor
7	Manager of a community or ethnic centre
8	Manager of a women's refuge, or of a crisis and counselling service that provides counselling or assistance to victims of domestic violence, sexual assault or sexual abuse
9	Master of a merchant vessel
10	Member of the Governance Institute of Australia
11	Member of the ground staff of an airline that operates a regular passenger service
12	Member of the staff of a person who is a member of: (a) the Parliament of the Commonwealth; or (b) the Parliament of a State; or (c) a Territory legislature; or (d) a local government authority of a State or Territory
13	Member of the staff of a State or Territory electoral authority
14	Member of the staff of the Australian Electoral Commission
15	Prison officer
16	A person who is not described in a preceding item in this Schedule before whom statutory declarations may be made under a law of the Commonwealth, a State or a Territory

Schedule 3—Qualification checklist to be included in nomination forms in Schedule 1 to the Act

Note: See section 13A.

Part 1—Qualification checklist for Forms C, CA, D and DA

QUALIFICATION CHECKLIST RELATING TO SECTION 44 OF THE CONSTITUTION

.....
 [Candidate's name]

You may fill out this checklist to demonstrate your eligibility to be elected to the Parliament. This nomination paper (including this checklist) is made public under section 176 of the *Commonwealth Electoral Act 1918*.

Information relating to the requirements under section 44 of the Australian Constitution is provided as part of the nomination form. In responding to the questions below, you are encouraged to familiarise yourself with the requirements of the Australian Constitution. Further, if you have any doubts about your eligibility to nominate, or about any of the questions below, you may wish to seek independent legal advice.

1. Are you an Australian citizen by birth?

YES NO

If 'no', provide the following details:

Country of Birth	Citizenship at Birth	Date of Birth	Date of Australian naturalisation

2. Were any of your parents or grandparents born outside Australia?

YES NO

If 'yes', provide the following details, if known:

	Mother	Father
Country of Birth		
Date/Year of Birth		

	Maternal Grandmother	Maternal Grandfather
Country of Birth		
Date/Year of Birth		

Schedule 3 Qualification checklist to be included in nomination forms in Schedule 1 to the Act
Part 1 Qualification checklist for Forms C, CA, D and DA

	Paternal Grandmother	Paternal Grandfather
Country of Birth		
Date/Year of Birth		

3. Was your spouse or any former spouse born outside Australia (if applicable)?

YES NO N/A

If 'yes', provide the following details:

Relationship	Country of Birth	Date/Year of Birth	Spouse citizenship status at time of marriage

4. Have you taken any steps to assure yourself that you have not acquired citizenship of another country by descent, marriage or other means?

YES NO

If 'yes', provide details:

Steps taken to assure yourself you have not acquired citizenship of another country by descent, marriage or other means

[Particulars of, and documents related to, the steps taken to assure yourself may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

5. Are you now a subject or citizen of any country other than Australia?

YES NO

6. Have you ever been a subject or citizen of any country other than Australia?

YES NO

If 'yes', have you renounced or lost that status in accordance with the laws of that country/ies?

YES NO

If 'yes', provide the following details:

Country	Method of renunciation or manner in which foreign citizenship was lost	Date

[Particulars of, and documents related to, the date and manner in which your citizenship was renounced or was otherwise lost may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

If you have not renounced or lost that status in accordance with the laws of that country/ies, is there any reason why you are not disqualified by reason of section 44(i)? (For example, despite your having taken reasonable steps to renounce your citizenship of a country, the laws of the country do not allow you to renounce that citizenship.)

YES NO

If 'yes', provide the following details:

Basis on which you contend that you are not disqualified by reason of section 44(i)

[Particulars of, and documents related to, your contention that you are not disqualified by reason of section 44(i) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

7. Are you under sentence, or subject to be sentenced, for an offence for which you have been convicted that is punishable under an Australian law by one or more years imprisonment?

YES NO

If 'yes', is there any reason as to why you are not disqualified by reason of section 44(ii)?

YES NO

If 'yes', provide the following details:

Schedule 3 Qualification checklist to be included in nomination forms in Schedule 1 to the Act
Part 1 Qualification checklist for Forms C, CA, D and DA

Basis on which you contend that you are not disqualified by reason of section 44(ii)
--

[Particulars of, and documents related to, your contention that you are not disqualified by reason of section 44(ii) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

8. Are you currently an undischarged bankrupt or insolvent?

YES NO

9. Do you hold an office of profit under the Crown, other than an office expressly exempt from section 44(iv)? (Offices of profit include, for example, many public service jobs.)

YES NO

If 'yes', provide the following details:

Details of your office(s) of profit

[Particulars of, and documents related to, your office(s) of profit may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

10. Do you have a direct or indirect financial interest in any contract or other agreement with the Commonwealth public service, other than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons?

YES NO

If 'yes', provide the following details:

Details of your direct or indirect financial interest(s)
--

[Particulars of, and documents related to, your direct or indirect financial interest(s) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

11. Are you disqualified for any other reason under the Australian Constitution or the *Commonwealth Electoral Act 1918*?

YES NO

The questions above relate to the most common causes of disqualification under the Australian Constitution, and include those most recently considered by the High Court of Australia. This is not comprehensive, and you should, as always, take your own steps to assure yourself that you are not affected by any other legal disqualification.

I confirm the information in the checklist provided above, and any additional information provided in support of my statements, to be true and correct, to the best of my knowledge.

[Signature of candidate]

[Date]

I agree to the Australian Electoral Commission publishing this checklist in its entirety.

[Signature of candidate]

[Date]

Particulars and documents provided as additional information to support your statement are published by the Australian Electoral Commission on its website.

Part 2—Qualification checklist for Form CC

QUALIFICATION CHECKLIST RELATING TO SECTION 44 OF THE CONSTITUTION

.....
[Candidate's name]

You may fill out this checklist to demonstrate your eligibility to be elected to the Parliament if you are one of the persons nominated above. This nomination paper (including this checklist) is made public under section 176 of the *Commonwealth Electoral Act 1918*.

Information relating to the requirements under section 44 of the Australian Constitution is provided as part of the nomination form. In responding to the questions below, you are encouraged to familiarise yourself with the requirements of the Australian Constitution. Further, if you have any doubts about your eligibility to nominate, or about any of the questions below, you may wish to seek independent legal advice.

1. Are you an Australian citizen by birth?

YES NO

If 'no', provide the following details

Country of Birth	Citizenship at Birth	Date of Birth	Date of Australian naturalisation

2. Were any of your parents or grandparents born outside Australia?

YES NO

If 'yes', provide the following details, if known:

	Mother	Father
Country of Birth		
Date/Year of Birth		

	Maternal Grandmother	Maternal Grandfather
Country of Birth		
Date/Year of Birth		

	Paternal Grandmother	Paternal Grandfather
Country of Birth		
Date/Year of Birth		

3. Was your spouse or any former spouse born outside Australia (if applicable)?

YES NO N/A

If 'yes', provide the following details:

Relationship	Country of Birth	Date/Year of Birth	Spouse citizenship status at time of marriage

4. Have you taken any steps to assure yourself that you have not acquired citizenship of another country by descent, marriage or other means?

YES NO

If 'yes', provide details:

Steps taken to assure yourself you have not acquired citizenship of another country by descent, marriage or other means

[Particulars of, and documents related to, the steps taken to assure yourself may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

5. Are you now a subject or citizen of any country other than Australia?

YES NO

6. Have you ever been a subject or citizen of any country other than Australia?

YES NO

If 'yes', have you renounced or lost that status in accordance with the laws of that country/ies?

YES NO

If 'yes', provide the following details:

Schedule 3 Qualification checklist to be included in nomination forms in Schedule 1 to the Act
Part 2 Qualification checklist for Form CC

Country	Method of renunciation or manner in which foreign citizenship was lost	Date

[Particulars of, and documents related to, the date and manner in which your citizenship was renounced or was otherwise lost may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

If you have not renounced or lost that status in accordance with the laws of that country/ies, is there any reason why you are not disqualified by reason of section 44(i)? (For example, despite your having taken reasonable steps to renounce your citizenship of a country, the laws of the country do not allow you to renounce that citizenship.)

YES NO

If 'yes', provide the following details:

Basis on which you contend that you are not disqualified by reason of section 44(i)

[Particulars of, and documents related to, your contention that you are not disqualified by reason of section 44(i) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

7. Are you under sentence, or subject to be sentenced, for an offence for which you have been convicted that is punishable under an Australian law by one or more years imprisonment?

If 'yes', is there any reason as to why you are not disqualified by reason of section 44(ii)?

YES NO

If 'yes', provide the following details:

Basis on which you contend that you are not disqualified by reason of section 44(ii)

[Particulars of, and documents related to, your contention that you are not disqualified by reason of section 44(ii) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

8. Are you currently an undischarged bankrupt or insolvent?

YES NO

9. Do you hold an office of profit under the Crown, other than an office expressly exempt from section 44(iv)? (Offices of profit include, for example, many public service jobs.)

YES NO

If 'yes', provide the following details:

Details of your office(s) of profit

[Particulars of, and documents related to, your office(s) of profit may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

10. Do you have a direct or indirect financial interest in any contract or other agreement with the Commonwealth public service, other than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons?

YES NO

If 'yes', provide the following details:

Details of your direct or indirect financial interest(s)

[Particulars of, and documents related to, your direct or indirect financial interest(s) may be provided to the Australian Electoral Commission, for publication, as additional information to support your statement]

11. Are you disqualified for any other reason under the Australian Constitution or the *Commonwealth Electoral Act 1918*?
-

Schedule 3 Qualification checklist to be included in nomination forms in Schedule 1 to the Act
Part 2 Qualification checklist for Form CC

YES NO

The questions above relate to the most common causes of disqualification under the Australian Constitution, and include those most recently considered by the High Court of Australia. This is not comprehensive, and you should, as always, take your own steps to assure yourself that you are not affected by any other legal disqualification.

I confirm the information in the checklist provided above, and any additional information provided in support of my statements, to be true and correct, to the best of my knowledge.

[Signature of candidate]

[Date]

I agree to the Australian Electoral Commission publishing this checklist in its entirety.

[Signature of candidate]

[Date]

Particulars and documents provided as additional information to support your statement are published by the Australian Electoral Commission on its website.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnotes

Endnote 2—Abbreviation key

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Electoral and Referendum Regulation 2016	29 Mar 2016 (F2016L00399)	30 Mar 2016 (s 2(1) (item 1))	
Courts Administration (Consequential Amendments) Regulation 2016	10 May 2016 (F2016L00767)	Sch 1 (item 1); 1 July 2016 (s 2(1) item 2)	—
Electoral and Referendum Amendment (ASADA) Regulations 2017	28 July 2017 (F2017L00967)	29 July 2017 (s 2(1) item 1)	—
Electoral and Referendum Amendment (Eligibility) Regulations 2018	29 May 2018 (F2018L00669)	30 May 2018 (s 2(1) item 1)	—
Electoral and Referendum Amendment (Official Secretary to the Governor-General) Regulations 2018	26 Nov 2018 (F2018L01606)	27 Nov 2018 (s 2(1) item 1)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 2	rep LA s 48D
s 4	rep LA s 48C
Part 4	
Division 1A	
Division 1A	ad F2018L00669
s 13A	ad F2018L00669
s 13B	ad F2018L00669
Part 5	
Part 5	ad F2018L00669
Division 1	
s 29	ad F2018L00669
Schedule 1	
c 1	am F2016L00767; F2017L00967; F2018L01606
Schedule 3	
Schedule 3	rep LA s 48C
	ad F2018L00669
