



# Electoral and Referendum Regulations 1940

**Statutory Rules 1940 No. 163 as amended**

made under the

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

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## Part I Preliminary

### 1 Name of Regulations [see Note 1]

These Regulations are the *Electoral and Referendum Regulations 1940*.

### 3 Repeal

The Electoral and Referendum Regulations (being Statutory Rules 1928, No. 80, as amended by Statutory Rules 1928, Nos. 107 and 117, and 1934, No. 100) are repealed.

### 5 Interpretation

- (1) In these Regulations, unless the contrary intention appears:
- referendum* has the same meaning as in the Referendum (Machinery Provisions) Act.
- Referendum (Machinery Provisions) Act* means the *Referendum (Machinery Provisions) Act 1984*.
- The Act* means the *Commonwealth Electoral Act 1918*.
- (3) A reference in these Regulations to an elector or a person qualified to be an elector of the Commonwealth shall be read as a reference to a person whose name appears on a Roll of electors under the Act or a person entitled to be enrolled on such a roll.

### 5A Prescribed authorities

For the definition of *prescribed authority* in subsection 4 (1) of the Act, the Agencies and authorities of the Commonwealth mentioned in Schedule 1 are specified.

## **Part II                      Electoral**

### **Division 1                Enrolment**

#### **6                      Form of Roll**

- (2) Where:
- (a) the Roll is a joint roll prepared in pursuance of an arrangement entered into by the Governor-General and the Governor of a State under subsection 84 (1) of the Act; and
  - (b) a person whose name is on the Roll is not enrolled on that Roll as a Commonwealth elector;  
his name shall be preceded in the Roll by a circle (o).
- (3) Anything done, or any roll or other document prepared, in accordance with, or for the purposes of, a provision of the repealed Regulations shall, on and after the commencement of this subregulation, be deemed, for all purposes, to have been done or prepared in accordance with, or for the purposes of, the provision of these Regulations that corresponds to the provision of the repealed Regulations under which, or for the purposes of which, the thing was done or the roll or other document was prepared.
- (4) In subregulation (3), *the repealed Regulations* means:
- (a) the Joint Electoral (Commonwealth and New South Wales) Regulations, being Statutory Rules 1930 No. 82;
  - (b) the *Joint Electoral (Commonwealth and South Australia) Regulations*, comprising Statutory Rules 1921 No. 32 and 1929 No. 57;
  - (c) the *Joint Electoral (Commonwealth and Tasmania) Regulations*, comprising Statutory Rules 1922 No. 61 and 1929 No. 78; and
  - (d) the *Joint Electoral (Commonwealth and Victoria) Regulations*, being Statutory Rules 1930 No. 10.

**Regulation 8**

**7                      Information on Rolls and certified lists of voters to be provided to particular people and organisations**

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

<b>Item</b>	<b>For this provision ...</b>	<b>these organisations and persons are prescribed ...</b>
1	item 4 of the table in subsection 90B (4)	a prescribed authority
2	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
3	item 6 of the table in subsection 90B (4)	Betfair Pty Limited
4	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.

**8                      Permitted purposes for use of information: prescribed authorities**

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

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**8A        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);
- (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.

**9        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 for the Protection of Privacy in the Conduct of Medical Research:
  - (i) issued by the National Health and Medical Research Council under subsection 95 (1) of the *Privacy Act 1988*; and
  - (ii) published in the *Gazette* on 22 March 2000;
- (b) the provision of a public health screening program:
  - (i) approved by the Secretary of the Department of Health and Aged Care; 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:
    - (A) issued by the Department of Human Services and Health; and



- (B) published in the *Gazette* on 1 December 1993.

**11A      Evidence of Identity (paragraphs 94A (2) (e)  
            and 95 (2) (d) of the Act)**

- (1) Subject to subregulation (2), a person making an application under section 94A or 95 of the Act must provide:
  - (a) his or her driver's licence number and the Australian State or Territory in which the licence was issued; or
  - (b) his or her Australian passport number.
- (2) If an applicant does not hold a driver's licence issued by an Australian State or Territory, and does not hold an Australian passport:
  - (a) the applicant must show to a person in a class of electors set out in Schedule 2 an original document, of a kind listed in item 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 of Schedule 3, that identifies the applicant; and
  - (b) the person must complete the declaration on the enrolment form, stating that the person:
    - (i) is on the roll of electors; and
    - (ii) has sighted the original of one of the documents listed in item 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 or 16 of Schedule 3.
- (3) If an applicant is unable to comply with subregulation (1) or (2), the applicant must have his or her application signed by 2 electors, who are able:
  - (a) to confirm the applicant's name; and
  - (b) to confirm that they have known the applicant for at least 1 month.

**12        Evidence of Identity (paragraphs 96 (2) (d), 98 (2) (d)  
            and 99A (4) (e) of the Act)**

- (1) Subject to subregulations (2) and (3), a person making an application under section 96, and a person making a claim under section 98 or 99A of the Act must provide details of:
  - (a) his or her driver's licence number; and

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- (b) the Australian State or Territory in which the licence was issued.
- (2) If an applicant or claimant does not hold a driver's licence issued by an Australian State or Territory:
  - (a) the applicant or claimant must show to a person in a class of electors set out in Schedule 2 an original document, of a kind set out in Schedule 3, that identifies the applicant or claimant; and
  - (b) the person must complete the declaration on the enrolment form, stating that the person:
    - (i) is on the roll of electors; and
    - (ii) has sighted the original of one of the documents in Schedule 3.
- (3) If a claimant under section 98 of the Act who has also made an application under section 99B of the Act, does not hold a driver's licence issued by an Australian State or Territory:
  - (a) the claimant must show to a person in a class of electors set out in Schedule 2, an original document of a kind set out in Schedule 4, that identifies the claimant; and
  - (b) the person must complete the declaration on the enrolment form, stating that the person:
    - (i) is on the roll of electors; and
    - (ii) has sighted the original of one of the documents in Schedule 4.
- (4) If an applicant or claimant is unable to comply with subregulation (1), (2) or (3), the applicant or claimant must have his or her application or claim signed by 2 electors, who are able to:
  - (a) confirm the applicant's or claimant's name; and
  - (b) confirm that they have known the applicant or claimant for at least 1 month.

**13        Prescribed electors (subparagraph 99B (4) (b) (i) and subsection 99B (6) of the Act, and subparagraph 38 (4) (b) (i) and subsection 38 (6) of the Referendum (Machinery Provisions) Act)**

- (1) The classes of electors to whom:
  - (a) an original of an applicant's notification of Australian citizenship from the Immigration Department; or
  - (b) a copy of an applicant's notification of Australian citizenship from the Immigration Department;can be shown are set out in Schedule 2.
- (2) The classes of electors who can attest that they:
  - (a) have sighted:
    - (i) an applicant's notification of Australian citizenship from the Immigration Department; or
    - (ii) a copy of an applicant's notification of Australian citizenship from the Immigration Department; and
  - (b) are satisfied that the notification relates to the applicant;are set out in Schedule 2.
- (3) The classes of electors who can attest to a copy of an applicant's certificate of Australian citizenship are set out in Schedule 2.
- (4) Subregulation (3) ceases to have effect on the commencement of section 3 of the *Australian Citizenship Act 2006*.

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

- (1) For subsection 382 (7) of the Act, the requirements that must be satisfied 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.

**Regulation 13A**

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(2) In this regulation:

***claim or notice*** means a claim, application, notice, objection, request or other communication that is required or permitted to be sent to the Electoral Commissioner under any of the following provisions:

- (a) Part VII of the Act;
- (b) Part VIII of the Act, other than:
  - (i) subsection 98 (3); and
  - (ii) subsection 99A (5); and
  - (iii) subsection 99B (3); and
  - (iv) subsection 104 (3);
- (c) section 184A of the Act;
- (d) section 249 of the Act.

## **Part III                      Electoral and Referendum**

### **Division 1                      Conduct of Elections and Referendums**

#### **38A            Nomination forms**

- (1) Forms C and CA, in Schedule 1 to the Act are altered by omitting:

“I, the candidate named above, declare that:”

and substituting:

“I, the candidate named above, state that:

Please tick [ ☒ ]

- I am an Australian citizen                      Yes [ ☐ ]    No [ ☐ ]
- I am at least 18 years of age                      Yes [ ☐ ]    No [ ☐ ]
- I am an elector or qualified to be  
an elector                      Yes [ ☐ ]    No [ ☐ ]
- I am not, by virtue of section 44 of the  
Constitution, incapable of being chosen  
or of sitting as a Senator                      Yes [ ☐ ]    No [ ☐ ]

and I declare that:”.

- (2) Forms CB and CC in Schedule 1 to the Act are altered by omitting:

“Each of the candidates named below declares as follows:”

and substituting

“Each of the candidates named below, states that:

Please tick [ ☒ ]

- I am an Australian citizen                      Yes [ ☐ ]    No [ ☐ ]
- I am at least 18 years of age                      Yes [ ☐ ]    No [ ☐ ]
- I am an elector or qualified to be  
an elector                      Yes [ ☐ ]    No [ ☐ ]

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- I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Senator  
and declares as follows:” Yes [ ] No [ ]
- (3) Forms D and DA in Schedule 1 to the Act are altered by omitting:  
“I, the candidate named above, declare that:”  
and substituting:  
“I, the candidate named above, state that:
- |  |   |
|--|---|
|  | Please tick [ <input checked="" type="checkbox"/> ] |
| • I am an Australian citizen   | Yes [ ] No [ ]                                      |
| • I am at least 18 years of age  | Yes [ ] No [ ]                                      |
| • I am an elector or qualified to be an elector  | Yes [ ] No [ ]                                      |
| • I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a member of the House of Representatives | Yes [ ] No [ ]                                      |
- and I declare that:”.

**39 Ballot paper — Senate**

- (1) Form E in Schedule 1 to the Act is altered:
- (a) by omitting:  
“BALLOT PAPER COMMONWEALTH OF AUSTRALIA  
(5) Election of 6 senators”  
and substituting both the Commonwealth Arms and:  
“SENATE BALLOT PAPER  
(5)  
ELECTION OF (6) SENATORS”;
- and
- (b) by omitting “the numbers 1 to 7” and substituting “the numbers 1 to (7)”; and

**Regulation 39A**

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- (c) by omitting the figure “1” wherever occurring in the Form (other than in the instructions at the left-hand side of the Form) and the footnotes to the Form and substituting “(1)”; and
- (d) by omitting the figure “2”, “3” or “4” wherever occurring in the Form and the footnotes to the Form and substituting that figure in parentheses; and
- (e) by omitting:
  - “5      Here insert name of State or Territory”from the footnotes to the Form and substituting:
  - “(5)    Here insert name of State or Territory and year of election”;and
- (f) by omitting “6” from the footnotes to the Form and substituting “(6)”.
  - (2) If more than 26 groups are required to appear on a ballot paper, Form E in Schedule 1 to the Act is altered so that columns for the groups beyond the 26th group are headed “AA”, “AB”, and so on up to “AZ”, then “BA”, “BB” and so on up to “BZ”, and so on up to “ZZ”, above and below the line.

**39A      Ballot-paper — House of Representatives**

- (1) Form F in Schedule 1 to the Act is altered:
  - (a) by omitting:

*“Ballot-paper*

COMMONWEALTH OF AUSTRALIA

[State/Territory] of [*here insert name of State or Territory*].”

And substituting:

“BALLOT PAPER

HOUSE OF REPRESENTATIVES

[*here insert name of State or Territory as appropriate* ]”;

- (b) by omitting:

“Election of one Member of the House of Representatives.

*Directions.* — Mark your vote on this ballot-paper by placing the numbers [*here insert ‘1 and 2’ where there are two*

**Regulation 39A**

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*candidates, ‘1, 2 and 3’ where there are three candidates, ‘1, 2, 3 and 4’ where there are four candidates, and so on as the case requires] in the squares respectively opposite the names of the candidates so as to indicate the order of your preference for them.”;*

and substituting:

“Number the boxes from 1 to *(here insert number of candidates)* in the order of your choice”; and

(c) by omitting:

“CANDIDATES

☐ CRANE, JASON.<sup>1</sup>

☐ WILSON, BENJAMIN.<sup>1</sup>

☐ BROOKMAN, DANIEL.<sup>1</sup>

☐ FRENCH, SARAH.<sup>1</sup>

☐ LOPEZ, KATH.<sup>1</sup>

*[<sup>1</sup>Here insert, if appropriate, the name of a registered political party, or the word ‘Independent’];*

and substituting:

“ ☐ 1

2

*[1 Here insert name of a candidate*

☐ 1

2

*2 Here insert name of registered political party or ‘Independent’ if to be printed.]*

☐ 1

2

☐ 1

2

*[Here insert, in the case of a ballot paper other than a ballot paper issued in accordance with subsection 209 (7) ‘Remember . . . number every box to make your vote count.’]”.*

(2) If there are more than 30 candidates for a Division, Form F in Schedule 1 to the Act is altered so that the names of the candidates are set out:

(a) in vertical columns that are as nearly as possible of equal length; and



- (b) in the order required by section 212 of the Act so that each column after the first commences with the name of the candidate next succeeding that of the candidate whose name appears last in the immediately preceding column.

**39B Evidence of identity (subsection 235 (1B) of the Act and subsection 37 (1B) of the Referendum (Machinery Provisions) Act)**

- (1) A person who wishes to cast a provisional vote on polling day or voting day must:
  - (a) at the time the provisional vote is cast, show to an officer:
    - (i) the original of his or her driver's licence; or
    - (ii) an original document of a kind set out in Schedule 3; or
  - (b) by close of business on the first Friday following the polling day or voting day, show to an officer:
    - (i) an original or attested copy of his or her driver's licence; or
    - (ii) an original or attested copy of a document of a kind set out in Schedule 3.
- (2) A provisional vote cast in accordance with paragraph (1) (b) is taken not to be valid unless the person shows to an officer:
  - (a) an original or attested copy of his or her driver's licence; or
  - (b) an original or attested copy of a document of a kind set out in Schedule 3;by close of business on the first Friday following the polling day or voting day.
- (3) The classes of electors who can attest to a copy of:
  - (a) a person's driver's licence; or
  - (b) a document of a kind set out in Schedule 3;are set out in Schedule 2.

**Regulation 39C**

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**39C Prescribed classes of electors (subparagraph 6 (cb) (ii) of Schedule 3 to the Act and subparagraph 6 (cb) (ii) of Schedule 4 to the Referendum (Machinery Provisions) Act)**

- (1) The classes of electors who can attest to a copy of the applicant's certificate of Australian citizenship are set out in Schedule 2.
- (2) Subregulation (1) ceases to have effect on the commencement of section 3 of the *Australian Citizenship Act 2006*.

**40 State referendum or vote (Act, s 394)**

- (1) This regulation applies if:
  - (a) the Governor-General has authorised a State vote to be held or taken on the day appointed as polling day for a Commonwealth vote; and
  - (b) there is an arrangement between the Electoral Commission and the electoral authority of the State for the Electoral Commission to conduct the State vote.
- (2) An officer who performs functions in relation to the Commonwealth vote may perform functions in relation to the State vote.
- (3) Polling booths, ballot boxes and other facilities provided, and machinery or arrangements established, for the Commonwealth vote may be used for the State vote.
- (4) Ballot papers for declaration votes in the State vote may be put in the envelopes used for ballot papers for declaration votes in the Commonwealth vote.
- (5) Ballot papers used for the State vote may be placed in the ballot boxes used for the Commonwealth vote.
- (6) In this regulation:

***Commonwealth vote*** means:

  - (a) an election of the Senate; or
  - (b) a general election of the House of Representatives; or

- (c) a by-election to elect a member of the House of Representatives; or
- (d) a referendum held under the *Referendum (Machinery Provisions) Act 1984*.

*State* has the meaning given by section 394 of the Act.

*State vote* means an election, referendum or vote of the electors of a State or part of a State to be held or taken under a law of the State.

## **Division 2                      Electronically assisted voting for sight-impaired people**

### **41                      Definitions for Division 2**

In this Division:

*call centre operator* means a person:

- (a) who works in a national call centre; and
- (b) who is a *pre-poll voting officer* under section 4 of the Act.

*certified list of voters* means a list of voters for a Division certified by the Electoral Commissioner under section 208 of the Act.

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

*electronically assisted voting* means the casting of an electronically assisted vote.

*electronically assisted voting method* means the method determined by regulation 47.

*national call centre* means a call centre used by the Australian Electoral Commission for the purpose of providing telephone assisted voting.

*officer* means an officer mentioned in subsection 202A (2) of the Act.

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

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

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**42            Electronically assisted voting**

Subject to regulation 43, a voter who is a sight-impaired person may cast an electronically assisted vote at:

- (a) a general election; and
  - (b) a Senate election; and
  - (c) a by-election; and
  - (d) a referendum;
- held after the commencement of this regulation.

**43            Electoral Commissioner to determine availability of electronically assisted voting**

- (1) The Electoral Commissioner may determine, in writing:
  - (a) the divisional offices and other places where electronically assisted voting is to be available; and
  - (b) the days on which and times when electronically assisted voting is to be available at the places determined under paragraph (a).
- (2) The Electoral Commissioner may give directions to officers in relation to requests for an electronically assisted vote.

**44            Who is entitled to an electronically assisted vote**

- (1) A voter is entitled to an electronically assisted vote if:
  - (a) the voter attends a place where electronically assisted voting is available during the times when electronically assisted voting is available; and
  - (b) the voter informs an officer that the voter is sight-impaired and requests an electronically assisted vote; and
  - (c) the voter's name is on an approved list of voters, a certified list of voters or a reference Roll.
- (2) A voter is not entitled to an electronically assisted vote if:
  - (a) the voter's name is not on an approved list of voters, a certified list of voters or a reference Roll; or
  - (b) the voter refuses to answer a question asked in accordance with subregulation 45 (1) or (3); or

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- (c) the voter answers Question 3 in subregulation 45 (1) in the affirmative; or
- (d) a mark on a copy of an approved list of voters or a certified list of voters indicates that the voter has already voted; or
- (e) the voter is provisionally enrolled; or
- (f) on the basis of any of the voter's answers to questions mentioned in regulation 45, an officer is not satisfied that the voter is the person whose name the voter uses.

*Note* A voter may be eligible to cast an assisted provisional vote on polling day or an assisted pre-poll vote.

**45 Questions to be put to voter**

- (1) If a voter requests an electronically assisted vote, an officer must ask the voter the questions in the table.

**Question 1** What is your full name?

**Question 2** Where do you live?

**Question 3** the appropriate question from:

- (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?

- (2) However, if the voter's address does not appear on an approved list of voters, a certified list of voters or a reference Roll because the voter has requested its suppression under section 104 of the Act, the officer must not ask Question 2.
- (3) If, on the basis of any of the voter's answers to Questions 1 to 3, the officer is not satisfied that the voter is the person whose name the voter uses, the officer may ask the voter 1 or more questions about information provided on an approved list of voters, a certified list of voters or a reference Roll about the person whose name the voter uses.

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**46            Duty of officer to assist voter**

An officer who is satisfied that a voter is entitled to an electronically assisted vote under subregulation 44 (1) must assist the voter in accordance with regulations 48 and 49.

**47            Electronically assisted voting to take form of telephone assisted voting**

The method of telephone assisted voting mentioned in regulations 48 and 49 is the only method of casting an electronically assisted vote for:

- (a) the first Senate election held after the commencement of this regulation; and
- (b) the first general election held after the commencement of this regulation; and
- (c) a by-election to elect a member of the House of Representatives held after the commencement of this regulation.

**48            Telephone assisted voting — home Divisional Office**

- (1) Subregulation (2) applies in relation to a voter who votes at the Divisional Office of the Division in which the voter is enrolled to vote.
- (2) The method of telephone assisted voting consists of the following steps:
  - (a) an officer must place a mark against the voter's name on a copy of an approved list of voters or a certified list of voters;
  - (b) the officer must escort the voter, and a person assisting the voter (if necessary), to an area where:
    - (i) there is a telephone; and
    - (ii) it is unlikely that the voter will be overheard by anyone other than a person assisting the voter;
  - (c) the officer must call the national call centre;
  - (d) the officer must tell the call centre operator:
    - (i) the Division and State or Territory for which the voter is enrolled; and

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- (ii) the Division from which the officer is calling;  
without telling the call centre operator the voter's name or  
otherwise identifying the voter;
- (e) the call centre operator must verify the authenticity of the  
call;
- (f) the call centre operator must collect the ballot papers for  
the voter's Division and tell the officer that the call centre  
operator has collected the ballot papers;
- (g) the officer must hand the telephone to the voter and then  
leave the area so that the voter cannot be overheard by  
anyone other than a person assisting the voter;
- (h) the call centre operator must ensure that the voter:
  - (i) 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
  - (ii) 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;
- (i) the voter may tell the call centre operator how the voter  
wants the ballot papers to be marked;
- (j) if the voter tells the call centre operator how the voter  
wants the ballot papers to be marked, the call centre  
operator must:
  - (i) initial the voter's ballot papers on the top front of  
each ballot paper; and
  - (ii) mark the voter's ballot papers in accordance with the  
voter's instructions; and
  - (iii) read the voter's voting preferences back to the voter;  
and
  - (iv) put the voter's ballot papers in an envelope marked  
with the name of the voter's Division; and
  - (v) place the envelope in a ballot box used at the  
national call centre for electronically assisted voting.

**Regulation 49**

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- (3) An assistant call centre operator must:
  - (a) listen to the call; and
  - (b) if the call centre operator has not marked the voter's ballot papers in accordance with the voter's instructions (if any) — ensure that the voter's ballot papers are marked in accordance with the instructions.
- (4) The officer must, after allowing a reasonable period of time to elapse and after the voter has confirmed that he or she is ready to leave, escort the voter and any person assisting the voter from the area mentioned in paragraph (2) (b).
- (5) A voter who uses the voting method mentioned in subregulation (2) must leave the Divisional Office as soon as practicable after he or she has voted.

**49            Telephone assisted voting — outside home  
Divisional Office**

- (1) Subregulation (2) applies in relation to a voter who votes at a place, other than the Divisional Office of the Division in which the voter is enrolled to vote, where electronically assisted voting is available.
- (2) The method of telephone assisted voting consists of the following steps:
  - (a) an officer must:
    - (i) place a mark against the voter's name on a reference Roll; or
    - (ii) make a record in accordance with regulation 52;
  - (b) the officer must escort the voter, and a person assisting the voter (if necessary), to an area where:
    - (i) there is a telephone; and
    - (ii) it is unlikely that the voter will be overheard by anyone other than a person assisting the voter;
  - (c) the officer must call the national call centre;
  - (d) the officer must tell the call centre operator:
    - (i) the Division and State or Territory for which the voter is enrolled; and



**Regulation 49**

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- (ii) the Division from which the officer is calling;  
without telling the call centre operator the voter's name or otherwise identifying the voter;
- (e) the call centre operator must verify the authenticity of the call;
- (f) the call centre operator must find the ballot papers for the voter's Division and tell the officer that the call centre operator has found the ballot papers;
- (g) the officer must hand the telephone to the voter and then leave the area so that the voter cannot be overheard by anyone other than a person assisting the voter;
- (h) the call centre operator must ensure that the voter:
  - (i) 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
  - (ii) 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;
- (i) the voter may tell the call centre operator how the voter wants the ballot papers to be marked;
- (j) if the voter tells the call centre operator how the voter wants the ballot papers to be marked, the call centre operator must:
  - (i) initial the voter's ballot papers on the top front of each ballot paper; and
  - (ii) mark the voter's ballot papers in accordance with the voter's instructions; and
  - (iii) read the voter's voting preferences back to the voter; and
  - (iv) put the voter's ballot papers in an envelope marked with the name of the voter's Division; and
  - (v) place the envelope in a ballot box used at the national call centre for electronically assisted voting.

**Regulation 50**

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- (3) An assistant call centre operator must:
  - (a) listen to the call; and
  - (b) if the call centre operator has not marked the voter's ballot papers in accordance with the voter's instructions (if any) — ensure that the voter's ballot papers are marked in accordance with the instructions.
- (4) The officer must, after allowing a reasonable period of time to elapse and after the voter has confirmed that he or she is ready to leave, escort the voter and any person assisting the voter from the area mentioned in paragraph (2) (b).
- (5) A voter who uses the voting method mentioned in subregulation (2) must leave the Divisional Office as soon as practicable after he or she has voted.

**50                      Requirements relating to ballot boxes**

The requirements in relation to ballot boxes in Subdivision C of Part IVA of the Referendum (Machinery Provisions) Act, other than section 73CR, are taken to apply to ballot boxes used at the national call centre for electronically assisted voting as if the electronically assisted voting were ordinary pre-poll voting.

**51                      Role of scrutineers — national call centre**

- (1) A candidate in an election to which a method of telephone assisted voting mentioned in regulations 48 and 49 applies may appoint 1 scrutineer to attend the national call centre for the purpose of monitoring:
  - (a) the duties of call centre operators and assistant call centre operators mentioned in regulations 48 and 49; and
  - (b) the duties of an Assistant Returning Officer mentioned in regulation 52A.
- (2) The appointment of a scrutineer must be made by notice, in writing:
  - (a) addressed to the Returning Officer or a pre-poll voting officer; and

**Regulation 52**

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- (b) signed by the candidate; and
  - (c) stating the scrutineer's name and address.
- (3) A scrutineer who has not complied with subsection 202A (3) of the Act must not attend the national call centre to discharge a scrutineer's functions.
- (4) A scrutineer who attends the national call centre is guilty of an offence if:
- (a) the scrutineer attempts to interfere with the duties of a call centre operator, assistant call centre operator or Assistant Returning Officer mentioned in regulations 48 to 50 and 52A; or
  - (b) the scrutineer:
    - (i) communicates with a person in the national call centre; and
    - (ii) the communication is not reasonably necessary for the discharge of the scrutineer's functions.

Penalty: 5 penalty units.

**52 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 may take either of the following forms:
- (a) a mark on an approved list of voters or a certified list of voters beside the voter's name;
  - (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 takes the form mentioned in paragraph (b):
- (a) it must be forwarded to a Divisional Returning Officer for the Division in which the voter is enrolled to vote; and

**Regulation 52A**

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- (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.

**52A 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 subparagraph 48 (2) (j) (v) or 49 (2) (j) (v); 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 who is not an Assistant Returning Officer, or a person performing tasks under the direction of an Assistant Returning Officer, must not perform any of the duties mentioned in subregulation (1) or (2).

Penalty: 5 penalty units.

- (4) An offence under subregulation (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**52B Scrutiny of ballot papers**

- (1) For the purpose of conducting a scrutiny of the ballot papers forwarded by the Assistant Returning Officer under subregulation 52A (2), the Divisional Returning Officer must conduct the scrutiny.
- (2) The procedures in Part XVIII of the Act apply to the scrutiny with such modifications as are 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) A person who is not the Divisional Returning Officer, or a person performing tasks under the direction of the Divisional Returning Officer, must not conduct the scrutiny.

Penalty: 5 penalty units.

- (4) An offence under subregulation (3) is an offence of strict liability.

*Note* For *strict liability*, see section 6.1 of the *Criminal Code*.

**53      Persons present when electronically assisted vote is cast (subsection 202AB (4) of the Act and subsection 73M (5) of the Referendum (Machinery Provisions) Act)**

A person who is present when an elector is casting an electronically assisted vote must obey all directions of an officer.

Penalty: 10 penalty units.

**54      Offences related to electronically assisted voting**

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

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to:
- (a) an officer assisting the voter under regulation 45 or 46; or

**Regulation 57**

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- (b) a person assisting a voter as mentioned in paragraph 48 (2) (b) or 49 (2) (b); or
- (c) a call centre operator or assistant call centre operator acting under regulation 48 or 49.

**57 Protection of electronic voting hardware or software**

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

Penalty: 5 penalty units.
- (2) Subregulation (1) does not apply to an officer acting in the course of his or her duties.

**Division 7 Enforcement of law in relation to compulsory voting**

**81 Proceedings in Court on failure of elector to vote**

- (1) In proceedings which are instituted in a Court of summary jurisdiction against an elector for a contravention of subsection 245 (15) of the Act or subsection 45 (14) of the Referendum (Machinery Provisions) Act, the Divisional Returning Officer must send to the Court the elector's reply (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.
- (2) The Court shall, whether the defendant is present or not, consider the contents of the reply as if it were given in evidence before the Court.

**83 Evidence in Court of summary jurisdiction**

- (1) If, in a prosecution in a Court of summary jurisdiction against an elector for a contravention of subsection 245 (15) or (15C) of the Act or subsection 45 (14) or (14C) of the Referendum (Machinery Provisions) Act, 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.
- (2) Where a statutory declaration and certified extract have been lodged as provided by this regulation, and the prosecuting officer is not present at the hearing, the Court shall proceed with the hearing and determination of the case in his absence, and shall consider the statutory declaration and certified extract as if the matter set out therein had been given in evidence before it, and shall, notwithstanding the absence of the prosecuting officer, permit evidence to be given for the prosecution of any witness who is summoned by, or attends on behalf of, the prosecuting officer.
- (3) For the purposes of this regulation, any document purporting to be a statutory declaration shall be accepted as such by the Court without proof of the signatures thereon or proof of the authority of the person before whom it purports to have been made to take statutory declarations.

**87 Classes of articles for the purposes of paragraph 328 (3) (b) of the Act**

The following classes of articles are prescribed for the purposes of paragraph 328 (3) (b) of the Act:

- (a) business or visiting cards that promote the candidacy of any person in an election for the Parliament;
- (b) letters and cards:
  - (i) that bear the name and address (not being a post-office box) of the sender; and
  - (ii) that do not contain a representation or purported representation of a ballot-paper for use in an election for the Parliament.

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

(regulations 5A and 8)

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>
1A	Australian Commission for Law Enforcement Integrity	<ul style="list-style-type: none"><li>(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 <b>LEIC Act</b>)</li><li>(b) Collecting, correlating, analysing or disseminating information or intelligence in relation to:<ul style="list-style-type: none"><li>(i) corruption generally in a law enforcement agency within the meaning of the LEIC Act (a <b>LEIC agency</b>); or</li><li>(ii) the integrity of a staff member of a LEIC agency</li></ul></li><li>(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</li></ul>



Item	Agency or authority	Purpose
		(d) Security vetting of employees or potential employees
2	Australian Communications and Media Authority	Identifying offences relating to interference with radiocommunications or telecommunications
3	Australian Competition and Consumer Commission	(a) Identifying or locating offenders, suspects or witnesses (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>Trade Practices Act 1974</i>
4	Australian Crime Commission	(a) Collecting, correlating, analysing and disseminating criminal information and intelligence (b) Undertaking intelligence operations (c) Investigating matters relating to relevant criminal activity (d) Assembling or analysing evidence about offences and suspected offences (e) Conducting criminal and operational investigations to support authorised national security functions (f) Security vetting of employees or potential employees
5	Australian Customs Service (Customs)	(a) Verifying the identity or status of travellers and consignees of cargo or postal articles (b) Verifying the identity and status of importers and exporters

Item	Agency or authority	Purpose
6	Australian Federal Police (AFP)	(c) Investigating criminal offences and offences against legislation administered by Customs
		(d) Checking the accuracy of information given to Customs
		(e) Verifying the identity of individuals on behalf of:
		(i) the government of another country; or
		(ii) a law enforcement administration
		under an international agreement or arrangement
		(f) Surveillance purposes
		(a) Identifying or locating offenders, suspects or witnesses
		(b) Deciding whether suspects can be eliminated from an investigation
		(c) Target development
		(d) Intelligence checks
7	Australian Securities and Investments Commission	(e) Protecting the safety of officers, staff members, AFP employees and special members
		(f) Law enforcement
		(g) Surveillance
		(h) Identification of potential or actual disaster victims, and notification of victims' families
		(i) Security vetting of AFP officers or potential AFP officers
		(a) Identifying or locating suspects or witnesses
		(b) Surveillance
		(c) Law enforcement

Item	Agency or authority	Purpose
8	Australian Security Intelligence Organisation	<ul style="list-style-type: none"> <li>(a) Confirming the identity of Australian citizens to determine whether or not they are of security interest</li> <li>(b) Security vetting of employees or potential employees</li> </ul>
9	Australian Taxation Office (the Statutory Agency consisting of the Commissioner of Taxation and staff)	<ul style="list-style-type: none"> <li>(a) Identifying or locating taxpayers</li> <li>(b) Preventing, detecting or investigating taxation fraud</li> </ul>
10	Australian Transactions Reports and Analysis Centre	<p>Conducting investigations in relation to the enforcement of:</p> <ul style="list-style-type: none"> <li>(a) the criminal law; or</li> <li>(b) a law imposing a pecuniary penalty</li> </ul> <p>regarding the <i>Financial Transaction Reports Act 1988</i></p>
12	ComSuper (the Statutory Agency consisting of the Commissioner for Superannuation and staff)	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 benefit
13	Department of Agriculture, Fisheries and Forestry	Identifying individuals suspected of breaching legislation administered by the Australian Quarantine and Inspection Service
14	Department of Defence	<ul style="list-style-type: none"> <li>(a) Identifying or locating an individual suspected of fraud or another criminal offence under: <ul style="list-style-type: none"> <li>(i) a law of the Commonwealth administered by the Department of Defence; or</li> </ul> </li> </ul>

Item	Agency or authority	Purpose
		<ul style="list-style-type: none"> <li>(ii) another law of the Commonwealth, or a law of a State or Territory, that is connected with: <ul style="list-style-type: none"> <li>(A) the defence of Australia; or</li> <li>(B) the operations or activities of the Department of Defence</li> </ul> </li> <li>(b) Security vetting of employees or potential employees</li> </ul>
15	Department of Education, Science and Training	Preventing, detecting or investigating fraud and other criminal offences in relation to the Department's programs and public money managed by the Department
16	Department of Employment and Workplace Relations	Identifying or locating suspects, debtors or witnesses in relation to criminal investigations
16A	Department of the Environment and Water Resources	Verifying the principal place of residence of applicants under the Photovoltaic Rebate Programme and the Solar Hot Water Rebate Programme
17	Department of Foreign Affairs and Trade	<ul style="list-style-type: none"> <li>(a) Confirming the identity of passport applicants or identifiers of documents</li> <li>(b) Verifying information relating to a passport or an application for a passport</li> <li>(c) Locating parents who have not lodged an application for a passport, in connection with seeking consent to issue a passport to a minor</li> <li>(d) Assisting in consular operations to locate next-of-kin in Australia</li> </ul>

Item	Agency or authority	Purpose
18	Department of Human Services	<ul style="list-style-type: none"> <li>(a) Preventing and detecting fraud relating to identity or incorrect payments</li> <li>(b) Identifying or locating clients for debt management, determination or correction purposes</li> <li>(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></li> <li>(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></li> </ul>
19	Department of Immigration and Citizenship	<ul style="list-style-type: none"> <li>(a) Facilitating travel to Australia, or entry to Australia, for an Australian citizen who may have lost his or her passport</li> <li>(b) Enabling airport officers to identify travellers and confirm their status</li> <li>(c) Assisting investigations and compliance staff in the detection of persons suspected of: <ul style="list-style-type: none"> <li>(i) being in Australia unlawfully; or</li> <li>(ii) working without authority; or</li> <li>(iii) being involved in people smuggling; or</li> <li>(iv) committing offences against legislation administered by the Department</li> </ul> </li> </ul>

Item	Agency or authority	Purpose
20	Department of Veterans' Affairs	<ul style="list-style-type: none"> <li>(a) Undertaking reviews of, or research into, the health of former members of the Defence Force</li> <li>(b) Protection of the public revenue in relation to reviews of entitlement to benefit</li> </ul>
21	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>
21A	Federal Court of Australia (the Statutory Agency consisting of the Registrar and the APS employees assisting the Registrar)	<ul style="list-style-type: none"> <li>(a) Preparing a written jury roll for a jury district</li> <li>(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</li> <li>(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</li> <li>(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</li> </ul> <p><i>Note</i> 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>.</p>

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Item	Agency or authority	Purpose
22	Insolvency and Trustee Service of Australia	<ul style="list-style-type: none"><li>(a) Locating and investigating bankrupts and their associates in relation to obligations under the <i>Bankruptcy Act 1966</i></li><li>(b) Conducting criminal investigations in relation to the <i>Bankruptcy Act 1966</i></li><li>(c) Investigating identity fraud</li></ul>

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## Schedule 2 Prescribed electors

(paragraphs 12 (2) (a) and (b), subregulations 13 (1), (2) and (3), subregulation 39B (3) and subregulation 39C (1))

Item	Class of elector
1	Accountant who is a registered tax agent
2	Bank officer, except the manager of a bank travel centre
3	Building society officer
4	Chairperson or Committee member of an incorporated Aboriginal and/or Torres Strait Islander organisation
5	Chartered professional engineer
6	Clerk, sheriff or bailiff of a court
7	Commissioner for Affidavits of a State or Territory
8	Commissioner for Declarations of a State or Territory
9	Commissioner for Oaths of a State or Territory
10	Credit union officer
11	Diplomatic or consular officer, except an honorary consular officer, of an Australian embassy, high commission, or consulate
12	Finance company officer, where the company borrows or lends or otherwise deals in finance as its principal or characteristic activity
13	Full-time or permanent part-time employee of the Commonwealth, or a State or Territory, or a Commonwealth, State or Territory authority
14	Full-time or permanent part-time teacher currently employed at a school or tertiary institution
15	Holder of a current liquor licence
16	Holder of a current pilot's licence
17	Holder of a statutory office for which an annual salary is payable
18	Licensed or registered real estate agent
19	Manager of a building society or credit union
20	Manager of a community, ethnic or remote resource centre



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Item	Class of elector
21	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
22	Marriage celebrant within the meaning of the <i>Marriage Act 1961</i>
23	Marriage counsellor within the meaning of the <i>Family Law Act 1975</i>
24	Master of a merchant vessel
25	Member of the Association of Consulting Engineers
26	Member of the Association of Taxation and Management Accountants
27	Member of the Australian Defence Force
28	Member of the ground staff of an airline that operates a regular passenger service
29	Member of the Institute of Company Secretaries of Australia
30	Member of the staff of a person who is a member of: <ul style="list-style-type: none"> <li>(a) the parliament of the Commonwealth or a State; or</li> <li>(b) the legislature of a Territory; or</li> <li>(c) a local government authority of a State or Territory</li> </ul>
31	Member of the staff of a State or Territory electoral authority
32	Member of the staff of the Australian Electoral Commission
33	Minister of religion within the meaning of the <i>Marriage Act 1961</i>
34	Person employed as a remote resource centre visitor
35	Police aide
36	Postal manager or other permanent Australia Post employee
37	Prison officer
38	Registered dentist
39	Registered medical practitioner
40	Registered nurse or enrolled nurse
41	Registered or licensed surveyor

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Item	Class of elector
42	Registered pharmacist
43	Registered physiotherapist
44	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

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## Schedule 3

## Prescribed documents

(paragraphs 12 (2) (a) and (b), subparagraph 13 (1) (a) (ii), subparagraph 13 (1) (b) (ii) and paragraphs 39B (2) (b) and 39B (3) (b))

Item	Document
1	Australian birth certificate, or an extract of an Australian birth certificate, that is at least 5 years old
2	Australian Defence Force discharge document
3	Certificate of Australian citizenship
4	Current Australian passport
5	Current Australian photographic student identification card
6	Card issued by, or under the authority of, a State or Territory government the principal purpose of which (or one of the principal purposes of which) is to prove a person's age
7	Current concession card issued by Centrelink or the Department of Human Services
8	Current concession card issued by the Department of Veterans' Affairs
9	Current credit card or bank account card
10	Decree <i>nisi</i> or a certificate of a decree absolute made or granted by the Family Court of Australia
11	Document of appointment as an Australian Justice of the Peace
12	Current firearms licence (with photograph and signature)
13	Current identity card showing the signature and photograph of the card holder, issued by his or her employer
14	Marriage certificate registered with an Australian State or Territory Registry of Births, Deaths and Marriages, or equivalent
15	Medicare card
16	Current security guard or crowd control licence

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## Schedule 4 Prescribed documents

(paragraph 12 (3) (a), subparagraph 12 (3) (b) (ii))

Item	Document
1	Australian birth certificate, or an extract of an Australian birth certificate, that is at least 5 years old
2	Australian Defence Force discharge document
3	Certificate of Australian citizenship
4	Current Australian passport
5	Current Australian photographic student identification card
6	Card issued by, or under the authority of, a State or Territory government the principal purpose of which (or one of the principal purposes of which) is to prove a person's age
7	Current concession card issued by Centrelink or the Department of Human Services
8	Current concession card issued by the Department of Veterans' Affairs
9	Current credit card or bank account card
10	Decree <i>nisi</i> or a certificate of a decree absolute made or granted by the Family Court of Australia
11	Document issued by the Australian Government notifying a person of eligibility for Australian citizenship
12	Document of appointment as an Australian Justice of the Peace
13	Current firearms licence (with photograph and signature)
14	Current foreign passport and current Australian visa
15	Current identity card showing the signature and photograph of the card holder, issued by his or her employer
16	Marriage certificate registered with an Australian State or Territory Registry of Births, Deaths and Marriages, or equivalent
17	Medicare card
18	Current security guard or crowd control licence
19	Current travel document and current Australian visa

## Table of Instruments

## Notes to the *Electoral and Referendum Regulations 1940*

### Note 1

The *Electoral and Referendum Regulations 1940* (in force under the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984* as shown in this compilation comprise Statutory Rules 1940 No. 163 amended as indicated in the Tables below.

### Table of Instruments

Year and number	Date of notification in <i>Gazette</i> or FRLI registration	Date of commencement	Application, saving or transitional provisions
1940 No. 163 (a)	15 Aug 1940	15 Aug 1940	
1949 No. 62 (a)	15 Sept 1949	15 Sept 1949	—
1954 No. 27 (a)	8 Apr 1954	8 Apr 1954	—
1961 No. 103 (a)	10 Aug 1961	10 Aug 1961	—
1966 No. 140 (a)	13 Oct 1966	13 Oct 1966	—
1973 No. 62 (a)	21 Mar 1973	21 Mar 1973	—
1974 No. 44 (a)	9 Apr 1974	9 Apr 1974	—
1980 No. 241 (b)	27 Aug 1980	27 Aug 1980	—
1981 No. 80 (a)	6 May 1981	6 May 1981	—
1981 No. 84 (a)	6 May 1981	6 May 1981	—
1983 No. 114 (a)	29 July 1983	29 July 1983	—
1983 No. 153 (a)	1 Sept 1983	1 Sept 1983	R. 5
1983 No. 176 (a)	22 Sept 1983	22 Sept 1983	—
1983 No. 181 (a)	22 Sept 1983	22 Sept 1983	—
1983 No. 235 (a)	28 Oct 1983	28 Oct 1983	—
1983 No. 274 (a)	18 Nov 1983	18 Nov 1983	—
1983 No. 313 (a)	16 Dec 1983	26 Jan 1984	—
1984 No. 287	18 Oct 1984	18 Oct 1984	—
1987 No. 118	15 June 1987	15 June 1987	—
1987 No. 119	15 June 1987	15 June 1987	—
1988 No. 182	25 July 1988	25 July 1988	—
1988 No. 339 (b)	21 Dec 1988	21 Dec 1988	—
1989 No. 32 (b)	13 Mar 1989	13 Mar 1989	—
1990 No. 33 (b)	19 Feb 1990	19 Feb 1990	—
1990 No. 334 (b)	18 Oct 1990	18 Oct 1990	—

**Table of Instruments**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i> or FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
1992 No. 422	24 Dec 1992	24 Dec 1992	—
1993 No. 28	12 Feb 1993	12 Feb 1993	—
1993 No. 356	23 Dec 1993	23 Dec 1993	—
1995 No. 21 (b)	28 Feb 1995	28 Feb 1995	—
1995 No. 190	30 June 1995	1 July 1995	—
1995 No. 322	3 Nov 1995	6 Nov 1995 (see r. 1 and <i>Gazette</i> 1995, No. S423)	—
1997 No. 411 (b)	24 Dec 1997	24 Dec 1997	—
1998 No. 57 (b)	8 Apr 1998	8 Apr 1998	—
1998 No. 296	7 Sept 1998	7 Sept 1998	—
2000 No. 47	19 Apr 2000	19 Apr 2000	—
2000 No. 196 (b)	25 July 2000	25 July 2000	—
2000 No. 355 (b)	20 Dec 2000	20 Dec 2000	—
2001 No. 248 (c)	14 Sept 2001	(see r. 2)	—
2001 No. 340	21 Dec 2001	21 Dec 2001	—
2002 No. 117	14 June 2002	14 June 2002	—
2002 No. 326	20 Dec 2002	1 Jan 2003 (see r. 3)	—
2003 No. 188	24 July 2003	24 July 2003	—
2004 No. 299	7 Sept 2004	7 Sept 2004	—
2005 No. 125	17 June 2005 (see F2005L01468)	18 June 2005	—
2005 No. 319	19 Dec 2005 (see F2005L04017)	20 Dec 2005	—
2006 No. 350	15 Dec 2006 (see F2006L03833)	16 Apr 2007	—
2007 No. 83	13 Apr 2007 (see F2007L01003)	16 Apr 2007	—
2007 No. 251	24 Aug 2007 (see F2007L02598)	25 Aug 2007	—
2007 No. 270	11 Sept 2007 (see F2007L03545)	1 Aug 2007 (see r. 2)	—
2007 No. 271	11 Sept 2007 (see F2007L03546)	12 Sept 2007	—
2007 No. 254	19 Oct 2007 (see F2007L04094)	20 Oct 2007	—
2008 No. 3	30 Jan 2008 (see F2008L00187)	31 Jan 2008	—
2008 No. 70	2 May 2008 (see F2008L01223)	3 May 2008	—

**Table of Instruments**

<b>Year and number</b>	<b>Date of notification in <i>Gazette</i> or FRLI registration</b>	<b>Date of commencement</b>	<b>Application, saving or transitional provisions</b>
2010 No. 79	10 May 2010 (see F2010L00975)	11 May 2010	—
2010 No. 226	20 July 2010 (see F2010L02130)	19 July 2010 (see r. 2 and F2010L02126)	—
2010 No. 227	20 July 2010 (see F2010L02131)	19 July 2010 (see r. 2 and F2010L02126)	—
2011 No. 120	30 June 2011 (see F2011L01364)	1 July 2011	—

(a) Section 145 and Schedule 2 of the *Referendum (Machinery Provisions) Act 1984* provide as follows:

- (1) The Acts specified in Schedule 2 are repealed.
- (2) Notwithstanding the repeal effected by subsection (1), the regulations that were, immediately before the commencement of this Act, in force under the *Commonwealth Electoral Act 1918* and the *Referendum (Constitution Alteration) Act 1906* shall, in so far as those regulations relate to referendums, continue in force, to the extent to which they are consistent with this Act, as if:
  - (a) those regulations had been made under that first-mentioned Act and under this Act;
  - (b) a reference in those regulations to a State, in relation to a referendum, included a reference to the Australian Capital Territory and the Northern Territory;
  - (c) a reference in those regulations to the Australian Electoral Officer for a State, in relation to a referendum, included a reference to the Australian Electoral Officers for the Territories;
  - (d) a reference in those regulations to a Division, in relation to a referendum, included a reference to an Electoral Division of the Australian Capital Territory and to the Northern Territory; and
  - (e) a reference in those regulations to the *Referendum (Constitution Alteration) Act 1906* or to a particular provision of that Act were a reference to this Act or to the corresponding provision (if any) of this Act, as the case may be.
- (3) Nothing in subsection (2) prevents the making of regulations under this Act or under the *Commonwealth Electoral Act 1918* and under this Act to repeal or amend the regulations that are continued in force by that subsection.

**Schedule 2**

(section 145)

**REPEALED ACTS**

*Referendum (Constitution Alteration) Act 1906*

*Referendum (Constitution Alteration) Act 1909*

*Referendum (Constitution Alteration) Act 1910*

*Referendum (Constitution Alteration) Act 1912*

*Referendum (Constitution Alteration) Act 1912 (No. 2)*

## Table of Instruments

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*Referendum (Constitution Alteration) Act 1915*  
*Referendum (Constitution Alteration) Act 1919*  
*Referendum (Constitution Alteration) Act 1926*  
*Referendum (Constitution Alteration) Act 1928*  
*Referendum (Constitution Alteration) Act 1936*  
*Referendum (Constitution Alteration) Act 1965*  
*Referendum (Constitution Alteration) Act (No. 2) 1965*  
*Referendum (Constitution Alteration) Modification Act 1977*

Statutory Rules 1940 No. 163; 1949 No. 62; 1954 No. 27; 1961 No. 103; 1966 No. 140; 1973 No. 62; 1974 No. 44; 1981 Nos. 80 and 84; 1983 Nos. 114, 153, 176, 181, 235, 274 and 313 were made under the *Commonwealth Electoral Act 1918* and the *Referendum (Constitution Alteration) Act 1906*.

- (b) Statutory Rules 1980 No. 241; 1988 No. 339; 1989 No. 32; 1990 Nos. 33 and 334; 1995 No. 21; 1997 No. 411; 1998 No. 57 and 2000 Nos. 196 and 355 were made under the *Commonwealth Electoral Act 1918*.
- (c) Statutory Rules 2001 No. 248 was disallowed by the Senate on 15 May 2002.



**Table of Amendments****Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Part I</b>	
R. 1 .....	rs. 1998 No. 296
R. 2 .....	rs. 1966 No. 140 rep. 1984 No. 287
R. 4 .....	rep. 1983 No. 235
R. 4A.....	ad. 1973 No. 62 rep. 1984 No. 287
R. 5 .....	am. 1966 No. 140; 1981 No. 80; 1984 No. 287; 1990 No. 334; 1992 No. 422; 2000 No. 196; 2005 No. 125
R.5A.....	ad. 2005 No. 125
<b>Part II</b>	
<b>Division 1</b>	
R. 6 .....	am. 1983 No. 235; 1984 No. 287; 2007 No. 271
R. 7 .....	rs. 1954 No. 27; 1966 No. 140 am. 1981 No. 84; 1983 No. 176 rep. 1984 No. 287 ad. 1990 No. 334 am. 1997 No. 411; 2000 No. 196 rs. 2005 No. 125; 2007 No. 251 am. 2007 No. 271; 2008 Nos. 3 and 70
Heading to r. 8 .....	rs. 2000 No. 196
R. 8 .....	rep. 1984 No. 287 ad. 1990 No. 334 am. 2000 No. 355 rs. 2005 No. 125
R. 8A.....	ad. 2007 No. 354
Heading to r. 9 .....	rs. 2000 No. 196
R. 9 .....	am. 1949 No. 62 rep. 1984 No. 287 ad. 1990 No. 334 rs. 2005 No. 125
R. 10 .....	rep. 1984 No. 287 ad. 1993 No. 356 am. 1995 No. 190; 2000 Nos. 47 and 196; 2001 No. 340; 2003 No. 188 rep. 2005 No. 125
R. 11 .....	rep. 1984 No. 287 ad. 2004 No. 299 rep. 2007 No. 271

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 11A.....	ad. 2007 No. 83
Heading to r. 12 .....	rs. 2007 No. 83
R. 12 .....	rep. 1984 No. 287 ad. 2006 No. 350 am. 2007 No. 83
R. 13 .....	rep. 1984 No. 287 ad 2006 No. 350
R. 13A.....	ad. 2010 No. 226
Rr. 14–16 .....	rep. 1984 No. 287
Div. 2 of Part II .....	rep. 1984 No. 287
Rr. 17–20 .....	rep. 1984 No. 287
R. 21 .....	am. 1966 No. 140 rep. 1984 No. 287
Rr. 22–25 .....	rep. 1984 No. 287
Div. 3 of Part II .....	rep. 1990 No. 334
R. 26 .....	am. 1984 No. 287 rep. 1990 No. 334
R. 27 .....	am. 1983 No. 153 rep. 1984 No. 287
R. 28 .....	rep. 1983 No. 153
Rr. 29, 30 .....	am. 1984 No. 287 rep. 1990 No. 334
R. 31 .....	rep. 1984 No. 287
Div. 4 of Part II .....	rep. 1984 No. 287
Rr. 32, 33 .....	rep. 1984 No. 287
R. 34 .....	am. 1966 No. 140 rs. 1984 No. 287 rep. 1990 No. 334
R. 35 .....	am. 1966 No. 140 rep. 1984 No. 287
R. 36 .....	am. 1984 No. 287 rep. 1990 No. 334
R. 37 .....	rs. 1984 No. 287 rep. 1990 No. 334
R. 38 .....	rep. 1990 No. 334
<b>Part III</b>	
<b>Division 1</b>	
R. 38A.....	ad. 1988 No. 339 am. 1995 No. 21

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 39 .....	rep. 1949 No. 62 ad. 1984 No. 287 rep. 1990 No. 334 ad. 1995 No. 21
R. 39A .....	ad. 1989 No. 32 am. 1992 No. 422; 1993 No. 28; 1995 No. 21
R. 39B .....	ad. 2006 No. 350
R. 39C .....	ad. 2006 No. 350
R. 40 .....	ad. 1998 No. 296
<b>Division 2</b>	
Heading to Div. 2 of Part III..	rs. 2010 No. 227
Div. 2 of Part III .....	ad. 2007 No. 270
R. 41 .....	ad. 2007 No. 270 am. 2010 No. 227
R. 42 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 43 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 44 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 45 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 46 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 47 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 48 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 49 .....	ad. 2007 No. 270 rs. 2010 No. 277
R. 50 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 51 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 52 .....	ad. 2007 No. 270 rs. 2010 No. 227
R. 52A .....	ad. 2010 No. 227
R. 52B .....	ad. 2010 No. 227
R. 53 .....	ad. 2007 No. 270
R. 54 .....	ad. 2007 No. 270 rs. 2010 No. 227

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 55 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 56 .....	ad. 2007 No. 270 rep. 2010 No. 227
Heading to r. 57 .....	rs. 2010 No. 227
R. 57 .....	ad. 2007 No. 270 am. 2010 No. 277
Div. 3 of Part III .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 58 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 59 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 60 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 61 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 62 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 63 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 64 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 65 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 66 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 67 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 78 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 69 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 70 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 71 .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 72 .....	ad. 2007 No. 270 rep. 2010 No. 227
Div. 4 of Part III .....	ad. 2007 No. 270 rep. 2010 No. 227
R. 73 .....	ad. 2007 No. 270 rep. 2010 No. 227

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
Div. 2 of Part III .....	rep. 1990 No. 334
R. 40 .....	am. 1949 No. 62; 1954 No. 27; 1961 No. 103 rs. 1966 No. 140 am. 1973 No. 62 rs. 1984 No. 287 rep. 1990 No. 334
Rr. 40A–40C .....	ad. 1984 No. 287 rep. 1990 No. 334
R. 41 .....	am. 1954 No. 27 rep. 1990 No. 334
R. 42 .....	am. 1949 No. 62; 1954 No. 27; 1961 No. 103; 1966 No. 140 rs. 1984 No. 287 rep. 1990 No. 334
R. 43 .....	am. 1949 No. 62; 1961 No. 103 rep. 1984 No. 287
R. 44 .....	rep. 1990 No. 334
R. 45 .....	am. 1954 No. 27; 1981 No. 80; 1984 No. 287 rs. 1987 No. 118 rep. 1990 No. 334
R. 46 .....	am. 1984 No. 287 rep. 1990 No. 334
R. 47 .....	am. 1954 No. 27; 1981 No. 80; 1984 No. 287 rep. 1987 No. 118
R. 48 .....	am. 1949 No. 62; 1966 No. 140 rep. 1987 No. 118
R. 49 .....	rs. 1984 No. 287 rep. 1990 No. 334
R. 50 .....	ad. 1984 No. 287 rep. 1990 No. 334
Div. 3 of Part III .....	rep. 1984 No. 287
R. 50 .....	am. 1966 No. 140; 1983 No. 313 rep. 1984 No. 287
Rr. 51–52 .....	rep. 1984 No. 287
R. 53 .....	am. 1966 No. 140 rep. 1984 No. 287
Rr. 54, 55 .....	rep. 1984 No. 287
R. 56 .....	am. 1954 No. 27; 1981 No. 80 rep. 1984 No. 287
Rr. 57, 58 .....	rep. 1984 No. 287
R. 59 .....	am. 1966 No. 140; 1981 No. 80 rep. 1984 No. 287

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 60 .....	rep. 1984 No. 287
R. 61 .....	am. 1966 No. 140 rep. 1984 No. 287
Rr. 62–66 .....	rep. 1984 No. 287
Heading to Div. 4 of Part III..	rs. 1984 No. 287 rep. 1990 No. 324
Div. 4 of Part III .....	rep. 1990 No. 334
Rr. 67, 68 .....	rs. 1984 No. 287 rep. 1990 No. 334
R. 69 .....	am. 1984 No. 287 rep. 1987 No. 118
R. 70 .....	am. 1954 No. 27; 1981 No. 80; 1984 No. 287 rep. 1987 No. 118
Rr. 71, 72 .....	rs. 1984 No. 287 rep. 1990 No. 334
R. 72A .....	ad. 1984 No. 287 rep. 1990 No. 334
Div. 5 of Part III .....	rep. 1990 No. 334
R. 73 .....	am. 1984 No. 287; 1987 No. 118 rep. 1990 No. 334
Div. 6 of Part III .....	rep. 1990 No. 334
R. 74 .....	am. 1984 No. 287 rep. 1990 No. 334
R. 75 .....	rs. 1984 No. 287 rep. 1987 No. 118
R. 76 .....	am. 1966 No. 140; 1984 No. 287 rep. 1992 No. 422
R. 77 .....	am. 1984 No. 287 rep. 1992 No. 422
R. 78 .....	am. 1966 No. 140; 1984 No. 287; 1987 No. 119 rep. 1992 No. 422
Rr. 79, 80 .....	am. 1984 No. 287 rep. 1992 No. 422
<b>Division 7</b>	
R. 81 .....	am. 1984 No. 287; 1992 No. 422; 2002 No. 117
R. 82 .....	am. 1984 No. 287 rep. 1992 No. 422
R. 83 .....	am. 1984 No. 287; 1992 No. 422; 2002 No. 117
Rr. 84, 85 .....	rep. 1990 No. 334
R. 86 .....	rs. 1966 No. 140 rep. 1980 No. 241 ad. 1983 No. 114 rep. 1990 No. 334

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
R. 87 .....	rs. 1966 No. 140 rep. 1980 No. 241 ad. 1990 No. 33
R. 88 .....	rep. 1980 No. 241
R. 89 .....	am. 1966 No. 140 rep. 1984 No. 287
Rr. 90, 91 .....	rep. 1984 No. 287
R. 92 .....	rep. 1961 No. 103
R. 93 .....	am. 1966 No. 140; 1984 No. 287 rep. 1990 No. 334
R. 94 .....	rep. 1984 No. 287
R. 95 .....	rep. 1961 No. 103
R. 96 .....	rep. 1990 No. 334
R. 97 .....	rep. 1961 No. 103
R. 98A.....	ad. 1974 No. 44 rs. 1983 No. 274 rep. 1984 No. 287
Part IV.....	rep. 1990 No. 334
Rr. 98, 99 .....	rep. 1990 No. 334
R. 100 .....	am. 1984 No. 287 rep. 1990 No. 334
R. 101 .....	am. 1966 No. 140 rep. 1984 No. 287
R. 102 .....	rep. 1984 No. 287
R. 103 .....	am. 1966 No. 140 rep. 1984 No. 287
The Schedule.....	am. 1949 No. 62; 1954 No. 27; 1961 No. 103; 1966 No. 140; 1973 No. 62; 1974 No. 44; 1980 No. 241; 1983 Nos. 153, 181, 235, 274 and 313 rep. 1984 No. 287
Heading to Schedule.....	rep. 1990 No. 334
<b>Schedule 1</b>	
Heading to Schedule 1.....	ad. 1990 No. 334 rep. 1992 No. 422
Schedule.....	ad. 1984 No. 287 am. 1987 No. 118; 1988 No. 182
Schedule 1 .....	am. 1990 No. 334 rep. 1992 No. 422 ad. 2005 No. 125 am. 2005 No. 319; 2007 Nos. 271 and 254; 2010 No. 79; 2011 No. 120

**Table of Amendments**

ad. = added or inserted    am. = amended    rep. = repealed    rs. = repealed and substituted

<b>Provision affected</b>	<b>How affected</b>
<b>Schedule 2</b>	
Heading to Schedule 2.....	rs. 2000 No. 196 rep. 2005 No. 125
Schedule 2.....	ad. 1990 No. 334 am. 1992 No. 422; 1995 No. 322; 1997 No. 411; 1998 No. 57 rs. 2000 No. 47 am. 2000 Nos. 196 and 355; 2002 No. 326; 2003 No. 188 rep. 2005 No. 125 ad. 2006 No. 350
<b>Schedule 3</b>	
Schedule 3.....	ad. 2000 No. 196 am. 2000 No. 355; 2002 No. 326; 2003 No. 188 rep. 2005 No. 125 ad. 2006 No. 350 am. 2011 No. 120
<b>Schedule 4</b>	
Schedule 4.....	ad. 2006 No. 350 am. 2011 No. 120