



Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Regulations 2010¹

Select Legislative Instrument 2010 No. 225

I, MARIE BASHIR, Administrator of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010*.

Dated 19 July 2010

MARIE BASHIR
Administrator

By Her Excellency's Command

JOSEPH LUDWIG
Special Minister of State

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1 Name of Regulations

These Regulations are the *Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Regulations 2010*.

2 Commencement

These Regulations commence on the commencement of Schedule 2 to the *Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010*.

3 Definitions

In these Regulations:

Act means the *Electoral and Referendum Amendment (Pre-poll Voting and Other Measures) Act 2010*.

amended Electoral Act means the *Commonwealth Electoral Act 1918* as amended by the Act.

commencement day means the day on which these Regulations commence.

former Electoral Act means the *Commonwealth Electoral Act 1918* as in force before the commencement of Schedule 2 to the Act.

4 Review of Rolls

For item 189 of Schedule 2 to the Act, a review of the Roll for a Subdivision of a Division that:

- (a) was commenced under subsection 104 (7) of the former Electoral Act before the commencement day; and
- (b) was not completed before the commencement day;

is taken, on and after the commencement day, to be a review of the Roll conducted by the Electoral Commissioner under subsection 104 (7) of the amended Electoral Act.

5 Lists of deaths

- (1) For item 189 of Schedule 2 to the Act:

- (a) a Registrar-General is taken to comply with paragraph 108 (a) of the amended Electoral Act if the Registrar-General forwards a list mentioned in that paragraph to a Divisional Returning Officer; and
- (b) paragraph (a) ceases to apply when the Registrar-General is notified by the Electoral Commissioner of the person to whom the Registrar-General must forward the list for the purposes of paragraph 108 (a) of the amended Electoral Act.

- (2) For item 189 of Schedule 2 to the Act:

- (a) a Registrar-General is taken to comply with paragraph 108 (b) of the amended Electoral Act if the Registrar-General forwards information mentioned in that paragraph to the Australian Electoral Officer for the State; and
- (b) paragraph (a) ceases to apply when the Registrar-General is notified by the Electoral Commissioner of the person to whom the Registrar-General must forward the information for the purposes of paragraph 108 (b) of the amended Electoral Act.

6 Lists of convictions

- (1) For item 189 of Schedule 2 to the Act:
 - (a) a Controller-General of Prisons is taken to comply with subsection 109 (1) of the amended Electoral Act if the Controller-General forwards a list mentioned in that paragraph to the Australian Electoral Officer for the State; and
 - (b) paragraph (a) ceases to apply when the Controller-General is notified by the Electoral Commissioner of the person to whom the Registrar-General must forward the list for the purposes of subsection 109 (1) of the amended Electoral Act.
- (2) For item 189 of Schedule 2 to the Act:
 - (a) a Controller-General of Prisons is taken to comply with subsection 109 (2) of the amended Electoral Act if the Controller-General forwards a list mentioned in that paragraph to the Australian Electoral Officer for the State; and
 - (b) paragraph (a) ceases to apply when the Controller-General is notified by the Electoral Commissioner of the person to whom the Registrar-General must forward the list for the purposes of subsection 109 (2) of the amended Electoral Act.

7 Claims sent by fax

For item 189 of Schedule 2 to the Act, the repeal by the Act of section 111A of the former Electoral Act does not affect a claim that:

- (a) was sent by fax in accordance with subsection 111A (1) of the former Act; and
- (b) was received by an officer mentioned in subsection 111A (1) of the former Act before the commencement day; and
- (c) was not dealt with before the commencement day.

8 Objection action

For item 189 of Schedule 2 to the Act, Part IX of the former Electoral Act continues to apply in relation to an objection made under section 114 of the former Electoral Act before the commencement day.

9 Review of decisions

For item 189 of Schedule 2 to the Act, Part X of the former Electoral Act continues to apply in relation to:

- (a) a request for review made under section 120 of the former Electoral Act before the commencement day; and
- (b) an application for review made under section 121 of the former Electoral Act before the commencement day.

10 Registration as general postal voter

For item 189 of Schedule 2 to the Act, Part XV of the former Electoral Act continues to apply in relation to an application for registration as a general postal voter made in accordance with section 184A of the former Electoral Act before the commencement day.

11 Review of Registers

For item 189 of Schedule 2 to the Act, a review of the Register for a Division that:

- (a) was commenced under section 185B of the former Electoral Act before the commencement day; and
- (b) was not completed before the commencement day;

is taken, on and after the commencement day, to be a review of the Register conducted by the Electoral Commissioner under section 185B of the amended Electoral Act.

12 Antarctic electors

For item 189 of Schedule 2 to the Act, section 249 of the former Electoral Act continues to apply in relation to a request under subsection 249 (1) of the former Act made before the commencement day.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.