



# Electoral and Referendum Amendment Regulations 2005 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2005 No. 125

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Commonwealth Electoral Act 1918* and the *Referendum (Machinery Provisions) Act 1984*.

Dated 15 June 2005

P. M. JEFFERY  
Governor-General

By His Excellency's Command

ERIC ABETZ  
Special Minister of State

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**1 Name of Regulations**

These Regulations are the *Electoral and Referendum Amendment Regulations 2005 (No. 1)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

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

Schedule 1 amends the *Electoral and Referendum Regulations 1940*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Subregulation 5 (1), definition of *prescribed authority***  
*omit*

**[2] After regulation 5**  
*insert*

**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.

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**[3] Regulations 7 to 10**

*substitute*

**7 Authorisation of provision of information**

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.

**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.

**[4] Schedules 2 and 3**

*substitute*

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

(regulations 5A and 8)

Item	Agency or authority	Purpose
1	Australian Communications Authority	Identifying offences relating to interference with radiocommunications or telecommunications
2	Australian Crime Commission (ACC)	<ul style="list-style-type: none"><li>(a) Collecting, analysing or disseminating information or intelligence relating to relevant criminal activities</li><li>(b) Investigating matters relating to relevant criminal activities</li><li>(c) Assembling or analysing evidence about offences and suspected offences</li></ul>
3	Australian Customs Service (ACS)	<ul style="list-style-type: none"><li>(a) Verifying the identity or status of travellers and consignees of cargo or postal articles</li><li>(b) Verifying the identity and status of importers and exporters</li><li>(c) Investigating criminal offences and offences against legislation administered by the ACS</li><li>(d) Checking the accuracy of information given to the ACS</li></ul>

Item	Agency or authority	Purpose
		(e) Verifying the identity of individuals on behalf of the government of another country, or on behalf of a law enforcement administration, under an international agreement or arrangement
		(f) Surveillance purposes
4	Australian Federal Police (AFP)	(a) Identifying or locating offenders, suspects or witnesses (b) Deciding whether suspects can be eliminated from an investigation (c) Target development (d) Intelligence checks (e) Protecting the safety of officers, staff members, AFP employees and special members (f) Law enforcement (g) Surveillance
5	Australian Securities and Investments Commission (ASIC)	(a) Identifying or locating suspects or witnesses (b) Surveillance (c) Law enforcement
6	Australian Security Intelligence Organisation	Confirming the identity of Australian citizens to determine whether or not they are of security interest
7	Australian Taxation Office (ATO) (the Statutory Agency consisting of the Commissioner of Taxation and staff)	(a) Identifying or locating taxpayers (b) Preventing, detecting or investigating taxation fraud
8	Centrelink	Preventing and detecting fraud relating to identity or incorrect payments

Item	Agency or authority	Purpose
9	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
10	Department of Defence	Identifying debtors in relation to the Department
11	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
12	Department of Employment and Workplace Relations	Identifying or locating suspects, debtors or witnesses in relation to criminal investigations
13	Department of Family and Community Services	Identifying or locating clients for debt management, determination or correction purposes
14	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>

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Item	Agency or authority	Purpose
15	Department of Immigration and Multicultural and Indigenous Affairs	<p>(a) Facilitating travel to Australia, or entry to Australia, for an Australian citizen who may have lost his or her passport</p> <p>(b) Enabling airport officers to identify travellers and confirm their status</p> <p>(c) Assisting investigations and compliance staff in the detection of persons suspected of being in Australia unlawfully, or of working without authority, or of being involved in people smuggling</p>
16	Department of Veterans' Affairs	Undertaking reviews of, or research into, the health of former members of the Defence Force

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### Note

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