



# **Electoral and Referendum Amendment (Enrolment Integrity and Other Measures) Act 2004**

**No. 115, 2004**

**An Act to make further amendments of the law  
relating to elections and referendums, and for  
related purposes**

Note: An electronic version of this Act is available in SCALEplus  
(<http://scaleplus.law.gov.au/html/comact/browse/TOCN.htm>)



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**An Act to make further amendments of the law  
relating to elections and referendums, and for  
related purposes**

*[Assented to 13 July 2004]*

The Parliament of Australia enacts:

## **1 Short title**

This Act may be cited as the *Electoral and Referendum  
Amendment (Enrolment Integrity and Other Measures) Act 2004*.

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## 2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	13 July 2004
2. Schedule 1, items 1 to 4	The later of: (a) the 28th day after the day on which this Act receives the Royal Assent; and (b) the commencement of item 3 of Schedule 1 to the <i>Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Act 2004</i> .	10 August 2004 (paragraph (a) applies)
3. Schedule 1, item 5	A single day to be fixed by Proclamation.	
4. Schedule 1, items 6, 7 and 8	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
5. Schedule 1, item 9	At the same time as the provision covered by table item 3.	
6. Schedule 1, item 10	A single day to be fixed by Proclamation.	
7. Schedule 1, item 11	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
8. Schedule 1, item 12	At the same time as the provision covered by table item 3.	
9. Schedule 1, item 13	At the same time as the provision covered by table item 6.	
10. Schedule 1, items 14 and 15	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004

<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
11. Schedule 1, item 16	At the same time as the provision covered by table item 3.	
12. Schedule 1, item 17	At the same time as the provision covered by table item 6.	
13. Schedule 1, item 18	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
14. Schedule 1, item 19	At the same time as the provision covered by table item 3.	
15. Schedule 1, items 20 to 36	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
16. Schedule 1, item 37	At the same time as the provision covered by table item 6.	
17. Schedule 1, items 38 to 41	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
18. Schedule 1, item 42	At the same time as the provision covered by table item 3.	
19. Schedule 1, items 43 and 44	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
20. Schedule 1, item 45	At the same time as the provision covered by table item 6.	
21. Schedule 1, items 46 to 61	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
22. Schedule 1, items 62 and 63	At the same time as the provision covered by table item 6.	
23. Schedule 1, items 64 to 77	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
24. Schedule 1, item 78	At the same time as the provision covered by table item 3.	
25. Schedule 1, items 79 to 102	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
26. Schedule 1, item 103	The day on which this Act receives the Royal Assent.	13 July 2004

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<b>Commencement information</b>		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision(s)</b>	<b>Commencement</b>	<b>Date/Details</b>
27. Schedule 1, items 104 and 105	Immediately after the commencement of items 764 and 765 of Schedule 1 to the <i>Public Employment (Consequential and Transitional) Amendment Act 1999</i> .	5 December 1999
28. Schedule 1, items 106 to 109	At the same time as the provision covered by table item 6.	
29. Schedule 1 items 110 to 115	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004
30. Schedule 1, item 116	At the same time as the provision covered by table item 3.	
31. Schedule 1, items 117 to 138	The 28th day after the day on which this Act receives the Royal Assent.	10 August 2004

Note: This table relates only to the provisions of this Act as originally passed by the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

### **3 Schedule(s)**

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.



## **Schedule 1—Amendments**

### **Part 1—Amendments**

#### *Commonwealth Electoral Act 1918*

##### **1 Subsection 90B(1) (after table item 4)**

Insert:

4A	a registered political party	voting information (as defined in subsection (10)) in relation to the election	(a) on request by the party; and (b) without charge; and (c) subject to subsection (3).
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##### **2 Subsection 90B(1) (after table item 10)**

Insert:

10A	a Senator for a State or Territory (other than a member of a registered political party)	voting information (as defined in subsection (10)) in relation to the election in which the Senator was elected	(a) on request by the Senator; and (b) without charge.
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##### **3 Subsection 90B(1) (after table item 14)**

Insert:

14A	a member of the House of Representatives for a Division (other than a member of a registered political party)	voting information (as defined in subsection (10)) in relation to the election in which the member was elected	(a) on request by the member; and (b) without charge.
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##### **4 Subsection 90B(10)**

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Insert:

*voting information*, in relation to an election, means information that:

- (a) contains the names and addresses of the electors who voted at the election (other than itinerant electors, eligible overseas electors and electors whose addresses have been excluded from the Roll under section 104); and
- (b) indicates whether or not each of those electors voted at a polling place; and
- (c) if the elector voted at a polling place for the Division for which the elector was enrolled, indicates the location of the polling place.

### 5 Subsection 92(1)

Omit “and electoral officers”, substitute “electoral and other prescribed officers”.

### 6 Paragraph 93(8)(b)

Repeal the paragraph, substitute:

- (b) is serving a sentence of imprisonment which:
  - (i) commenced on or before the return of the writs for an election for the House of Representatives or Senate; and
  - (ii) continues at the issuing of writs for any succeeding election for the House of Representatives or Senate; or

### 7 After subsection 93(8)

Insert:

(8AA) For the purposes of paragraph (8)(b), a person is *serv*ing a *sent*ence of imprisonment only if:

- (a) the person is in detention on a full-time basis for an offence against a law of the Commonwealth or a State or Territory; and
- (b) that detention is attributable to the sentence of imprisonment concerned.

### 8 Paragraph 94A(1)(c)

After “he or she resided”, insert “at an address”.

**11 Paragraph 95(1)(e)**

After “he or she resided”, insert “at an address”.

**14 Subsection 95AA(1) (paragraph (b) of the definition of *qualified Norfolk Islander*)**

After “he or she lived”, insert “at an address”.

**15 Subsection 95AA(1) (paragraph (b) of the definition of *qualified Norfolk Islander*)**

Omit “so lived”, substitute “lived at that address”.

**18A Before section 98**

Insert:

**98AA Regulations**

- (1) Where regulations are made to implement a requirement of this Part or Part VII in relation to identification for enrolment:
  - (a) the regulations must require the applicant for enrolment to provide documentary evidence of their name and address by providing their driver’s licence number;  
provided that:
    - (b) where the applicant does not possess a driver’s licence, the application must be countersigned by two persons on the electoral roll who can confirm the applicant’s identity and current residential address. The counter-signatories must have known the applicant for at least one month or have sighted identification showing the applicant’s name and address.
- (2) Regulations must not be made in accordance with subsection (1) until after 1 July 2005.

**19 At the end of subsection 98(2)**

Add:

- ; and (d) be supported by the evidence of:
- (i) the claimant’s identity; and
  - (ii) the place where the claimant lives if subparagraph (iii) does not apply; and

(iii) any matter that is relevant to determining which Subdivision the claimant should be enrolled in if the claimant's entitlement to enrolment arises under section 95AA (Norfolk Island electors);

that is required by the regulations; and

(e) the requirement in paragraph (c) does not apply once the regulations in relation to evidentiary requirements for enrolment are in operation.

To avoid doubt, the requirement in paragraph (d) does not apply unless regulations are in operation for the purposes of that paragraph when the claim is made.

**20 Subsection 99(1)**

After "who lives", insert "at an address".

**21 Subsection 99(1)**

Omit "so lived", substitute "lived at that address".

**22 Subsection 99(1)**

After "entitled", insert ", in respect of residence at that address,".

**23 Subsection 99(2)**

After "who lives", insert "at an address".

**24 Subsection 99(2)**

Omit "so lived", substitute "lived at that address".

**25 Subsection 99(2)**

After "entitled", insert ", in respect of residence at that address,".

**27 Subsection 99(5)**

After "in fact lived", insert "at the relevant address".

**28 Paragraph 99A(1)(b)**

After "be entitled", insert ", in respect of residence at an address,".

**29 Paragraph 99A(2)(a)**

After "is living", insert "at an address".

**30 Paragraph 99A(2)(b)**

Omit “in that Subdivision”, substitute “at that address”.

**31 Paragraph 100(1)(b)**

After “be entitled”, insert “, in respect of residence at an address,”.

**32 Subsection 101(5)**

Repeal the subsection, substitute:

- (5) Subject to subsection (5A), if a person enrolled for a Subdivision (including a person whose address, in accordance with a request made under section 104, is not entered on a Roll):
- (a) has changed his or her place of living from one address in that Subdivision to another address in the same Subdivision; and
  - (b) has lived at the new address for a period of one month; the person must, within 21 days after the end of the period referred to in paragraph (b), give written notice of the new address to the Divisional Returning Officer for the Division that includes that Subdivision.

**33 Subsection 101(6)**

Omit “\$50”, substitute “1 penalty unit”.

**34 Paragraph 102(1)(b)**

After “is entitled”, insert “, in respect of residence at an address,”.

**35 Paragraph 102(1)(ba)**

After “properly enrolled”, insert “in respect of residence at the address”.

**36 Paragraph 102(1)(c)**

After “is entitled”, insert “, in respect of residence at an address,”.

**38 At the end of section 104**

Add:

- (10) For the purposes of this Act, if the address of a person is not shown on the Roll for a Subdivision because of a request made by the person under subsection (1) or (2), the name of the person is taken to have been placed on the Roll:
-

- (a) if the person has not given notice of a change of address under subsection 101(5)—in respect of the address that would have been shown on the Roll had the request not been made; or
- (b) if the person gives notice of a change of address under subsection 101(5)—in respect of the new address.

**39 Paragraph 105(1)(b)**

Omit “or address”.

**40 After paragraph 105(1)(b)**

Insert:

- (ba) altering, in response to a written notice given by an elector, the original address of the elector on the same Subdivision Roll;

**41 After subsection 105(1)**

Insert:

- (1A) If the address of an elector is altered under paragraph (1)(ba) or (h), then, after the alteration, this Act has effect as if the elector’s name had been placed on the Roll in respect of the address as altered.

**42 Before subsection 105(2)**

Insert:

- (1B) An application by an elector under subsection 105(1) to alter the elector’s name on a Subdivision Roll must be supported by the evidence of the elector’s identity that is required by the regulations.
- (1C) An application by an elector under subsection 105(1) to alter the elector’s address on a Subdivision Roll must be supported by the evidence (if any) of:
  - (a) the elector’s identity; and
  - (b) the place where the elector lives;that is required by the regulations.
- (1D) To avoid doubt, the requirement in subsection (1C) does not apply unless regulations are in operation for the purposes of that subsection when the application is made.

**43 After subsection 105(3)**

Insert:

- (3A) Despite subsection (3), the address of an elector must not be altered under paragraph (1)(ba) unless the Divisional Returning Officer is satisfied that the elector has lived at the new address for a period of at least one month.

**44 Subsections 105(4) and (5)**

Repeal the subsections, substitute:

- (4) If a vote is:
- (a) admitted to further scrutiny at a preliminary scrutiny of declaration votes because of paragraph 12 of Schedule 3; or
  - (b) admitted to further scrutiny at a preliminary scrutiny conducted under section 89A of the *Referendum (Machinery Provisions) Act 1984* because of paragraph 11 of Schedule 4 to that Act;

the Divisional Returning Officer for the relevant Division must:

- (c) as soon as practicable, review the elector's entitlement to have the elector's name entered on the Roll for a Subdivision in that Division; and
- (d) if the Divisional Returning Officer is satisfied, as a result of the review, that the elector's name was removed from the roll for the Division because of an error or mistake—enter the elector's name on the Roll for the Subdivision for which, but for the error or mistake, the name would have appeared.

**46 Section 109**

Omit “5 years or longer”, substitute “imprisonment (within the meaning of subsection 93(8))”.

**47 Subsection 113(1)**

Insert:

*Antarctic elector* means an elector whose name has been retained on the relevant Roll under Part XVII.

**48 Subsection 113(1) (at the end of the definition of *official objection*)**

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Add “or (4)”.

**49 Subsection 113(1) (definition of *private objection*)**

Omit “or (1A)”, substitute “, (1A) or (1B)”.

**50 After subsection 114(1A)**

Insert:

- (1B) A person enrolled for a Subdivision may object to the enrolment of another person for that Subdivision on the ground that:
- (a) the other person’s name has been placed on the Roll for that Subdivision in respect of a particular address; and
  - (b) at the date of the objection, the other person does not live at that address, and has not lived at that address for a period of at least one month; and
  - (c) the other person is not an Antarctic elector.
- (1C) A person must not object under subsection (1) to the enrolment of another person if the person could object under subsection (1B) to the enrolment of the other person.

**51 At the end of section 114**

Add:

- (4) The DRO for a Division must object to the enrolment of a person for a Subdivision of that Division if:
- (a) the person’s name has been placed on the Roll for that Subdivision in respect of a particular address; and
  - (b) at the date of the objection, there are reasonable grounds for believing that the person does not live at that address, and has not lived at that address for a period of at least one month; and
  - (c) the person is not an Antarctic elector.
- (5) The DRO for a Division must not object under subsection (2) to the enrolment of a person if the DRO could object under subsection (4) to the enrolment of the person.

**52 Subsection 115(2)**

After “114(1)”, insert “or (1B)”.



**53 Subsection 115(3)**

Repeal the subsection.

**54 Subsection 118(3)**

Omit “If it appears”, substitute “In the case of an objection under subsection 114(1), (1A) or (2), if it appears”.

**55 After subsection 118(4)**

Insert:

(4A) In the case of an objection under subsection 114(1B) or (4), if it appears to the DRO that:

(a) the challenged elector’s name has been placed on the Roll for the relevant Subdivision in respect of a particular address; and

(b) at the date of the objection, the challenged elector did not live at that address, and had not lived at that address for a period of at least one month; and

(c) the challenged elector is not an Antarctic elector;

the DRO must remove the elector’s name from the Roll for that Subdivision.

**56 Subsection 118(5)**

After “(3)”, insert “or (4A)”.

**57 Subsection 118(8)**

After “114(1)”, insert “or (1B)”.

**58 After paragraph 129(d)**

Insert:

(da) is one that a reasonable person would think suggests that a connection or relationship exists between the party and a registered party if that connection or relationship does not in fact exist; or

**59 Paragraph 134A(1)(a)**

Repeal the paragraph, substitute:

- (aa) one registered political party (the *parent party*) was registered under section 126 before another registered party (the *second party*); and
- (a) the Commission is satisfied that:
  - (i) the name of the parent party is the same as, or relevantly similar to, the name of the second party and the parties are not related at the time of the objection; or
  - (ii) the name of the second party is one that a reasonable person would think suggests that a connection or relationship exists between the second party and the parent party and that connection or relationship does not in fact exist; and
  - (iii) the second party was registered after the commencement of this section; and

**60 Paragraph 134A(1)(b)**

Omit “party; and”, substitute “party;”.

**61 Paragraph 134A(1)(c)**

Repeal the paragraph.

**64 Subsection 173(1)**

Omit “or (3)”.

**65 Subsection 173(2)**

Omit “If the candidate was nominated under subsection 167(3) and the deposit was paid by a person other than the candidate, the”, substitute “The”.

**66 Subsections 173(2A) and (3)**

Repeal the subsections.

**67 Subsection 176(1)**

After “the declaration place”, insert “for the relevant State or Territory”.

**68 Subsection 176(2)**

After “nomination for the Division,”, insert “or at the declaration place for the Division,”.

**69 Subsection 176(4) (definition of *declaration place*)**

Repeal the definition, substitute:

*declaration place* means:

- (a) for a Senate election for a State or Territory—a place determined in relation to that State or Territory by the Australian Electoral Officer for that State or Territory; and
- (b) for a House of Representatives election for a Division—a place determined in relation to that Division by the Australian Electoral Officer for the relevant State or Territory.

**70 Subsection 178(2)**

Omit “the candidate was nominated under subsection 167(3) and”.

**71 At the end of paragraph 184A(2)(d)**

Add “but not serving a sentence of imprisonment (within the meaning of subsection 93(8))”.

**72 After subsection 208(2)**

Insert:

- (2A) The list must also include the sex and date of birth of each person whose name is included in the list.

**73 Subsection 229(4)**

Repeal the subsection, substitute:

- (4) If the answers a person (the *claimant*) claiming to vote gives to the questions in paragraphs (1)(a) and (b) do not satisfy the presiding officer that the claimant is a particular person on the certified list of voters, the officer may ask the claimant one or more other questions about matters shown on the list for the particular person, to establish whether the claimant is that particular person.

**74 Section 230**

After “given name,” (second occurring), insert “sex, date of birth”.

**76 Paragraph 235(1)(a)**

Omit “vote;”, substitute “vote; or”.

**77 After paragraph 235(1)(b)**

Insert:

- (c) the presiding officer has asked the person one or more questions under subsection 229(4) about matters shown on the certified list of voters for a particular person to establish whether the person is that particular person and one of the following applies:
  - (i) the person's answers do not accord with the relevant information shown for that particular person on the list;
  - (ii) the person's answers accord with the relevant information shown for that particular person on the list but the officer is not satisfied that the person is that particular person;
  - (iii) the person refused to answer fully; or

**88 Subsection 331(1)**

Omit "article or a paragraph", substitute "advertisement".

**89 Subsection 331(1)**

Omit "not the article", substitute "not the advertisement".

**90 Subsection 331(1)**

Omit "payment", substitute "consideration".

**91 Subsections 331(1) and (2)**

Omit "article or paragraph" (wherever occurring), substitute "advertisement".

**92 Subsection 337(1) (penalty)**

Repeal the penalty, substitute:

Penalty: Imprisonment for 12 months.

**92A At the end of section 337**

Add:

Note: The *Criminal Code Act 1995* contains defences for offences involving mistake or ignorance.

**93 After subsection 339(1B)**

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Insert:

(1C) A person is guilty of an offence if the person intentionally votes more than once in the same election.

Penalty: 60 penalty units or imprisonment for 12 months, or both.

(1D) If a person votes more than once in the same election, the number of offences the person is guilty of under subsection (1A) or (1C) because of that voting is the number of times the person voted in that election less one.

Note: This subsection means that each act of voting (other than the one act of voting that would be legitimate) gives rise to a separate offence but it is not necessary to know which act of voting was the first one and therefore legitimate.

#### **94 Paragraph 355(e)**

Repeal the paragraph, substitute:

(e) be filed in the Registry of the High Court within 40 days after:

- (i) if the polling day for the election in dispute is not the polling day for any other election—the return of the writ for the election; or
- (ii) if the polling day for the election in dispute is also the polling day for another election or other elections—the return of whichever of the writs for the election in dispute and that other election or those other elections is returned last; or
- (iii) if the choice or the appointment of a person to hold the place of a Senator under section 15 of the Constitution is in dispute—the notification of that choice or appointment.

#### **95 Clause 9 of Schedule 2**

Omit “serving a sentence of imprisonment or otherwise under detention”, substitute “under detention, but not serving a sentence of imprisonment (within the meaning of subsection 93(8))”.

#### **96 Subparagraph 10(b) of Schedule 3**

Omit “11A or 12”, substitute “12 or 13A”.

#### **97 After subparagraph 10(b) of Schedule 3**

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Insert:

- (ba) in another group, the envelopes to which paragraph 13C applies;

**98 Subparagraph 11(b) of Schedule 3**

Omit “11A or 12”, substitute “12 or 13A”.

**99 Paragraphs 11A and 11B of Schedule 3**

Repeal the paragraphs.

**100 After paragraph 13 of Schedule 3**

Insert:

13A. This paragraph applies to an envelope if the DRO is satisfied:

- (a) that the elector who signed the certificate or declaration on the envelope is not enrolled for the Division; and
- (b) after making enquiry:
  - (i) that the elector was, at the time of voting, entitled to be enrolled for the Division; and
  - (ii) that the elector has previously been enrolled for the Division; and
  - (iii) that the elector’s name was omitted from the Roll for the Division; and
  - (iv) that the omission of the elector’s name from the Roll for the Division was attributable to subsection 118(4A).

13B. Subparagraph 13A(b) does not apply if:

- (a) an election (excluding the election to which the scrutiny relates) has been held since the omission from the Roll; or
- (b) if there has been a redistribution of the State or Territory that includes the Division since the last election before the election to which the scrutiny relates—the omission from the Roll was made before the last such redistribution.

13C. This paragraph applies to an envelope if the DRO is satisfied:

- (a) that the elector who signed a certificate or declaration on the envelope is not enrolled for the State or Territory in which the Division is situated; and
- (b) after making enquiry:

- (i) that the elector was, at the time of voting, entitled to be enrolled for the State or Territory in which the Division is situated; and
- (ii) that the elector was not, at the time of voting, entitled to be enrolled for the Division; and
- (iii) that the elector has previously been enrolled for the Division; and
- (iv) that the elector's name was omitted from the Roll for the Division; and
- (v) that the omission of the elector's name from the Roll for the Division was attributable to subsection 118(4A).

13D. Subparagraph 13C(b) does not apply if:

- (a) an election (excluding the election to which the scrutiny relates) has been held since the omission from the Roll; or
- (b) if there has been a redistribution of the State or Territory that includes the Division since the last election before the election to which the scrutiny relates—the omission from the Roll was made before the last such redistribution.

**101 Paragraph 14 of Schedule 3**

Omit “11B and 13”, substitute “13, 13B and 13D”.

**102 Paragraph 19 of Schedule 3**

Omit “10(c)”, substitute “10(ba) or (c)”.

***Electoral and Referendum Amendment Act (No. 1) 1999***

**103 Items 10, 11 and 12 of Schedule 1**

Repeal the items.

***Public Employment (Consequential and Transitional)  
Amendment Act 1999***

**104 Item 764 of Schedule 1**

Omit “*authorised*”, substitute “*authorized*”.

**105 Item 765 of Schedule 1**

Omit “*authorised*”, substitute “*authorized*”.

## ***Referendum (Machinery Provisions) Act 1984***

### **107 At the end of section 4**

Add:

(3) In this section:

***postponement period*** means:

- (a) if the DRO or Australian Electoral Officer, as the case requires, is satisfied that the claimant has previously been an elector—the period commencing at 8 pm on the day on which the Rolls for the referendum close and ending on the close of voting at the referendum; and
- (b) in any other case—the period commencing at 6 pm on the date of issue of the writ for the referendum and ending on the close of voting at the referendum.

### **108 Subsection 9(1)**

Omit “7 days”, substitute “3 working days”.

### **110 After subsection 22(2)**

Insert:

(2A) The list must also include the sex and date of birth of each person whose name is included in the list.

### **111 Subsection 30(4)**

Repeal the subsection, substitute:

- (4) If the answers a person (the ***claimant***) claiming to vote gives to the questions in paragraphs (1)(a) and (b) do not satisfy the presiding officer that the claimant is a particular person on the certified list of voters, the officer may ask the claimant one or more other questions about matters shown on the list for the particular person, to establish whether the claimant is that particular person.

### **112 Paragraph 32(1)(b)**

After “given name,”, insert “a wrong sex, a wrong date of birth,”.

### **114 Paragraph 37(1)(a)**

Omit “vote;”, substitute “vote; or”.

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**115 After paragraph 37(1)(b)**

Insert:

- (c) the presiding officer has asked the person one or more questions under subsection 30(4) about matters shown on the certified list of voters for a particular person to establish whether the person is that particular person and one of the following applies:
  - (i) the person's answers do not accord with the relevant information shown for that particular person on the list;
  - (ii) the person's answers accord with the relevant information shown for that particular person on the list but the officer is not satisfied that the person is that particular person;
  - (iii) the person refused to answer fully; or

**117 Subsection 62(4)**

Repeal the subsection, substitute:

- (4) A DRO, before making applications for postal votes available for public inspection, must remove from any application by a person whose address has been removed from the Roll under section 104 of the *Commonwealth Electoral Act 1918* all information other than the person's name.

**119 Subsection 124(1)**

Omit "article or a paragraph", substitute "advertisement".

**120 Subsection 124(1)**

Omit "not the article", substitute "not the advertisement".

**121 Subsection 124(1)**

Omit "payment", substitute "consideration".

**122 Subsection 124(1)**

Omit "article or paragraph" (wherever occurring), substitute "advertisement".

**123 Subsection 124(2)**

Omit "article or item" (wherever occurring), substitute "advertisement".

**124 Subsection 130(1A)**

Omit “election”, substitute “referendum”.

**125 After subsection 130(1B)**

Insert:

(1C) A person is guilty of an offence if the person intentionally votes more than once in the same referendum.

Penalty: 60 penalty units or imprisonment for 12 months, or both.

(1D) If a person votes more than once in the same referendum, the number of offences the person is guilty of under subsection (1A) or (1C) because of that voting is the number of times the person voted in that referendum less one.

Note: This subsection means that each act of voting (other than the one act of voting that would be legitimate) gives rise to a separate offence but it is not necessary to know which act of voting was the first one and therefore legitimate.

**126 Clause 9 of Schedule 3**

Omit “serving a sentence of imprisonment or otherwise under detention”, substitute “under detention, but not serving a sentence of imprisonment (within the meaning of subsection 93(8) of the *Commonwealth Electoral Act 1918*)”.

**127 Subparagraph 10(b) of Schedule 4**

Omit “10A or 11”, substitute “11 or 12A”.

**128 After subparagraph 10(b) of Schedule 4**

Insert:

(ba) in another group, the envelopes to which paragraph 12C applies;

**129 Paragraphs 10A and 10B of Schedule 4**

Repeal the paragraphs.

**130 After paragraph 12 of Schedule 4**

Insert:

12A. This paragraph applies to an envelope if the DRO is satisfied:

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- (a) that the elector who signed the certificate or declaration on the envelope is not enrolled for the Division; and
- (b) after making enquiry:
  - (i) that the elector was, at the time of voting, entitled to be enrolled for the Division; and
  - (ii) that the elector has previously been enrolled for the Division; and
  - (iii) that the elector's name was omitted from the Roll for the Division; and
  - (iv) that the omission of the elector's name from the Roll for the Division was attributable to subsection 118(4A) of the *Commonwealth Electoral Act 1918*.

12B. Subparagraph 12A(b) does not apply if:

- (a) an election (excluding the election to which the scrutiny relates) has been held since the omission from the Roll; or
- (b) if there has been a redistribution of the State or Territory that includes the Division since the last election before the election to which the scrutiny relates—the omission from the Roll was made before the last such redistribution.

12C. This paragraph applies to an envelope if the DRO is satisfied:

- (a) that the elector who signed a certificate or declaration on the envelope is not enrolled for the State or Territory in which the Division is situated; and
- (b) after making enquiry:
  - (i) that the elector was, at the time of voting, entitled to be enrolled for the State or Territory in which the Division is situated; and
  - (ii) that the elector was not, at the time of voting, entitled to be enrolled for the Division; and
  - (iii) that the elector has previously been enrolled for the Division; and
  - (iv) that the elector's name was omitted from the Roll for the Division; and
  - (v) that the omission of the elector's name from the Roll for the Division was attributable to subsection 118(4A) of the *Commonwealth Electoral Act 1918*.

12D. Subparagraph 12C(b) does not apply if:

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**Schedule 1** Amendments

**Part 1** Amendments

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- (a) an election (excluding the election to which the scrutiny relates) has been held since the omission from the Roll; or
- (b) if there has been a redistribution of the State or Territory that includes the Division since the last election before the election to which the scrutiny relates—the omission from the Roll was made before the last such redistribution.

**131 Paragraph 13 of Schedule 4**

Omit “10B and 12”, substitute “12, 12B and 12D”.

**132 Paragraph 17 of Schedule 4**

Omit “or (b)”, substitute “, (b) or (ba)”.

## **Part 2—Application of amendments**

### **132A Sunset and review of provisions for evidentiary requirements for enrolment**

- (1) Schedule 1, items 9, 12, 16, 18A, 19 and 42 concerning the evidentiary requirements for enrolment shall cease to have effect on the third anniversary of the day on which the Schedule items are proclaimed.
- (2) On the first business day after the second anniversary of the day on which the Schedule items are proclaimed, the Electoral Commission shall commence a review to assess the provisions of this Act concerning the evidentiary requirements for enrolment, particularly as they relate to the integrity of the electoral roll and the effect, if any, the provisions have had on enrolment and enrolment procedures. The Electoral Commission shall forward a copy of its report and any recommendations it makes simultaneously to the Minister and the Joint Standing Committee on Electoral Matters within six months after commencement of the review.

### **133 Transitional—enrolment in respect of an address**

- (1) If, immediately before the commencement of this item:
  - (a) a person's name was on the Roll for a Subdivision; and
  - (b) a particular address was shown on the Roll as the person's place of living;the *Commonwealth Electoral Act 1918* has effect, after that commencement, as if the person's name had been placed on the Roll in respect of that address.
- (2) If, immediately before the commencement of this item:
  - (a) a person's name was on the Roll for a Subdivision; and
  - (b) because of a request made by the person under subsection 104(1) or (2), the person's address was not shown on the Roll;the *Commonwealth Electoral Act 1918* has effect, after that commencement, as if the person's name had been placed on the Roll:
  - (c) if the person has not given notice of a change under subsection 105(1) of that Act—in respect of the address that

would have been shown on the Roll had the request not been made; or

- (d) if the person gives notice of a change of address under subsection 101(5) of that Act—in respect of the new address.

- (3) Subitems (1) and (2) do not prevent:

- (a) the removal or deletion of the person's name from the Roll in accordance with the *Commonwealth Electoral Act 1918* as amended by this Schedule; or
- (b) the alteration of the Roll in accordance with the *Commonwealth Electoral Act 1918* as amended by this Schedule.

- (4) This item is enacted for the avoidance of doubt.

**134 Application of subparagraph 134A(1)(a)(ii) of the  
*Commonwealth Electoral Act 1918***

Subparagraph 134A(1)(a)(ii) of the *Commonwealth Electoral Act 1918* applies only if the second party referred to in that subparagraph is registered after the commencement of item 59 of this Schedule.

**135 Transitional—objections under Part IX of the  
*Commonwealth Electoral Act 1918***

Despite the amendments of Part IX of the *Commonwealth Electoral Act 1918* made by this Schedule, Parts IX and X of that Act continue to apply, in relation to an objection made under Part IX of that Act before the commencement of this item, as if those amendments had not been made.

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*[Minister's second reading speech made in—  
House of Representatives on 1 April 2004  
Senate on 15 June 2004]*

(55/04)